



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, 18 December 2012 for the purpose of transacting the business set out in the agenda.

Glen Chipp Chief Executive

Democratic Services Officer:

Council Secretary: Ian Willett Tel: 01992 564243 Email:

democraticservices@eppingforestdc.gov.uk

WEBCASTING 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.

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 and copies made available to those that request it.

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

If you have any queries regarding this, please contact the Senior Democratic Services Officer 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 Assistant to the Chief Executive will read the following announcement:

"This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the Chamber's lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer"

2. MINUTES (Pages 7 - 24)

To approve as a correct record and sign the minutes of the meeting held on 6 November 2012 (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) (Pages 25 - 26)

To answer questions asked after notice in accordance with the provisions contained in paragraph 9.3 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. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 27 - 50)

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 Asset Management and Economic Development Portfolio Holder;
- (c) Report of the Environment Portfolio Holder;
- (d) Report of the Finance and Technology Portfolio Holder;
- (e) Report of the Housing Portfolio Holder;
- (f) Report of the Leisure and Wellbeing Portfolio Holder;
- (g) Report of the Planning Portfolio Holder;
- (h) Report of the Safer, Greener and Highways Portfolio Holder;
- (i) Report of the Support Services Portfolio Holder.

7. 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 6 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 twenty 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.

8. MOTIONS

To consider any motions, notice of which has been given under Council Procedure Rule 11.

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

9. QUESTIONS BY MEMBERS UNDER NOTICE

To answer questions asked after notice in accordance with the provisions contained in paragraph 10.3 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;
- (c) to the Chairman of the Overview and Scrutiny Committee or
- (d) to any Member of the Cabinet;.

Council Procedure rule 10.4 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.

10. REPORT OF THE CABINET - HEALTH AND SAFETY AT WORK ETC ACT 1974 - PROSECUTION OF CASTERBRIDGE NURSERIES (Pages 51 - 52)

To consider the attached report.

11. REPORT OF THE CABINET - LOCALISATION OF COUNCIL TAX SUPPORT (Pages 53 - 250)

To consider the attached report.

12. REPORT OF THE CABINET - TECHNICAL REFORMS OF COUNCIL TAX (Pages 251 - 256)

To consider the attached report.

13. REPORT OF THE CABINET - CALENDAR OF MEETINGS 2013/14 (Pages 257 - 260)

To consider the attached report.

14. OVERVIEW AND SCRUTINY (Pages 261 - 262)

- (a) Report of the Chairman of the Overview and Scrutiny Committee;
- (b) Reports of the Overview and Scrutiny Committee (if any); and
- (c) Reports of Overview and Scrutiny Panels (if any).

15. DECISION BY THE LEADER OF COUNCIL - CHIEF EXECUTIVE APPRAISAL PANEL (Pages 263 - 264)

16. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

- (a) To receive from Council representatives the reports (attached if any) on the business of joint arrangements and external organisations and to receive answers to any questions on those bodies which may be put without notice; and
- (b) To request written reports from representatives on joint arrangements and external organisations for future meetings.

17. 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
Nil	Nil	Nil

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.

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council Date: 6 November 2012

Place: Council Chamber, Civic Offices, Time: 7.30 - 9.27 pm

High Street, Epping

Members Councillors B Rolfe (Chairman), Mrs M Sartin (Vice-Chairman), K Angold-**Present:** Stephens, K Avey, R Bassett, Mrs H Brady, W Breare-Hall, G Chambers,

K Chana, T Church, Mrs T Cochrane, Mrs R Gadsby, L Girling, P Gode, Mrs A Grigg, J Hart, Ms J Hart, D Jacobs, Mrs S Jones, Ms H Kane, P Keska, J Knapman, Ms Y Knight, Mrs J Lea, L Leonard, A Lion, Mrs M McEwen, H Mann, J Markham, A Mitchell MBE, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, B Sandler, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, H Ulkun, Mrs L Wagland, G Waller, Ms S Watson, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, D Wixley and

J Wyatt

Apologies: Councillors A Boyce, R Cohen, C Finn, Mrs T Thomas, J M Whitehouse and

N Wright

Officers G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), C O'Boyle Present: (Director of Corporate Support Services), R Palmer (Director of Finance and

(Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), A Hendry (Democratic Services Officer), P Seager (Chairman's Secretary) and T Carne (Public Relations and Marketing Officer)

55. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive, on behalf of the Chairman of the Council 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.

56. MINUTES

RESOLVED:

That the minutes of the meeting held on 27 September 2012 be taken as read and signed by the Chairman as a correct record subject to the addition of the following preamble to Minute 48 (Report of the Cabinet – Supplementary DDF Estimate – North Weald Airfield Consultancy):

"Councillor Watson sought an assurance that a report would be made to the next Council meeting specifying how the Local Plan process and the North Weald Airfield Consultancy exercise would dovetail in terms of key dates.

Councillor Grigg agreed to report to the next Council meeting on this matter".

57. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Gadsby declared a disclosable pecuniary interest in agenda item 20 (Representation on Outside Organisation – Grange Farm Managing Trustees). The Councillor stated that she would leave the meeting for the consideration and voting on this matter.

- (b) Pursuant to the Council's Code of Member Conduct, Councillor Smith declared a non-pecuniary interest under the paragraph 8.1 of the Code in agenda item 20 (Representation on Outside Organisation Grange Farm Managing Trustees) by virtue of being a Trustee of the Grange Farm Trust nominated by the District Council. The Councillor stated that as the item related to the filling of a vacancy on the Trust and did not constitute a disclosable pecuniary interest as it did not involve any regulatory decision which affected the Trust's interests she proposed to remain in the meeting for the consideration and voting on that item.
- (c) Pursuant to the Council's Code of Member Conduct, Councillor Sartin declared a non-pecuniary interest in agenda item 8 (Motions Stansted Airport Proposed Charges) by virtue of being the Council's appointed representative on the Stansted Airport Consultative Committee. The Councillor stated that she would remain in the meeting for the consideration and voting on this matter.
- (d) Pursuant to the Council's Code of Member Conduct, Councillor Church declared a non-pecuniary interest in agenda item 6 (Report of the Safer, Greener and Highways Portfolio Holder Highways and Planning) by virtue of owning a property in a road adjoining St John's Road which was to be the subject of a residents' parking scheme and in respect of which he would be asking a question later in the meeting.

58. ANNOUNCEMENTS

(a) Announcements by the Chairman of the Council

(i) Civic Lunch – 27 September 2012

The Chairman reported on the Civic Lunch held at the Lambourne End Outdoor Centre which had been attended by the Chairmen and Mayors of other local authorities. He advised that this had been an opportunity for the Centre to make itself known to the civic representatives throughout the county and that as a result of the day he understood that Southend Borough Council would be considering the arrangement of trips and courses to the Centre for people from Southend. The Chairman reported that all the food for the lunch had been produced on the site. He advised members that he had donated £1,000 from his charity to the Centre to assist them in furthering their work.

The Chairman reported that during the day he had agreed to attend the opening of a new 350 metre zip-wire at the Centre and as a result had been expected to ride on the wire. He reported that he had successfully completed the run and he thanked those members who had agreed to sponsor him for his charity and encouraged others to do so even though it was now after the event.

(ii) International Day for the Elderly

The Chairman reported that the UK Older People's Day had been held on 1 October 2012 to coincide with the UN International Day for Older Persons. The main aim of the day had been a national celebration of the achievements and contributions that

older people had made to society. He advised that it had presented an opportunity for older people to meet with younger people and that the celebrations in this district had been a great success.

(iii) Carol Service

The Chairman referred to the Council's Carol Service being held at St John's Church, Epping on 14 December 2012. He advised members that they had already received an invitation to this event and he expressed the hope that they would all be able to attend.

(iii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to Frank Foster House at Theydon Bois.

(b) Announcements by the Leader of the Council

The Leader advised that he had no announcements to be make under this heading.

(c) Announcements by Portfolio Holders

(i) Asset Management and Economic Development Portfolio Holder

Councillor Grigg referred to the request made by Councillor Watson at the last meeting as to how the review of North Weald Airfield was to be managed to ensure that it dovetailed with the development of the Local Plan.

Councillor Grigg stated that at the last meeting she had confirmed that a review of the Airfield would be a material part of the development of the Local Plan. She continued that the brief to be issued to consultants, as part of the procurement process, was considered and approved, subject to any amendments agreed by herself, at the North Weald Airfield and Asset Management Cabinet Committee on 30 October 2012. The Portfolio Holder stated that the brief emphasised the linkages between the two exercises and required that the Airfield review was completed with recommendations able to be considered by the Cabinet such that they could be included within the Local Plan "Preferred Options" Consultation Exercise scheduled around the middle of 2013.

Councillor Grigg stated that she was unable at present to provide members with firm dates since they were still subject to review by officers and Fortismere, the Council's appointed Local Plan Project Management Consultants, and ultimately by the Planning Portfolio Holder.

Councillor Grigg stated that this information had also been provided to members in a recent Council Bulletin.

59. PUBLIC QUESTIONS (IF ANY)

(a) Local Plan Issues and Options Consultation

(i) By Mr G Osen, Chigwell Residents' Association to Councillor Bassett, Planning Portfolio Holder

In the absence of Mr G Osen, by leave of the Council, the following question was asked by Mr E Bow, Chairman of the Chigwell Residents' Association

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"Does the Council generally consider and/or implement the views of the Local Plan inspector?"

Response by Councillor Bassett, Planning Portfolio Holder

"The new Local Plan will be subject to an Examination in Public conducted by an independent Inspector who will review the evidence gathered by the Council and decide whether or not the plan is sound.

The examination process provides the opportunity to respond to the views of the Inspector once he has the opportunity to form an opinion".

(ii) By Mr G Osen, Chigwell Residents' Association to Councillor Bassett, Planning Portfolio Holder

In the absence of Mr G Osen, by leave of the Council, the following question was asked by Mr E Bow, Chairman of the Chigwell Residents' Association

"The Local Plan inspector has previously stated that Chigwell Brook Valley is strategically important (i.e. 'the potential loss of this area of Green Belt for residential development would have a significant impact on the setting of the Chigwell Brook Valley'). Therefore as development on CHG-D would destroy this area of Green Belt will this result in it being removed from the draft Plan?"

Response by Councillor Bassett, Planning Portfolio Holder

"The question is not specific about which previous Inspector is referred to, so it is difficult to comment further. However, the position at a national and regional level has changed since the last Inspector's report into Local Plan Alterations in 2006.

The current process is undertaking the comprehensive review of available sites suggested by the Inspector in that report.

If Mr Osen would like to provide some further details we will endeavour to provide a more specific answer".

Supplementary Question from Mr Bow

Mr Bow asked the Portfolio Holder if he agreed that the housing proposals for the Chigwell Brook Valley as set out in the Local Plan consultation document would have a huge impact and destroy that area.

Reply to the supplementary question from Councillor Bassett

Councillor Bassett emphasised that the consultation to date had been on all the issues and options identified. He said that he was aware that there had been many responses from Chigwell residents and he would like to take this opportunity to thank those who had responded. He continued that the current list of issues and options would now be considered by members in a series of workshops and at that stage councillors would be able to stress points made by respondents to the recent consultation exercise. Councillor Bassett stated that this could then result in the removal of sites which were not considered suitable or which might cause problems for the community. He repeated that at this stage no decisions had been made with respect to any sites.

(iii) By Mr E Bow, Chairman of Chigwell Residents' Association to Councillor Bassett, Planning Portfolio Holder

"(1) Is it appropriate to include Green Belt sites not put forward by owners in the Local Plan when brownfield sites owned by the Council have not been included? Why?

(2) Does the Council consider that sites under multiple ownership and not listed in the call for sites by owners are deliverable under the Local Plan?"

Reply from Councillor Bassett, Planning Portfolio Holder

"At this stage the Council has undertaken a consultation on the Issues and Options stage of the Local Plan preparation. Sites identified by the Strategic Land Availability Assessment formed a significant part of the evidence on which this consultation document was based. As part of this process all land owners/agents were invited to tell the Council whether they would object to or support the development of their land. I am not sure which Council-owned brownfield sites Mr Bow feels have been omitted. If he could clarify I will provide a more specific response.

A detailed assessment is now being undertaken to assess the deliverability of the sites based on the evidence gathered during the consultation. Clearly land within single ownership will probably be easier to develop than land under multiple ownership".

Supplementary Question from Mr Bow to Councillor Bassett

Mr Bow drew the attention of the Portfolio Holder to the views of Nathaniel Lichfield and Partners in relation to the Glebelands and Vicarage Lane sites and asked why these had been included as one site in the consultation document.

Reply to the supplementary question from Councillor Bassett

Councillor Bassett advised that he would need to speak to Nathaniel Lichfield and Partners in order to provide an answer to such a detailed question. He undertook to send Mr Bow a written reply following discussions with them. The Portfolio Holder pointed out however that account would need to be taken of such things as assessability and suitability for development. He emphasised that the aim had been to provide the public with sufficient information about sites to enable them to make meaningful responses.

60. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The Council received written reports from the Asset Management and Economic Development Portfolio Holder, the Environment Portfolio Holder, the Finance and Technology Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning Portfolio Holder, the Safer, Greener and Highways Portfolio Holder and the Support Services Portfolio Holder.

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

(a) Leader of the Council

Councillor Whitbread reported that as Chairman of One Epping Forest, the Local Strategic Partnership, he had attended a meeting of the Board at which there

had been a presentation from the Head of Planning and Regeneration of the Lee Valley Regional Park Authority. He advised that the presentation had focussed on the Park Authority's aspirations for the future and in particular how they planned to maximise the legacy benefit of the Olympics facility. Councillor Whitbread reported that the Board meeting had also received an update on the work being undertaken by the Tourism Sub-Committee. He advised that this Sub-Committee brought together a range of partners to promote the opportunities to visit this area and hopefully spend money as well as time in the district to aid the local economy. The Portfolio Holder attention to the website they had recently www.visiteppingforest.org - which had already received several thousand hits.

The Leader reported that together with the Asset Management and Economic Development Portfolio Holder he had met representatives of the Local Chamber of Commence to explore what further steps the Council could take to support local businesses. He said that he proposed to bring forward some of those ideas to a future meeting.

Councillor Whitbread reported that he had attended a conference on 12 October run by One Epping Forest to discuss some of the implications of the changes in the delivery of Health Services within the district. He advised that further details of this conference were contained in the Leisure and Wellbeing Portfolio Holder's report and he expressed the view that it had been very useful to bring key partners together to discuss the issues.

The Leader stated that he had met the Chairman and Clerk of North Weald Bassett Parish Council and the two local Ward Members to discuss future play provision in the village and to clarify the issue of landing fees and operating costs of North Weald Airfield. He stated that he understood the Parish Council would now be undertaking some community consultation on suitable locations for a playground and to address some of the young persons' issues in the area.

Councillor Whitbread stated that the previous week he had meet County Councillor John Aldridge, appointed as lead liaison member for this district. Councillor Whitbread stated this had been a useful meeting and that he was confident the new Locality Board arrangements in the form of revised terms of reference for the existing Cabinet, Management Board, local County Councillors, local M.P's quarterly meetings would provide an effective way to coordinate services. He emphasised the need to work closely with the County Council as partnership working was becoming more important.

Councillor Whitbread drew attention to the significant amount of correspondence he had received in relation to the Local Plan Issues and Options consultation exercise. He drew attention to the report of the Planning Portfolio Holder which gave details of the level of responses. Councillor Whitbread advised that at a meeting the previous week together with the Chief Executive he had met Eleanor Laing M.P. in order to address some of the concerns which had been expressed to her by her local constituents about the Local Plan process.

(b) Finance and Technology Portfolio Holder

Councillor Stavrou reported that the Local Government Finance Act 2012 had received Royal Assent. She pointed out that the Cabinet had already taken decisions in relation to the Local Council Tax Support in anticipation of the legislation and recommendations would be submitted to the next Council meeting.

The Portfolio Holder advised that work on the budget for next year was continuing but that it was now apparent that the grant figures would not be available until 20 December 2012. Accordingly officers would be busy over the Christmas/New Year period.

The Council noted that no further information had been received in relation to the calculation of the Council Tax Base but that as soon as details were available these would be shared with members.

Councillor Stavrou reported that in 1980 the then Department of Transport had compulsorily purchased land in Brooker Road/King George Playing Fields, Waltham Abbey. After lengthy negotiations the Council's title to the land had been accepted and a compensation payment of £336,001 had now been received. Councillor Stavrou thanked officers in the Council's Legal Section, particularly Alison Mitchell, for their endeavours over a prolonged period of time.

(c) Planning Portfolio Holder

Councillor Bassett drew attention to an error in his written report regarding the Sainsbury's Judicial Review. He advised that reference to Pyrles Lane should have been to Rectory Lane/Chigwell Lane.

61. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Police and Crime Commissioner Election for Essex

Councillor Murray referred to the written reports of the Safer, Greener and Highways Portfolio Holder and the Support Services Portfolio Holder regarding the forthcoming election on 15 November 2012. He asked the Portfolio Holders how he should reply to residents who had informed him that they had received no direct communication from any of the candidates, that they were unaware of the role of the Commissioners, and that in the current difficult economic times there were far better ways to spend the money than on these unnecessary and unwanted elections.

Councillor Waller, Safer, Greener and Highways Portfolio Holder referred to a statement made by the Prime Minister that it might be some time before the benefits of Commissioners were realised. The Portfolio Holder acknowledged that turnout might not be high and that it was not easy to find out information about candidates. He pointed out that his Group had worked hard to inform residents about the Conservative candidate but could not of course be expected to provide details of the other candidates. He also advised that at present residents knew very little about the workings of the Essex Police Authority which was to be replaced by the Commissioner.

(b) Buckhurst Hill Parking Review

Councillor Spencer asked if the timetable of works for this review including Scotland Road would be available before Christmas 2012.

Councillor Waller, Safer, Greener and Highways Portfolio Holder stated that he had arranged a further meeting with all the Buckhurst Hill Ward members for the following day. He expressed the hope that this would be a productive meeting and thanked those members for their input to date. He said that he could not give a detailed answer to the question until the scope of the scheme had been agreed. He expressed the hope that the scheme would satisfy the views of local residents and would achieve tangible benefits.

(c) Local Plan – Issues and Options Consultation

Councillor Wagland referred to the responses to the Issues and Options consultation exercise. She asked the Planning Portfolio Holder if he shared her view that one of the reasons respondents had expressed concern about the extent of growth being predicated and the extent of Green Belt release which appeared appropriate for inclusion as potential options, was due to the figure work. She pointed out that the 2011 Census figures which might not have been available when original work was carried out in relation to issues and options indicated a growth rate for this district which appeared to be less than half the growth rate nationally for the relevant period. She also stated that the Council's own figures for Housing showed overprovision in relation to the East of England target figures. She asked the Portfolio Holder if he will take these matters into account in proceeding with proposals.

Councillor Bassett, Planning Portfolio Holder confirmed that close attention would be paid to population numbers. He stated that this matter had been the subject of one of the questions included in the Issues and Options consultation using 2010 figures provided by the Office of National Statistics. He continued that from nine possible models which had been provided three had been taken forward for consultation. He confirmed that account would be taken of the 2011 Census figures as it would be necessary to have an accurate assessment of the number of houses required in order to meet the housing needs. Councillor Bassett stated that he would be looking at these matters in more detail and that further information would be shared with members when available. He advised that he would shortly be visiting Chelmsford to discuss the East of England figures with the person responsible and that he would inform members of the outcome of that visit. Councillor Bassett stated that it was fundamental to consider the extent of population growth in determining the number of houses required.

(d) Oakwood Hill Depot, Loughton/Depot for Waste Management Service

Councillor Girling drew attention to the written report of the Asset Management and Economic Development Portfolio Holder which stated that detailed design plans were being progressed in respect of the Oakwood Hill Depot and that alternative locations continued to be investigated for the relocation of the depot for the Waste Management Service. He stated that at a recent Loughton Town Council Planning and Licensing Committee meeting consideration had been given to Planning Application EPF/1020/12 which included a transport statement advising that the proposed development sought to provide a new depot facility to be used by Epping Forest District Council replacing an existing facility. In the light of this Councillor Girling sought clarification as to whether a decision had been made on where the depot would be sited and if not when that decision could be expected.

Councillor Grigg, Asset Management and Economic Development Portfolio Holder said that she did not have details of the planning application referred to but that alternative locations continued to be investigated for the relocation of the depot for the Waste Management Service. She said there were possibly five potential sites with consideration of one of two ahead of the others. She continued that it had been agreed that when a meaningful stage had been reached local Ward Councillors would be consulted. She advised that at this time only one member had been consulted about a proposed site. Councillor Grigg stated that it would be some time before any decision was reached and she drew attention to the approach made by the Environment Portfolio Holder for members to draw attention to any sites which they considered appropriate.

(e) Northern Gateway Access Package (NGAP)

Councillor Smith referred to the written report of the Planning Portfolio Holder and expressed concern about the proposal to submit a report to the Cabinet bearing in mind the date of the next Cabinet meeting and the deadline for responses to the consultation exercise. She asked the Planning Portfolio Holder to clarify how this Council's response to the consultation would be formulated.

Councillor Bassett, Planning Portfolio Holder, expressed concern about the proposals of the London Borough of Enfield for an alternative route to the M25 via Junction 26 which would link the north-south road to the A121. He advised that an extraordinary meeting of the Planning Services Scrutiny Standing Panel had been arranged for the following day in order to consider the matter and agree this Council's response. He stated that he would endorse the views formulated by the Scrutiny Panel.

(f) Welfare Reform Mitigation Action Plan

Councillor Jenny Hart referred to the written report of the Housing Portfolio Holder and asked whether Council tenants who fell into arrears could be declared intentionally homeless.

Councillor Stallan, Housing Portfolio Holder expressed thanks to the officers for their work in preparing a Welfare Reform Mitigation Action Plan. He advised that very few other Councils had taken this action. He pointed out that the Housing Scrutiny Panel would be undertaking a review of the Council's Housing Allocation Scheme on 17 December 2012. He advised that steps were being taken to help the residents as much as possible and that he would need to speak to officers in order to respond to the question. He agreed to provide a written response in the Council Bulletin.

(g) Loughton High Road

Councillor Markham stated that the condition of the footways in Loughton High Road had deteriorated with loose paving stones and sinking tarmacadam. He suggested that the pavements required urgent attention and asked if pressure could be applied on the Highway Authority to undertake works as an approach via the local County Councillor had not met with any success.

Councillor Whitbread, Leader of the Council confirmed that this was a matter for Essex County Council. He stated that the matter would be raised with the Local Highways Panel but that in addition he would arrange for representations to be made to the County Council.

(h) Residents' Parking Scheme – St John's Road, Epping

Councillor Church asked the Safer, Greener and Highways Portfolio Holder if he was aware how pleased residents were with the decision to proceed with this scheme. He asked the Portfolio Holder if Chapel Road and Ashlyns Road were included in the scheme.

Councillor Waller, Safer, Greener and Highways Portfolio Holder advised that Chapel Road and Ashlyns Road were included within the scheme. He stated that residents of all three roads would be consulted about the proposals in due course.

(i) Local Plan – Brownfield Sites

Councillor Knapman asked the Planning Portfolio Holder if he shared his disappointment that it had not been possible to produce a comprehensive list of brownfield sites in the district. Councillor Knapman stated that he believed such sites could provide in excess of 2,000 homes.

Councillor Bassett, Planning Portfolio Holder stated that he would wish to see brownfield sites developed first and he encouraged residents to notify him of the sites which they believed came within this definition. He pointed out that whilst some sites might appear to come within this definition there were reasons why they did not.

(j) Local Plan/North Weald Airfield Review Consultation Exercise

Councillor Watson asked the Support Services Portfolio Holder if he agreed that it was important to minimise the risk of a Judicial Review in respect of the Local Plan and that this Council should avoid anything that could be misinterpreted. She continued that whilst she was confident that the Portfolio Holder for Asset Management and Economic Development would be impartial in dealing with the North Weald Airfield consultation, she was concerned that as the Portfolio Holder was also a Ward Member for North Weald Bassett it could be perceived as a conflict of interest. Accordingly she asked the Support Services Portfolio Holder how he intended to mitigate this risk.

Councillor Ulkun, Support Services Portfolio Holder advised that he would respond in writing in the Council Bulletin.

(k) Extensions to Dwellinghouses

Councillor J H Whitehouse referred to the proposals of the Government to increase the permitted development rights in relation to extensions to dwellinghouses. She stated that local residents had expressed their concern to her about these proposals and she asked the Portfolio Holder if he would respond to the expected consultation exercise expressing those concerns. She also asked if he would publish information about the consultation exercise so that residents could respond directly to the Government.

Councillor Bassett, Planning Portfolio Holder said that he shared the concern of residents about these proposals. He advised that the issue had been discussed at a recent meeting of Chairmen of Planning Committees. He suggested that consultation was a loose word in this matter as the Government had published details of what it proposed to do and then sought comments on those proposals. He said that he foresaw the proposals would result in legal problems and the setting a precedence. Councillor Bassett said that he believed there was a short time within which to make comments and that he would provide Councillor Whitehouse with details of the timescale. He stated that he was not sure if the consultation exercise was open to members of the public or only to local authorities but he would clarify this and advise her about the position when providing details of the timescale.

(I) Fire Safety in Flat Blocks – Carpets in Common Parts

Councillor Jenny Hart stated that the Housing Portfolio Holder in July 2012 had made a decision to remove any carpets in common parts previously laid by residents where they did not conform with the relevant British Standard. She asked when residents would be informed of this decision and suggested that if the removal of the carpets was proposed in the near future it should be deferred until after the winter months.

