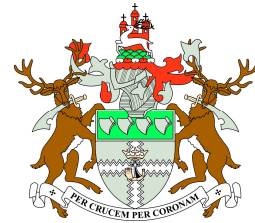


Council Agenda



Epping Forest District Council

NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 17 December 2013 for the purpose of transacting the business set out in the agenda.

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

Glen Chipp
Chief Executive

**Democratic Services
Officer:**

Council Secretary: Ian Willett
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

WEBCASTING/FILMING NOTICE

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

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

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

If you have any queries regarding this, please contact 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 Chief Executive will read the following announcement:

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

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

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

2. MINUTES (Pages 7 - 62)

To approve as a correct record and sign the minutes of the meeting held on 5 November 2013 (attached).

3. DECLARATIONS OF INTEREST

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

4. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

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

5. PUBLIC QUESTIONS (IF ANY)

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

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

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

6. QUESTIONS BY MEMBERS UNDER NOTICE

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

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

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

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

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

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

7. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 63 - 86)

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 Transport Portfolio Holder;
- (i) Report of the Support Services Portfolio Holder.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

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

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

its inhabitants.

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

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

In accordance with the Council Procedure Rule 12.8, a time limit of 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.

9. MOTIONS

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

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

10. REPORT OF THE CABINET - LOCAL COUNCIL TAX SUPPORT SCHEME 2014/15 (Pages 87 - 234)

To consider the attached report.

11. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATE - PURCHASE OF LEASEHOLD INTEREST - PROPERTIES IN TORRINGTON DRIVE, LOUGHTON (Pages 235 - 236)

To consider the attached report.

12. REPORT OF THE CABINET - CALENDAR OF COUNCIL MEETINGS 2014/15 (Pages 237 - 242)

To consider the attached report.

13. OVERVIEW AND SCRUTINY (Pages 243 - 286)

- (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:
 - (i) Report of the Overview and Scrutiny Review Task and Finish Panel – attached.

14. DIRECTORATE RESTRUCTURING (Pages 287 - 318)

(Chief Executive) To consider the attached report of the Head of Paid Service.

The Council is asked to note that Appendix 2 (advice from the Council's appointed legal adviser on the new structure) will be circulated separately or tabled.

15. REPORT OF THE LICENSING COMMITTEE - STREET TRADING - MARKETS (Pages 319 - 322)

To consider the attached report.

16. REPORT OF THE LICENSING COMMITTEE - TEMPORARY ROAD CLOSURE ORDERS (Pages 323 - 326)

To consider the attached report.

17. REPORT OF THE LICENSING COMMITTEE - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - TAXI METERS (Pages 327 - 366)

To consider the attached report.

18. CALL-IN AND URGENCY - NORTH WEALD MASTER PLAN - APPOINTMENT OF CONSULTANTS (Pages 367 - 368)

To note the attached decision taken by the Chairman of the Council to waive the call-in provisions of the Overview and Scrutiny Rules.

19. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (Pages 369 - 374)

- (a) To receive from Council representatives the attached reports on the business of the following joint arrangements and external organisations and to receive answers to any questions on those bodies which may be put without notice:

- (i) Waltham Abbey Town Partnership (Councillor H Kane)(attached);
- (ii) Waltham Abbey Royal Gunpowder Mills Ltd (Councillor H Kane)(attached);and
- (iii) Stansted Airport Community Trust Fund (Councillor R Morgan).

- (b) To request written reports from representatives on joint arrangements and external organisations for future meetings.

20. 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 Paragraph Number	Information
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:** 5 November 2013
- Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.00 pm
- Members Present:** Councillors Mrs M Sartin (Chairman), A Boyce (Vice-Chairman), K Angold-Stephens, K Avey, R Bassett, Mrs H Brady, W Breare-Hall, G Chambers, K Chana, T Church, 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, J Markham, A Mitchell MBE, R Morgan, J Philip, Mrs C Pond, B Rolfe, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, Ms S Watson, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, N Wright and J Wyatt
- Apologies:** Councillors Mrs T Cochrane, R Cohen, H Mann, G Mohindra, B Sandler and D Wixley
- Officers Present:** G Chipp (Chief Executive), J Leither (Democratic Services Assistant), G Lunnun (Assistant Director (Democratic Services)), D Macnab (Deputy Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), R Perrin (Democratic Services Assistant), P Seager (Chairman's Secretary), I Willett (Assistant to the Chief Executive) and T Carne (Public Relations and Marketing Officer)
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51. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive 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.

52. MINUTES

RESOLVED:

That the minutes of the meeting held on 26 September 2013 be taken as read and signed by the Chairman as a correct record.

53. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

54. ANNOUNCEMENTS

- (a) **Announcements by the Chairman of the Council**
 - (i) **The Roydon Play area**

The Chairman reported that she attended the official opening of a Play area within her ward in Roydon, which had come about through local parents efforts and the Parish Council and had been funded by the County Council.

(ii) Youth Celebrations – 29 October 2013

The Chairman reported that the Youth Council had held a Youth Celebrations event at the Civic Offices on 29 October 2013 to celebrate different youth groups within the District. The event was held to recognise the volunteer groups and promote a travel card wallet and volunteering guide for young people which had been produced by the Youth Council. The Chamber was transformed by lighting and music with the evenings entertainment including singers, dancers and musicians. Certificates were handed out to the youth groups and guest speakers spoke about the volunteering opportunities. She advised that it had been an inspiring evening and very informative about what the District provides for volunteering, training and funding for young people.

(iii) Epping Forest District Museum Closure and Refurbishment

The Chairman reported that she attended the closing party of the Epping Forest Museum in Waltham Abbey on 1 November 2013. The event celebrated the start of a 18 month refurbishment provided by Heritage Lottery funding, which would create more space for collections, an activity room and a lift, making the museum more accessible to all, due to be completed by 2015.

(iv) Red Cross Essex Branch Annual Assembly

The Chairman reported that she had attended the Red Cross Essex Branch Annual Assembly which had included the celebration of two long service awards for residents within the District. The first being Councillor Morgan's wife, Mrs Jean Morgan, for 25 years service and Kay Ericson for over 40 years service, although one member at the event had received an award for over 60 years service.

(v) Floral Display

The Chairman announced the she intended to send the flowers from tonight's meeting to Alder House, Cheshire Home in Chigwell.

(b) Announcements by the Leader of the Council

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

(c) Announcements by Portfolio Holders

There were no announcements to be made under this heading.

55. PUBLIC QUESTIONS (IF ANY)

(a) North Weald Airfield

(i) By Mr T Blanks to Councillor Grigg, Asset Management and Economic Development

"Now that the future of North Weald Airfield has been resolved and secured by EFDC what immediate and long term plans do the Council have to improve the airfield's financial viability?"

Response by Councillor Grigg, Asset Management and Economic Development Portfolio Holder

“Whilst acknowledging the real progress that the Cabinet has made in relation to the future of North Weald Airfield, with particular reference to the commissioning of the Drivers Jonas Deloitte report and the decision taken at the Cabinet on the 22 July 2013, I would sound a note of caution that much work still needs to be done.

The master planning exercise approved by Cabinet is in hand. Consultants has been appointed, with a brief to report on the first phase of their work by Christmas 2013, and phase two by the end of March 2014.

However I can confirm that, in tandem with the on going work, the Council is actively pursuing revenue generating proposals to improve the financial viability of the Airfield. This work is being undertaken not only by officers from across the Council's Directorates but by specialist external advisers.