Councillor Stallan, Housing Portfolio Holder stated that he would need to check with officers on the current position and that he would respond to this question in writing in the Council Bulletin.

(m) North Essex Parking Partnership

Councillor Jacobs stated that he understood this Council's surplus in relation to parking had been transferred to the North Essex Parking Partnership contrary to what he had previously been advised. He asked the Safer, Greener and Highways Portfolio Holder if this was the case and if so whether the surplus would benefit all districts in the partnership.

Councillor Waller, Safer, Greener and Highways Portfolio Holder said that he was unaware what advice had been given to Councillor Jacobs previously. He advised however that the amount transferred to the partnership had been minimal. He undertook to publish full details in the Council Bulletin.

62. MOTIONS

(a) Stansted Airfield – Proposed Charges

Moved by Councillor Knapman and Seconded by Councillor Waller

"This Council deplores the decision to impose a minimum charge of £2 per car on those who drop off airline passengers within walking distance of the terminal at Stansted Airport, considering this an unfair impost on those who have no reasonable means of travelling to the Airport by public transport. It finds it totally unacceptable that a discount scheme should apply to residents of Uttlesford and East Hertfordshire Districts but not to residents of the Epping Forest District, many of whom live considerably closer to the airport than most residents of the other two neighbouring districts.

The Council calls on the Leader to make representations to the Stansted Airport authorities on this matter".

Motion as first moved ADOPTED

RESOLVED:

- (1) That this Council deplores the decision to impose a minimum charge of £2 per car on those who drop off airline passengers within walking distance of the terminal at Stansted Airport, considering this an unfair impost on those who have no reasonable means of travelling to the Airport by public transport; it finds it totally unacceptable that a discount scheme should apply to residents of Uttlesford and East Hertfordshire Districts but not to residents of the Epping Forest District, many of whom live considerably closer to the airport than most residents of the other two neighbouring districts; and
- (2) That the Council calls on the Leader to make representations to the Stansted Airport authorities on this matter.

63. QUESTIONS BY MEMBERS UNDER NOTICE

(a) Sainsbury's Site, Loughton Broadway

Question from Councillor Girling to Councillor Grigg, Asset Management and Economic Development Portfolio Holder

"Upon attending the presentation by Sainsbury's on Wednesday 3rd October I was shocked to hear that if the Council cannot agree to remove the current restrictions on Sainsbury's deliveries to the Debden Store (deliveries amount to two lorries per day), they will have to consider closing the much needed local store. This store serves local elderly and disabled residents that are unable to travel to Loughton or Epping to complete their weekly shopping.

As a new councillor I was further surprised by the way experienced members responded to Sainsbury's comments and implied they were "fine" if the store was to close.

Could the Portfolio Holder provide reassurance to my constituents that the Cabinet and Officers are committed to finding suitable solutions to the Sainsbury's Debden Store delivery issue and will they reassure my constituents that regardless of Sainsbury's decision there will be a small supermarket on the same site should Sainsbury's vacate and terminate their lease agreement?"

Reply of Councillor Grigg, Asset Management and Economic Development Portfolio Holder

"Normally there are no restrictions on an operator closing a particular store.

To guard against that happening here, however, there was a section 106 requirement imposed to keep a store for as long as could be agreed. In this case, until 2013.

Meanwhile, the adoption of the development brief envisages and encourages redevelopment of the site, which would continue to provide a store that would help "anchor" trade to it and the wider Broadway Shopping Centre.

Neither Members nor officers can give a guarantee but J Sainsbury still regard their presence at the Broadway as important and the Council is aware that there is also occasional interest in the site expressed by other major supermarket operators."

Supplementary Question from Councillor Girling to Councillor Grigg

Councillor Girling asked if there were any plans to review the design proposals for the highway improvements in the light of the concerns expressed by Sainsbury's and B.P. Management.

Reply of Councillor Grigg

Councillor Grigg stated that as far as she was aware the B.P. Garage would remain and that bearing in mind the Judicial Review being sought by Sainsbury's it would be better to discuss the position outside of the Council Chamber.

(b) CCTV Awareness Campaign

Question from Councillor Girling to Councillor Waller, Safer, Greener and Highways Portfolio Holder

"I recently visited the Council's Safer Communities team and viewed the newly installed Debden CCTV. I am most grateful to members and officers that such a service exists around The Broadway shopping area.

Can I request that the Portfolio Holder works in conjunction with Councillor Grigg and officers in the Safer Communities Team to host an event (perhaps at Epping Forest College) to demonstrate the new CCTV system to the Broadway Traders and sessions at schools in the Loughton Broadway Ward to raise its profile, provide reassurance and act as a deterrent towards future cases of Anti Social Behaviour in The Broadway shopping area?"

Reply of Councillor Waller, Safer, Greener and Highways Portfolio Holder

"I would like to thank Councillor Girling for his helpful suggestion. I am of course very keen to ensure that residents generally are aware of the benefits of the CCTV systems we have in place and that they understand they represent a sensible use of the Council's resources. There is a high level of signage in The Broadway, informing people that CCTV is in place, so no one should be unaware of it. I am happy to ask the Community Safety Team to arrange to present the systems' capabilities to The Broadway Town Centre Partnership, in order to provide reassurance that the systems provide widespread benefits including support to the police in the event of criminal activity. I would ask Councillor Girling to speak directly with the Team to make the necessary arrangements".

64. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - LANGSTON ROAD RETAIL PARK - PLANNING FEES

Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder

Councillor Grigg presented a report on the reasons for incurring additional fees in obtaining outline planning permission.

Report as first moved ADOPTED

RESOLVED:

That a supplementary District Development Fund estimate of £44,000 be approved for 2012/13 in order to pay the Council's 50% share of additional fees incurred in obtaining outline planning permission for a new retail park at Langston Road, Loughton.

65. REPORT OF THE CABINET - NON DOMESTIC RATES - NNDR1 FORM

Mover: Councillor Stavrou, Finance and Technology Portfolio Holder

Councillor Stavrou advised that the Local Government Finance Bill had been enacted since this matter had been considered by the Cabinet.

Report as first moved ADOPTED

RESOLVED:

That authority to approve the NNDR1 form be delegated to the Finance and Technology Portfolio Holder in consultation with the Chairman of the Overview and Scrutiny Committee.

66. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - PLANNING APPEAL COMPENSATION BUDGET

Mover: Councillor Bassett, Planning Portfolio Holder

Councillor Bassett submitted a report seeking a supplementary estimate for payments from the Planning Appeals budget. In response to questions, the Portfolio Holder agreed to submit annual reports on expenditure from the proposed budget and to differentiate in those reports the sums spent on compensation and costs.

Report as first moved ADOPTED

RESOLVED:

- (1) That a supplementary District Development Fund estimate of £90,000 be approved for payments made in respect of planning appeals in the Development Control budget; and
- (2) That any underspend in 2012/13 be carried forward into successive years until it is spent.

67. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATE - GUARANTEED INVESTMENT - SLM

Mover: Councillor Webster, Leisure and Wellbeing Portfolio Holder

Councillor Webster presented a report proposing a reduction in the management fee of SLM on the basis of the Council providing capital to improve the facilities at Loughton Leisure Centre.

Report as first moved ADOPTED

RESOLVED:

That a supplementary capital estimate of £240,000 for the 2012/13 Capital Programme be approved to enable the upgrading of the changing rooms of the Loughton Leisure Centre to be completed by the end of the 2012 calendar year.

68. 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 the Overview and Scrutiny Committee.

(b) Reports of the Overview and Scrutiny Committee

The Chairman announced that there were no reports to be considered under this item.

- (c) Reports of Overview and Scrutiny Committee Panels
- (i) Report of the Constitution and Member Services Scrutiny Standing Panel Staff Appeals Panel Terms of Reference

Mover: Councillor Sartin, Chairman of the Panel.

Councillor Sartin presented a report recommending changes to the terms of reference of the Staff Appeals Panel.

Report as first moved ADOPTED

RESOLVED:

- (1) That the Terms of Reference of the Staff Appeals Panel be amended so as to delete all appeals by staff except those involving dismissal, including those deriving from selection for redundancy;
- (2) That this alteration be published in the Constitution; and
- (3) That any amendments elsewhere in the Constitution to reflect these changes in the Panel's Terms of Reference be delegated to the Assistant to the Chief Executive.

69. REPORT OF THE STANDARDS COMMITTEE - CODE OF MEMBER CONDUCT AND PARTICIPATION BY MEMBERS

Mover: Councillor Smith, Chairman of the Committee

Councillor Smith submitted a report regarding members having a disclosable pecuniary interest in a matter and wishing to make representations before leaving a meeting where the public had the right to speak. Councillor Smith reported that if the recommendations of the Committee were adopted the Monitoring Officer would submit a report to the next meeting of the Standards Committee suggesting a process for dealing with requests for dispensation bearing in mind the likely timescales involved. She agreed to publish further details in the Council Bulletin and advised that the process would be explained at a future training session for members.

Report as first moved ADOPTED

RESOLVED:

That in relation to members have a disclosable pecuniary interest in a matter and wishing to make representations before leaving a meeting where the public have the right to speak:

- (a) no action be taken on adopting an appropriate standing order; and
- (b) members be required to seek a dispensation under Section 33 of the Localism Act 2011.

70. REPORT OF THE STANDARDS COMMITTEE - NEW STANDARDS ARRANGEMENTS - PARISH/TOWN COUNCIL DELEGATION ARRANGEMENTS

Mover: Councillor Smith, Chairman of the Committee

Councillor Smith submitted a report following notification from six Parish Councils that they wished to join the District Council's Standards Committee.

Report as first moved ADOPTED

RESOLVED:

That the Monitoring Officer's designation as Proper Officer under Chapter 7 of the Localism Act 2011 be extended to cover action in respect of any Parish/Town Council affiliated from time to time to the District Council's Standards Committee.

71. REPORT OF THE LICENSING COMMITTEE - GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

Mover: Councillor Angold-Stephens, Chairman of the Committee

Councillor Angold-Stephens presented a report recommending a statement of principles for the period 31 January 2013 and 31 January 2016.

Report as first moved ADOPTED

RESOLVED:

That the Gambling Act 2005 – Statement of Principles attached to the report of the Committee for the three year period from 31 January 2013 -31 January 2016 be adopted.

72. POLICE AND CRIME PANEL

The Council noted that the Police and Crime Panel for Essex had requested each District/Borough/City Council to appoint a deputy for their representative on the Panel. The nomination of Councillor Waller having been formally moved by Councillor Whitbread and seconded by Councillor Bassett, it was

RESOLVED:

That Council Waller be appointed deputy to the Council's representative on the Police and Crime Panel for Essex for the remainder of the current Council year.

73. WEST ESSEX WELLBEING JOINT COMMITTEE

The Leader of the Council reported that whilst local partnership arrangements for Wellbeing could be developed within each District Council area, the partners in West Essex had proposed to create the West Essex Wellbeing Joint Committee to provide a governance structure for partnership working. He reported that the Joint Committee would consist of representatives from each of the partners and cooptees from the Clinical Commissioning Group with full voting rights. The Joint Committee would decide on co-optees/invitees from other partners but would

seek to keep the membership of the Committee to a maximum of 15. He reported that the Cabinet at its meeting on 22 October 2012 had decided that this Council should participate in the Joint Committee and had asked the Council to appoint two member representatives.

The nominations of Councillors Boyce and Chambers having been formally moved by Councillor Whitbread and seconded by Councillor Bassett, it was

RESOLVED:

That Councillors Boyce and Chambers be appointed to represent the Epping Forest District on the West Essex Wellbeing and Joint Committee for the remainder of the current Council year.

74. REPRESENTATION ON OUTSIDE ORGANISATIONS - GRANGE FARM MANAGING TRUSTEES

The Leader of the Council reported that the Grange Farm Trust had asked the Council to appoint a trustee in place of Councillor Johnson who had not found it possible to attend meetings. Members noted that the appointment would be for the balance of the four year period which had commenced on 1 June 2011.

The nomination of Councillor McEwen having been formally moved by Councillor Whitbread and seconded by Councillor Waller it was

RESOLVED:

That Councillor McEwen be appointed Managing Trustee in place of Councillor Johnson.

75. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The Chairman informed members that there were no reports to be considered on the business of joint arrangements and external organisations.

Councillor Mohindra encouraged representatives on outside organisations to submit regular reports to the Council on the work of those organisations. Councillor Sartin advised that the Constitution and Member Services Scrutiny Panel would be reviewing these reporting arrangements during the current municipal year.

CHAIRMAN

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Agenda Item 5

Council Meeting 18 December 2012 – Public Questions

(a) Webcasting of Meetings – North Weald Airfield and Asset Management Cabinet Committee

Question from Mrs S De Luca, Clerk to the North Weald Bassett Parish Council

"Can meetings of the North Weald Airfield and Asset Management Cabinet Committee of Epping Forest District Council be webcast to give greater transparency to Epping Forest District residents".

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Report to the Council

Committee: Cabinet Date: 18 December 2012

Subject: Asset Management and

Economic Development Portfolio

Portfolio Holder: Councillor Anne Grigg

Recommending:

That the report of the Asset Management and Economic Development Portfolio Holder be noted.

North Weald Airfield Review

The procurement exercise for the appointment of consultants to undertake the review of the Airfield has commenced. Tender documents have been issued to the 10 consultants on the Government Procurement Service Framework and a number of the consultants attended a site meeting at the Airfield on 30 November. At that meeting the process was fully explained and they were given a tour of the Airfield and the adjoining Council owned land. The tenders are due to be returned on 14 December, and the time table has been set as follows:

- assessment of tenders completed by 11 January 2013
- interview of top 5 consultants by the North Weald Airfield & Asset Management Cabinet Committee and North Weald District Members on 22 January at North Weald Airfield
- recommended appointment to Cabinet on 4 February
- consultants to commence commission on 18 February
- interim conclusions to be reported to the North Weald Airfield & Asset Management Cabinet Committee on 22 April
- further refinement of options and final recommendation(s) by 10 May
- details to local plan workshops scheduled for late May / early June
- final option(s) / recommendation(s) to Cabinet on 10 June 2013

The final recommendation(s) will then go forward and into the "Preferred Options" consultation phase of the local plan development process.

The above time table is extremely challenging, but it is essential that this review is undertaken in such a way, and completed, so as to properly inform the development of the local plan.

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Report to the Council

Committee: Cabinet Date: 18 December 2012

Subject: Environment Portfolio

Portfolio Holder: Councillor Will Breare-Hall

Recommending:

That the report of the Environment Portfolio Holder be noted.

Wests Management

Waste Management

At the most recent meeting of the Waste Management Partnership Board, on 5 November, we learnt of significant changes within the Sita management hierarchy resulting in a new Regional Manager, Dave Swire, being appointed. I am confident that these changes will have no negative impact upon the Council's excellent relationship with Sita, and look forward to working with Mr. Swire over the remaining two years of the waste management contract.

Having mentioned that the contract has just two years to run, officers have already started work on what the nature and content of the next contract might look like and how best to procure it. I shall return to this subject in the New Year to inform Members how I intend to progress this very important issue and involve them in the process.

As we run into the Christmas and New Year break I urge all Members and residents to pay special attention to their waste collection calendars and the Christmas edition of "Forester", where details of changes to collection dates are set out. These details are also available on the Council's website. Everyone should note that collection dates will be 1 or 2 days later for the period commencing 24 December 2012, with normal collections being resumed on Monday 14 January 2013. As Members will be aware, we do not ordinarily collect side waste, but for the first residual (black wheelie bin) collection after Christmas we will do so, although I hope that residents will recycle as much of their excess Christmas waste as they can using the Council's kerbside and bring bank recycling services.

Environmental Health & Neighbourhoods

Members may have read recent local press coverage on the health and safety prosecution related to the death of a two year old at a nursery within the District. At the recent Cabinet meeting it was agreed to make additional budgetary provision to support the probable costs of this enforcement action. The prosecution is scheduled to commence on 7 January 2013 and has been listed for a 4 week duration. It is likely that during this time there will be considerable media interest so I'd like to remind Members that any media enquiries should be referred to the Council's Public Relations team for an official response.

Evidence gathered by the Environment & Neighbourhood team led to a case heard in Chelmsford Crown Court on 25 & 26 October 2012. Adam Southall was found guilty of causing controlled waste to be fly-tipped on land at Weald Hall Lane Thornwood. He was subsequently fined £735, ordered to pay a victim surcharge of £15 and to pay a contribution towards the Council's prosecution costs of £2,250, making a total of £3000. Previously, the Rent Team Limited was prosecuted under the Environmental Protection Act 1990 for the offence of not securing that the transfer of waste was to an authorised person and not exchanging a written description of the waste. The company pleaded guilty to the offences at Harlow Magistrates Court and were fined £500 (and ordered to pay £396.81 costs, including £105.10 towards the cost of clearance). Mr Southall also attended at the hearing and was identified by the Director of the Rent Team as being the person who had cleared the rubbish from Milwards Harlow. After further investigations Mr Southall was charged with fly-tipping.

A press release has subsequently been issued that received coverage in Harlow. Advice to companies on complying with their duty of care with regard to waste has also recently been published on the Council's web site and in the October Business Briefing.

CCTV recently installed in The Broadway, Loughton, by colleagues in the Safer Communities team has provided evidence that has led to offenders accepting formal cautions for fly-tipping in or around bins provided for residents. The CCTV has revealed an under reported problem of visitors to The Broadway transporting waste in their vehicles and disposing of this in communal bins or the shops' commercial containers. This can lead to bins being overloaded quickly, using up the capacity well before the collection date, leading to further deposits. The Environment & Neighbourhood Team have a number of ongoing cases pending further investigation and intend to issue a press release to try and deter the "lesser crime" of tipping in somebody else's bin.

Large fly-tipping from vehicles on rural roads in Nazeing has started again. The waste contains no evidence to enable the source to be traced and the areas involved are unsuitable for CCTV. If police resources allow, the ENO team hope to reintroduce stop/checks on suspect vehicles in 2013 in order to try and deter and detect illegal waste carriers (as well as assisting the police to deter burglary and scrap metal theft).

Littering patrols recently carried out in Loughton caught five offenders dropping cigarette butts. All five are due to be offered fixed penalty notices. It appears that all the offenders were aware that dropping cigarette butts constitutes littering and that officers may be patrolling. A press release will be issued to help educate and warn smokers.

The out of hours noise service is running smoothly with the rota now set for the whole of 2013. The duty officer recently had to obtain a warrant to gain access and disable a misfiring intruder alarm in Highbridge Street, Waltham Abbey. The cost of the work, amounting to £470, is due to be re-charged to the owner of the property.

A recent change in the law means that the Council can no longer apply for RIPA (Regulation of Investigatory Powers Act) authorisation to carry out directed covert monitoring of incidents that attract less than a 6 month custodial sentence, such as noise. There is some debate as to whether RIPA authorisation is ever required for noise monitoring, and at EFDC we have adopted the procedure that all noise

monitoring is carried our with prior warning (to make it overt to some degree) or as an immediate response to events. There appears to be no reason to change this procedure, however the change in the law has made it clear that the Council should not carry out covert directed surveillance that is likely to obtain private information, for less serious offences.

Land Drainage/Flooding

The recent wet weather has once again tested the Council's Engineering, Drainage and Water Team, as some parts of the District were flooded. The rainfall in November brought about the same type of flooding incidents that were experienced during the summer (flash flooding from surface water runoff). Various Flood Alerts were received and monitored, 19 calls were received from residents and businesses seeking assistance or reporting flooding problems. The Council's term contractors delivered and deployed 50 filled sandbags, whilst officers were available to deliver the lighter self-inflatable sandbags to a number of properties at high risk of flooding.

Advice and assistance was given to residents and works were carried out on Council's own infrastructure and flood risk assets to try to mitigate the affects of the floodwaters. Follow up investigations are being carried out and any enforcement action required will be taken.

I would like remind members that the Council, whilst it has no duty to do so, has always assisted residents at times of flooding. However, we cannot always respond in time to prevent damage to property and therefore residents who are regularly affected by flooding, howsoever caused, should take steps to protect their properties

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Report to the Council

Committee: Cabinet Date: 18 December 2012

Subject: Finance and Technology Portfolio

Portfolio Holder: Councillor Syd Stavrou

Recommending:

That the report of the Finance & Technology Portfolio Holder be noted

Accountancy

Unfortunately, the publication deadline for this agenda means this report is being written before the Chancellor's Autumn Statement on 5 December and the date of the meeting itself is before our grant figures are likely to be confirmed. However, 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.

I am aware that many colleagues on Town and Parish Councils are anxious about the new regulations for the introduction of local support for Council Tax and the effect that this will have on their tax bases and the amount of Council Tax they charge. It was a surprise that the Department for Communities and Local Government chose to ignore the majority of consultation responses and impose this burden on Town and Parish Councils. However, I can provide some limited assurance about the extent of the impact. Since the announcement officers have been able to produce an initial assessment of the effects. The Council has been advised of an indicative figure for Council Tax Support and the amount that we have been told is sufficient to off-set the reductions in tax base for both this Council and our Town and Parish Councils. The final figure will only be confirmed with our other grant figures, but as long as there is not a significant reduction it will be possible to ensure that Town and Parish Councils are no worse off because of these changes.

Because of the late announcement of the settlement figures and the need for Cabinet to agree the sharing of the Support Grant with Town and Parish Councils I have asked officers to look at scheduling an additional Cabinet meeting as early as possible in January.

Benefits

Later on the agenda we have the final version of the Council's scheme for Local Council Tax Support. This is very similar to the version adopted by Cabinet on 22 October but now contains all of the detailed references to the legislation and regulations that were not previously available. It is a very lengthy document but it is important that the scheme in its entirety is presented to and adopted by Council.

Revenues

The agenda also contains a report on the Technical Reforms of Council Tax. The recommendations are more complex than usual but this is because the course of action to be pursued is still subject to the conclusion of satisfactory negotiations with Essex County Council and the other major preceptors. In working through all the changes to the systems of local government finance there has been good cooperation across the county and I am confident that I will be able to update Council on a positive outcome to the negotiations.

Performance Management

(a) Key Objectives 2012/13 and 2013/14

Mid-year progress against the Council's Key Objectives for 2012/13, was reported to the recent meetings of Cabinet and the Overview and Scrutiny Committee. The objectives reflect national and local priorities, specific service challenges, and provide a statement of the authority's plans for the year.

Proposals for Key Objectives for 2013/14 are currently being developed by service directors and portfolio holders, and these will initially be considered at a joint meeting of Cabinet members and Management Board on 12 December 2012. The Key Objectives will be formally considered by the Cabinet and the Overview and Scrutiny Committee, early in 2013.

(b) Key Performance Indicators 2012/13

A range of Key Performance Indicators (KPI) for 2012/13 was adopted in March 2012, and a target was set for at least 70% of the indicators to achieve target performance by the end of the year. The six-month position with regard to the achievement of target performance for those KPIs monitored on a quarterly basis, was as follows:

- (a) 16 (59.26%) indicators achieved the second quarter performance target;
- (b) 11 (40.74%) indicators did not achieve the second quarter performance target.

Detailed performance reports for each KPI were considered by the Finance and Performance Management Scrutiny Panel at its meeting on 20 November 2012. Cumulative KPI performance reports for the third quarter of the year will be considered by the Scrutiny Panel in March 2013, alongside proposals for KPIs for 2013/14, which will be developed alongside the Key Objectives for 2013/14.

(c) Value for Money

The Council is committed to delivering value for money services. In order to show that its costs compare well with others, reflect priorities and policy decisions, and are commensurate with service delivery, performance and outcomes, the Audit Commission's 'Value for Money Profile' has been used to see how the Council compares with other local authorities facing similar challenges.

The Council's external auditors must be satisfied that the authority has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of

resources, and issue a value for money 'conclusion' as part of their audit work each year.

An analysis of the Value for Money Profile has been produced as a point of reference for a range of comparative value for money data, and to allow the identification of value for money indicators or issues that should be subject to further in-depth review. Members have been requested to suggest proposals for further action, analysis, investigation or report in respect of particular areas of concern in relation to the value for money data presented in the analysis.

Progress against the action plan for the Council's current Value for Money Strategy has recently been reviewed by the Finance and Performance Management Cabinet Committee and Scrutiny Panel.

Technology

(a) Wireless Broadband

A free business seminar organised by One Epping Forest will be taking place on Tuesday 18 December at 18:00 at Epping Forest College, Loughton. Businesses will be able to find out about all the options available to them, including the recently launched FibreWiFi Superfast Wireless Broadband offered by Buzcom. The Council has been able to facilitate this service as a beneficial side effect of the disaster recovery project.

(b) Telephone switch replacement project

The first stage of the project involved market research and specifying the Council's requirements. These requirements are then formalised in an Invitation to Quote (ITQ). The ITQ is nearing completion and it is anticipated that it will be published later this month. The ITQ will be issued using the Government Procurement Service (GPS) framework, which delivers savings to the UK public sector by aggregating spending power and avoiding the need for separate procurement exercises compliant with the European regulations.

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Report to the Council

Committee: Cabinet Date: 18 December 2012

Subject: Housing Portfolio

Portfolio Holder: Councillor David Stallan

Recommending:

That the report of the Housing Portfolio Holder be noted.

New Tenure Policy and Housing Allocations Scheme – Extraordinary Meeting of the Housing Scrutiny Panel

I wanted to remind all members about the Extraordinary Meeting of the Housing Scrutiny Panel to be held in the Council Chamber at 5,30pm, on Monday 17th December 2012, which many non-members of the Housing Scrutiny Panel may want to attend. Members will be able to take part in the discussion on the Council's proposed new Tenancy Policy (proposing the introduction of fixed 10-year tenancies for re-lets of Council properties with three or more bedrooms) and a new Housing Allocations Scheme (proposing, amongst other aspects, a local eligibility criteria for applicants joining the Housing Register, less priority given to homeless households, a reduced number of priority bands and how existing applicants who do not meet the new eligibility criteria should be treated).

Council Housebuilding Programme – Appointment of Development Agent

At the last Cabinet Meeting, it was agreed that East Thames Group, one of the Council's Preferred Housing Association Partners, should be appointed as the Development Agent for our new Council Housebuilding Programme. The Programme will initially be based on the construction of around 20 new homes each year for at least 6 years.

The Development Agent is being appointed to undertake the whole development function on behalf of the Council. The contract period will be for 4 years, with the possibility of extension for three further years.

I was involved with the selection process in a number of ways. Firstly, I took part in the moderation process for the selection of short-listed applicants at the Pre-Qualification Questionnaire (PQQ) stage. I then received, and helped score, the presentations from the tenderers and, finally, I was involved with the Selection Panel's decision on the recommended appointment (based on the scoring by the Officer Evaluation Panel). The Cabinet's agreed Selection Criteria had previously determined that the tender submissions should be based on both their quality (60% of the assessment) and the price (40% of the assessment). I am pleased to report that East Thames not only provided the most competitive price, but their approach was also assessed as providing the best quality.

As members will be aware, the Cabinet has previously agreed a list of 58 potential development sites across the District in the Council's ownership for the Council Housebuilding Programme – mainly difficult-to-let garage sites. The Development

Agent will undertake detailed development and financial appraisals for each of these sites, to determine whether or not they do have development potential and are financially viable.

At its last meeting, the Cabinet therefore also recommended that the Leader considers the establishment of a new Council Housebuilding Cabinet Committee to oversee the Development Programme and to consider all of the development and financial appraisals that come forward, with delegated authority to sign them off on behalf of the Council and to determine the sites for which detailed planning applications should be submitted.

I am anxious that all members have an opportunity to express their views on potential Council developments in their ward, before decisions to submit planning applications are made. I therefore hope that all members agree that the formation of a Cabinet Committee for this purpose would provide a good forum at which ward members could express their views.

It is expected that the contract with East Thames will be signed in January 2013, once the required "standstill period" (under EU procurement regulations) between the tender award date and the contract date (during which unsuccessful tenderers can challenge) has expired. It is envisaged that the development of the first sites will commence in 2014 and be completed in Winter 2014/15.

Use of Government Grant to Prevent Homelessness

As part of this year's Local Government Grant settlement, the Council has been awarded £113,000 per annum for the next 2 years (which is the same amount received for the previous 2 years), specifically for the purpose of preventing homelessness. Although the Government has not specifically "ring-fenced" this grant for homelessness prevention, at its last meeting the Cabinet agreed that the grant should be used for this purpose in view of the importance it places on preventing homelessness within our community.

The Housing Directorate's Homelessness Prevention Service, introduced in January 2003, has proved to be a great success, bringing about a huge reduction in the level of homelessness acceptances and leading to significant numbers of people being able to remain in their own homes. Therefore, the Cabinet has agreed that part of the Government's funding should be used to create an additional temporary Homelessness Prevention Officer post, to help deal with the anticipated increased homelessness as a result of the Government's Welfare Reforms, recently identified by the Chartered Institute of Housing in their report to the Council.

The use of the grant over the next two years will mean that the Homelessness Prevention Service will continue to be funded mainly from Government grant funding, with only a small contribution having to be made from the General Fund. Indeed, the Service has brought significant savings to the General Fund over the years by, amongst other things, reducing the number of single homeless applicants who have had to be placed in bed and breakfast accommodation. Therefore, our approach is to "spend to save".

In accordance with the Council's recently-adopted Welfare Reform Mitigation Action Plan, and to avoid the need for any contribution from the General Fund, the Cabinet also agreed that a small proportion of the grant should be set aside to meet the non-HRA financial contribution required to fund Epping Forest Citizens Advice Bureau to appoint two paid Debt Advisors for 18 months. These posts will provide independent advice on debts and benefits to local residents, should the Cabinet agree to this

proposal at its February meeting when it considers the use of the HRA's contribution through the Housing Improvements and Service Enhancements Budget.

Finally, in order to assist homeless applicants secure private rented accommodation, the Cabinet agreed that the remainder of the Government's grant should fund around a further 20 loans under the Council's successful Rental Loan Scheme.

Off-Street Parking Schemes

In April 2011, the Cabinet approved the construction of Phase 1 of the off-street parking schemes at Hillcroft and Colebrook Gardens, Loughton and School Lane, Abbess Roding. Then, in October 2012, the Cabinet approved the construction of schemes at Chester Close, Harvey Gardens and Audley Gardens, Loughton. However, before any further schemes were agreed for construction, the Cabinet wanted to review the success or otherwise of the first schemes constructed to make sure they had a positive impact on improving the parking conditions in the surrounding areas.

At its last meeting, the Cabinet was able to reflect on the success of the first schemes to be constructed and subsequently agreed the construction of the Phase 3 schemes at Barfields Gardens, Loughton and Avenue Road, Theydon Bois. The Cabinet also approved a revised ranking table, from which the top six sites were approved for design and build, subject to the average cost per bay being below £5,000. The six top sites on the list are at Centre Avenue/Green, Epping; Parndon House, Buckhurst Hill; Harveyfields, Waltham Abbey; Collard Green, Loughton; Grosvenor Close, Loughton, and Gravel Close, Chigwell Row.

Formation of Tenant Scrutiny Panel

With the support of myself and officers, the Tenants and Leaseholders Federation is in the process of establishing a new Tenant Scrutiny Panel to look in-depth at the ongoing performance of the Housing Service. It will also carry out a detailed review of one housing service each year, making any recommendations to the Council for any further identified improvements.

The aim of tenant scrutiny is to give tenants more power in holding their landlords to account for their decisions, performance and conduct. Changes to social housing regulation in England from April 2012 require landlords to be more proactive in self-regulation and in involving tenants in the scrutiny process.

Following an advertisement in Housing News, and with the assistance of Housing Officers, a group of ten tenants has now been recruited by the Federation. All members of the Tenant Scrutiny Panel will be given sufficient training to enable them to carry out their duties. Initially, the Council is providing a one day training session in January 2013. To reduce costs, and to provide opportunities for tenants to network with other tenants, this training is being held, and funded, jointly with Uttlesford District Council.

The role of the Tenant Scrutiny Panel is to take an independent view of the performance of the Housing Service and to undertake all scrutiny activities on behalf of the Tenants and Leaseholders Federation. The Scrutiny Panel will also assess the performance of the Housing Service against expected standards through its published Housing Service Standards, Tenant-Selected Performance Indicators, and benchmarking reports. In addition, members will liaise with the Tenants and Leaseholders Federation to agree the subject area for the annual Housing Service Review.

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Report to the Council

Committee: Cabinet Date: 18 December 2012

Subject: Leisure & Wellbeing Portfolio

Portfolio Holder: Councillor Elizabeth Webster

Recommending:

That the report of the Leisure and Wellbeing Portfolio Holder be noted.

Leisure Services

At the last Council I informed Members of the Cabinet decision to provide capital funding to enable Sports and Leisure Management (SLM), the Council's leisure providers, to undertake refurbishment of the changing suites at Loughton Leisure Centre. I am pleased to report that works are well underway, and whilst there is naturally some disruption, the leisure centre is operating normally.

The Christmas opening hours for all the leisure centres will be published in the Christmas edition of "Forester" and details are also available on the Council's website.

Whilst the Olympic Games now seem a long time ago, I am pleased to be able to inform Members that the Council has received letters from the organisers of the Torch Relay and from Lord Sebastian Coe in respect of the main Games, thanking the Council for all that it did in making the Torch Relay and the Games such a huge success.

Community Services

Rather than providing you with highlights of the wide range of Community Services initiatives and events that have been taking place over the last month, I would like to draw Council's attention to some fantastic information that I have about the external funding that our officers have secured, to expand community and health improvement provision across Epping Forest.

I am delighted to advise you all that over the period 2008 to 2012 our officers have been successful in attracting £1,445,000 from competitive external funding opportunities to develop programmes and projects for people of all ages abilities from across the district. The most recent of these include but are not limited to:

- support for older people's groups
- neighbourhood learning in deprived communities
- museum activities
- disability inclusion work
- dance projects
- health projects
- family learning support, and;
- free playscheme places for disadvantaged children

In addition to this, Community Services also has the following outstanding bids which we will find out about in the New Year:

£1,600,000	Heritage Lottery Fund Bid for development of the Museum Service that will include opportunities for new display and storage of the collection and a range of new community education and volunteering opportunities.
£90,000	For a Health improvement programme that will be delivered for young people across EF and Harlow
£70,000	Big Lottery Funding for a targeted trampolining programme to help children identified by schools as having low self esteem & confidence or additional needs

In these current times of austerity, this achievement must be congratulated, as funding is certainly harder to secure than it ever has been.

Report to the Council

Committee: Cabinet Date: 18 December 2012

Subject: Safer, Greener and Highways

Portfolio Holder: Councillor Gary Waller

Recommending:

That the report of the Safer, Greener & Highways Portfolio Holder be noted.

Safer Communities

The first election for the Police & Crime Commissioner was held on 15 November, and the successful candidate was Nick Alston. Nick has been invited to attend a meeting of the Council's Safer, Cleaner, Greener Scrutiny Panel early in the New Year. By the time of the Council meeting I shall have met with him to discuss our CSP's priorities for the coming year.

Cabinet at its last meeting agreed to reallocate some existing capital budgets and provide additional capital funding in order to enhance the CCTV in Loughton High Road, extending it northwards and providing up to date cameras, as well as providing a future capital budget of £40,000 per annum to ensure we are able to expand, maintain and enhance our systems throughout the district.

Following some incidents of late night disorder in Epping over recent weekends, a meeting was held between the Council, Essex Police and local late night licensed premises in order to discuss what actions might be possible by all stakeholders, to prevent such disorder from occurring. I am pleased to say that the meeting was a positive one. Alongside this meeting, I have also authorised, through a Portfolio Holder decision, the installation of additional CCTV cameras in the area of the licensed premises, part of the funding of which is being provided by both of the club licensees. Furthermore, Essex Police and Epping Forest District Council are shortly to run Operation 'Allegro' which will focus mainly on the night time economy in Epping High Street. The operation includes increased Police patrols, the use of drugs dogs searching premises initially and queues as the evening progresses. The Council's Environmental Neighbourhood Officers will be carrying out taxi licensing checks and the Council's CCTV will be monitored live within the Civic Offices for the duration of the operation.

In my last report I made mention of a Domestic Homicide Review which, in my capacity as Chairman of the Community Safety Partnership (CSP), I had established following the death of a woman in Loughton. The meeting of the Review Panel which had been scheduled for mid November had to be postponed, but it is due to meet again on 17 January 2013.

Domestic Abuse Awareness and Alcohol Awareness Week took place from 19 to 23 November. The Council promoted these important issues through the Council's website, as well as on Twitter and Facebook. Domestic violence continues to be a concern, and reducing it is one of the CSP's key objectives.

The CSP has been contacted by Chelmsford and Maldon CSPs to collaborate in producing a Crucial Crew handbook which can be used across the three districts.

We have also agreed to seek private sponsorship to offset the production costs from businesses and organisations in the three areas. This will dramatically reduce costs for each of the three areas and ensure, in this time of reduced funding, that these excellent handbooks, which follow up on all the safety lessons delivered at Crucial Crew, continue to be provided to all of the children attending.

I am pleased to inform Members that the Council's Safer Communities Team was successful in obtaining funding from Safer Essex in respect of a burglary prevention campaign on behalf of Epping Forest, Brentwood and Harlow Councils. The campaign includes funding increased Police patrols, a media campaign and leaflets, posters and booklets on how to protect property. These include property marking and defensive planting for gardens. The media campaign in respect of Epping Forest includes a half page advertisement in the Christmas issue of the Forester and a home page advert on the "Everything Epping Forest" Website. This will be in conjunction with articles on the Council website and distribution of the posters and leaflets to Information Offices across the District.

Finally on community safety matters, Members will be aware of the recent announcements of Government around reducing alcohol fuelled anti-social behaviour. The Home Office has issued a consultation document which has been placed in the Members' Room for information. The CSP intends to co-ordinate a response to the consultation and I would therefore ask any Member who wishes to respond to make their views known to either Jim Nolan or Caroline Wiggins in the Environment & Street Scene Directorate, so their comments can be included within the Partnership response.

Highways and Parking

At the last Cabinet meeting it was agreed to move forward with the Buckhurst Hill and Loughton Broadway parking reviews, but in a different way to those which have preceded them. Members will be only too aware of the sensitivities which arise from area wide parking reviews, and the difficulties in obtaining a resident and business consensus about what the solutions should be. In the past this has led to the review outcomes being revisited after initial implementation, often resulting in further resident discontent and involving considerable additional expense. Future reviews will therefore be more focussed in their approach, looking at smaller areas of parking stress where we can be more confident of achieving a solution which is technically deliverable, carrying the acceptance of the majority of those in that area and not displacing parking problems from one location to another.

Countrycare and Sustainability

The winter's hedgelaying project has continued with hedges being laid at Weald Common LNR and Epping Upland Millennium Garden. A total of 147 yards has been laid this month. Countrycare hosted a lunch to celebrate the raising of the green flag at the Roding Valley Meadows. 15 guests attended including several Roding Valley Volunteers, Chairman of the Council, Chairman of Essex Wildlife Trust, Councillors and other key people involved in the Roding Valley Meadows. Several people from the Planning Directorate joined Countrycare for a team building day on Chigwell Row Wood on the 27th, clearing sycamore.

Ash Dieback disease

Ash dieback disease has now been reported within Epping Forest District. There is a likely but as yet unconfirmed case involving five ash saplings at Grange Farm, Chigwell. This brings home the reality of the situation, which is that the disease is

already widespread in young trees across the country and that it will pose an increasing threat to the ash trees in our countryside and towns over the next decade. However the other large recent woodland planting in the district, by the Woodland Trust at Theydon Bois, is reported to be unaffected so far.

The disease is spread by small airborne spores in spring and summer, shed by tiny fungal fruiting bodies that grow on the ground upon ash leaf litter. There is no active spread at present therefore. Officers are actively monitoring a variety of sources of information so that they are as well informed as possible about the disease's progress, possible remedial measures and likely impact. At present, however, the national survey of woodland is incomplete so the full picture is unclear. The percentage of ash likely to be affected ultimately also remains unclear. DEFRA have set up a dedicated helpline for members of the public and concerned landowners/ managers, and teams from the Forestry Commission and Woodland Trust have been inspecting woods across the country for signs of infected trees.

The pattern of infection is that young trees are the most vulnerable and also succumb most quickly. It appears that infection may have been latent and unrecognised in many recent plantings. Mature trees are more resistant, in that they are both less likely to be infected and also that they can tolerate the disease for longer and possibly resist it altogether. Experience on the continent appears mixed. Reports from Denmark suggest a survival rate of only 5%, but in Poland of 20%. It is not known which result is more likely in the UK. Current advice is to remove infected saplings and to clear and burn leaf litter where disease is suspected, but not to fell mature, trees even if they are found to be infected. Landowners and managers therefore should be paying particular attention to newly planted ash trees (that is within the last five years) to check for the characteristic symptoms of dieback of the leaf and shoot and reporting suspected cases.

In relation to action by the Council our officers are advising concerned members of the public, who are contacting them by phone and in person, and referring possible cases to the national helpline. They are also advising our tree wardens about the disease and are encouraging local surveys to supplement those being undertaken by the Forestry Commission and Woodland Trust. One is currently underway, in Theydon Bois. It is unlikely that infection will be found on Council owned trees in the short term, because there have been no recent plantings of ash saplings. The Council's regular survey of its own stock will include a check for signs of the disease in future.

Finally, although ash is an important tree in the district it is not the major tree of the countryside, or the town. It is a minor component of our treescape compared, say, to oak in the wider countryside and beech in Epping Forest. The loss even of a high percentage, would be significant but not devastating and could potentially be mitigated by an active planting programme of other species on council land and by larger landowners and farmers.

Loughton Community Tree Strategy

The final text of the Community Tree Strategy for Loughton has now been agreed and will be published in December. This is the first to be designed primarily for access via the internet. Community Tree Strategies are a groundbreaking venture pioneered by Epping Forest District Council, whereby local communities have a real influence on how their trees are managed. They are also a way of informing the public as to the history of their local treescape and indeed how it has been formed through the actions of many previous generations, forming a living link to them. As with the previous strategies, that for Loughton will then form a basis to generate an

action plan. This will be drawn up in active collaboration with Loughton Town Council, the City of London Corporation, local tree wardens and residents' organisations.

Members will be able to access the strategy through the Council's website. It is intended that a limited hard copy edition should be published as part of the action plan, with the particular support of Loughton Town Council.

Conservation

Some of the findings of the Heritage Asset Review (published May 2012) relating to the York Hill and Baldwins Hill Conservation Areas have been carried forward. The Review recommended amendments to the boundaries of both these conservation areas: to include no 10 Pump Hill within the York Hill Conservation Area: and to exclude some of the properties at the south-western end of Wroths Path from the Baldwins Hill Conservation Area. Both these recommendations were viewed as appropriate changes which would enhance the special interest of the conservation areas. An additional recommendation to exclude nos.2-36 (even) Baldwins Hill (opposite Ash Green) has not been implemented as it is believed that these properties contribute to the special interest of the conservation area because of their historic interest. A letter was distributed to all the residents of both conservation areas (including no.10 Pump Hill), Loughton Town Council, Loughton Residents Association, Loughton and District Historical Society, and the Hills Amenity Society on 7th November 2012 detailing the proposed boundary amendments and inviting comments. This is not a formal further consultation and the deadline for receiving comments is 28th December 2012.

The Conservation Area Character Appraisals/Management Plans are ongoing for the three Loughton conservation areas (York Hill, Baldwins Hill and Staples Road) and for the Copped Hall Conservation Area. These documents are all in final draft form having previously had stakeholder comments incorporated into them where considered appropriate. Once the consultation period has ended for the York Hill and Baldwins Hill Conservation Areas amendments, the Loughton appraisals will be finalised and, once approved by Members and correctly publicised, published.

The Heritage Conservation chapter for the new Local Plan has been drafted. The findings of the Heritage Asset Review, a review of existing policy and the guidance contained in the National Planning Policy Framework, along with additional guidance from English Heritage, were all used to formulate the wording and policies contained in the chapter. This will now be reviewed and edited by other officers in the Directorate.

Report to the Council

Committee: Cabinet Date: 18 December 2012

Subject: Support Services Portfolio

Portfolio Holder: Councillor Hal Ulkun

Recommending:

That the report of the Support Services Portfolio Holder be noted

1. Police and Crime Commissioner Election – 15 November 2012

A full review of the election will be reported to Overview and Scrutiny's Constitution and Member Services Panel in January next.

However, the Council may be interested to hear that the likely cost of the election in this District is provisionally £170,000 compared to the overall expenditure limit set by the Home Office of £203,000. These costings are to be regarded as provisional as they are to be reviewed by the Home Office before they are accepted. One or two bills are still to be paid. The Local Returning Officer received an advance from the Government approximately £148,000 so the balancing amount will be sought from the Government.

The cost profile for the election in this District has been assisted by joint procurement of election supplies and use of the internal Print Unit.

The general feedback from the Essex PARO is that the election was completed successfully without major problems. There was some delay in sending the result electronically to the PARO but these did not prove insurmountable.

2. County Council Elections – 2 May 2013

It is understood that the Returning Officer for this election has directed that the verification and counting of votes will take place after the close of polling on 2 May 2013.

3. Print Operations

The review of accounting arrangements in respect of the in-house reprographic section is continuing. A report will be brought forward in the New Year and I will then be in a position to comment further.

4. Individual Elector Registration (IER)

There have been no new developments regarding the transition to individual from elector registration, details of transitional funding from the Government being awaited.

5. Paper Agenda and Minutes

I would draw members' attention to the letter from the Minister at DCLG regarding the electronic despatch of agenda which was recently published in the Council Bulletin.

Although the Council has received legal advice indicating that, under the present law, paper circulation must be continue it is apparent from the Minister's letter that DCLG is willing to review rules and has given the Council an undertaking to keep us informed of their progress in this matter.

6. Committee Management and Webcasting

A major software upgrade was completed in November to the Council's Committee Management System. This has enabled the Council to respond to new legislation relating to Access to Information; to enable greater integration of content onto the Council's other web pages and introduce new APP based software for residents and members bringing agenda and other documents to tablet technology. I understand it is officers intention to hold a session for members on new IT services in the new year.

Officers are also proposing to trial a new process of webcasting that will enable those using tablet technologies to access webcasts. This is in the early stages of development and I will keep members informed of progress.

7. Website Developments

Work is in progress to move the hosting of the website to an external provider to further improve performance and access speeds and also increase resilience. Development work is in progress to launch a mobile device version of the site shortly.

The Website Main Advertising Banner (top right corner) is now in use as an unpaid trial for FibreVifi, following its earlier successful use to promote the Local Plan Consultation. This trial will help confirm the viability of advertsing as an income generator. Additional promotional space has been added to the right of the homepage page to allow for permanent promotion of internal or partner initiatives such as One Shops Local and Visit Epping Forest.

The homepage layout and menu structure has been modified based on user feedback to make access to online services easier

The Council's Online forms have been migrated to a new cloud based version, and work is in progress to radically reduce the number of forms that customers must choose between, and to improve the functionality (and office processes) of these forms

Officers are currently developing an online mapping solution to, initially, replace the former pinpoint planning system by showing on a map planning applications being made or previously made near to your own house and also to offer greater capabilities in the future. This is undergoing final testing. This solution, as with the main website, has also been developed in house using open source technologies.

The change to an Open Source website system maintained by Council staff will save us around £20,000 in ongoing costs (this has been reinvested in improving the

functionality of other systems) and an estimated £75,000 in procurement and implementation costs compared to purchasing a traditional vendor supplied system in a similar authority.

A number of Council services have extended their Social Media presence (for example Facebook or Twitter) offering new channels for engagement at no material cost. Work is in progress to improve the integration of these pages with the main website.

Internal training of further Directorate staff in news and event creation for the website is largely complete, with final session before Christmas. This will allow more user to post information giving greater depth to coverage. The Website team is also in discussion with Key services about contingency plans for adverse weather over the Christmas period.

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Agenda Item 10

Report to the Council

Committee: Cabinet Date: 18 December 2012

Portfolio Holder: Councillor W Breare-Hall

(Environment)

HEALTH AND SAFETY AT WORK ETC ACT 1974 – PROSECUTION OF CASTERBRIDGE NURSERIES

Recommending:

That a supplementary District Development Fund estimate for 2012/13 of £40,000 be approved to cover the remaining estimated costs of the prosecutions of Casterbridge Nurseries and its employees.

- 1. Following the death on 7 November 2007 of a girl aged two and a half years, whilst attending the Eton Manor Nursery in Roding Road, Chigwell, the incident was initially considered by the Crown Prosecution Service (CPS) in respect of a potential offence of Corporate Manslaughter. The CPS eventually decided not to pursue this course of action. A subsequent Judicial Review of that decision by the family of the child was not successful. The family of the child also embarked upon a private action against the Nursery.
- 2. An Inquest recorded a Narrative verdict.
- 3. Following the decision of the CPS, it fell to this Council to investigate the incident as the Health and Safety Enforcing Authority. All of the other actions had to be concluded before the Council could proceed, although investigations continued throughout.
- 4. The Council has a legal duty to investigate cases of this nature. When considering whether or not a case should be prosecuted two tests must be passed, the evidential test and the public interest test. After careful deliberation, the Director of Environment and Street Scene, following consultation with the Solicitor to the Council, concluded that both these tests were satisfied and that a prosecution should be pursued.
- 5. The Council's investigation has been very lengthy and thorough, and has led to the conclusion that offences under health and safety legislation have been committed by the Nursery, as a corporate body, and by two of its employees, as individuals.
- 6. A court case is scheduled for January 2013 and is listed for a four week period.
- 7. In view of the complexity of the action, it has been necessary to appoint specialist Counsel (a QC and Junior), and to date approximately £60,000 of costs have been incurred. It is anticipated that a further £40,000 of costs will arise between now and the conclusion of the court hearing.
- 8. The costs to date have been allocated to the District Development Fund in earlier years' accounts. However, as the investigation and prosecution approaches its conclusion, we have discussed the full legal costs over the duration of the investigation and considered how to make provision for the estimated remaining costs in the current financial year.

- 9. We ask members to note that the costs referred to in this report are those associated with engaging Counsel and do not include the Council officers' costs, which are considerable. These costs are being collated and will be included in any claim for costs made by the Council. However, in this case the two individuals are in receipt of legal aid and, therefore, even if successful, we do not believe the Council will be able to recover its full costs. Given previous experience in respect of the award of costs, we are of the opinion that, at best, the Council will recover less than half of the costs associated with the case.
- 9. Accordingly we are requesting that financial provision be made in the 2012/13 financial year as set out at the commencement of this report.
- 10. In considering this matter we urge members to exercise caution when making comments or remarks to ensure that they do not prejudice the outcome of the court hearing.

Agenda Item 11

Report to the Council

Committee: Cabinet Date: 18 December 2012

Portfolio Holder: Councillor S-A Stavrou

(Finance and Technology)

LOCALISATION OF COUNCIL TAX SUPPORT

Recommendations:

(1) That the Local Council Tax Support Scheme attached as Appendix 3 to this report and the associated Exceptional Hardship Policy attached as Appendix 4 be adopted; and

(2) That delegations in the Constitution be updated to include reference to Local Council Tax Support as well as Council Tax Benefit.