Whilst these projects are subject to discussion and detailed negotiation, I am not able to be specific for reasons of commercial confidentiality. I will of course report further through the appropriate channels when able.”

56. QUESTIONS BY MEMBERS UNDER NOTICE

There were no questions by Members under notice.

57. 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 Transport Portfolio Holder and the Support Services Portfolio Holder.

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

(a) The Leader of the Council

Councillor Whitbread advised that he had attended a joint meeting of the Essex Leaders and Chief Executives, where the Regional Returning officer for the European Parliament Elections in May 2014 gave an update on preparations. The Leader advised that they also received a presentation on the establishment of an Employment Skills Board for the County. The intention behind the new Board was to achieve a greater level of involvement and influence from the Business Community, to ensure that young people leaving Further Education had the skills and abilities that employers were practically seeking.

Continuing with the theme of young people, he advised the Council that nine apprentices had now started the Council's Apprenticeship Scheme and wished them well in their future employment with the District Council.

Councillor Whitbread reported that he had attended a event hosted by the County Council and the Phoenix Publishing and Media Group at the former Little Chef and Motel on the A414 near North Weald on the 3 October 2013. Phoenix were a major Chinese publishing company who were refurbishing the site as a centre for promoting

Chinese Cultural Industries across the UK and Europe. He stated that this initiative should attract groups of Chinese business people and tourists to the area, supporting the local economy and also produce employment opportunities.

The Leader advised that he toured the District with Councillor Kevin Bentley, the County Council Portfolio Holder for Economic Development, visiting a number of employment and tourism sites across the area. He stated that Councillor Bentley was greatly impressed with their potential and this was a useful exercise, to create a greater understanding and to identify opportunities to work together with the County Council.

Councillor Whitbread advised that another area of common interest with the County Council had been the new Waste Management Contract. He had recently met with the County Council Cabinet member responsible for waste disposal, with Councillor Breare-Hall, who had provided more detail about the County's desire to renegotiate aspects of the Inter-Authority Agreement, within his Environment Portfolio Holder report.

The Leader drew attention to the training session on Safeguarding Children and Vulnerable Adults he had attended on 26 October 2013. It had been the current focus as a result of the recent high profile cases and high level of media interest. He advised members that everyone had a duty to protect children and vulnerable adults with whom they came into contact with, in their role as elected Members and those people who use the Councils services. The Leader felt that it was very important for all members to have an appropriate level of safeguarding training, and was in discussion with officers as to how this could be achieved.

(b) Planning Portfolio Holder

Councillor Bassett reported that an update session for Members on the legal issues and the weight that needed to be given to the reports for the Local Plan would be on 18 November 2013.

(c) Leisure and Wellbeing Portfolio Holder

Councillor Webster confirmed that Stage 3 of the Tour de France would be passing through the District on 7 July 2014. The stage would start in Cambridge and go through other areas in Essex onto Willingale, Fyfield, Morton, North Weald, Epping, along the A104 through the Epping Forest, Loughton, Buckhurst Hill and into London. She advised that this would be a great way to promote the District and committed to work with Town and Parish Councils.

58. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Leisure Strategy

Councillor J H Whitehouse referred to the written report of the Leisure and Wellbeing Portfolio Holder regarding the Leisure Strategy and asked whether the Strategy would involve just the leisure centres or the wider leisure needs and if the latter how the public would be consulted.

Councillor Webster, Leisure and Wellbeing Portfolio Holder stated that the Leisure and Cultural Strategy was in its early stages and that it would cover all aspects of leisure and cultural provision. Currently officers were gathering information and that consultation with the District's residents would be required. Councillor Webster

advised that a Portfolio Holder Decision had been signed to establish the Advisory Group on Leisure and Culture Strategy.

(b) Mobile Homes presentation evening on 3 October 2013

Councillor Rolfe referred to the success of the information evening regarding the Mobile Homes Act 2013 and asked if this method of communication would be used in relation to updating residents.

Councillor Stallan, Housing Portfolio Holder advised that the evening had received positive feedback from all involved parties. Even though the subject matter was at times a little heavy, it was felt that further consultation and information on agreements between mobile home owners and site owners could be organised.

(c) Car Park Tariffs

Councillor Jacobs asked whether the Safer, Greener and Transport Portfolio Holder would consider differentiating the car park tariffs across the District and with this in mind consider not increasing the first half an hour or first hour tariff.

Councillor Waller, Safer, Greener and Transport Portfolio Holder advised that the consistent approach of the car parking tariffs across the District would become a more demand led tariff structure, dependant on the situation in each location. Parking would become the priority as a lack of parking could damage high streets. He advised members that he would keep them updated with the situation and welcome members' comments on future proposals.

(d) Increase of Business Rate

Councillor J Whitehouse asked the Asset Management and Economic Development Portfolio Holder which section of the economy she thought would provide the greatest growth and what action she would be taking to make these areas flourish.

Councillor Grigg, Asset Management and Economic Development Portfolio Holder advised that the Council was working towards an Economic Strategy that was a key objective, and she was awaiting evidence from a consultant, which would then be brought forward to the Cabinet. With regards to the conversions of business units to residential units, the Cabinet had brought forward the decision to purchase the Bridgeman House in Waltham Abbey and looked to keep business units. She advised that to offset the businesses moving to the Enterprise Zone in Harlow, the Council had identified a number of viable business sites in the District and would be looking to increase employment on the Airfield following the Cabinet's decision.

(e) Green Deal

Councillor Jenny Hart asked whether the Council would be signing up to the Green Deal provider, so that the finances could be accessed by residents.

Councillor Waller, Safer, Greener and Transport Portfolio Holder advised that the Council had not yet signed up to the Green Deal, as it had not lived up to expectations and there were many uncertainties. He would keep the Green Deal under constant review.

(f) Highways Panel Funding

Councillor Leonard asked the Leader of the Council what could be done about the half a million pounds that had been reallocated from the Local Highway Panel for the provision of white lines and foot way repairs in other areas of the county.

Councillor Whitbread, Leader of the Council advised that he would prefer to see the funding spent within the District, although it was the responsibility of the County Council.

By invitation of the Council, Councillor Knapman, Chairman of the Local Highway Panel advised that there had been a year and half delay in the spending the 2011/12 funding, which had thirty projects approved by the Epping Forest Local Highway Panel. The funding from these projects would be what was being spent in the other areas of the county for white lines and footways, although the County Councillor responsible for Highways had agreed that the Council would receive some of the funding within the District.

He continued that the next tranche of funding had been made available and would implement the previous years projects, which would start in January 2014.

(g) Parking Issues

Councillor Markham referred to a resident in Clifton Road, Loughton that had to purchase a parking permit from North Essex Parking Partnership for carers who visited her husband with a terminal illness. Councillor Markham asked the Safer, Greener and Transport Portfolio Holder to approach the Partnership to change this policy.

Councillor Waller, Portfolio Holder for Safer, Greener and Transport stated that he was sorry to hear of the circumstances of that resident but that Civil Enforcement Officers were not able to make concessions themselves. He said he hoped the Partnership would view this matter sympathetically and he would be gladly liaise with the Partnership on this and similar issues in the future.

(h) Waste Contract

Councillor Angold-Stephens asked the Portfolio Holder for Environment whether he agreed that the minutes of last Cabinet meeting, regarding the Waste Contract which had made reference to a third wheeled bin should also have referred to the Council giving the consideration for an 'opt in or out' arrangement for a significant minority of residents with terrace houses or small gardens.