Background

1. Members will be aware of the Government's decision to replace Council Tax Benefit (CTB) with a new system of Local Council Tax Support.

- 2. On 23 July 2012, we approved the proposed scheme for the Epping Forest District for consultation. Following the consultation period we have given further consideration to the matter and are now recommending adoption of the attached scheme. The full scheme is attached as Appendix 3 and the associated Exceptional Hardship Policy is attached as Appendix 4. For ease of reference and interpretation the summary version of the scheme is attached as Appendix 2.
- 3. People of pension age have been protected from any cuts in Local Council Tax Support and their Support must be calculated in the same way as the present Council Tax Benefit scheme. The Local Council Tax Support scheme has therefore had to be devised for people of working age.
- 4. The Scheme has been prepared within the framework of an Essex-wide scheme that seeks to achieve cost neutrality, i.e. the cut in Government funding is to be offset by making reductions in the amount of support that working age households can receive. A scheme that is not cost neutral is likely to result in cuts to services by the Council and other precepting authorities.
- 5. Local Council Tax Support (LCTS) is being introduced by the Local Government Finance Act 2012. In anticipation of the Local Government Finance Bill being enacted we considered the Council's proposed scheme at our meeting on 22 October 2012. On 31 October 2012 the Bill was enacted and we can now seek approval to the scheme by full Council. If the scheme is not approved by 31 January 2013, the Council will have to award Local Council Tax Support in accordance with the Government's default scheme which would have a total cost in excess of £1 million.

Proposed Local Council Tax Support Scheme

- 6. We have been advised that Essex Benefit Managers and Essex County Council (ECC) finance officers have been meeting on a regular basis since January 2012 to design an Essexwide framework for LCTS, reducing duplication of effort, sharing expertise, with mutual support for possible challenge and helping with strategic engagement with ICT suppliers.
- 7. The over arching principle is an Essex scheme that is cost neutral, so the impact of the reduced funding from Central Government is passed onto claimants. This is in line with Government policy to provide an incentive to work. However, due to the different demographics of individual billing authorities, it has not been possible to design a scheme that is uniform across Essex, but, other than Brentwood Borough Council, there is a common core framework with local variations.
- 8. All Essex authorities are expected to adopt the following items in their schemes:
 - (a) design a cost neutral scheme that passes the cut in funding to working age claimants;
 - (b) pensioners will be treated as a category protected from the changes, so all changes will be for working age only;
 - (c) the local support scheme will be means tested for 2013/14, using a lot of principles of the current Council Tax Benefit scheme;
 - (d) restriction of support to a maximum liability, either by restriction to a specific Council Tax banding and/or a % restriction of liability with variations in different Essex authorities:
 - (e) minor changes to the treatment of 'changes in circumstances' to remove the requirement to calculate and award 'underlying entitlement' when overpayments occur, either due to a failure to report a change in circumstance or fraud; and
 - (f) the billing authority to make available a small sum to cover exceptional hardship cases.
- 9. Other benefits of a county-wide approach include potential support from ECC in particular (and possibly the Police and Fire Authorities) with managing the risk from legal challenge, and contribution of funding for an Exceptional Hardship Fund and additional Council Tax recovery work.
- 10. Detailed analysis of methods of reducing support has been undertaken, based upon fairness, ease of understanding and ease of administration, taking into account the demographic profile of current CTB claimants. Another consideration has been the ability to pay as the scheme can only be cost neutral if the additional Council Tax that will need to be paid can be collected.
- 11. The following are the aspects of this Council's proposed scheme, which are consistent with the Essex- wide principles noted above.
 - (a) pension age claimants will be protected which means that the amount of Council Tax Support under the new scheme will be no less than the amount of Council Tax Benefit currently being paid; this does not mean that they will not have to pay more Council Tax e.g. if the precepts are increased.
 - (b) the amount of support to working age households will be reduced by the following proposed methods:-
 - The calculation of support will be based on 80% of the Council Tax bill, rather than 100% at present; this will give the majority of the savings required, but as the savings do not generate sufficient to give a cost neutral scheme, additional changes will be required.

- The calculation of support will be based on a maximum of a band D property. This means that anyone of working age that lives in a property with a Council Tax Band of E, F, G, or H, will have their support calculated as if their property was a band D.
- Inclusion of child maintenance in the calculation with a disregard of £15 per week (per family). This is currently disregarded in full in the CTB calculation but is income that is received into a household that may not be available to other households that pay the same amount of Council Tax.
- The capital limit will be reduced from the current level of £16,000 to £6,000, so those with capital exceeding £6,000 will be required to make full payment of their Council Tax liability.
- Second Adult Rebate will not be included in the scheme for people of working age. This
 is a form of benefit that is not based on the council taxpayer's income and
 circumstances as is normal for Council Tax Benefit, but is based upon the income of
 other adults living in the property.
- A minimum award of £0.50 per week. This is in line with the minimum award in Housing Benefit.
- Reduce the period of backdating (with good cause) from the current six months to three
 months. This brings the time limit into line with the current rules for pensioners,
 although pensioners do not have to show good cause.
- The introduction of an exceptional hardship scheme for LCTS which will support people whose individual circumstances mean that the increased Council Tax liability is causing them exceptional hardship. (see Resource section)
- 12. We considered changing the present non-dependant deductions, including Child Benefit in the calculation and whether certain groups of people should be protected from any cut in support. These issues were included in the consultation exercise but we have decided not to progress these issues further at this time. For many years Child Benefit was included as income in the CTB scheme but the previous Government decided that this income should be disregarded. Although significant savings would be made by including Child Benefit as income, the methods set out above will achieve the required level of savings at this time. However, the scheme will need to be reviewed for 2014/15 and it may be necessary to revisit the inclusion of Child Benefit as income at that time. If protection from the cuts in benefit was given to certain groups of people such as the disabled and families with children under 5 years, it would result in the maximum support for the non protected groups being lower than the proposed 80%.
- 13. The proposed scheme has taken into account the ability to pay and the collectability of the resultant Council Tax liability. Although we have had regard to the impact on disabled claimants, families with children and not removing incentives to work, if full protection is provided to these large groups of people, it will mean that childless job seekers, some of whom receive just £71.00 per week (or £56.25 per week for people under 25 years old), will bear the cost of the cut in funding in full. This is likely to lead to an increase in recovery activity and in write offs as the debts would not be recoverable.
- 14. The final scheme has been partly dependent upon the provision of IT software that can calculate LCTS in accordance with the proposals. The Council's software supplier has indicated that it will be supplying software that can calculate LCTS in accordance with the proposals in this report.
- 15. We show in Appendix 1 attached, examples of the financial impact the scheme will have on individual households. Although the examples do not take any annual increase in state benefits, or any increase in precepts, they are intended to be a general guide.

Consultation

- 16. Before final approval can be given to the scheme, account has to be taken of the results of consultation with (a) major precepting authorities (County Council, Police & Fire Authorities); (b) the public; and (c) relevant stakeholder groups e.g. CAB, voluntary bodies.
- 17. Essex County Council finance officers have attended all the pan-Essex benefit managers meetings and the Fire Authority has agreed that ECC should represent them at the meetings. The Police Authority has only recently started to attend the meetings but it has received all the minutes and documents from the meetings. All the precepting authorities have indicated that provided the schemes are cost neutral, they will not object to the schemes.
- 18. Consultation with the public on the proposed scheme was carried out from 1 August 2012 to 12 September 2012. The other Essex Authorities undertook their own consultation during the same period except for Brentwood who extended their consultation until 30 September. Although a longer consultation period may have been desirable, the tight timescales for the Authority adopting a scheme meant that a longer consultation period was not possible. The Consultation Institute has issued a document 'Consultation aspects of Council Tax Benefits Localisation'. In that document they recognise that a shorter timescale than normal may be necessary, particularly where more rapid decision-making is required.
- 19. Following discussions with the other Essex authorities and ECC, it was determined that each authority would publish its draft scheme on its individual website with a link for responses to ECC which had the necessary consultation software. People who did not have access to the internet or who wished to give a more detailed response were able to do so directly to the Council. In addition to information on the website, letters explaining the consultation and how to respond were sent to 8912 current claimants of CTB (4521 claimants of working age and 4391 claimants of pension age), posters and leaflets were displayed and leaflets were sent with any Council Tax bill sent during the consultation period. Benefit Officers also met with the local Citizens Advice Bureaux.
- 20. Ninety nine responses to the consultation were received. It appears that the low number of responses is common to the other Essex authorities. 65% of responses were from current recipients of CTB. Generally, there was agreement to the main principles in the scheme, although there were some more detailed responses which strongly disagreed with the proposals and felt that there should be no cuts in support and savings should be made from elsewhere. However, overall the response to the consultation did not highlight any issues that would give cause to change the proposed scheme.
- 21. It is intended to send a further letter in January to working age people to explain the final scheme and to give an indication of the effect on each household. It is hoped that this will give fair notice to people of working age of the amount that they will be required to pay in Council Tax from April 2013 and that they will budget accordingly. We also intend to work with Council Tax Officers and encourage people to set up payment arrangements prior to April 2013.

Resource Implications

- 22. The Government has provided an initial grant of £84,000 for implementation costs and has indicated that additional funding will be made available. It is anticipated that the implementation costs will be met from the Government funding but there may be a need to supplement the costs, particularly as our software supplier has notified us that the cost of the software to the Council will be £59,000 over a two year period.
- 23. In relation to Council Tax Benefit around £9m of expenditure and £9m of subsidy income will be deleted from the Council's budget from 2013/14. A contingency will need to be retained in case of subsidy being clawed back by DWP. For example when excess payments of Council

Tax Benefit relating to periods prior to April 2014 are identified after 1 April 2014. The DCLG has indicated that it is likely that this contingency will need to be retained for at least five years as there will be adjustments to Council Tax Benefit, either in cases where fraud is proven or there is an adjustment to the Council Tax band which could be backdated to 1993.

- 24. The new LCTS scheme is being designed to achieve 'cost neutrality' defined as being that there will be reductions in the amount of financial support given to local people sufficient to cover the cut in Government funding. The estimated cost of LCTS should therefore be in line with the Government funding being made available. Provisional funding figures have been announced and amount to around a 12% cut compared with current funding levels. It is higher than 10% because the Government has based its calculations on a notional future measure of expenditure that includes inflation. In addition, because people of pension age are protected from any cut in LCTS, the increase in Council Tax liability for people of working age will be in excess of 20%. However, although the scheme is being designed to be cost neutral, this is dependent upon the increases in liability for Council Tax for working age people on low income being collected. Recovery costs may therefore increase and the Council Tax collection rate may reduce.
- 25. The costs of LCTS and the Government funding for the scheme will be borne by the major precepting authorities in proportion to their precept size: currently ECC 75.5%, Police 9.5%, Fire 4.6% and this Council 10.4%.
- 26. The scheme needs to be designed to ensure, as far as possible, stability and sustainability in the Council's finances. Although the DCLG have not yet confirmed the actual grant to each Authority, the level of savings required has been calculated based on the early indication of the grant of £8,280,000 plus allowing for increases in precepts and caseload. It is therefore anticipated that a saving in the region of 14% of current expenditure will be required in order to ensure that the scheme is cost neutral. All the other Essex Authorities are designing their schemes to meet this level of savings. When the proposed scheme has been modelled on the current caseload, the current expenditure is £9,001,809 with the revised expenditure after implementing the changes of £7,751,235. The proposed scheme should therefore achieve savings of £1,250,574, which is 13.89% of expenditure. If Child Benefit was included as income, the savings achieved would amount to 15.72%.
- 27. LCTS will be treated as a discount on the Council Tax bill, much like Single Persons Discounts. This means that the taxbase will be smaller. In order to avoid significant increases in the Band D figure arising from a smaller taxbase, the Government funding will be treated as income that reduces the Council's bottom line, and therefore, reduces the amount to be raised from Council Tax.
- 28. It is inevitable that there will be a small number of households with unforeseeable exceptional circumstances. We want to retain discretion to provide additional support to such people and an Exceptional Hardship Fund will operate in the same way as the current Discretionary Housing Payment scheme. The Essex Authorities are presenting a business case to Essex County Council, the Police Authority and the Fire Authority to ask them to contribute to a fund in each authority. In order to present a uniform scheme across Essex, it has been agreed that the fund in each authority should be calculated on 0.2% of gross Council Tax Benefit expenditure for the current year. In this District, this equates to a fund of £20,670 for 2013/14. The fund will be used only in the most exceptional circumstances and will be used only when all other attempts to recover the outstanding Council Tax have been exhausted.

Recommendation

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

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1. Single person receiving Income Support in B Band property in Ongar

Weekly Income: Income Support 101.35

	2012/13			2013/14	
Weekly Council Tax	Weekly Council Tax Benefit	Weekly Council Tax to pay	Weekly Council Tax	Weekly Local Council Tax Support	Weekly Council Tax to pay
17.02	17.02	0.00	17.02	13.62	3.40

2. Couple (I working) with 3 children under 16 yrs in C Band property in Loughton

Weekly Income: Child Benefit 47.10

Child Tax Credit 166.54

Net Earnings 166.21

Working Tax Credit 85.98

Total Income 461.83

Less disregarded income 74.20

Income used in benefit calculation 387.63

2012/13		2013/14			
Weekly Council Tax	Weekly Council Tax Benefit	Weekly Council Tax to pay	Weekly Council Tax	Weekly Local Council Tax Support	Weekly Council Tax to pay
25.36	12.60	12.76	25.36	7.52	17.84

3. Single person receiving Disability Living Allowance (DLA) with 3 other adults living in the property, all working. Property is a Band F

Weekly Income:	Employment Support Allowance	71.00
	DLA – Lower Care rate	<u>20.55</u>
	Total Income	91.55
	Less disregarded income	<u>20.55</u>
	Income used in the benefit calculation	71.00

2012/13			2013/14		
Weekly Council Tax	Weekly Council Tax Benefit	Weekly Council Tax to pay	Weekly Council Tax	Weekly Local Council Tax Support	Weekly Council Tax to pay
41.21	41.21	0.00	41.21	28.53	12.68

4. Single Parent with 2 children under 16yrs in D Band property in Sheering

Weekly Income:	Child Benefit	33.70
	Child Tax Credit	105.20
	Child Maintenance	126.92
	Net Earnings	141.23
	Working Tax Credit	60.96
	Total Income	468.01
	Less disregarded income	202.72
	Income used in the benefit calculation	265.29

	2012/13			2013/14	
Weekly Council Tax	Weekly Council Tax Benefit	Weekly Council Tax to pay	Weekly Council Tax	Weekly Local Council Tax Support	Weekly Council Tax to pay
21.02	11.63	9.39	21.02	0.00	21.02

5. Single person on Job Seekers Allowance in B Band property in Waltham Abbey

Weekly Income: Job Seekers Allowance 71.00

2012/13				2013/14	
Weekly Council Tax	Weekly Council Tax Benefit	Weekly Council Tax to pay	Weekly Council Tax	Weekly Local Council Tax Support	Weekly Council Tax to pay
17.15	17.15	0.00	17.15	13.72	3.43

6. Couple (1 receiving DLA) with 1 child under 16 yrs living in E Band property in Loughton

Weekly Income: Child Benefit 20.30 Child Tax Credit 117.61 Earnings 145.15 Carers Allowance 58.45 Working Tax Credit 72.34 DLA (care) 51.85 DLA (mobility) 20.55 **Total Income** 486.25 Less disregarded income <u>129.80</u> Income used in the benefit calculation 356.45

2012/13		2013/14			
Weekly Council Tax	Weekly Council Tax Benefit	Weekly Council Tax to pay	Weekly Council Tax	Weekly Local Council Tax Support	Weekly Council Tax to pay
34.87	20.20	14.67	34.87	13.85	21.02

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Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit will end and is to be replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support. Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme will largely be decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive may be less than under the current scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) and therefore if you are a pensioner and are currently receiving Council Tax Benefit, then the amount of help you receive under the new Local Council Tax Support scheme will be broadly the same and operate in a similar way to the current Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the Local Council Tax Support scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council. The following section shows the classes that are to in place from 1st April 2013:

The Local Council	Tax Support scheme for working age persons

The draft Local Council Tax Support scheme for working age persons

The Council has decided that there will be two classes and they will decide which class each applicant is in. The class will determine the level of Local Council Tax Support that can be provided:

Class A

To obtain support the individual must:

- have not attained the qualifying age for state pension credit;
- b. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- c. not have capital savings above £6,000;
- d. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based) or Employment and Support Allowance (income related); and
- e. have made a valid claim for support.

Class B

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit;
- b. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident;
- c. be somebody in respect of whom a maximum council tax support amount can be calculated:
- d. not have capital savings above £6,000;
- e. be a person who's *income* is **more** than their living allowances (*applicable amount*);
- f. have made a valid claim for support;

What Local Council Tax Support will be payable to working age person?

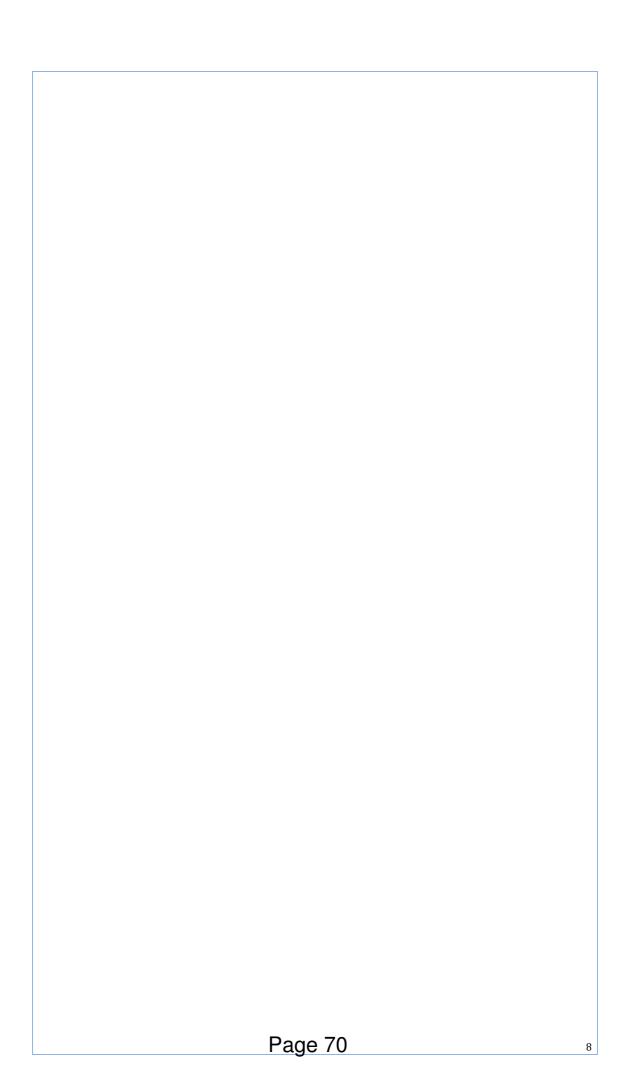
If a person is occupying a property that is valued as an E,F,G or H band property for Council Tax purposes, Local Council Tax Support will be calculated as if they were occupying a band D property.

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 80% reduction on their council tax liability (or the equivalent liability of a band D property if their property is an E,F,G or H band). This also applies if a person in receipt of income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their living allowances (*applicable amount*). Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2013/14, the maximum council tax liability will be 80% of Council Tax the person is liable to pay (or the equivalent liability of a band D property if their property is an E,F,G or H band).

If a person's entitlement to Local Council Tax Support is less than £0.50 per week, no Local Council Tax Support will be payable.

Protection for certain working age persons
Local Council Tax Support can be increased up to 100% of their Council Tax liability where the Council considers that there are exceptional circumstances and a person is suffering exceptional hardship. The support will be discretionary and each case will be assessed on the individual circumstances of the person applying for such support.



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	The Local Council Tax Support scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)
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The Local Council Tax Support scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of Local Council Tax Support that can be provided:

Class A

To obtain support the person must:

- have attained the qualifying age for state pension credit;
- b. be liable to pay council tax in respect of a dwelling in which they are resident:
- c. not have capital savings above £16,000;
- d. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- e. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. be liable to pay council tax in respect of a dwelling in which they are resident;
- c. not have capital savings above £16,000;
- d. have assessed income above the set living allowances (applicable amounts) set by Central Government; and
- e. have made a valid application for the scheme

Class C

To obtain support the person must:

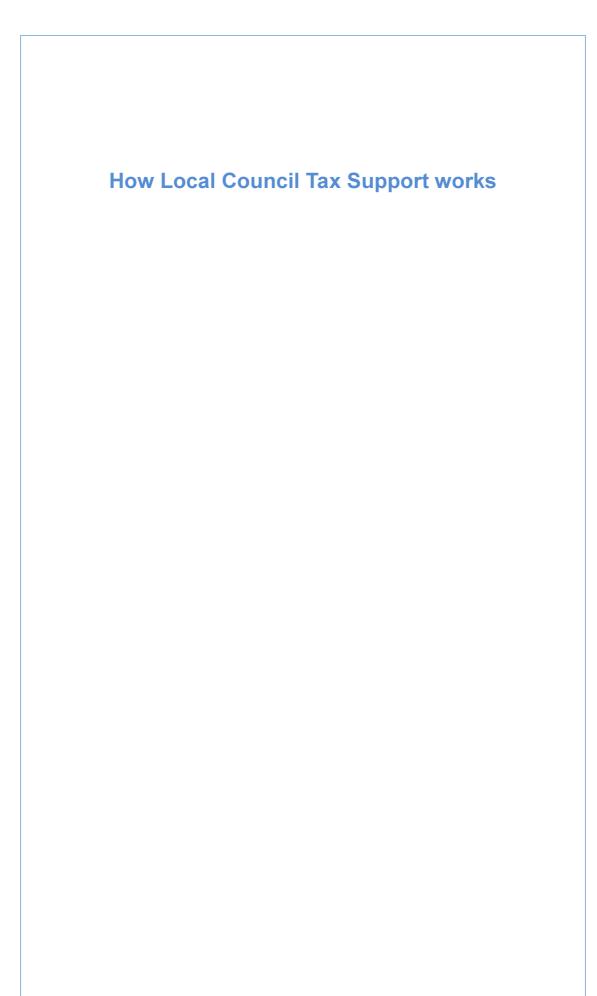
- have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid application for the for a scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What Local Council Tax Support will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service)

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount* (*living allowances*). Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

Local Council Tax Support for person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the <i>second adult rebate</i> available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances



How Local Council Tax Support works

Who can claim?

If you have to pay Council Tax, you may be able to get Local Council Tax Support (LCTS) from 1st April 2013.

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will continue to be eligible for benefit.

Most full-time students are not entitled to Council Tax Support.

How much Local Council Tax Support can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum Local Council Tax Support calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum Local Council Tax Support is set by the Government as up to 100% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum Local Council Tax Support, less any non dependant deductions.

How is maximum Local Council Tax Support calculated for the Working Age Scheme

For the Working Age the maximum Local Council Tax Support is set by the Council as up to 80% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then you will receive the maximum Local Council Tax Support

Extended Payments

If your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of Local Council Tax Support are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you're going back to work, working more hours or earning more money. You do not have to claim an Extended Payment if you or your partner, or civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you've been getting one of the following:

 Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks

or

 Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

 You expect the work, increased hours or earnings to last five weeks or more and you've not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you'll get the same amount of Local Council Tax Support as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work Local Council Tax Support. Once your extended payment period has ended, you can submit a new claim to move onto inwork Local Council Tax Support .

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax. This is worked out by comparing the maximum Council Tax Support you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. If you are of working age, capital will not affect your income, but if you have more than £6,000, you will not be able to get Local Council Tax Support. If you are of pension age, Capital will only affect your income if you have more than £10,000. If you have more than £16,000, you will not normally be able to get Council Tax Support (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

However, if you are of pension age, even if your capital exceeds £16,000, you may be able to claim Second Adult Rebate

Absences from home

There are some special situations in which you may continue to get Local Council Tax Support and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if

you go away on holiday. But the Council may not need to know if you will be absent for only a short time (for example 2-3 weeks) and your circumstances remain unchanged. If in doubt, ask us.

If you are temporarily absent you can normally get Local Council Tax Support for a maximum of 13 weeks as long as:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live: and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get Local Council Tax Support for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for Local Council Tax Support should be made by completing an application form. All claims will need to be supported by evidence of your circumstances and this will need to be provided to the Council. If you are claiming Housing Benefit as well as Local Income Tax Support, the Council will provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for Council Tax Support. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for Local Council Tax Support, is someone over 18 appointed by the Council, to manage the Local Council Tax Support claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for Local Council Tax Support, you should write to request to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The authority can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your Local Council Tax Support. If all the information they need is not on

the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for Local Council Tax Support

The Council will deal with your claim for Local Council Tax Support as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact typically by phone provided that the claim form is returned to an office of the authority within one month of the claim form being issued.

If you change your address

If you move to a different Council area, you must make a new claim for Local Council Tax Support at your new council. If you move within the same Council area, you must still tell the Council.

Backdating a claim

If you are of working age, your claim to Local Council Tax Support may be backdated in some circumstances. You must prove to the Council that there was continuous good cause for not having made an earlier claim. However, for working age customers the maximum time the council can go back is 3 months from the date your claim for backdating was actually made. You must show there was 'good cause' for not making an earlier claim throughout the whole of any period you want backdated up to the date your claim for backdating was made.

If you have reached the qualifying age for state pension credit your Local Council Tax Support may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of Local Council Tax Support

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying the Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting benefit on the Monday after you claim.

Start of Local Council Tax support where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for the Council Tax. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of Local Council Tax Support

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your Local Council Tax Support stops on the day you stop being liable. If you no longer qualify for Local Council Tax Support because, for example, your income increases or your applicable amount changes, your Local Council Tax Support will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance, you must tell the Council and they will have to stop your Local Council Tax Support. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People and adult children over 18 years old (for who you are not in receipt of child benefit) are known as non-dependants.

Non-dependant deductions

Any non-dependants who normally share your accommodation could affect the amount of Local Council Tax Support you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;
- tenants of owner occupiers; and
- landlords/ladies and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your Local Council Tax Support may be affected.

Non-dependant deductions from Local Council Tax Support

Deductions will be made from your Local Council Tax Support for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your Local Council Tax Support if:

- the non-dependant's normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living

Allowance or Attendance Allowance in respect of yourself or your partner; or

- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner are aged 65 or more and a non-dependant moves into your home, or the non-dependants' circumstances change to increase the deduction.

Working out the amount of Local Council Tax Support

The maximum amount of Local Council Tax Support depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum Local Council Tax Support calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum Local Council Tax Support is set by the Government as up to 100% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions earlier in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum Local Council Tax Support

How is maximum Local Council Tax Support calculated for the Working Age Scheme

For the Working Age the maximum Local Council Tax Support is set by the Council as up to 80% of the Council Tax you are liable to pay (or the equivalent liability of a band D property if your property is an E,F,G or H band). less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then you will receive the maximum Local Council Tax Support

In certain cases the Council may pay up to 100% of the Council Tax liability if the Council considers that there are exceptional circumstances. The support will be discretionary and each case will be assessed on the individual circumstances of the person applying for such support.

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA or income related Employment and Support Allowance, the council has to work out if you can get Local Council Tax Support and if so, how much you can get.

To do this, the Council works out your maximum Local Council Tax Support, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Rebate

If you are of pension age, you may also be able to get Local Council Tax Support if you share your home with one or more adults. This is separate from any Local Council Tax Support for yourself and is called Second Adult Rebate (SAR). Second Adult Rebates are intended to assist you with the council tax if you share your home with someone who is on a low income. Second Adult Rebates may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAR unless you have already claimed Local Council Tax Support for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAR.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAR even if your own capital exceeds £16,000.

SAR is awarded on the basis of your council tax bill, after any reductions that you may be entitled to are deducted. The amount of SAR that can be awarded is as follows:

Second Adult	Alternative Maximum Council Tax Support
(a) Where the second adult or all second adults are in receipt of income support, an incomerelated employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;

(b)	Where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	is less than £180.00 per week; - 15 per cent of the Council Tax due in respect of that day; is not less than £180.00 per week but less than £235.00 per week; - 7.5 per cent of the Council Tax due in respect of that day;
(c)	If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, income-related employment and support allowance or income support, living with a full-time student(s).	100 per cent. of the Council Tax due in respect of that day.

Income less than applicable amount

In this case you get maximum Local Council Tax Support (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum Local Council Tax Support if your income is the same as your applicable amount.

Income greater than applicable amount

In this case you will get an amount less than your maximum Local Council Tax Support. The amount by which your Local Council Tax Support is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum Local Council Tax Support

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts

apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the qualifying benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance.

Disability premium

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or
- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner get any of the following benefits:

- Disability Living Allowance ;or
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or

• Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, AA or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your Local Council Tax Support is not affected if other people living with you are:

- · Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service

Enhanced Disability Premium

Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA) or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA is suspended during hospitalisation. This premium is awarded at three different rates. They are:

- a rate for each dependent child/young person in your household who receives the highest rate of DLA;
- a rate for a single person who receives the highest rate of DLA;
- a rate for couples where at least one member of the couple receives the highest rate of DLA.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receive a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receive a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner are looking after a disabled person and:

- receive Carer's Allowance: or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your Local Council Tax Support (the disregards), or taken fully into account.

Normally, your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.

Earnings from employment means any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;

- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work:
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your Local Council Tax Support

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings.

Childminders

If you are a childminder only one third of your earnings from childminding will be taken into account when your council works out your Local Council Tax Support.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your Local Council Tax Support is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or
- a component with Employment and Support Allowance; or
- the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your Local Council Tax Support is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time firefighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- oa member of the Territorial Army or the Reserve Forces.

When £25 is not counted – If you are a lone parent working more than 16 hours per week.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered childminders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out Local Council Tax Support.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, in other cases it is all counted.

State benefits

The following benefits are counted in full as income for Local Council Tax Support:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance

- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).

Unearned income that is not counted

The following types of income are not counted by the Council when it works out your Council Tax Support:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit:
- The first £15.00 of Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance:
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Local Council Tax Support you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly:
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar

payment from another country (Local Scheme)

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for Local Council Tax Support purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of Local Council Tax Support

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. You are not eligible for Local Council Tax Support if you have capital over £6,000.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

If you have capital over £16,000, you may still be entitled to Second Adult Rebate, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the council decides that you deliberately got rid of capital just so that you can get Local Council Tax Support, it may assume that you have notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get Local Council Tax Support even if the value of the property means that your savings are more than £6,000 (£16,000 if you are of pension age). This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.

If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding legal charges on the property or mortgages will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing Council Tax Support.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For Local Council Tax Support purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not

have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of You will be treated as having notional capital if you have disposed of capital in order to get Local Council Tax Support or to get more Local Council Tax Support.
- Capital you could have got If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How Local Council Tax Support is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your Local Council Tax Support has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.

How you will be notified about your Local Council Tax Support

The Council will reach a decision on your entitlement to Local Council Tax Support as soon as possible after your claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The council has two months to reply to you. If the Council agrees with your appeal then the Local Council Tax Support will be amended and you will receive another Council Tax bill showing the revised amount.

If the council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your Local Council Tax Support accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of Local Council Tax Support.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might

reasonably be expected to know might affect your right to Local Council Tax Support

The changes must be notified in writing although in certain circumstances the council may accept this by telephone or electronically

Most of these changes will affect your Local Council Tax Support in the following support week, but changes in the amount of council tax payable will affect your Local Council Tax Support from the day on which the change occurs.

Students

Local Council Tax Support is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period your council, or Student Awards Agency for Scotland, will tell you the period it does cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependants grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for Local Council Tax Support. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;
- the Two Homes Grant given when you have to maintain another home away from college:
- an allowance for books and equipment; and
- travel expenses.

Students and partners

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the council works out your joint income for Council Tax Support. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

Other income

Will be treated in the same way as grant income if it is intended for expenditure that

is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

Loans from the Student Loans Company

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

Access funds

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

Information and information sharing

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of Local Council Tax Support, council tax liability, billing, administration and enforcement

The Council may receive and obtain information and evidence relating to claims for Local Council Tax Support from-

- a. persons making claims for Local 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

The Council may verify relevant information supplied to, or obtained for Local Council Tax Support purposes.

Counter Fraud and Compliance

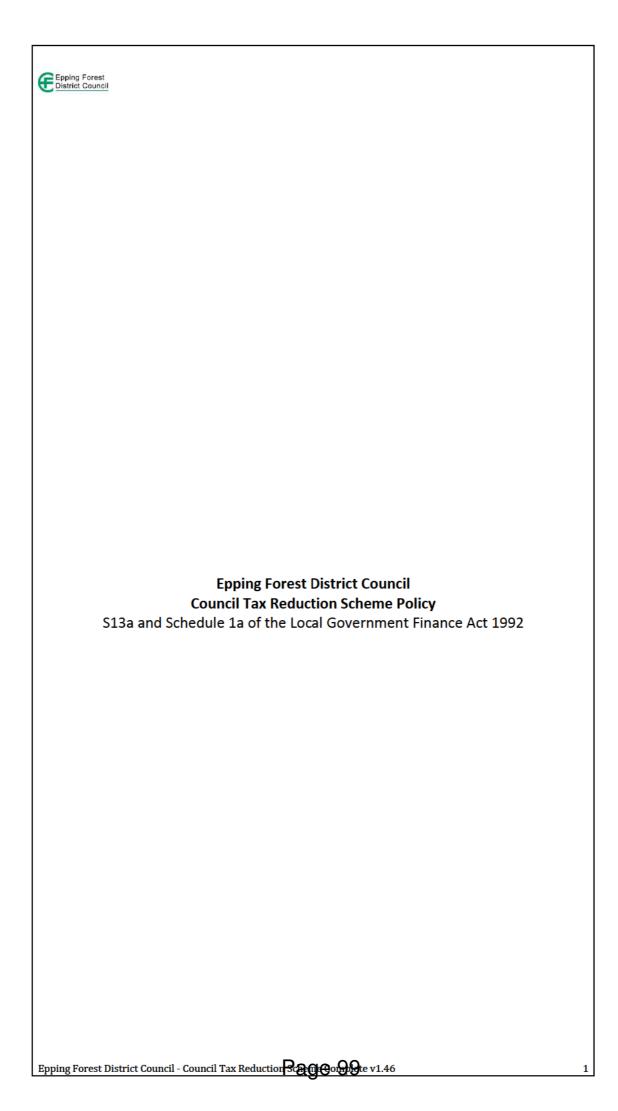
In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Local 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

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APPENDIX 3

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1.0 Introduction to the Council Tax Reduction Scheme (Council Tax Support)

- 1.1 The following policy has been adopted by the Council on dd/mm/yyyy and details the Council Tax Reduction scheme adopted by the authority for the period 1st April 2013 until 31st March 2014.
- 1.2 This policy 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 1st April 2013 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Local Government Finance Act 1992 (as amended). The Council has no discretion in relation to the calculation of council tax support in respect of the pension age scheme and it is designed to provide broadly the same level of support provided within the previous (Council Tax Benefit) scheme.

The scheme for working age applicants - the council's local policy

- 1.4 The adopted scheme for working age applicants is a means test, which compares income against an assessment of living allowances or applicable amounts (unless otherwise stated). Full details of the working age policy 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 policy only applies to a person who;
 - 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 or on an income-related employment and support allowance.
- 1.5 This policy shall not apply in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit. The scheme shall not apply to any applicant who is subject to immigration control under Section 115 of the Immigration and Asylum Act 1999 and non-economically active EEA nationals.
- 1.6 The Council has resolved that there will be two classes of persons who will receive a reduction in line with adopted scheme (from hereafter referred to as Support). 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 support as specified within section 7 of this policy.

Class A

To obtain support the individual (or partner) must:

- have not attained the qualifying age for state pension credit¹; or
- b. has attained the qualifying age for state pension 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. 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

¹ Section 5 of this scheme



- authority's scheme;
- f. be somebody in respect of whom a maximum council tax support² amount can be calculated;
- g. not have capital savings above £6,000³;
- 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*⁴ is **less** than their (living allowance) *applicable amount*⁵ or the applicant or partner is in receipt of Income Support, Jobseekers allowance (income based) or Employment and Support Allowance (income related); and
- has made a valid application for support⁶.

Maximum council tax reduction stated above is defined within section 57 of this policy

Class B

To obtain support the individual (or partner) must:

- have not attained the qualifying age for state pension credit⁷;
- b. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- c. is not deemed to be absent from the dwelling;
- 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;
- e. be somebody in respect of whom a maximum council tax support⁸ amount can be calculated;
- f. not have capital savings above £6,000°;
- g. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income* ¹⁰ is **more** than their (living allowances) *applicable amount* ¹¹;
- h. have made a valid application for support 12;
- i. 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 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.

Maximum council tax reduction stated above is defined within section 57 of this policy

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

- 1.7 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 support, such as a person from abroad with limited leave to remain. The definition of a pension credit age person is a person who;
 - has attained the qualifying age for state pension credit; and

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

⁴ Sections 15 to 32 and Schedules 3 and 4 of this scheme

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

¹⁰ Sections 15 to 32 and Schedules 3 and 4 of this scheme

 $^{^{11}}$ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme



- is not, or, if he has a partner, his partner is not
 - o a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance; or
 - o 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 1A of the Local Government Finance Act 1992, 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 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;
- e. 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; 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 1A of the Local Government Finance Act 1992, 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 Local Government Finance Act 1992 and excluded from the authority's scheme;
- e. 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;
- f. 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; and
- g. 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 the Local Government Finance Act 1992, 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;
- 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.

Reductions attracted by classes: protection of pensioner-related awards

Class A Reduction (support)

1.8 If an individual matches the criteria in Class A, including that *income* is less than their *applicable amount (living allowances)*(as set out in regulations) in their case, that person qualifies for 100% reduction on their council tax liability.

Class A – special provisions for state pension credit

- 1.9 Central Government regulations set out that an individual in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service) will have both his income and capital counted as zero. This means that the individual's income will automatically be less than their applicable amount, and they will qualify for 100% reduction of their council tax liability.
- 1.10 Where a person has been awarded only the savings credit element of state pension credit, the council is required to use the information in relation to income and capital provided by the Department of Work and Pensions (DWP) Pension Service when calculating their reduction in liability.

Class B Reduction (support)

1.11 If an individual matches the criteria in Class B, it will mean the individual's income is greater than their applicable amount (living allowances) (as defined in central government regulations). Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.



Class C Reduction (support)

- This may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income as indicated by prescribed low wages bands or prescribed working-age benefit indicators.
- 1.13 This reduction will equate to the second adult rebate available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances. As follows;

Seco	nd Adult	Alternative Maximum Council Tax Support ¹³
(a)	Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the council tax due in respect of that day;
(b)	where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	is less than £180.00 per week; - 15 per cent of the council tax due in respect of that day; is not less than £180.00 per week but less than £235.00 per week; - 7.5 per cent of the council tax due in respect of that day;
(c)	If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, income-related employment and support allowance or income support, living with a full-time student(s).	100 per cent. of the council tax due in respect of that day.

Additional information in relation to the pension age scheme

Non-dependent deductions

1.14 Once the reduction award is calculated, it will be subject to a downwards adjustment to take into account non-dependent adults that normally reside in the dwelling who would be expected to contribute to council tax. Deductions for such non-dependent adults will be prescribed by central government

Living allowance – the applicable amount

- 1.15 The individual's living allowance, or applicable amount, is made up of four elements set within central government regulations. These will be:
 - a. a personal allowance in respect of the applicant;
 - b. an amount in respect of any child or young person who is part of his family;
 - c. a family premium element (where the applicant is part of a family of which at least

 $^{^{13}}$ The amounts shown are uprated in line with the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012



- one member is a child or young person); and
- d. any *premium* amount, set out in central government regulations, which is applicable to the individual.

Calculation of income and capital

- 1.16 Income and capital will be calculated for a person who has attained the qualifying age for state pension credit in line with provisions under The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012.
- 1.17 The income and capital of an applicant's partner (or, to mitigate the risk of over-claiming in a polygamous marriage, partners) will continue to be treated as income of the applicant.
- 1.18 Income or capital of any child or young person will *not* be treated as income or capital of the applicant.

Income and capital for those on state pension credit

- 1.19 For those in receipt of the *guarantee credit* element of state pension credit, the whole of their income and capital will be disregarded. This will mean that they automatically qualify, under Class A, for 100% council tax support.
- 1.20 Where a person has been awarded only the savings credit element of state pension credit, the council is required to use the information in relation to income and capital provided by the Department of Work and Pensions (DWP) Pension Service when calculating their reduction in liability.

Calculation of income where a person is not in receipt of state pension credit

1.21 For those who have reached the qualifying age for state pension credit, but are not in receipt of this state pension credit, provisions relating to income, its calculation on a weekly basis, what is to be regarded as income and what is to be disregarded as income in line with the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012

Calculation of capital

Calculation of capital where a person is not in receipt of state pension credit

1.22 Provisions relating to capital will operate in accordance Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012.

Disregard of certain incomes

- 1.23 For those who have reached the qualifying age for state pension credit, the Council has resolved 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.

Tariff income on capital

1.24 Once an amount of capital is calculated, net of any amounts to be disregarded, this will be treated as if it is income of £1 for every £500 (or part of £500) in excess of £10,000.

Calculation of Support

- 1.25 Once the total income amount has been calculated, it will be compared with the *applicable amount (living allowance)*, to determine whether the individual falls into Class A (income less than applicable amount) or Class B (income greater than applicable amount).
- 1.26 Persons in Class A will receive 100% council tax reduction against their council tax liability. (This liability will be net of any council tax discounts under the Local Government Finance Act 1992 and non-dependent deductions under the central government regulations for persons of pension credit eligible age).
- 1.27 Persons in Class B will receive support less an amount equivalent to 20% of the difference between their income and applicable amount of their net council tax liability.
- 1.28 Where a person of pension credit age is jointly liable for council tax and who has a second adult who is not their partner and does not pay rent in respect of the dwelling, they may fall under Class C, where conditions set out in regulations are met.

Applications and evidence

1.29 The Council may accept applications in writing, electronically, by telephone or by any other means, as it feels appropriate. The date of claim will be the date of first contact. Withdrawals can be effected in the same way and will have effect on the same day any notice of withdrawal is received by the authority. The authority may request any such information; certificates, documents or evidence as it feels is reasonable to establish and verify the claim for support.

Entitlement

1.30 Entitlement to council tax support for persons who have attained the age for state pension credit begins on the first day of the first week after the application is made. The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 set out that people of pension- credit eligible age will be able to back-date their applications by three months, provided they were entitled to pension-credit age reduction at the start of the three month back-dated period. Advanced applications will be accepted.

Decisions

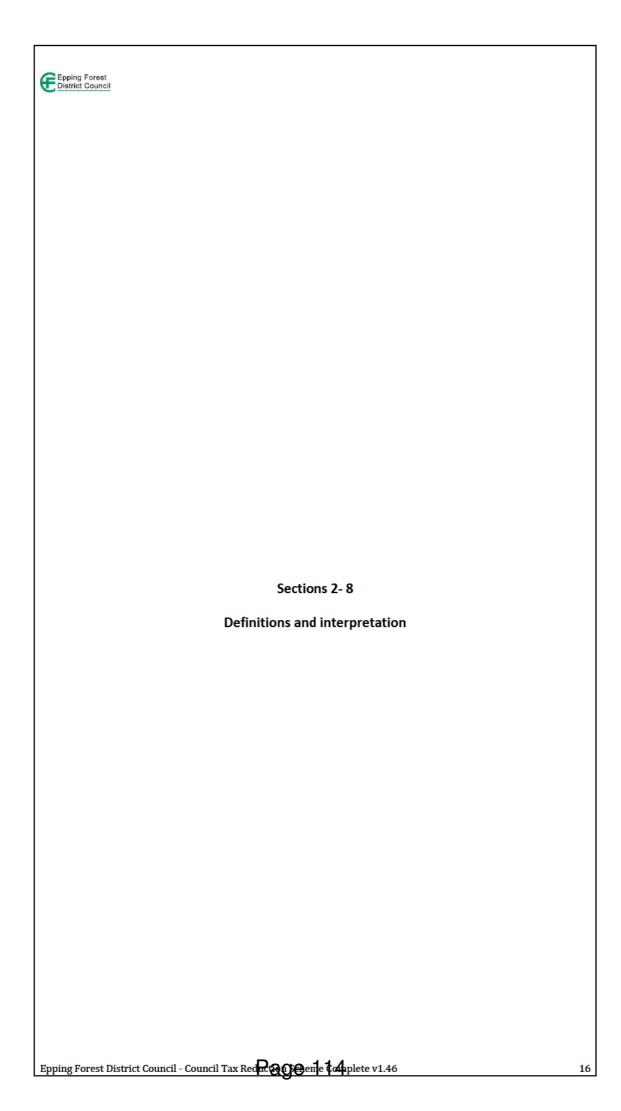
1.31 The regulations for the scheme for persons who have attained the qualifying age for state pension credit require the authority to notify the applicant in writing of its decision within 14 days (or as soon as practicable) from the date that all relevant information and evidence relating to the application has been received by the billing authority, and include information on how an appeal can be made by the applicant initially to the billing authority and eventually, if appropriate to the Valuation Tribunal



Changes of circumstance

1.32 Regulations set out the dates from which various prescribed changes of circumstance are to take effect. In particular, the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 set out the dates from which changes of circumstance in relation to awards of state pension credit will be taken into account. The billing authority, under local discretion, may allow more time if it sees fit.

Epping Forest District Council
Council Tax Reduction Scheme
Details of support to be given for working age applicants for the financial year 2013/2014





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;

'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 1983or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

'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 repared 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;

'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;
- a man and a woman who are not married to each other but are living together as husband and wife;
- 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 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;

'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;

'Employment and Support Allowance (Existing Awards) Regulations' means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;

'the Employment, Skills and Enterprise Scheme' means a scheme under section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

'employment zone' means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an 'employment zone programme' means a programme established for such an area or areas designed to assist applicants for a 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;

'Jobseeker's Act' means the Jobseeker's Allowance Regulations' means the Jobseeker's Allowance Regulations 1996;

'limited capability for work' has the meaning given in section 1(4) of the Welfare Reform Act; 'limited capability for work-related activity' has the meaning given in 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;

'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;

'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;
- an annuity contractor trust scheme approved under section 20 or 21of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

'policy of life insurance' means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

'polygamous marriage' means a marriage to which section 133(1) of the Act refers;

'public authority' includes any person certain of whose functions are functions of a public 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;
- a programme provided or other arrangements made pursuant to section 2 of the 1973
 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or
- c. the Employment, Skills and Enterprise Scheme;

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

- 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,
- 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,
- 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
- 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 Actor 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;

'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; 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;
 - (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;
 - any member of the applicant's family;
 - 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);
- 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 person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - that person is a close relative of his or her partner; or
 - 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.

Requirement to provide a National Insurance Number 14 4.0

- 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;
 - 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

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012





- iv. has not previously been allocated a national insurance number.
- 5.0 Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit
- 5.1 This policy for working age applicants does not apply to a person in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit.

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 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. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.



- 7.0 Persons from abroad exempted from claiming under this scheme

 Class of person excluded from this scheme: persons treated as not being in Great Britain
- 7.1 The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- 7.2 For the purposes of determining whether a person meets the basic condition to be in Great Britain, except where a person falls within sub-paragraph (5), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with
 - a) regulation 13 of the Immigration (European Economic Area) Regulations 2006; or
 - b) Article 6 of Council Directive No.2004/38/EC.
- 7.5 A person falls within this sub-paragraph if the person is
 - a) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006(88) as a worker or a self-employed person;
 - b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7 of the Immigration (European Economic Area) Regulations 2006;
 - 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 Immigration (European Economic Area) Regulations 2006;
 - 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 granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971(89) on the rejection of their claim for asylum;
 - f) a person who has humanitarian protection granted under those rules; or
 - 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(90) 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.
- 7.5 A person is not a person from abroad if he is
 - a. a worker for the purposes of Council Directive No. 2004/38/EC;
 - b. a self-employed person for the purposes of that Directive;
 - c. a person who retains a status referred to in sub-paragraph (a) or (b) pursuant to Article 7(3) of that Directive;
 - d. a person who is a family member of a person referred to in sub-paragraph (a), (b) or (c)



- within the meaning of Article 2 of that Directive;
- e. a person who has a right to reside permanently in the United Kingdom by virtue of Article 17 of that Directive;
- f. a person who is treated as a worker for the purpose of the definition of 'qualified person' in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006 (right of residence of a Bulgarian or Romanian who is an 'accession State national subject to worker authorisation);
- g. a refugee;
- h. a person who has exceptional leave to enter or remain in the United Kingdom granted outside the rules made under section 3(2) of the Immigration Act 1971;
- i. a person who has humanitarian protection granted under those rules;
- j. a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 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;
- k. a person in Great Britain who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption;
- I. a person who
 - arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;
 - ii. immediately before arriving there had been resident in Zimbabwe, and
 - iii. before leaving Zimbabwe, had accepted an offer, made by Her Majesty's Government, to assist that person to move to and settle in the United Kingdom; or
- k. in receipt of income support, an income-based jobseeker's allowance or on an incomerelated employment and support allowance.
- 7.6 The above shall not apply to a person who has been temporarily without funds for any period, or the aggregate of any periods, exceeding 42 days during any one period of limited leave (including any such period as extended).
- 7.7 In this 'refugee' means 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.

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
- ii. 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;
 - 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, or, detained in custody pending sentence upon conviction;
 - b. resident in a hospital or similar institution as a patient;
 - 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;
 - 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;
 - 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, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995); 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
- 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.