Councillor Breare-Hall, Portfolio Holder for Environment agreed that the 'opt and in and out' option had been mentioned at the meeting and would be considered in the complete dialogue stage of the waste procurement contract. He said in order to comment on whether this should have been minuted, he would have to review the proceedings.

(i) Broadway Parking

Councillor Jennie Hart asked the Portfolio Holder Safer, Greener and Transport whether the Broadway Parking Review was any closer and if so, could he advise of a date.

Councillor Waller, Portfolio Holder for Safer, Greener and Transport advised that the Broadway Parking Review would take place after the Buckhurst Hill Parking Review had been completed. He advised that they were making good progress with the

Buckhurst Hill Review and he was helpful the first part would be completed early in 2014. The forecast for expenditure was not likely to over run and there should be sufficient funds to complete the both reviews.

(j) Major Contracts and Leases - Broader Impact on Reserves

Councillor Watson thanked the Finance and Technology Portfolio Holder for the written reply to the question she has asked at the last Council meeting regarding the account of the North Weald Airfield market operator. She pointed out that income streams were reducing which would put a strain on the Council's reserves. In light of this she asked the Portfolio Holder if anything was being done to look at the financial soundness of the market operator and others with whom the Council had a major contract or lease and if so, what impact this might have on the Council's reserves.

Councillor Stavrou, Portfolio Holder for Finance and Technology advised that the reserves and revenue were reviewed continuously, along with the external factors that could affect them. She offered to provide more detailed information to councillor Watson outside of the meeting.

(k) Sainsbury's Redevelopment

Councillor Knapman referred to the derelict condition of the area in the vicinity of the Sainsbury's store at The Broadway. He said he was aware plans were being discussed for refurbishment works including a new Sainsbury's store, demolition of other lock-up shop units and a new car park. He asked the Asset Management and Economic Development Portfolio Holder, if she could take steps to speed up the process

Councillor Grigg the Portfolio Holder for Asset Management and Economic Development stated that Stobarts (agent for the leaseholder of the site) had closed several shops in the area with a view to redeveloping the site. She said she understood Stobarts had agreed terms with Sainsbury's for the proposals outlined by Councillor Knapman and confirmed that Council officers were having discussions regards regarding the matter. She said she anticipated submitting a report to members before the end of the year.

59. MOTIONS

The Chairman reported that there were no motions to be considered at this meeting.

60. REPORT OF THE CABINET - 94/94A LAWTON ROAD, LOUGHTON

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

Councillor Grigg presented a report on the reasons for the release of covenants and right of pre-emption for 94/94A Lawton Road, Loughton.

Report as first moved ADOPTED

RESOLVED:

That the restrictive covenants and right of pre-emption in paragraphs (a), (b) and (c) of the Third Schedule of a Conveyance dated 6 January 1955 in respect of 94/94a Lawton Road, Loughton be released for the consideration of £127,500.

61. REPORT OF THE CABINET - ESTATES AND VALUATION SECTION - ADDITIONAL POST

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

Councillor Grigg submitted a report seeking a supplementary estimate for the appointment of an additional post of a Valuation and Development Surveyor during the current financial year.

Report as first moved **ADOPTED**

RESOLVED:

That a supplementary estimate of £12,681 be approved for 2013/14 to enable the appointment of an additional post of Valuation and Development Surveyor to be made during the current financial year.

62. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATE - BRIDGEMAN HOUSE, WALTHAM ABBEY

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

Councillor Grigg submitted a report seeking a supplementary capital estimate for the purchase of the leasehold interest in the second floor of Bridgeman House, Waltham Abbey and the possible refurbishment work if required.

Report as first moved **ADOPTED**

RESOLVED:

That a supplementary capital estimate in the sum of £654,000 be approved for the purchase of the leasehold interest in the second floor of Bridgeman House, Waltham Abbey and to the carrying out of refurbishment work, if required.

63. 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.

Councillor Morgan informed the Council that Youth Council would be attending the Overview and Scrutiny Meeting on the 26 November 2013.

(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 Panels

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

64. REPORT OF THE DISTRICT DEVELOPMENT CONTROL COMMITTEE - SCHEME OF OFFICER DELEGATION FOR DEVELOPMENT CONTROL FUNCTIONS - PROPOSED CHANGES

Mover: Councillor Wyatt, Vice Chairman of the Committee

Councillor Wyatt presented a report proposing revisions to the Scheme of Delegation to allow prior approval applications submitted as a result of the recent changes to permitted development rights to be determined by the Director of Planning and Economic Development with the Proper Officer making the consequential amendments to the Constitution.

Councillor Wyatt sort leave of the Council to amend paragraph g) of Appendix A (Matters to be Determined by the Relevant Committee)to read;

“(g) Applications, including certificate of lawfulness in respect of existing use and development’ recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal.”

First Amendment moved by Councillor Watts and seconded by Councillor Knapman

“That paragraph (g) be removed from Appendix A (Matters to be Determined by the Relevant Committee) and that a protocol be drawn up and submitted to the District Development Control Committee for consideration on how the words ‘which are material to the planning merits’ should be determined..

Withdrawn

Second Amendment moved by Councillor Watts and seconded by Councillor Knapman

“That the District Development Control Committee conduct a review of the operation of (paragraph g) of Appendix A (Matters to be Determined by the Relevant Committee)taking account of how often a local council objection has been ruled out of consideration on grounds of not being material to the planning merits.”

Carried

Report as amended including the amendment of the Vice Chairman ADOPTED

RESOLVED:

(1) That the changes to officer delegation in respect of Council Development Control Functions underlined in Appendix 1 to these minutes be approved;

(2) That the proper officer makes consequential amendments to the Constitution; and

(3) That the District Development Control Committee conduct a review of the operation (paragraph g) of Appendix A as amended taking

account of how often a Local Council objects has been ruled out as not being a material planning consideration.

65. REPORT OF THE LICENSING COMMITTEE - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Mover: Councillor Angold-Stephens, Chairman of the Committee

Councillor Angold-Stephens presented a report recommending the adoption of Hackney Carriage and Private Hire Licensing Policy.

Report as first moved **ADOPTED**

RESOLVED:

That the Hackney Carriage and Private Hire Licensing Policy attached in Appendix 2 to these minutes be adopted.

66. APPOINTMENTS TO VACANCIES ON COMMITTEES/PANEL

The Council considered nominations to fill vacancies which had arisen on the Audit and Governance Committee, the District Development Committee and Finance and Performance Management Scrutiny Panel

RESOLVED:

- (1) That Councillor Leonard be appointed a member of the Audit and Governance Committee for the remainder of the current municipal year;
- (2) That Councillor Jennie Hart be appointed a member of the District Development Control Committee for the remainder of the municipal year;
- (3) That the nomination of Councillor Mann to fill the vacancy on the Finance and Performance Management Scrutiny Panel be referred to the Overview and Scrutiny Committee for consideration.

67. AUDIT AND GOVERNANCE COMMITTEE - REPORT OF RECRUITMENT PANEL

Councillor Watts presented a report advising of the decision of the Appointment Panel appointed by the Council to select a co-opted member on the Audit and Governance Committee.

RESOLVED:

That the decision of the Appointment Panel appointed by the Council, to select Mr A Jarvis of Chigwell, to fill the vacancy for a co-opted member on the Audit and Governance Committee with effect from 26 September 2013, be noted.