Sections 9 - 11

The family for Council Tax Support purposes



9.0 Membership of a family

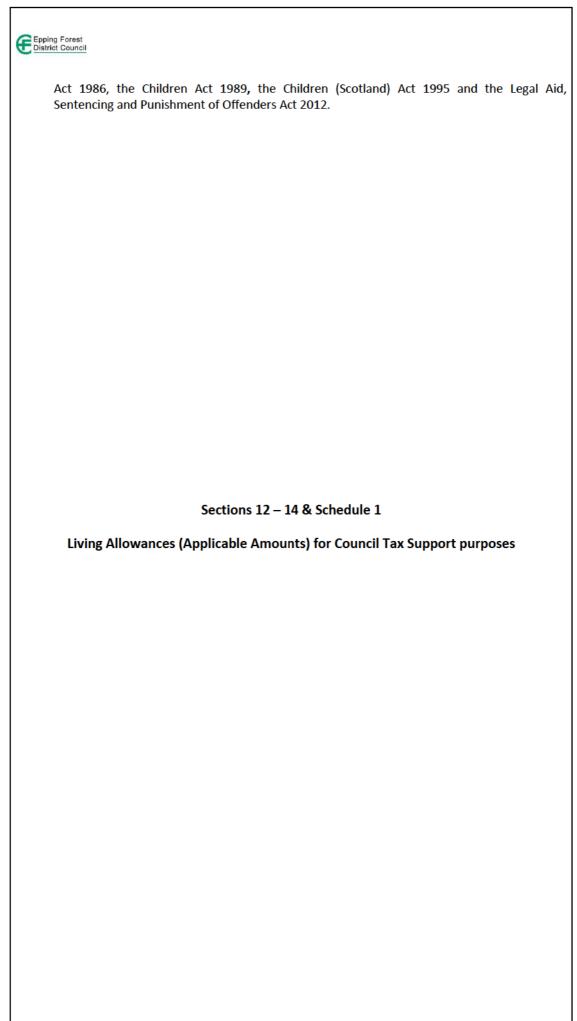
- 9.1 Within the support scheme adopted by the Council 'family' means;
 - a. a married or unmarried couple;
 - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
 - c. two people of the same sex who are 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;
 - 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
 - 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





12.0 Applicable amounts (Living Allowances)

- 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;
 - 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

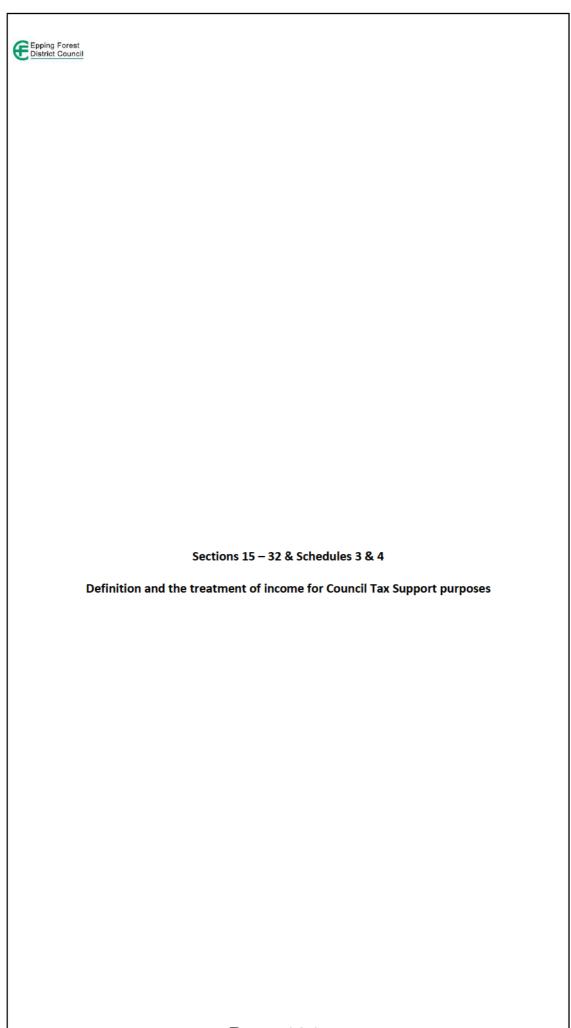
- 13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case;
 - a. the amount applicable to him and one of his partners determined in accordance with paragraph 1of 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;
 - 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





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 an applicant's partner within this scheme and for the purposes of claiming council tax support is to be treated as income and capital of the applicant and shall be calculated or estimated 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 his partner.
- 15.2 Where an applicant or the partner of is married polygamously to two or more members of his household
 - a. the applicant shall be treated as possessing capital and income belonging to each such member; and
 - b. the income and capital of that member shall be calculated in accordance with the following provisions of this scheme in like manner as for the applicant.
- 15.2 The income and capital of a child or young person shall not be treated as the income and capital of 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 were 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;

- 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
 - is a member of a couple where one member is engaged in remunerative work and the other;
 - 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;
 - 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, shortterm 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
 - 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—
 - 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
- 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;
 - out of school hours, by a school on school premises or by a local authority;
 - 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
 - by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - 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
- 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
- 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
- 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—
 - 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.

- 18.12AFor 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;
 - 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)
 - 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.
- 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 section11(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);
 - 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;
 - I. 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.

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 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 ofi) 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;
 - 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;
 - 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-
 - 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
- 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—
 - 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
 - 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—

A - (BxC)

D

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until he 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
 - 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;
- 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
 - 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 regulation75(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;

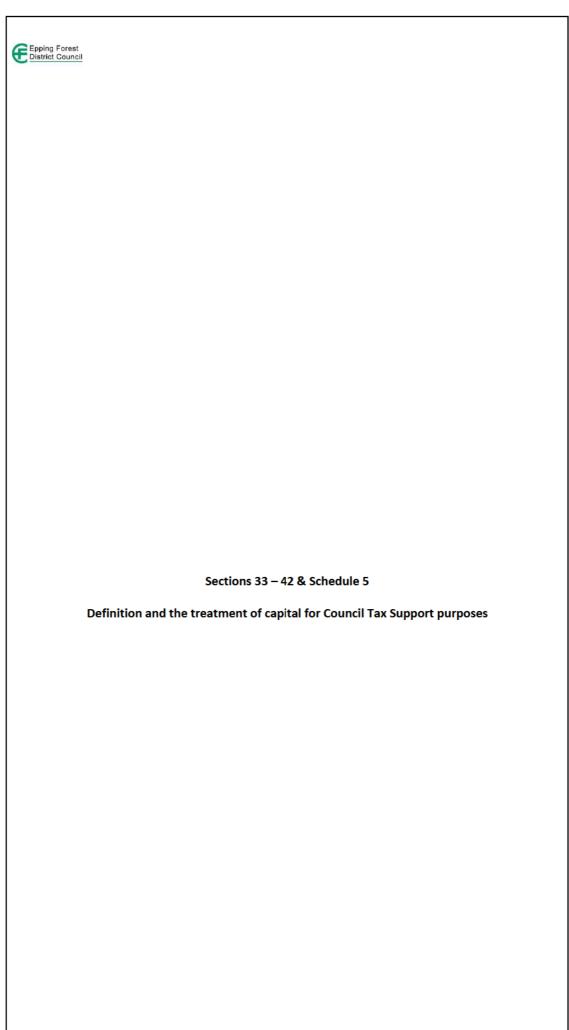


- e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has 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 possession 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 a 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;
- 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.





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 that 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
 - 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
 - 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 regulation17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;
 - (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (c) 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—
 - 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 paragraph40.4(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;

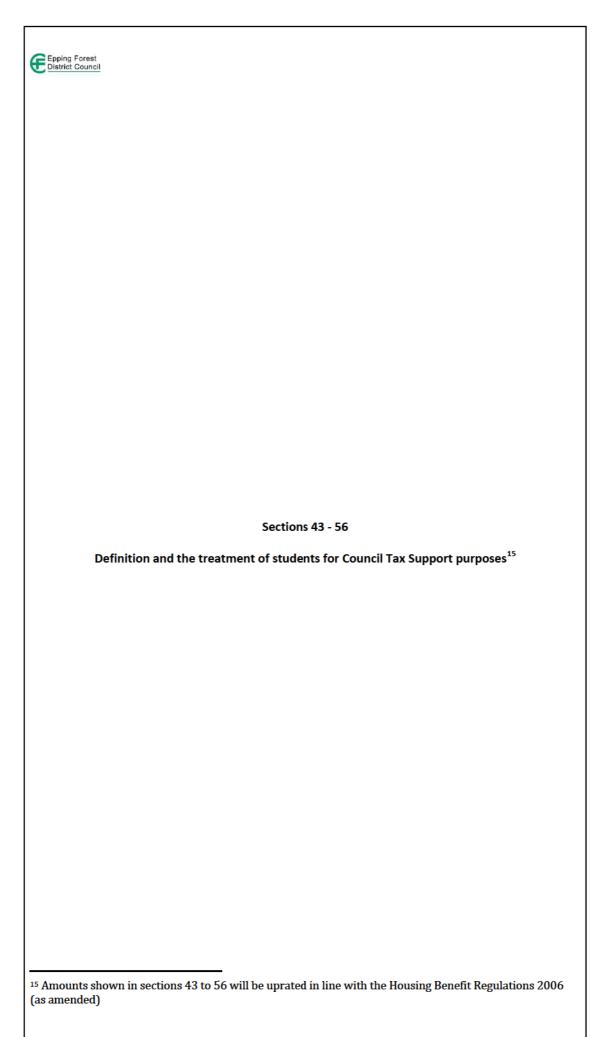


- (iii) in paragraph 40.4 (c),(d)and(e)means-
- (aa) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- (bb) any other period of less than a 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





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 1997in 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
- 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;

- 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
 - 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;
 - 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 subparagraphs (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
 - 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,
 - 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

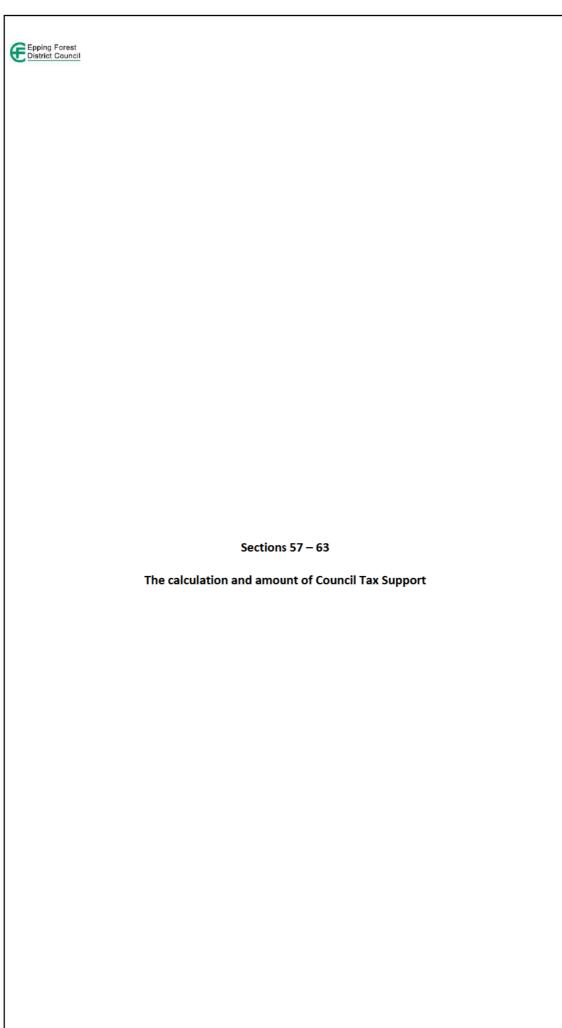
54.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

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.





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;
 - 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
- 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 16

- 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 support) shall be;
 - (a) in respect of a non-dependant aged 18 or over in remunerative work, £9.90x 1/7;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £3.30 \times 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 £183.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
 - (b) not less than £183.00, but less than £316.00, the deduction to be made under this section shall be £6.55;
 - (c) not less than £316.00, but less than £394.00, the deduction to be made under this section shall be £8.25;
- 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

 $^{^{16}}$ The amounts shown within this section shall be uprated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012



- 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 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-dependent of two or more of the liable persons, the deduction in respect of that non-dependent 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
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) 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 inpatients).
- 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;
 - (i) 'patient' has the meaning given within this scheme, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
- 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 received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

59.0 Council tax support taper (applies to persons defined within Class B)

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 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 x 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;
 - 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 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).

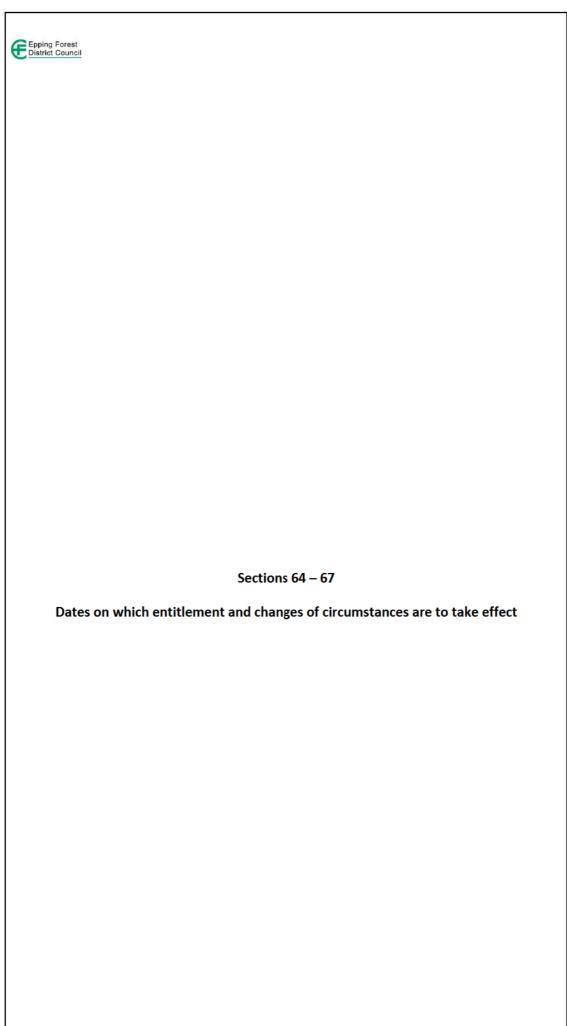
61E.0 Extended reductions: - Movers Generally 17

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.

¹⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012





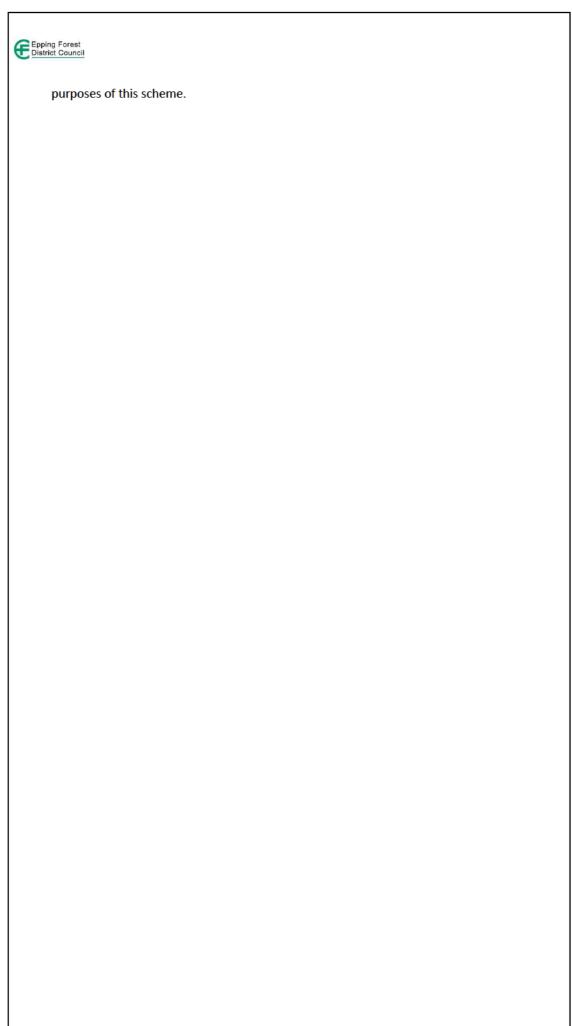
64.0 Date on which entitlement is to begin

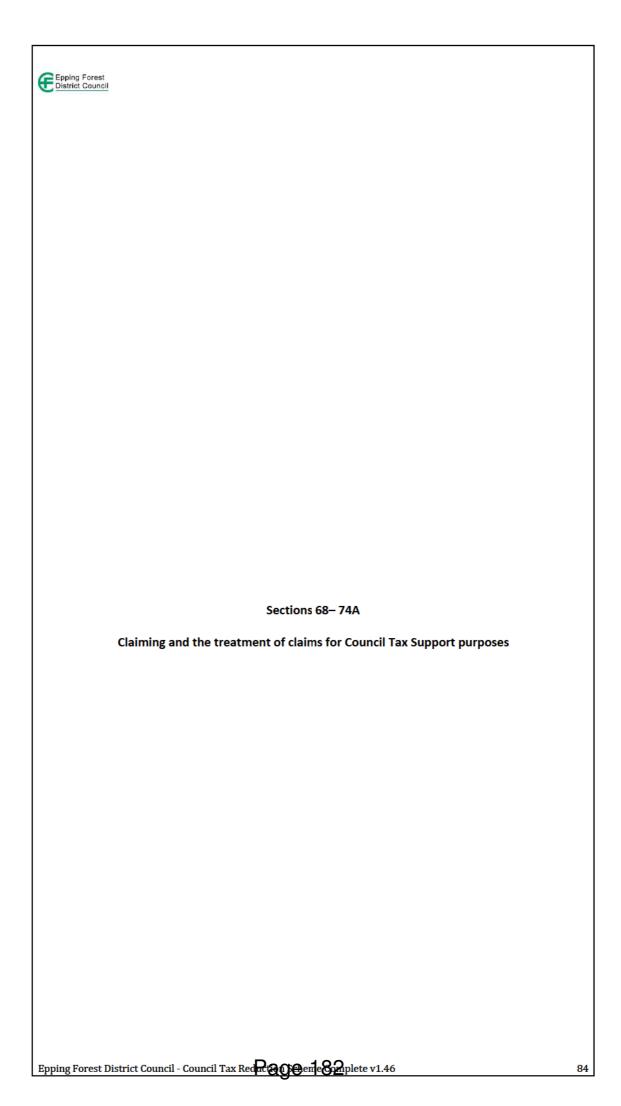
- 64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.
- 64.2 Where a person is 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.
- 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







68.0 Who may claim 18

- 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 scheme¹⁹
- 69.1 Paragraphs 2 to 8 apply to an application for a reduction under an authority's scheme.

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁹ 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 incomebased 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 incomebased 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 information²⁰

- 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-dependent 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

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²⁰ 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 ²¹

- 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 circumstances²²

- 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

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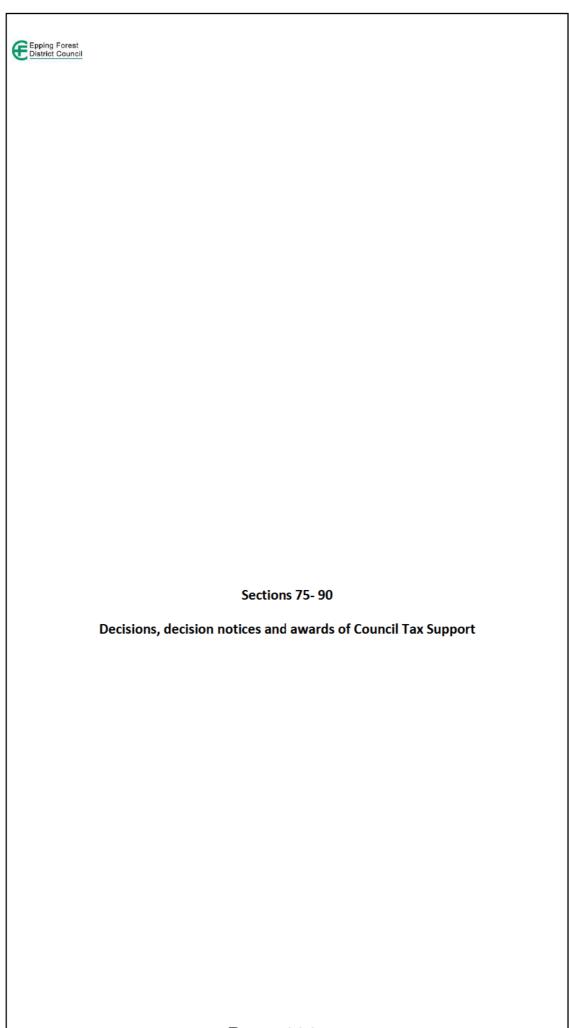
²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²² 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 that the actual change of circumstances





75.0 Decisions by the authority²³

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 decision²⁴

- 76.1 The authority must notify in writing any person affected by a decision made by it under this
 - (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.
- A person affected to whom the authority sends or delivers a notification of decision may, 76.3 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,
 - a person appointed by the authority under paragraph 68.2.
 - c) a person appointed by the authority under paragraph 68.3

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012



77.0 Time and manner of granting council tax support 25

- 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 26
- 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

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁶ 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 / reduction²⁷

- 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 entitled²⁸

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 - 87 Not used

88.0 Diminution of notional capital

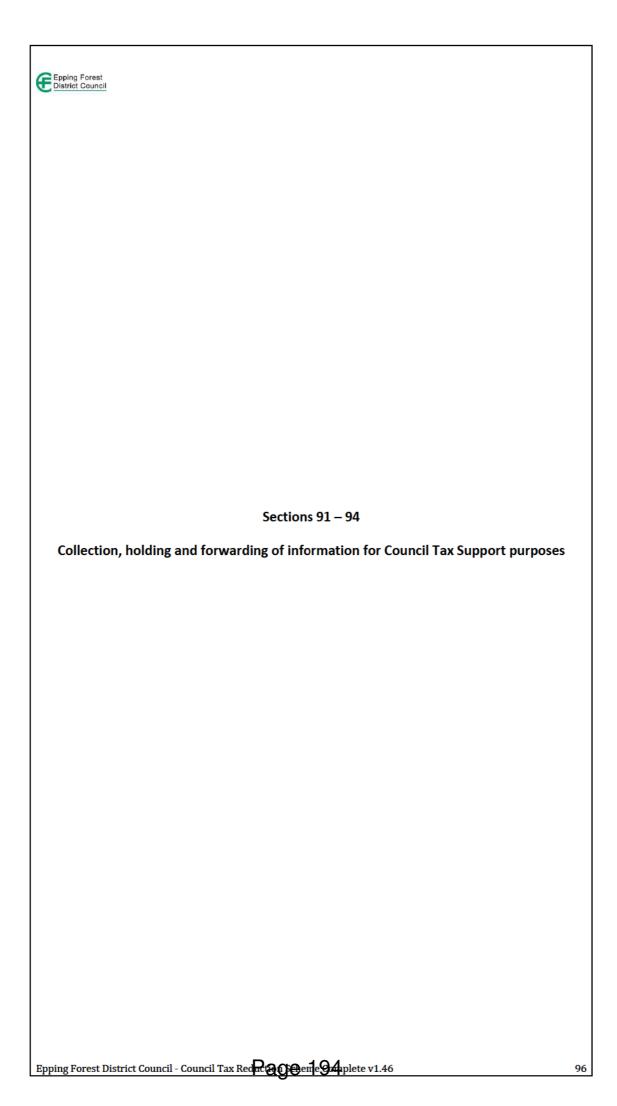
88.1 Where notional capital has been used in the calculation of Council Tax Support. Further calculations may be undertaken every thirteen weeks to reduce the notional capital by the amount of council tax support that would have been awarded if the notional capital had not been taken into account in the calculation.

89.0 Not used

90.0 Not used

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012





- 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 support, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012.
- 91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Support with the DWP or HMRC as appropriate.

92.0 Collection of information

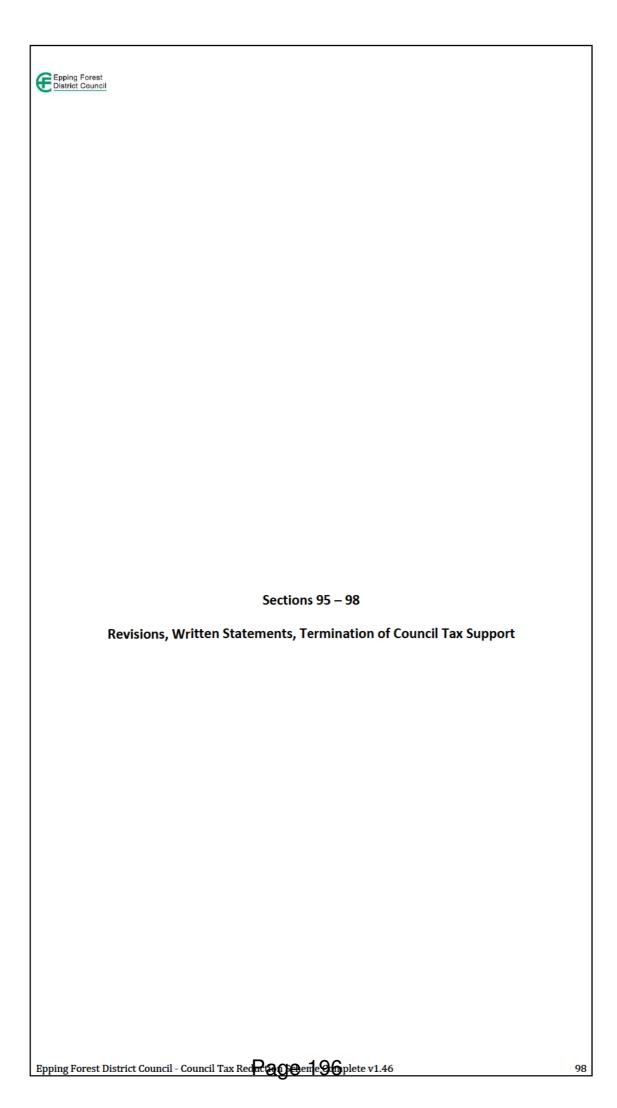
- 92.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from—
 - (a) persons making claims for council tax support;
 - (b) other persons in connection with such claims;
 - (c) other 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.