68. CALL-IN AND URGENCY - ALL WEATHER PITCH, TOWN MEAD, WALTHAM ABBEY

The Council noted that the Chairman of the Council had agreed that the decision of the Leader of the Council (a) to waive the requirements of Contract Standing Order C4 (Chief Officer to obtain at least three quotations for contracts exceeding £25,000

but not exceeding £50,000) and, (b) to accept a quotation in the sum of £45,635.13 from S & C Slatter as the most financially advantageous for the completion of the All Weather Pitch at Town Mead, Waltham Abbey, should be treated as a matter of urgency and should not be subject to call-in.

69. LEADER DECISION - NORTH WEALD AIRFIELD AND ASSET MANAGEMENT CABINET COMMITTEE

The Council noted a decision taken by the Leader of the Council to amend the terms of reference and title of the North Weald Airfield and Asset Management Cabinet Committee. The Leader clarified the title as the Asset Management and Economic Development Cabinet Committee.

70. 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.

The Chairman advised that reports from representations on the Waltham Abbey Royal Gunpowder Mills, Stansted Airport Community Trust Fund and one other would be reported at the next Council meeting on 17 December 2013.

CHAIRMAN

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COUNCIL MINUTES – 5.11.13 – APPENDIX 1

**CONSTITUTION
PART THREE
(RESPONSIBILITY
FOR FUNCTIONS)**

**PLANNING DIRECTORATE – DELEGATION OF
COUNCIL FUNCTIONS**

Schedule 1 – Development Control

Schedule 2 – Forward Planning and Related Functions

DEVELOPMENT CONTROL FUNCTIONS

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
<p>Care of the Environment</p> <p>District Development Control Committee (Minute 30 – 7.12.10)</p>	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36, 36A and 36B</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	No
<p>Development Control</p> <p>District Development Control Committee (Minute 30 – 7.2.10)</p> <p>Council Minute 29 – 28.6.11</p>	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p>	<p>1. Subject to Appendix A below, which are matters to be determined by Committee, to determine or decline to determine any:</p> <p>(a) planning applications;</p> <p>(b) applications for approval of reserved matters;</p> <p>(c) applications arising from any condition imposed on any consent, permission order or notice;</p> <p>(d) advertisement consents; and</p> <p><u>(e) listed buildings;</u></p> <p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request, and discharge of conditions.</p>	Yes (See Appendix A to this Schedule)

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	<p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2 as amended by SI 2008 No. 2362 and <u>SI 2013 No. 1101</u></p> <p><u>Town and Country Planning (Development Management Procedure) (Amendment) (England) Order 2013</u></p>	<p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p> <p>7. To obtain and use necessary powers of entry to the land in relation to the above.</p> <p>8. To determine or decline to determine any non-material amendments.</p> <p>9. <u>To determine applications for prior approval for:</u></p> <p><u>(a) Single storey rear extensions to dwellinghouses;</u></p> <p><u>(b) Class J applications for prior approval for change of use from Class B1a offices to Class C3 residential;</u></p> <p><u>(c) Class K applications for prior approval for change of use from Class B1, C1, C2, C2a and D2 to State funded school; and</u></p> <p><u>(d) Class M development - Change of use from agriculture building (between 150 – 500 square metres) to a flexible use falling either within Class A1(shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), B8 (storage and distribution), Class C1 (hotels) or D2 (assembly and leisure).</u></p>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
		Subject to consultation with ward members in the cases where a valid objection has been made and officers are minded to grant the application.	
Enforcement District Development Control Committee (Minute 30 – 7.12.10)	<p>Town and Country Planning Act 1990 (as amended), Part 7, section 171-190, 196 A, B, C, 198-200 214(A)-(D), 215-219, 220 or 221 and 224, 325, 330</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38, 88, 88A and 88B</p> <p>Local Government (Miscellaneous Provisions) Act 1982 (Section 37)</p>	<p>Authority for Director of Planning and Economic Development or Director of Corporate Support Services to:</p> <ol style="list-style-type: none"> 1. Issue Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy. 2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised. 3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the Director of Corporate Support Services, on their nominee, having regard to the evidence considers the circumstances to require urgent action. 4. Investigate if a temporary market has been held in breach of Section 37 of the 1982 Act. 5. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices. 6. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant. 7. Obtain and use powers of entry necessary in relation to the above. 	
	Town and Country Planning Act	8. To authorise direct action (or re-charge the cost of that action) in pursuit	Subject to

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	1990 (Section 178) (Council Minute 126 – 23.4.13)	of a valid enforcement notice under Section 178.	budget provision being available and to local District Councillors being notified

APPENDIX A: MATTERS TO BE DETERMINED BY THE RELEVANT COMMITTEE

- (a) Applications contrary to the provisions of an approved draft Development Plan or Development Plan, and which are recommended for approval;
- (b) Applications contrary to other approved policies of the Council, and which are recommended for approval;
- (c) Applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) Applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval);
- (e) The Council's own applications on its land or property which are for disposal;
- (f) Those applications recommended for approval where there are more than two expressions of objections received, material to the planning merits of the proposal to be approved, apart from approvals in respect of householder type developments, telecommunication masts, shop fronts and vehicular crossovers and "other" category developments (changes of use, advertisements, listed building consents, conservation area consents), where more than four expressions of objections material to the planning merits of the proposal to be approved are received;
- (g) Applications, including certificates of lawfulness in respect of existing use and development, recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) Applications referred by a District Councillor, whose own ward must be within the remit of the relevant Area Plans Sub-Committee and who has firstly notified the relevant Ward Councillors in advance, so long as the referral has been requested in writing to Officers within 4 weeks of that applications notification in the Weekly List;
- (i) Applications where the recommendation conflicts with a previous resolution of a Committee;
- (j) Applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Planning and Economic Development (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) Any other application which the Director of Planning and Economic Development considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment);
- (l) An application which would otherwise be refused under delegated powers by the Director of Planning and Economic Development but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

FORWARD PLANNING AND RELATED FUNCTIONS

Function	Relevant Legislation	Relevant Details	Exceptions
Forward Planning	Town and Country Planning Act 1990 Section 324 and 325	To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for planning permission	No
Buildings	Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8)	To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee. To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for Planning Permission	Yes
Dangerous trees on private land	Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24	Discretionary power to take action to make safe trees on private land, including to: (1) Obtain and use necessary Powers of Entry to the land; (2) Serve relevant notices; (3) Respond to appeals; (4) Undertake works directly where necessary; and (5) Recover expenses.	No
Countryside hedgerows	The Hedgerow Regulations 1997 Sections: 5 to 15 incl.	The responsibility to: (1) Regulate the removal of certain hedgerows;	No

Function	Relevant Legislation	Relevant Details	Exceptions
		<ul style="list-style-type: none"> (2) Issue relevant notices, including to require hedgerow replacement; (3) Respond to appeals; (4) Take necessary enforcement or legal action; (5) Obtain and use necessary powers of entry to the land; (6) Surveying land in connection with any hedgerow removal notice; (7) Ascertaining whether any offences have been committed under Regulation 7; and (8) Determination of whether a notice should be served under Regulation 8. 	
High Hedges	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80.	<p>The responsibility to:</p> <ul style="list-style-type: none"> (1) Deal with complaints in relation to the height of domestic hedgerows; (2) Issue, withdraw or relax the requirements or relevant notices; (3) Serve relevant documents regarding notifications; (4) Notify interested parties; (5) Respond to appeals; (6) Take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and (7) Obtain and use powers of entry necessary in relation to (1), (2), (3) and (6). 	No
Protection of trees	Town and County Planning Act 1990 (as amended) Part VIII	The duty and responsibility to:	No