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

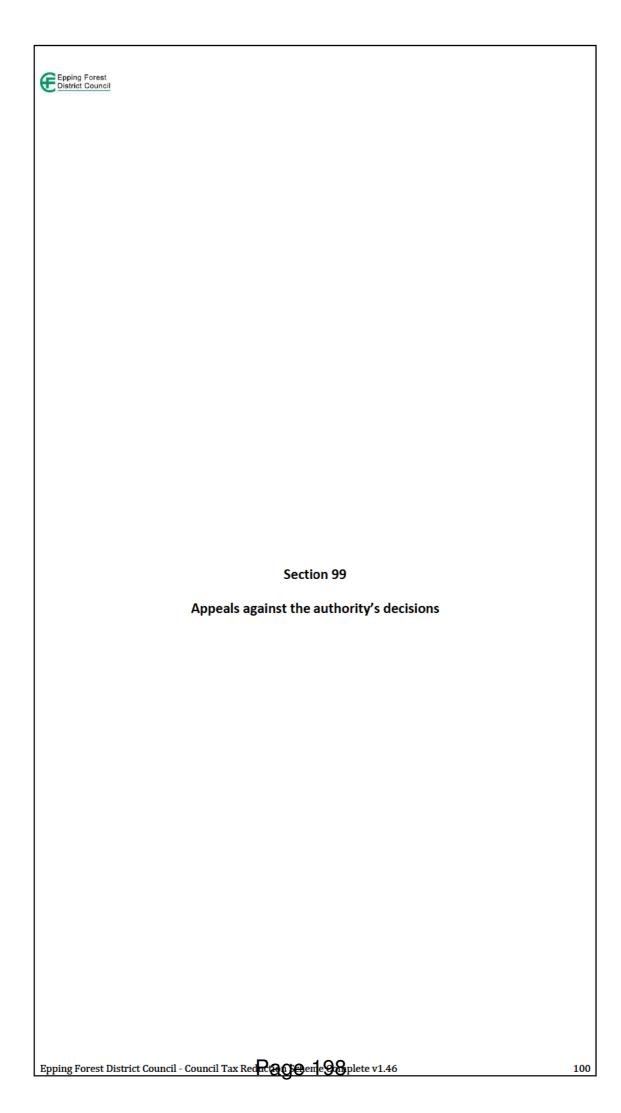
97.0 Written Statements

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.

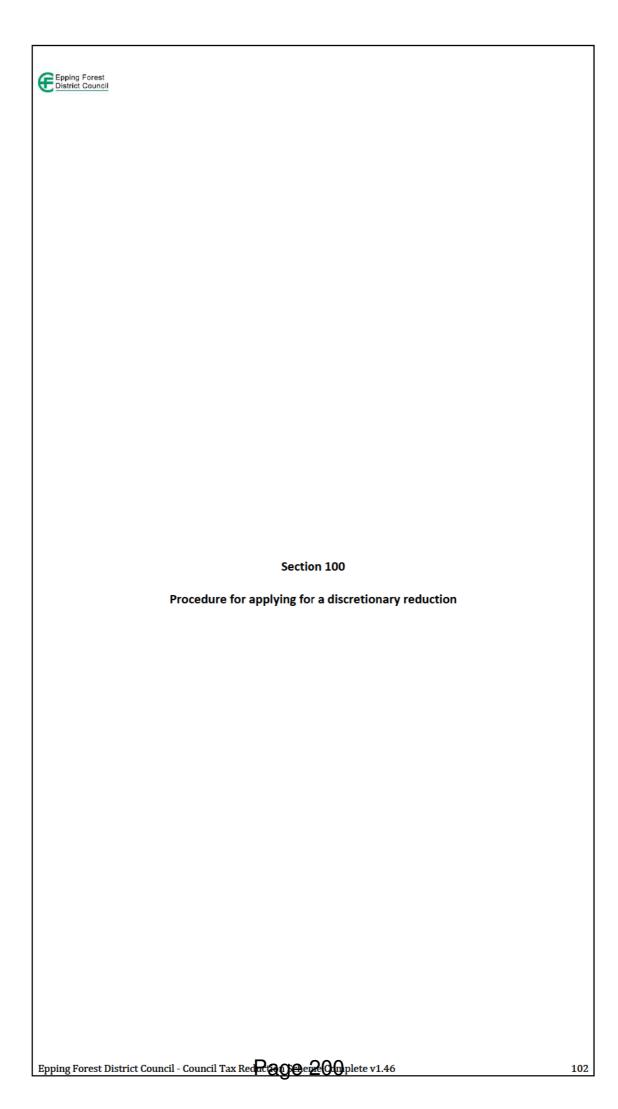
Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax





- 99.0 Procedure by which a person may make an appeal against certain decisions of the authority²⁹
- 99.1 A person who is aggrieved by a decision of the authority under its scheme may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 In the circumstances mentioned in sub-paragraph (1) the authority must
 - consider the matter to which the notice relates;
 - notify the aggrieved person in writing; (b)
 - (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 subparagraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal.

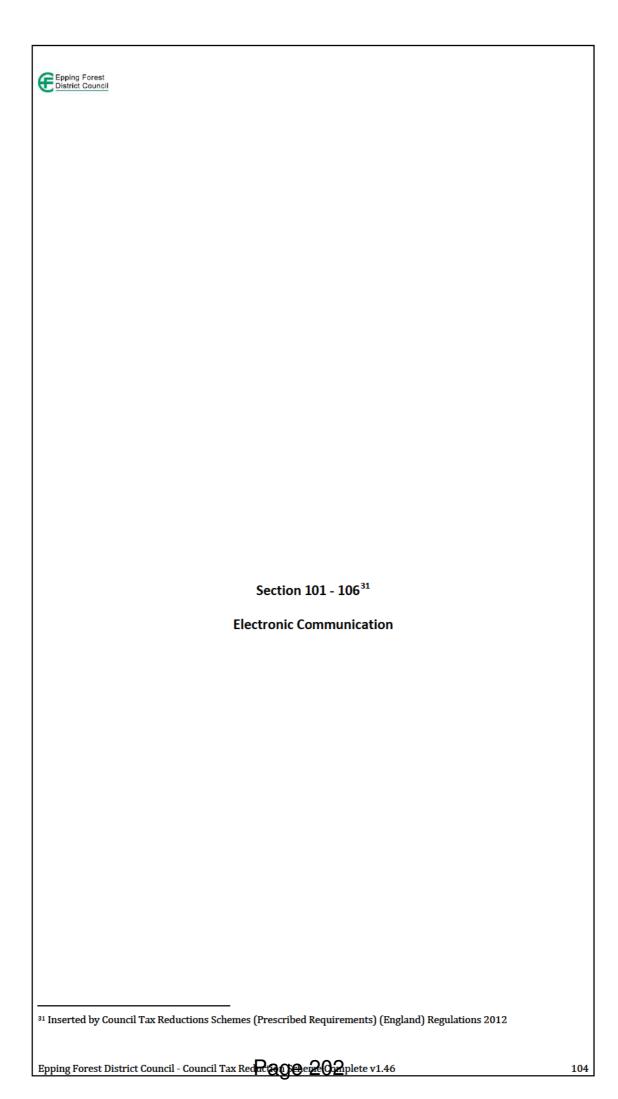
²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012





- 100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act 30
- 100. 1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act must be made;
 - in writing, (a)
 - (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:
 - in writing,
 - by any means acceptable to the authority. (b)

³⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012





101.0 Interpretation

- 101.1 In this section "official computer system" means a computer system maintained by or on behalf of the authority for sending, receiving, processing or storing of any claim, certificate, notice, information or evidence. The authority may use an electronic communication in connection with claims for, and awards of, reduction under this scheme.
- 101.2 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.
- 101.3 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.
- 101.4 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 claim or notice delivered by means of an electronic communication; and
 - (d) subject to paragraph (7), submitting to the authority any claim, certificate, notice, information or evidence.
- 101.5 The third condition is that any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purposes of this section
- 101.6 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.
- 101.7 Where the person uses any method other than the method approved of submitting any claim, certificate, notice, information or evidence, that claim, certificate, notice, information or evidence shall be treated as not having been submitted.
- 101.8 In this paragraph "approved" means approved by means of a direction given by the Chief Executive of the authority for the purposes of this scheme.

102.0 Use of intermediaries

- 102.1 The authority may use intermediaries in connection with;
 - (a) the delivery of any claim, certificate, notice, information or evidence 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.

103.0 Effect of delivering information by means of electronic communication

- 103.1 Any claim, certificate, notice, information or evidence which is delivered by means of an electronic communication shall be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed;
 - (a) by this scheme; and



(b) by or under an enactment,

are satisfied.

- 103.2 The authority may, by a direction, determine that any claim, certificate, notice, information or evidence is to be treated as delivered on a different day (whether earlier or later) from the day provided for in paragraph (1).
- 103.3 Information shall 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.

104.0 Proof of identity of sender or recipient of information

- 104.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of;
 - (a) the sender of any claim, certificate, notice, information or evidence delivered by means of an electronic communication to an official computer system; or
 - (b) the recipient of any such claim, certificate, notice, information or evidence delivered by means of an electronic communication from an official computer system,

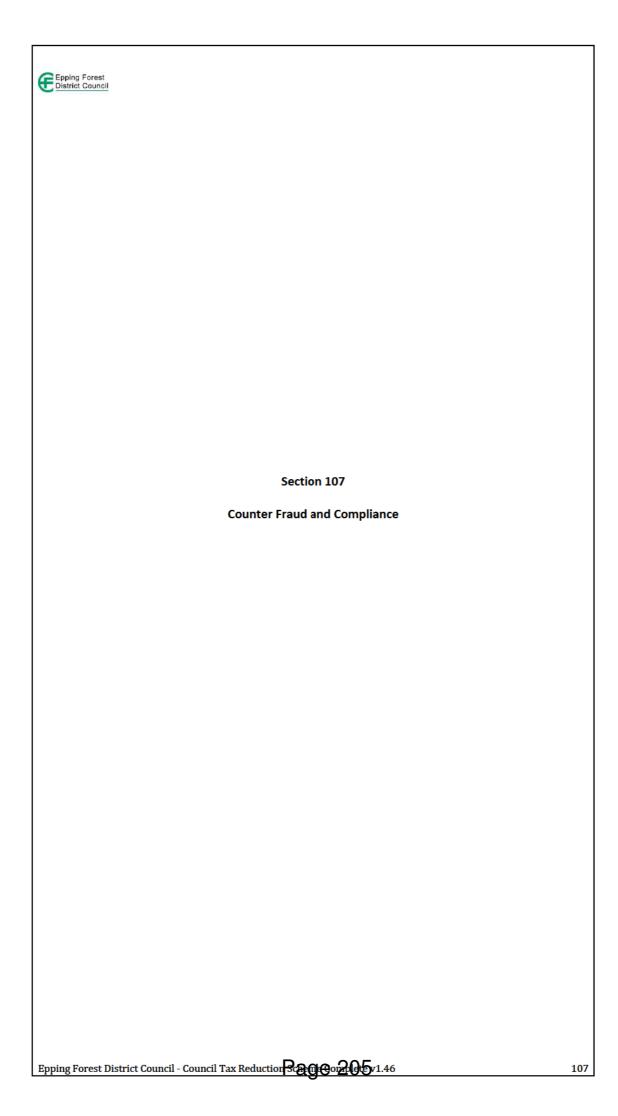
the sender or recipient, as the case may be, shall be presumed to be the person whose name is recorded as such on that official computer system.

105. Proof of delivery of information

- 105.1 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 claim, certificate, notice, information or evidence this shall be presumed to have been the case where;
 - (a) any such claim, certificate, notice, information or evidence has been delivered to the relevant authority, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or
 - (b) any such claim, certificate, notice, information or evidence has been delivered by the relevant authority, if the delivery of that certificate, notice, information or evidence has been recorded on an official computer system.
- 105.2 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 claim, certificate, notice, information or evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the relevant authority has not been recorded on an official computer system.
- 105.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such claim, certificate, notice, information or evidence sent by means of an electronic communication has been received, the time and date of receipt shall be presumed to be that recorded on an official computer system.

106.0 Proof of content of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any claim, certificate, notice, information or evidence sent by means of an electronic communication, the content shall be presumed to be that recorded on an official computer system.

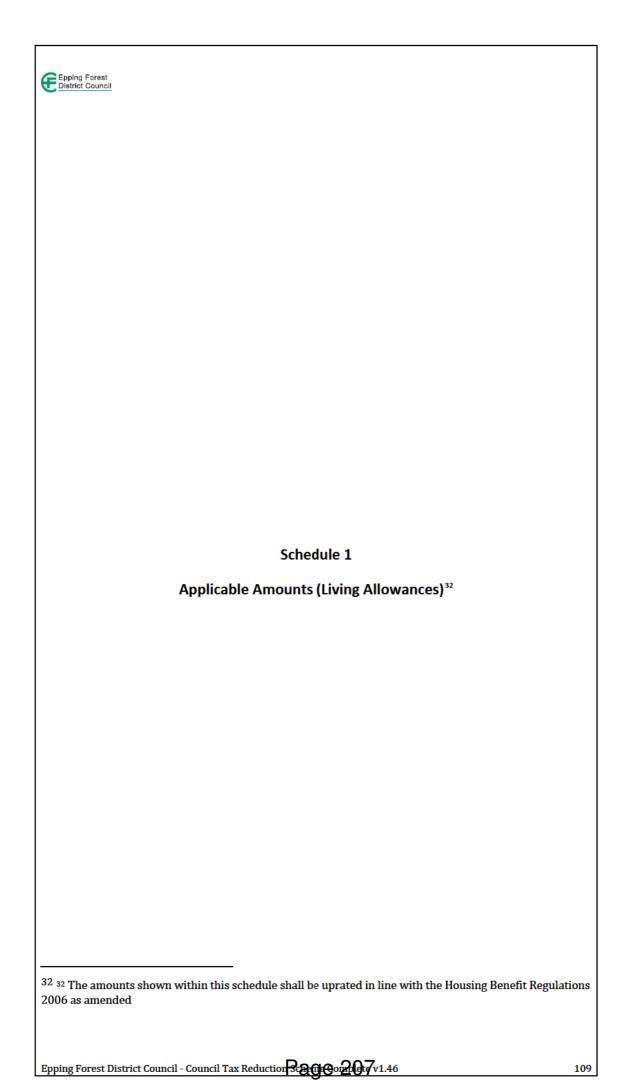




107.0 Counter Fraud and compliance

- 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;
 - 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 a
	are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be
	carried out successfully





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	Column 2
Person or Couple	
1. A Single applicant who;	£71.00
a) is entitled to main phase employment and	
support allowance	
b) is aged not less than 25	£71.00
c) is aged not less than 18 but less than 25	£56.25
2. Lone Parent	£71.00
3. Couple;	£111.45
a) Where the applicant is entitled to the main	
phase of employment and support allowance	
b) Where one member is aged not less that 18	£111.45

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;	£64.99
(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.	£64.99

(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, £17.40;



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-
 - 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 a
 - 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
 - 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 enhanced rate of the daily living allowance of the personal independence payment under the Welfare Reform Act 2012

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 13 to 16, 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 Premiums

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	£30.35
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£43.25
Severe Disability Premium a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	£58.20
 b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006 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); 	£58.20
ii. in a case where there is no one in receipt of such an allowance	£116.40
Disabled Child Premium	£56.63 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
Carer Premium	£32.60 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £22.89 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) £14.80 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) £21.30 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.

The components

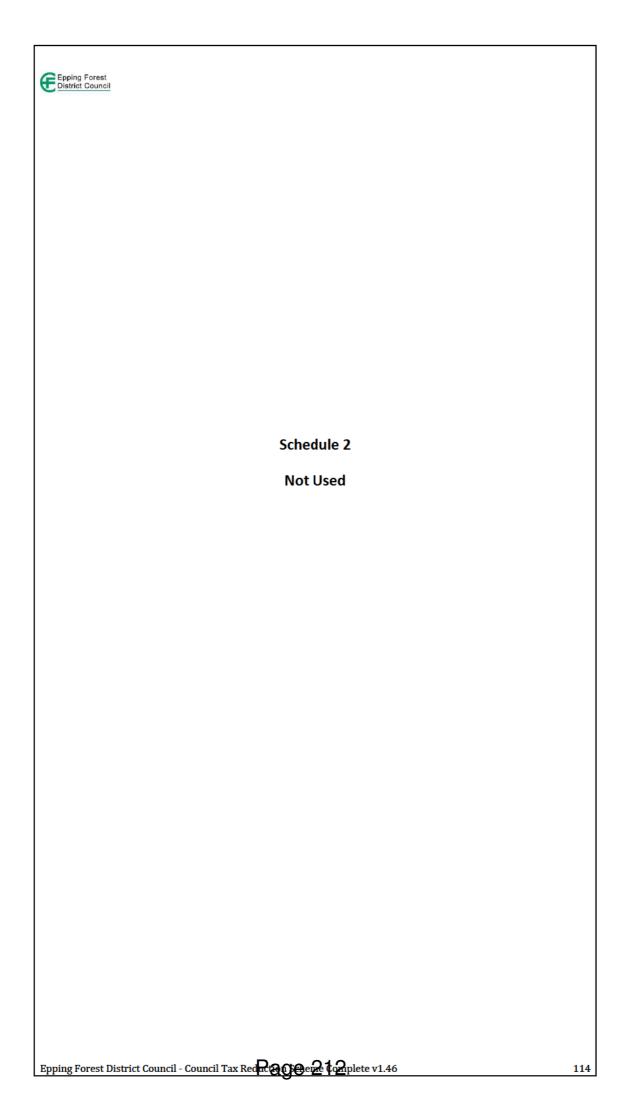
- **17.** The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006
- **18.** The amount of the work-related activity component is £28.15. The amount of the support component is £34.05

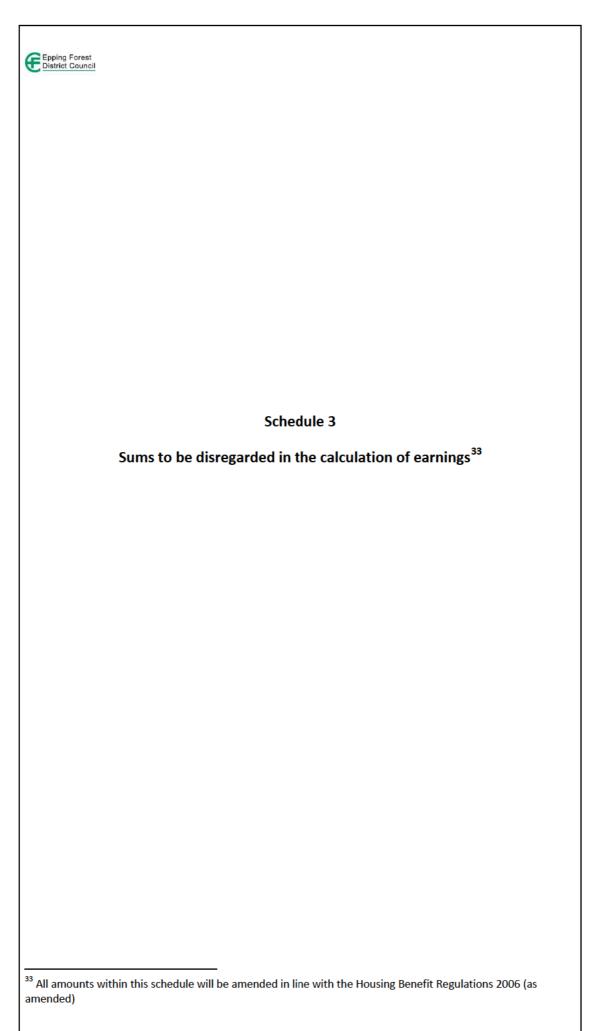
Transitional Addition

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







- 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 subparagraph (2).

- (2) If the applicant's partner is engaged in employment;
 - 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').

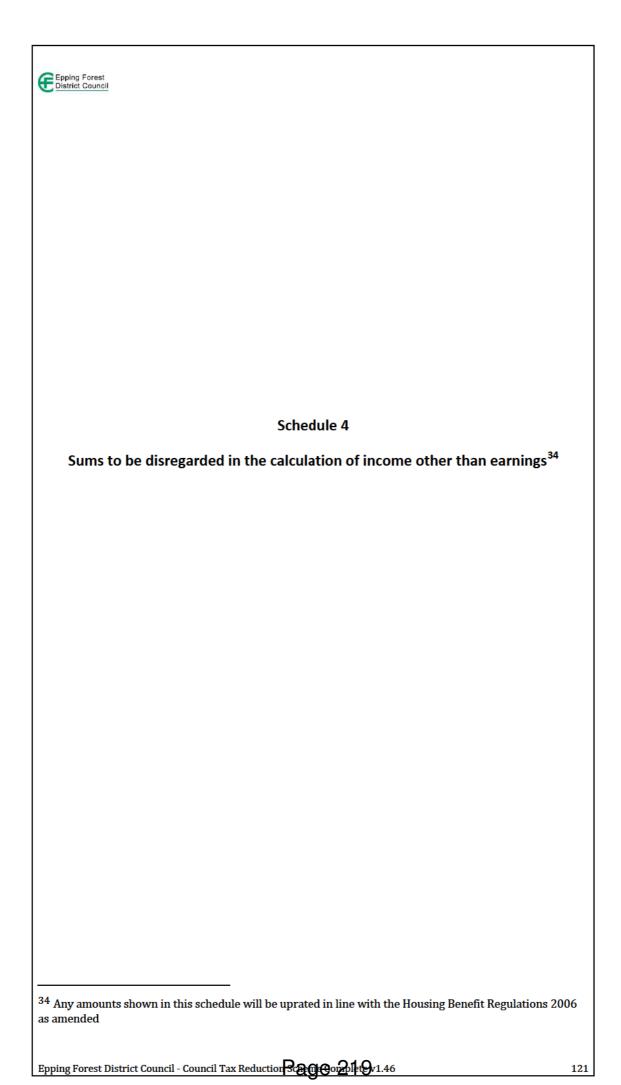
- (2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.
- (3) Notwithstanding section 15 (calculation 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.





- 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, 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
- 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 1983or 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) section14 or section181 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).
- 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 stepparent, 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 subparagraph (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



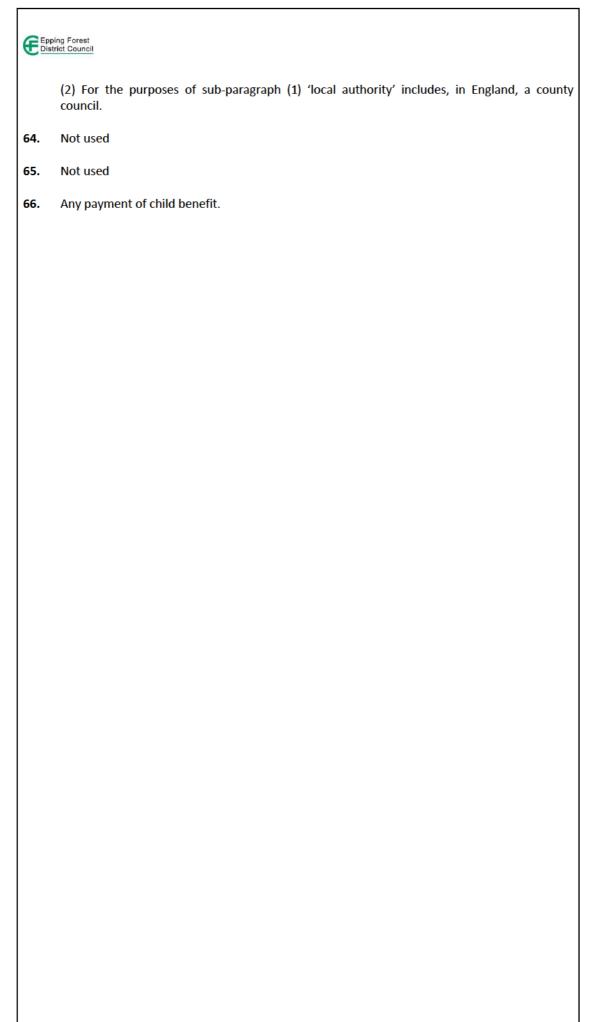
- (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 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

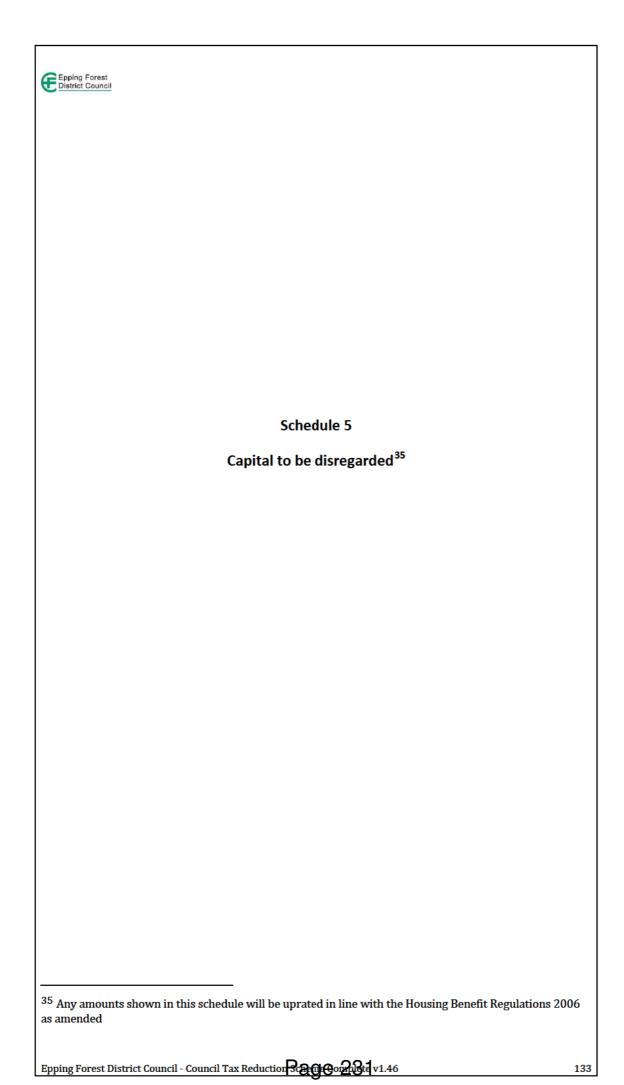
56A.-56B. Not used

- 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
- **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.







- 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 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 selfemployed 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 stepparent, 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 subparagraph (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 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;

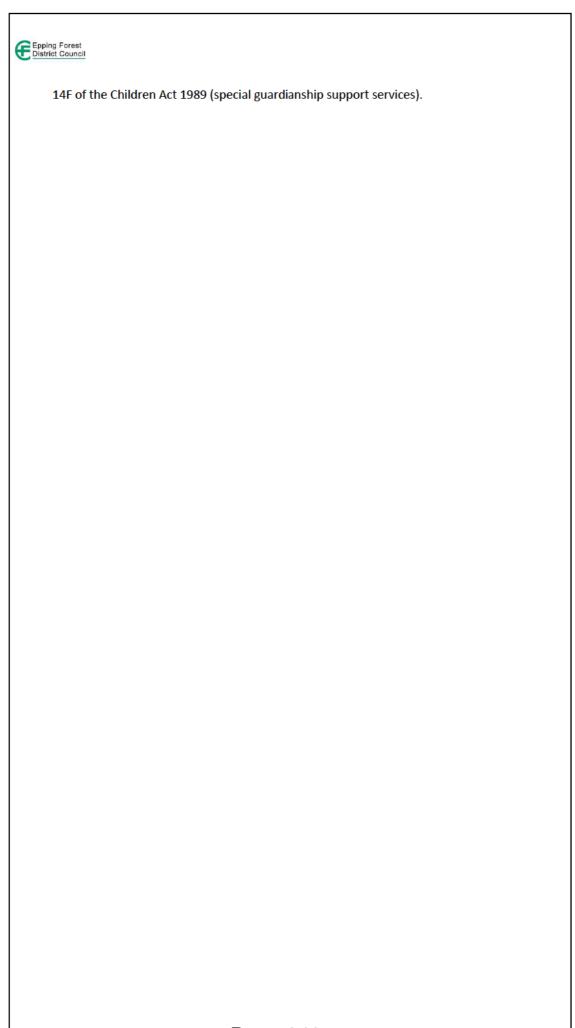
'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

'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



Epping Forest District Council

Local Council Tax Support Exceptional Hardship Policy

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1.0 Background

- 1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist applicants for Council Tax Support who are facing 'exceptional hardship'. The fund has been created to provide further assistance where an applicant is in receipt of Council Tax Support but the level of support being paid by the Council does not meet their full Council Tax liability.
- 1.2 The EHF will be available to any applicant (whether pension or working age) where their daily award of Council Tax Support does not meet 100% of their Council Tax liability (less any appropriate discounts and non dependant deductions).
- 1.3 The main features of the fund are as follows:
 - The Exceptional Hardship Fund will be cash limited;
 - The operation of the Fund will be at the total discretion of the Council;
 - The Fund will be operated by the Benefits Division on behalf of the Council;
 - There is no statutory right to payments from the fund although the Council will consider all applications received;
 - Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
 - Exceptional Hardship Fund payments will only be available from 1st April 2013 and will not be available for any other debt other than outstanding Council Tax;
 - A pre-requisite to receive a payment from the Fund is that an amount of Council Tax Support **must be in payment** for any day that an EHF payment is requested;
 - Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
 - Exceptional Hardship Payments are designed as a short-term help to the applicant only and it is expected that payments will be made for a short term only; and
 - All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.

2.0 Exceptional Hardship Fund and Equalities

- 2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.
- 2.2 The Council recognises the importance of protecting our most vulnerable customers and also the impact of the changes imposed by the removal of Council Tax Benefit by Central Government.
 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not support a lifestyle or lifestyle choice. Whilst

the definition 'Exception Hardship' is not exactly defined by this policy, it is accepted that changes to the level of support generally will cause financial hardship and any payment made will be at the total discretion of the Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in the accessibility to the Fund and also the decisions made with applications.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:
 - a. Make a separate application for assistance;
 - b. Provide full details of their income and expenditure;
 - c. Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non essential expenditure;
 - d. Identify potential changes in payment methods and arrangements to assist the applicant;
 - e. Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
 - f. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
- 4.2 Through the operation of this policy the Council will look to
 - Allow a short period of time for someone to adjust to unforeseen short-term circumstances
 and to enable them to "bridge the gap" during this time, whilst the applicant seeks
 alternative solutions;
 - Enable long term support to households in managing their finances;
 - Help applicants through personal crises and difficult events that affect their finances;
 - Prevent exceptional hardship;
 - Help those applicants who are trying to help themselves financially; and
 - Encourage and support people to obtain and sustain employment.

- 4.3 It cannot be awarded for the following circumstances:
 - Where full Council Tax liability is being met by Council Tax Support;
 - For any other reason, other than to reduce Council Tax liability;
 - Where the Council considers that there are unnecessary expenses/debts etc and that the applicant has not taken reasonable steps to reduce these;
 - To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly; or
 - To cover previous years Council Tax arrears

5.0 Awarding an Exceptional Hardship Fund Payment

- 5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be.
- 5.2 When making this decision the Council will consider:
 - The shortfall between Council Tax Support and Council Tax liability;
 - Whether the applicant has engaged with the Exceptional Hardship Payment process;
 - If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;
 - The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
 - The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist;
 - Shortfalls due to non-dependant deductions;
 - The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
 - How reasonable expenditure exceeds income;
 - All income received by the applicant, their partner and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Support scheme;
 - Any savings or capital that might be held by the applicant, their partner and any member of their household irrespective of whether the capital may fall to be disregarded under the Council Tax Support scheme;
 - Other debts outstanding for the applicant and their partner;
 - The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
 - The length of time they have lived in the property; and
 - The amount available in the Exceptional Hardship Fund at the time of the application

- 5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.
- 5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.
- 5.5 An Exceptional Hardship Fund payment may be less than the difference between the Council Tax liability and the amount of Council Tax Support paid. The level of payment may be nil if the authority feels that, in its opinion, the applicant is not suffering 'exceptional hardship' or where the applicant has failed to comply with the Exceptional Hardship process.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council. The application form can be obtained via the telephone, in person at one of the Council offices and/or via the Council's website.
- 7.2 Applicants can get assistance with the completion of the form from the Benefits Division of the Council.
- 7.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person entitled to Council Tax Support. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed which either increases or reduces their Council Tax support entitlement.

9.0 Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
 - Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

- Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

- 14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.
- 14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.
- 14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.

- 14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.
- 14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

- 15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.
- 15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

16.1 The Council's 'Compliments and Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about this policy.

17.0 Policy Review

17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Report to the Council

Committee: Cabinet Date: 18 December 2012

Portfolio Holder: Councillor S-A Stavrou

(Finance and Technology)

TECHNICAL REFORMS OF COUNCIL TAX

Recommending:

- (1) That with effect from 1 April 2013 properties under Section 11A of the Local Government Finance Act 1992 and fall within Class B of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 classified as unoccupied and furnished (Second Homes) receive a discount of 5%;
- (2) That with effect from 1 April 2013 properties in need of major repair as defined under Section 11A(4A) of the Local Government Finance Act 1992 and fall within Class D of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 receive a discount of 50% for twelve months;
- (3) That with effect from 1 April 2013 properties which are unoccupied and substantially unfurnished as defined under section 11A(4A) of the Local Government Finance Act 1992 as defined under Class C of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 receive a discount of 100% for a period of three months after which a discount of 0% will apply; and
- (4) That with effect from 1 April 2013 properties which are long-term empty dwellings for over two years under Section 11B of the Local Government Finance Act 1992 will be charged a Council Tax premium of 50%.

OR IF IT IS NOT POSSIBLE TO REACH AN ACCEPTABLE AGREEMENT WITH THE MAJOR PRECEPTORS TO SHARE THE INCOME FROM THESE CHANGES –

- (1) That with effect from 1 April 2013 properties under Section 11A of the Local Government Finance Act 1992 and fall within Class B of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 classified as unoccupied and furnished (Second Homes) receive a discount of 10%;
- (2) That with effect from 1 April 2013 properties in need of major repair as defined under Section 11A(4A) of the Local Government Finance Act 1992 and fall within Class D of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 receive a discount of 100% for twelve months;

- (3) That with effect from 1 April 2013 properties which are unoccupied and substantially unfurnished as defined under section 11A(4A) of the Local Government Finance Act 1992 as defined under Class C of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 receive a discount of 100% for a period of six months after which a discount of 50% will apply for a further six months; and
- (4) That with effect from 1 April 2013 properties which are long-term empty dwellings for over two years under Section 11B of the Local Government Finance Act 1992 will not be charged a Council Tax premium.

Background

1. The Local Government Finance Act 2012 contains three main areas to the reform of local government finance namely, the local retention of business rates, the localisation of council tax support and technical reforms of council tax. A report on the localisation of council tax support appears elsewhere on the Council agenda and this report focuses on the technical reforms of council tax. The main areas of the technical reforms allow for greater council discretion over some discounts and exemptions and these will be dealt with in turn. It is necessary for the Council to determine its position as regards the technical reforms in order to establish the Council Tax base for 2013/14.

Second Homes Discount

- 2. Second homes are classified as those dwellings that are unoccupied but remain furnished. The Act allows councils to levy up to full Council Tax on second homes. The current provisions under the Local Government Finance Act 1992 allow for councils to apply a discount between 10% and 50%. This Council currently applies a discount of 10% but now has the discretion to reduce this to 0%.
- 3. The 10% discount figure is important as additional revenue raised by reducing the discount on second homes is not set off by any reduction in formula grant. Having a discount provides an incentive for owners to identify their properties as second homes and consequently, without this, there may be no way of establishing second homes and the extra revenue that should be retained locally. The additional revenue that would be retained from this is relatively small affecting 248 properties which could raise a maximum of £37,000, although a more realistic figure from experience of pursuing such amounts would be around £25,000. There is an agreement with Essex County Council, the Fire and Police Authorities, which expires at the end of this year, that 50% of the additional revenue is retained by the District Council.
- 4. Accordingly, we recommend that the 10% discount is reduced to 5% so that additional income will arise but an incentive remains for owners to identify their properties as second homes.

Empty Properties Discount

- 5. A major aspect of the technical reforms is on empty homes ie. those which are both empty and substantially unfurnished. The reforms are intended to increase the ability of councils to bring empty homes back into use. Council Tax has a range of property exemptions (see Appendix 1 attached) and has scrapped Classes A and C.
- 6. Class A relates to properties that are undergoing or in need of major repair. Currently an owner may receive 100% exemption for up to 12 months subject to meeting the necessary criteria. The Government has given councils the discretion to issue a discount between 0% and 100% for 12 months. We have been informed that the number of properties affected is 54 which is relatively small with the maximum revenue raised £80,000, although from experience collection levels would be around 90% as there would some resistance as traditionally this has been an exempt category. Therefore we

anticipated that £72,000 could be raised of which the District Council would retain around £7,000. We wish to add a note of caution here in that cases under this category could be any affected by flooding or major damage such as fire. We are of the opinion it would be reasonable that owners of such properties receive some relief for a period of 12 months, so it is proposed to reduce the current 100% discount to 50%. Should there be no discount then the only other provision would be granting relief under s13a of the Local Government Finance Act 1992 on such hardship cases. However, the costs of granting such a relief under s13a would be borne wholly by the District Council and not shared with the other major precepting authorities.

- Class C relates to properties that are vacant ie. unoccupied and substantially unfurnished. The Council currently has 541 of these properties and they receive a full exemption for up to six months. After this period under the discretions under s11a of the Local Government Finance Act 1992, 50% discount is received for a further six months before 100% becomes payable. Within the 2012 Act, the Government is allowing discretion to apply a discount between 0% and 100% for between 0 to six months. The number of properties affected is 541 and the maximum revenue raised would be around £400,000, but collection levels would be from experience around 50%, so £200,000 would probably be realised with the District Council retaining £20,000. We wish to point out that there are a number of factors to consider in relation to applying a discount level in this respect. Should the discount be applied at a low level then it would result in a large number of small debits being raised which would not be costeffective to collect and subject to write-off. In addition, a sufficient period of discount would be recommended to ensure the amount of debit is cost-effective to pursue and would allow such council tax payers such as landlords sufficient time to find new tenants. The danger with restricting any discount is that, as a landlord, the District Council would be affected by any decisions. On balance it was felt reasonable to retain a 100% discount but to reduce the time limit to three months, after which the full charge is payable.
- 8. An additional discretion is available for councils to implement an empty homes premium. A premium would be payable on a dwelling if it has been empty and unfurnished for at least two years. The maximum premium allowable would be 50%. An owner of such a property would be liable for 150% of the Council Tax on that property. The Government has consulted further on the premium to exclude certain categories of long-term empty property such as those that are genuinely on the market for sale or letting. It is anticipated, as with Standard Community Charge that avoidance issues would be prevalent with these cases and collection rates which are generally lower with empty property liabilities would be even lower in these cases. However, it was felt that it was important to provide an incentive to bring these properties back into use and so a premium of 50% is recommended.

Resource Implications

- 9. The above changes which are available from 1 April 2013 come at a time when there is great risk and uncertainty around local government finance, particularly with the introduction of the local retention of business rates and localisation of council tax support. The District Council as billing authority incurs the cost of the additional administration associated with the potential changes whereas the beneficiaries of the income are predominantly Essex County Council and the Police and Fire Authorities. We believe that the benefit of any additional income to the District Council at this stage would be outweighed by the increased risk to on-going collection processes if the major precepting authorities do not agree to share an adequate proportion of their income.
- 10. Throughout the process of implementing the various reforms to local government finance there has been good co-operation across the county and there is no reason to assume that this will not continue. However, as set out above, the implementation of the technical reforms would not be financially viable without support from the major preceptors and so the alternative set of recommendations will be adopted if it is not possible to reach an agreement. Negotiations are ongoing and an oral updated will be provided to confirm their outcome and the discounts that will be applied to the Council Tax for the various classes of dwellings.

Recommendation

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

Appendix 1 Current exemptions from council tax

Class Description

- A Vacant dwellings where major repair works or structural alterations are required, under way or recently completed (up to twelve months). [This exemption is subject to reform].
- B Unoccupied dwellings owned by a charity (up to 6 months)
- C A vacant dwelling (i.e. empty and substantially unfurnished) (up to six months). [This exemption is subject to reform].
- D A dwelling left unoccupied by people who are in prison.
- E An unoccupied dwelling which was previously the sole or main residence of a person who has moved into a hospital or care home.
- F Dwellings left empty by deceased persons (6 months from date of probate).
- G An unoccupied dwelling where the occupation is prohibited by law.
- H Unoccupied clergy dwellings.
- I An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and who has moved to receive personal care.
- An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and who has moved in order to provide personal care to another person.
- K An unoccupied dwelling where the owner is a student who last lived in the dwelling as their main home.
- L An unoccupied dwelling which has been taken into possession by a mortgage lender.
- M A hall of residence provided predominately for the accommodation of students.
- N A dwelling which is occupied only by students, the foreign spouses of students or school and college leavers
- O Armed forces' accommodation
- P A dwelling where at least one person who would otherwise be liable has a relevant association with a Visiting Force.
- Q An unoccupied dwelling where the person who would otherwise be liable is a trustee in a bankruptcy.
- R Empty caravan pitches and boat mooring.
- S A dwelling occupied only by a person, or persons, aged under 18.
- T A dwelling which forms part of a single property which includes another dwelling and may not be let separately from that dwelling, without a breach of planning control.
- U A dwelling occupied only by a person, or persons, who is or are severely mentally impaired who would otherwise be liable to pay the council tax or only by one or more severely mentally impaired person
- V A dwelling in which at least one person who would otherwise be liable is a diplomat.
- W A dwelling which forms part of a single property, include at least one or other dwelling, and which is the sole or main residence of a dependent relative of a person who is resident is the other dwelling.

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Agenda Item 13

Report to the Council

Committee: Cabinet Date: 18 December 2012

Portfolio Holder: Councillor H Ulkun

CALENDAR OF MEETINGS 2013/14

Recommending:

That the Calendar of Council Meetings for 2013/14 attached an Appendix to this report be adopted.

- 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. We have considered a draft calendar for 2013/14 based on the current year's calendar, with approximately the same number of meetings.
- 3. The calendar we are recommending for 2013/14 retains where possible:
- (a) all Cabinet and Cabinet Committees on a Monday or a Thursday;
- (b) all Overview and Scrutiny Panels on a Tuesday;
- (c) all Area Plans Sub-Committee meetings on a Wednesday; and
- (d) all miscellaneous Committee meetings on a Thursday.
- 4. We wish to draw attention to the following proposed exceptions and changes:
- (a) the Council is required to agree its Statutory Statement of Accounts by 30 September each year and in order to provide as much time as possible for the Accounts to be finalised we are recommending that the Council meeting in September 2013 be held on Thursday 26 September rather than a Tuesday;
- (b) there is a Licensing Task and Finish Scrutiny Panel currently undertaking a review of the Licensing Committee arrangements including the possibility of having additional meetings of the Licensing Sub-Committee held in the evening; in order to accommodate this option if it is adopted we have made provision for an additional meeting each month to be held on a Thursday evening;
- (c) at the request of the current membership of the Housing Appeals and Review Panel we are recommending that meetings be moved from Thursday afternoons to Monday afternoons:

- (d) additional meetings of the Safer, Cleaner, Greener Scrutiny Panel and the Constitution and Member Services Scrutiny Panel are proposed to reflect their current workloads;
- (e) an additional meeting of the North Weald Airfield and Asset Management Cabinet Committee is scheduled to consider issues arising from the strategic review of the Airfield;
- (f) additional meetings of both the Finance and Performance Management Cabinet Committee and the Finance and Performance Management Scrutiny Panel are planned to aid the budget process and a "joint" meeting is scheduled in January to consider the draft budget;
- (h) there are occasional instances where a Scrutiny Panel is scheduled on a Tuesday evening, but this is to enable the retention of a quarterly meeting schedule.
- 5. The proposed calendar continues to keep Friday evenings free of meetings and encroachment into August has been kept to a minimum. As a result there is a gap of only one week between the Cabinet and the Council in July and any recommendations from the former will need to be tabled at the Council meeting. However, we consider this is preferable to having a Council meeting in August.
- 6. The frequency of Area Plans Sub-Committee meetings was changed in 2011/12 from a three weekly cycle to a four weekly cycle. We have noted that this change has had little impact on the relevant Key Performance Indicators, and we are suggesting that this revised frequency of meetings be continued.
- 7. We adjusted the draft calendar presented to us to ensure wherever possible meetings have not been scheduled to coincide with major religious festivals.
- 8. We ask members to note that the proposed calendar is very congested and the organisation of any additional meetings will need careful consideration.
- 9. As we are not proposing any significant changes to the calendar we have been unable to identify any savings and wish to point out that there will be an increase in costs if there are additional meetings of the Licensing Sub-Committee held in the evening.
- 10. We recommend as set out at the commencement of this report.

Epping Forest Dis	trict Co	ouncil	Calenda	ar of Mee	etings 2	2013/14	<u>1</u>							
		2013								2014				
Meeting		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<u>Executive</u>														
Council	(·)	21st		30th		26th		5th	17th		18th(20th)		22nd	20th
Cabinet	(·)		10th	22nd		9th	21st		2nd		3rd	3rd	7th	
FPM Cab Comm	■ (•)		20th			19th		14th		20th		20th		
NWA & AM Cab Comm				11th			10th		5th		13th		10th	
Local Plan Cab Comm				1st		2nd		18th		27th		24th		
<u>Scrutiny</u>														
OS Committee	■ (•)		4th	16th		3rd	15th	26th		28th	25th		1st	
Finance & Perf Mgmt			11th			17th		12th		20th		11th		
Housing				23rd			22nd			21st		25th		
Planning Services			18th			10th			10th				8th	
Safer, Cleaner, Greener				9th			29th			7th	11th		15th	
mstitution & Mbr Serv's			25th			24th		19th		14th		18th		
Planning Planning														
© istrict Development	■ (•)		26th		21st		16th		11th		19th		16th	
Nans East	■ (•)	22nd	19th	17th	14th	18th	9th	6th	4th	15th	12th	12th	9th	14th
∰ans West	■ (•)	8th	5th	3rd-31st	28th	25th	23rd	20th	18th	29th	26th	26th	23rd	28th
Plans South	(å)	15th	12th	10th	7th	11th	2nd-30th	27th		8th	5th	5th	2nd	7th
<u>Licensing</u>						T			ı					
Licensing Committee							9th						9th	
Licensing Sub (Day)			11th	9th	6th	10th	8th	12th	10th	7th	4th	4th	8th	
Licensing Sub (Evening)			20th	18th	15th	5th	17th	21st	19th	16th	13th	10th	17th	
<u>Miscellaneous</u>									l					
Audit & Governance	(·)		27th			23rd		28th			6th		3rd	
Housing Appeals Panel			3rd	8th	5th	2nd	7th	4th	9th	13th	10th	10th	14th	
Joint Consultative Comm				25th			24th			23rd			24th	
Local Councils Liaision	(c)			4th				7th				6th		
Standards Committee			13th			12th			12th			13th		
Local Highways Panel														
Webcast meeting Easter 2014			14	Fri 18-Apr-14 - Mon 21-Apr-14			Local Elections Thu 1-May-14							

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Agenda Item 14

Report to Council

Date of meeting: 18 December 2012

Subject: Overview and Scrutiny report to Council – November 2012



Contact for further information: Councillor Richard Morgan

Recommendation:

That the Overview and Scrutiny progress report from November 2012 to the present be noted.

Overview and Scrutiny Committee Meeting – 27 November 2012

- 1. At our meeting on Tuesday, 27 November 2012 we received four members of the Epping Forest Youth Council who had come to give a presentation on the work they had undertaken over the past year and update us on the work planned for the year ahead. They were also there to request their annual bid for a £12,000 DDF funding in the Council's draft budget for 2013-14.
- 2. The Committee were very impressed with their presentation and what they had to say about the work they had carried out, the training they undertook, the volunteer initiatives for 2013-14 and the clear and concise way they answered our questions.
- 3. The Youth Councillors asked that the Committee recommend to the Cabinet to approve a DDF bid for £12,000 funding in the Council's draft budget for 2013-14.
- 4. However, we formally recommended to the Cabinet that from next year, the 2013/14 financial year, this bid be transferred to the Continuing Service Budget so that the Youth Council need not make an annual bid from the District Development Fund.
- 5. Despite this, we would still like them to attend our Committee on an annual basis to update us on their work and achievements.
- 6. We also noted the progress made in relation to the achievement of the Council's Key objectives for 2012-13 for the first six months of the year and reviewed the work programmes for all the Standing and Task and Finish Panels for the first six months of this municipal year.

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EPPING FOREST DISTRICT COUNCIL

LEADER DECISION Ref No: 7/2012/13

Subject: Chief Executive Appraisal Panel (CEAP)

Decision:

(1) That a CEAP be established;

- (2) That the CEAP be led by the Leader of the Council who shall be responsible for the following:
- (a) agreeing 6-8 clear, measurable and challenging personal objectives for the Chief Executive for discussion with the CEAP;
- (b) ensuring that each objective reflects the personal impact on the Chief Executive's broad accountabilities and challenges and is accompanied by performance measures and timescales:
- (c) conducting an annual appraisal in an appropriate format with the assistance of an external facilitator and two members of CEAP;
- (3) That the membership of CEAP be as set out below:

Chairman: Leader of the Council

Members: Deputy Leader (Councillor S Stavrou)

Councillor R Bassett (Portfolio Holder and Chairman of the Joint

Consultative Committee)

Councillor A Grigg (Portfolio Holder)

Councillor A Lion

Adviser: GatenbySanderson

- (4) That the terms of reference for the CEAP be as follows:
- (a) to consider the draft personal objectives of the Chief Executive and to give advice to the Leader of Council on the final version of those objectives;
- (b) to receive reports (at a frequency to be determined) from the Leader of the Council and the Chief Executive on progress with the achievement of the latter's personal objectives and on any developmental requirements identified; and
- (5) That, in conducting the annual appraisal of the Chief Executive, the Leader of the Council be accompanied by the Deputy Leader and the Chairman of the Joint Consultative Committee, plus an external facilitator.

Explanatory Note:

- 1. At the Council meeting on 18 June 2012 (Minute 19(3)(c)), the Leader of Council was required to carry out regular review meetings with the Chief Executive at a frequency which meets the best interests of the Council, together with an annual appraisal.
- 2. Pursuant to the Council's decision and to the requirements of the Chief Executive's contract of employment for clear and measurable performance management and supervision, the Leader of the Council has put in place the following:
- (a) the appointment of a CEAP to assist and support him in the formulation of the Chief Executive's personal objectives and monitoring of progress in achieving them;
- (b) arrangements for an annual appraisal meeting (in a format to be agreed) with the Chief Executive including support from two members of the CEAP and an external facilitator.
- 3. The Leader of the Council has appointed four Councillors as members of the CEAP to assist in this process, including the Deputy Leader and the Chairman of the Joint Consultative Committee.

Legal and constitutional powers:	Local Government and Housing Act 1989 (Section 4)
	Local Government Act 1972 (Section 112).

Signed:	Chris Whitbread, Leader of the Council, Epping Forest District Council	
Date:		

PU/IW

Z/CSS/BUREAU/COMMM/CHIEF EXECUTIVE APPRAISAL PANEL/LEADER DECISION – CHIEF EXECUTIVE APPRAISAL PANEL