Function	Relevant Legislation	Relevant Details	Exceptions
	Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B, C&D, 324	<p>(1) Take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Council Bulletin;</p> <p>(2) Amend, confirm, decide not to confirm or revoke such orders (i.e. TPOs) subject to reporting any objections regarding the making of the order to the relevant Area Planning Sub-Committee for this decision;</p> <p>(3) Determine applications for works to preserved trees (other than felling) except as set out below:</p> <p>(i) applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received;</p> <p>(ii) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal; and</p> <p>(iii) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member has notified the Ward Councillor in advance;</p> <p>(4) Take any necessary action in respect of claims for compensation;</p> <p>(5) Take action to ensure replacement planting where appropriate, by serving relevant notices, or by undertaking such planting directly and reclaiming the costs, and to publish any decision not to require replacement planting in the Council Bulletin;</p> <p>(6) Respond to appeals;</p> <p>(7) Take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with the Director of Corporate Support Service, including injunctive action and recovery of costs;</p>	

Function	Relevant Legislation	Relevant Details	Exceptions
		<p>(8) Take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary; and</p> <p>(9) Authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including to:</p> <p>(i) issue a warrant if admission has been refused or if a refusal is reasonably anticipated or if the case is urgent;</p> <p>(ii) to take samples of trees or soil; and</p> <p>(iii) for the authorised person(s) to take with them such other persons as may be necessary.</p>	

- Note: The authorities to undertake the stated functions, as set under the relevant sections shall be taken to be automatically updated to take into account changes, modifications and updating as they occur in the relevant legislation, subject to no new authorities being created. All references are to the legislation as currently amended.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

(Including Licence Conditions)

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1. INTRODUCTION

- 1.1 The purpose of licensing of the Hackney Carriage and Private Hire Vehicle ('PVH') trades is to protect the public. Epping Forest District Council ('the Council') is also aware that the public should have access to Hackney Carriages and PVH because of the part they play in local transport provision and the economy of the District.
- 1.2 In preparation of this policy the Council has had regard to:
- The Department of Transport Best Practice Guide, and
 - Existing legislation
 - The Provision of Services Regulations 2009 ,to ensure requirements are:
 - (i) non-discriminatory;
 - (ii) justified by an overriding reason relating to the public interest;
 - (iii) proportionate to that public interest objective;
 - (iv) clear and unambiguous;
 - (v) objective;
 - (vi) made public in advance, and
 - (vii) transparent and accessible

2. CONSULTATION

- 2.1 The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations who they consider may be interested in commenting on this policy before finalising and publishing this policy statement. The list of persons this Authority consulted is attached as appendix 1 to this statement.
- 2.2 The policy was approved at a meeting of the Full Council on ????, details are available in the Civic Offices and on the website.
- 2.3 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:
- Name: Senior Licensing Officer
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ
E-mail: Licensing@eppingforestdc.gov.uk
- 2.4 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

3. LICENSING OBJECTIVES

- 3.1 The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to protecting the public by promoting the following objectives:
- To ensure that safe, comfortable, reliable and accessible Hackney Carriage and Private Hire Vehicles are available for all who require them

- To ensure that all licensed drivers and Private Hire Operators are fit and proper persons
 - To provide clarity for licensees with respect to the Council's requirements and the decision making process
 - To promote a professional and respected Hackney Carriage and Private Hire trade
- 3.2 These objectives will be taken into account by the Council when making decisions.

4. DECISION MAKING IN RESPECT OF APPLICATIONS

- 4.1 The decision making powers of the Council may be carried out either by the Licensing sub-committee or by one or more officers acting under delegated authority. An indication of which applications will be heard by the sub-committee is shown in Appendix 4. The Council will in deciding these cases give priority to the safety of the public and their property.
- 4.2 When making a decision in respect of an application for a licence to drive a Hackney Carriage and/or Private Hire vehicle or to operate a Private Hire Vehicle the Council will take account of its Criminal Records Policy set out in Appendix 8.
- 4.3 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

5. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

Legislative background

- 5.1 Section 47(2) of the Town Police Clauses Act 1847 permits a District Council to require that a Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a Private Hire Vehicle licence provided the Council is satisfied that the vehicle is

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and
- Comfortable;
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Licence Conditions

- 5.2 The conditions of the Hackney Carriage Proprietors licence is attached as appendix 2 and the Private Hire Vehicle licence as appendix 3. If there is a breach of these licence conditions the matter may be referred to the Council's Licensing sub-committee for consideration or in the case of a serious or urgent breach the appropriate officers have delegated authority to decide whether to suspend or revoke a licence.

Vehicle Testing

- 5.3 Prior to the grant of a new vehicle licence the vehicle must have been tested by the Council's authorised testing station.

Age Limits

- 5.4 Vehicles under the age of five years then will require six monthly testing at the Council's authorised testing station, whereas those over five years must be tested at four monthly intervals.
- 5.5 Failure to have interim tests carried out in accordance with this policy is likely to result in the suspension of the licence and repeated offenders may be prosecuted in the magistrates' court

Vehicle Identification

- 5.6 The requirement for roof and other signs are specified in the licensing conditions.

Insurance

- 5.7 The Council requires proof that the vehicle is insured prior to the issue of a new licence or on renewal and may require the Proprietor to provide it with details of insurance at any time whilst there is a current licence.

Duration

- 5.8 Licences for vehicles can be granted by the Authority for up to one year.

Executive Status – For Private Hire Vehicles only

- 5.9 The Authority has a duty of care to ensure that all residents, professional clients and general customers travelling in private hire vehicles are safe and secure at all times and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and forbid the use of tinted windows.
- 5.10 The Council is prepared to recognise a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be permitted.
- 5.11 The vehicle must be a high quality, executive or prestigious vehicle and must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

- 5.12 The applicant must satisfy the Council that they intend to operate the vehicle for work of an executive or corporate nature and that they are required not to display plates. Two letters of reference not more than one month old are required when making the application and on each renewal of the licence.

6. DRIVERS

Legislative background

- 6.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”

Council’s requirements

- 6.2 Prior to issuing a new licence the Council requires:

- A Medical Certificate;
- A search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- The applicant must have passed the Council’s Knowledge Test;
- For those not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council’s website.

Driving Experience

- 6.3 The Council requires that an applicant must have passed his or her driving test at least three years prior to the application. This is to ensure that the driver has the necessary skills and experience to be a licensed driver.
- 6.4 If an applicant considers that an exception should be made then the sub-committee will consider the application taking account of the driving history of the applicant, whether the applicant has been employed as a driver, the type of work to be undertaken and any other matter which the applicant considers relevant to demonstrate his or her experience.

Duration

- 6.5 The Council usually issues a licence for a period of one year.

Renewals

- 6.6 When an application is made to renew the Council will require:
- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;

- a current doctor's certificate every five years for applicants of 45 years and over and every year at renewal for those applicants of 65 years and over;
- a copy of the driver's current driving licence;
- For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council's website.

- 6.7 Serious or frequent complaints about a driver will be taken into account when considering any renewal of a driver's licence.

7. PRIVATE HIRE VEHICLE OPERATORS

Legislative Background

- 7.1 Section 55 of the Local Government (Miscellaneous) Provisions Act 1976 states that the Council shall grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

Application

- 7.2. In order for an operator to prove that they are fit and proper they must provide evidence of:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- references

- 7.3 Proof of Public Liability Insurance must also be provided.

Insurance

- 7.4 The Council may require the Proprietor to provide it with details of public liability insurance at any time whilst there is a current licence.

Premises

- 7.5 In order to ensure that accurate regulation and realistic enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or intended operating centre is outside of Epping Forest district unless that applicant is renewing a licence which was previously granted by the Council at a time when their operating centre was located outside the district. A landline telephone number will be required to which bookings can be made. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings

8. LICENSING CONDITIONS

- 8.1 All Hackney Carriage Vehicle licences will be issued subject to the conditions specified in Schedule 5, those for Private Hire Vehicle Drivers licences those set out in Schedule 6 and those for Private Hire Vehicle Operators in Schedule 7.
- 9.2 The Council will take into account any failure to comply with these conditions when deciding whether a licence should be revoked, suspended or renewed.

9. ENFORCEMENT

- 9.1 Officers from the Licensing Service and Environment and Street Scene will aim to undertake enforcement fairly, providing advice where appropriate to ensure that drivers and proprietors fully understand the relevant legislation and conditions. Enforcement may be carried out in conjunction with other authorised bodies such as VOSA and police officers
- 9.2 Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Complaints received and warnings issued in relation to existing drivers and operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued or complaint received during this period, the original warning / complaint will be kept on file from the date of the most recent warning.

APPENDIX 1

LIST OF CONSULTEES

Solicitors	Maggie McEwen
Attwater & Liell Solicitors	Ann Mitchell
Berwin Leighton Paisner Solicitors	Gagan Mohindra
Curwens Solicitors	Richard Morgan
Foskett Marr Gadsby & Head	Stephen Murray
Whiskers LLP	John Philip
Hammonds solicitors	Caroline Pond
Jarmans Solicitors	Brian Rolfe
	Brian Sandler
Breweries	Mary Sartin
Mitchells & Butlers	Glynis Shiell
McMullen & Sons	Penny Smith
Star pubs & bars (was Scottish & Newcastle retail)	Peter Spencer
Greene King	David Stallan
Spirit group brewery	Syd Stavrou
	Tracey Thomas
EFDC Councillors	Haluk Ulkun
Kenneth Angold-Stephens	Gary Waller
Ken Avey	Lesley Wagland
Richard Bassett	Sylvia Watson
Anthony Boyce	Antony Watts
Heather Brady	Elizabeth Webster
Will Breare-Hall	Chris Whitbread
Gavin Chambers	Janet H Whitehouse
Kewal Chana	Jon Whitehouse
Tony Church	David Wixley
Tessa Cochrane	Neville Wright
Richard Cohen	John Wyatt
Colin Finn	
Ricki Gadsby	Chief Executive/Deputy Executive
Leon Girling	Glen Chipp
Peter Gode	Derek MacNab
Anne Grigg	
James Hart	EDFC Senior Officers
Derek Jacobs	Mike Tipping
Sue Jones	Nigel Richardson
Helen Kane	John Preston
Paul Keska	Kassandra Polyzoides
John Knapman	Paul Pledger
Yolonda Knight	Bob Palmer
Jeane Lea	Coleen O'Boyle
Lance Leonard	Jim Nolan
Alan Lion	David Newton
Harvey Mann	Alison Mitchell
John Markham	Paula Maginnis

Peter Maddock
Graham Lunnun
John Kershaw
Alan Hall
John Gilbert
EFDC Senior Officers Cont.
Qasim Durrani
Mike Chapman
Janet Twinn
Roger Wilson
Julie Chandler
MP'S
MP- Eric Pickles
MP- Eleanor Laing
MP - Robert Halfon
Town Councils
Loughton - Mrs Enid Walsh -
Ongar - Aimi Middlehurst
Waltham Abbey - Kathryn Richmond
Epping - Ash Tadjrishi
Parish Councils
Abbess, Beauchamp and Berners Roding
Willingale - Mr E Fenwick
Theydon Mount - Anne Brewitt
Theydon Garnon - Mrs D Corsi
Theydon Bois - Sally Crone
Stapleford Tawney - Wendy Heard
Stapleford Abbots - Mr Jeffrey Blatt
Stanford Rivers - Mrs K Hayden
Sheering - Mr D Harris
Roydon - Mrs J Ballard
North Weald - Clerk
Nazeing - Mr B Blunden
Moreton, Bobbingworth & Lavers - L. Peters
Matching - Mr Ernie Fenwick
Lambourne - Mrs R Spiller
High Ongar - DeborahTonkiss
Fyfield - Louise Vandermark
Epping Upland - Mrs V Evans
Chigwell - Kay Canning
Buckhurst Hill - Clerk
Town Centre Partnerships
Loughton High Road - Doreen Corsi
- Peter Sheen
Buckhurst Hill - Peter Angel
Epping - Barbara Ford
- Barry Seager
Loughton Broadway - Dave Stannard

Ongar Town Forum - Martyn Pattie
Waltham Abbey - Norma Green
Responsible Authorities
Epping Police Station - Peter Jones
Pollution & Public Health – Richard Gardiner
Public Health - Steven Harcher
Head of Child Protection ECC
Health and Safety Executive
Trading Standards
Essex Fire and Rescue
Planning - David Baker
Environment Agency
Licensing Administration, public health NHS
Taxi Operators
Ongar Cars
Sadlers Taxi's
Bassett Cars
VIP Cars
Abbey Cars
Elite cars
Chigwell Cars
Lawlor Cars Services
Mayflower Cars
Sadlers Taxi
Advance Cars
Olympic Taxis
EFTA
Churches
St Stephen's Church
St. Thomas More & St Edward Catholic Church
Church of the Immaculate Conception RC
Church Of The Assumption
St. Michael's Church
Epping Forest Youth for Christ
St. Nicholas Church
St. Thomas More Church
Harlow Magistrates Court
Trinity Church
Restore Community Church
St. John's Church
St. Edmund's Church
St. Mary's Church
Loughton Baptist Church
Holy Trinity Church
St John the Baptist Church, Epping
St Elizabeth Church, Buckhurst Hill
St. Winifreds Church of England
St. Mary's Church Chigwell

Restore Community Church
The Salvation Army
Lea Valley Church A.O.G
Life Church Epping - Pastor Lee Carmichael
Epping Forest Community Church
Churches Cont.
Chigwell & Hainault Synagogue
St Mary's Church
Waltham Abbey Church
St Mary the virgin
Holy Innocents
St Michael and All Angels
All Saints Church
Epping Elm Church
Buckhurst Hill Baptist Church
St James' Church
Fyfield Benefice Essex
St. James United Reformed Church
St. Mary the Virgin
St. Peters Church
The Forest Hill Evangelical Church
St. Helens Catholic Church
All Saints & St Giles Church
Loughton Synagogue
Theydon Bois Baptist Church
Epping Green Chapel
Epping District Team Ministry
Epping Methodist Church
St. Paul's Church
St. Johns Church
Waltham Abbey, Holy Cross and St Lawrence
St Thomas Uphire
All Saints
Federation of Synagogues
Chigwell & Hainault Synagogue
Kingdom Hall Of Jehovah's Witnesses
St Martin's Chipping Ongar & St Peter's Shelley
Greensted Church
St Martins C Of E Church
St Helens Catholic Church
The Parish Church of Saint Margaret
Other
Consumers association
Stephen Carpenter- McDonalds
Epping Voluntary Action
City of London
West Essex PCT
All Premises Licensed by EFDC
All Essex County Councillors
Local Strategic Partnership

Epping Forest Safety Strategy Panel
Union of Shop Distributive and Allied workers
Unison
Licensed Victuallers Association
Disabled Coalition Group
Transport and general workers union
Whipps Cross NHS Trust
Arriva Bus Company
Princess Alexandra NHS Trust
Rural Community Council of Essex
Transport and General Works Union
Equity
Environment Agency
Epping Forest Conservators
Epping Forest PCT
Essex Ambulance NHS Trust
Essex County Council
Essex Police Service
Essex Probation Service
(West Essex Local Delivery Unit)
Essex Tourist Bodies
General Municipal & Boilermakers union
Health & Safety Exec Essex
Lea Valley Park Authority
HM Revenues and Customs
Local Chambers of Commerce
Local Council Liaison Committee
Local Round Table
Loughton Residents Association
LUL Transport for London
Musicians Union
Citizens Advice Bureau
Campaign for the protection of rural England
Council for Voluntary Services
East Herts District Council (Licensing)
Association of Licensed Retailers
British Transport Police

APPENDIX 2

HACKNEY CARRIAGE VEHICLE LICENCE

CONDITIONS OF LICENCE

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. The Council considers that the following conditions are reasonably necessary for the regulation of hackney carriages in its district. These conditions may be amended or varied by the Council at any time.

The proprietor of the vehicle must ensure that the vehicle complies with the following conditions at all times:

VEHICLE LICENCE

Term of Licence

1. A Hackney Carriage Vehicle Licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned to the Council on termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. The licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Hackney Carriage plate. The plate must be kept clean.
5. A Hackney Carriage shall display a roof sign which shall be illuminated, and showing to the front and rear the word "TAXI", except when the vehicle is under hire.
6. The trade name, address and telephone number may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
7. Only licensing plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:
 - (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
 - (b) The centralised locking system should not be applied when carrying adult passengers.
 - (c) Seats with a minimum width of not less than 43cm per person.
 - (d) Accommodation for not less than four passengers.
 - (e) Be capable of carrying a wheelchair in a reasonable manner.
 - (f) The vehicle shall have minimum headroom of five feet.
 - (g) An adequate heating system for the passengers.
 - (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
 - (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
 - (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment which shall be kept in position at all times. This condition shall not apply to people carriers or multi purposes vehicles.
 - (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - (l) The vehicle should not be driven unless the driver's badge is clearly displayed.

Vehicle Inspections

9. The proprietor shall submit the vehicle for inspection on first application for a licence and for every renewal.
10. If the vehicle is less than five years old the proprietor of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date when the licence is issued at premises that are approved by the Council.
11. If the vehicle is over five years old at four monthly intervals.
12. The Council may require a vehicle to be inspected at any other time.
13. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Hackney Carriage, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

16. The inside and outside of a Hackney Carriage vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

17. A Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Convictions

18. The Proprietor shall notify the Senior Licensing Officer in writing of any conviction or police caution recorded against him or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Change of Address

19. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Failure to comply with any of the conditions will result in a referral to Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Knowledge of these conditions will form part of the Knowledge Test

APPENDIX 3

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles. The following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district will apply to all licences. These conditions may be amended or varied by the Council at any time.

The Proprietor of the Vehicle must ensure that the vehicle complies with the following conditions at all times.

VEHICLE LICENCE

Term of Licence

1. A Private Hire Vehicle licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned on the termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Private Hire Vehicle plate. The plate must be kept clean.
5. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
6. There shall be **no** display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or part of another word nor the word "FOR HIRE" in any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up passengers wishing to hire it or would be available if not already hired.
7. Only Licensing Plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:

- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) Centralised locking of the doors should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment shall be kept in position at all times. This condition shall not apply to people carriers or multi-purpose vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) Vehicles should not be driven unless the Driver's Badge is clearly displayed.

Vehicle Inspections

- 9. The licence holder shall submit their vehicle for inspection on first application and on every renewal.
- 10. If the vehicle is less than five years old the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date that the licence is issued at premises that are approved by the Council.
- 11. If the vehicle is over five years old it must be submitted for inspection at six monthly intervals.
- 12. The Council may require a vehicle to be inspected at any other time.
- 13. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

- 14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any

accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Private Hire Vehicle, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered to be offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

16. The inside and outside of a Private Hire Vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

17. A Non Halon Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Change of Address

18. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Convictions

19. The Proprietor must inform the Senior Licensing Officer in writing of any convictions or police caution recorded against him, or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 4

Exceptions to delegations to decide Driver's licences

In the following circumstances application for a Hackney Carriage or Private Hire Driver's Licence will be decided by the Licensing Sub-Committee:

1. If the application is contested
2. Where there are breaches of condition or related law in the preceding 12 months
3. An applicant fails to comply with the Council's licensing procedure, pass the Knowledge Test, or meet the age, experience, or medical fitness requirements
4. Where in the opinion of the Council's medical adviser (or a doctor nominated by him) an applicant is not medically fit to hold a licence to drive a Hackney Carriage or Private Hire Vehicle.
5. An applicant for a driver's licence has a criminal conviction relating to the following:
 - Any unspent conviction for theft or similar offence, or
 - A conviction for violence against the person,, or
 - Any unspent drug related offence, or
 - An offence relating to indecency or sexual offence, or
 - Any unspent conviction for drunkenness
6. An applicant has motoring convictions contained in the list below:
 - Disqualification for driving by a court for any reason within the preceding five years, or
 - An accumulation of 10 or more penalty points from endorsable motoring offences in the last five years, or
 - Any motoring offences that the Authority considers the sub-committee should consider.
7. Where the Director of Corporate Support Services considers it appropriate to exercise her discretion because of her concern about the suitability of the applicant which is the subject of the licensing application.

APPENDIX 5

HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;
 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles;
 - (d) not apply the centralised locking system when carrying adult passengers.
2. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
3. The driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
4. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
5. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
6. The driver shall not drive a vehicle that is a Hackney Carriage unless it is properly displaying the licence plate and it is clear and legible and all times.
7. The driver must not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

Badges

8. A driver shall, at all times, display his/her badge so that it is clearly visible.
9. The driver will return his/her badge to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.

Change of Address

10. A Licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Hackney Carriage shall produce his/her Licence on request for inspection by an authorised officer of the Council, or any police officer

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate.
15. Once a Hackney Carriage has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person;
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also to ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Hackney Carriage shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 24 hours, to his/her operator. If the driver has no operator then the matter must be reported to the nearest Police Station as soon as possible and in any case within 24 hours of the finding.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position.
22. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Hackney Carriage

23. No driver licensed or otherwise, shall act as a Hackney Carriage driver without the consent of the owner of the Hackney Carriage.
24. A driver shall not leave his Hackney Carriage unattended in a public place, the Police being authorised to tow it away under such circumstances.
25. A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

Medical Conditions

26. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

27. In the event that a Licence holder is charged or summoned for any alleged criminal offence, then he/she shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.
28. In the event that a licence holder is convicted of any criminal offence, or has an official caution administered, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**

29. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the Licence holder's DVLA driving licence, that Licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 6

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles in the district. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of private hire drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The holder of a Private Hire Vehicle licence shall also produce his/her licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.
2. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.
 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles.
 - (d) not to apply the centralised locking system when carrying adult passengers.
3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
4. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
6. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
7. The driver shall not drive a vehicle that is a Private Hire Vehicle unless it is displaying a licence plate and it is clear and legible at all times.

Badges

8. A driver shall, at all times, display his badge so that it is clearly visible.
9. The driver will return their badges to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.
10. A licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Private Hire Vehicle.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Private Hire Vehicle shall produce his/her licence on request for inspection by an authorised officer of the Council, or any police officer.

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his/her vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate
15. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person.
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Private Hire Vehicle shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 48 hours, to his/her operator.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity or has some other form.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position

Fares

22. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.
23. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as is plainly visible to persons travelling in the vehicle.
24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Private Hire Vehicle

25. No driver, licensed or otherwise, shall act as a Private Hire Vehicle driver without the consent of the owner of the Private Hire Vehicle.
26. A driver shall not leave his Private Hire Vehicle unattended in a public place, the Police being authorised to tow it away under such circumstances.
27. A driver shall not obstruct or hinder another Private Hire Vehicle driver in any way.
28. Private Hire Vehicles may not wait on any stand designated for the use of Hackney Carriages.

Medical Conditions

29. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

30. In the event that a licence holder is charged or summoned for any alleged criminal offence, then he shall within seven days of being charged or on receipt of the

summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

31. In the event that a licence holder is convicted of any criminal offence or has an official caution administered to them, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
32. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, that licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Enforcement

33. The Council may suspend, revoke or refuse to renew on application a driver's licence if any of the above conditions are not complied with.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 7

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Epping Forest District Council ('the Council') is the licensing authority in respect of Private Hire Operator Licences. The following conditions are reasonably necessary for the regulation of Private Hire Operators in its district. These conditions may be amended or varied by the Council at any time.

The operator of the private hire vehicle must ensure that he or she complies with the following conditions at all times.

Records

1. The operator must keep records of private hire bookings and of drivers and vehicles available to the operator and these shall be kept as follows:-
 - (a) Records must be kept in a form which gives easy access for inspection, e.g., in a bound book or if a booking is made by computer, a print out of each day's bookings, or bookings kept in computerised form so that the records can easily be made available for inspection by an authorised officer of the Council or Police Officer. Records must be kept for at least one year;
 - (b) The operator shall keep at each Operating Centre, records of the Private Hire Vehicle drivers and vehicles (including a copy of their licence) available to the operator for carrying out bookings accepted at that centre.
 - (c) All records must be made and retained in written or electronic form and securely stored.
 - (d) Records of each hiring must contain the following details:
 - Date and time booking made
 - Name of hirer
 - Name of principal passenger (if different from above)
 - Agreed time of pick-up
 - Agreed place of pick up
 - Destination(s) specified at time of hiring by the hirer(s)
 - Identity of vehicle undertaking the hiring (vehicle registration or Private Hire Vehicle licence number)
 - Name and licence number of the driver undertaking the hiring
 - Fare quoted to hirer (if requested when hired)
 - Time and date of journey (if different from date of booking)
 - Whether the booking was sub-contracted; if so, the name of the sub-contractor, the Licensing Authority and the operator licence number.
 - (e) Records of the Private Hire Vehicle driver(s) used by the operator must contain the following details:
 - Full name of driver
 - Date of birth

- Address (normal place of residence)
 - Date driver became available to operator
 - Category of vehicle for which eligible to drive
 - Private Hire Drivers licence number
 - Date driver ceased to be available to the operator
- (f) Records of the Private Hire Vehicle used by the operator must contain the following details:
- Manufacturer, model and colour
 - Registration number
 - Private Hire licence/plate number
 - Registered owner name and address (on registration document)
 - Date when vehicle became available to operator
 - Copy of current valid certificate of insurance
 - Date vehicle ceased to be available to the operator.
 - Service history of each vehicle including details of any modifications thereto and details of all accident repairs.

Operation Centre

2. The operator shall notify the Council of any changes to the information supplied on the application form, e.g., change of address or telephone number, must be notified to the Council within two weeks of the change.
3. Operators will be required to notify the Council of the name of the person responsible for the day-to-day running of each Operating Centre named on the licence, and of any changes.
4. Operators shall display a copy of their licence at the Operating Centre in a position that is accessible to members of the public
5. Operators must display on public view, at Operating Centres with public access, evidence of their public liability insurance and must provide the Council with copies on request.
6. Operators must indicate clearly at the Operating Centre or within any letter head, advertising or promotion of their service, that the service provided is in respect of pre-booked journeys only.
7. Operators must ensure that any telephone facilities and radio equipment provided are maintained in sound condition and that any defects are repaired promptly.

Waiting Areas

8. To ensure that any waiting area for members of the public is kept clean, adequately heated, ventilated and lit.
9. To ensure that there is public liability insurance for any area open to the public for at least 2 million pound and the Operator shall produce evidence of insurance to the Council when requested.

Fares

10. Details of fare tariffs should be available to members of the public and displayed on public view at the Operating Centre or made available upon request.
11. Fares will be in accordance with the operator's advertised table of fares, unless otherwise agreed with the hirer at the time of booking.
12. The operator should give details of the fare for a particular hiring to the hirer when the booking is being made, if requested by the hirer.

General

13. Operators shall not employ or otherwise engage, whether directly or indirectly, any vehicle that has not been licensed by the Council or a driver who does not have a valid licence, for any bookings.
14. Operators shall only accept booking at an authorised Operating Centre.
15. Operators shall only sub-contract bookings to a licensed operator.
16. Operators must establish a complaints procedure, ensuring that all complaint records include the driver's name, nature of complaint, details of complainant and action taken.
17. Operators must establish a procedure for dealing with client's property lost or found in a Private Hire Vehicle operated by them or under contract to them. This should include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing lost property.
18. Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to a breach of the licence conditions.
19. Details of any conviction incurred by the licensee during the currency of the licence must be reported in writing to the Council within two weeks of the date of the conviction.
20. Lost property should be returned to the operator, then at the earliest convenience given to the customer. If this is not possible it shall be handed into the nearest police station

Failure to comply with the conditions will result in a referral to the appropriate officer of the Council or the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 8

CRIMINAL RECORDS POLICY GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

Introduction

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle or to operate a private hire vehicle the applicant is requested to declare any pending prosecutions, cautions or convictions you may have, even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974. Failure to declare such information or giving false information to obtain a licence is an offence and will be treated very seriously. The information that is given is treated in the strictest confidence and will only be taken into consideration in relation to the application.

The applicant is required to consent to the Council carrying out a check with the Disclosure and Barring Service, which will disclose any cautions or convictions that he or she may have. Information received from the Disclosure and Barring is treated in the strictest confidence while the application is processed, and will be retained on manual and computer records for no longer than is deemed necessary.

The existence of a criminal record or disclosure of other information will not necessarily preclude the applicant from gaining a licence unless the Council considers that any conviction or convictions renders him or her unfit to hold such a position of trust. In making this decision the Council will take into consideration the nature of the offence, the time period since it was committed, what age the applicant was when the offence was committed, and any other factors the applicant brings to the Council's attention or the Council feel are relevant.

Any applicant refused a licence on the grounds that they are not a fit and proper person to hold a licence has a statutory right of appeal to a magistrates' court.

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for a serious crime need not necessarily be permanently barred from obtaining a licence, but should be expected to remain free from conviction for a period of three to five years, depending on the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, although persons with convictions for offences of a violent, sexual, child-related nature, a racially aggravated offence or other very serious crime will not normally be issued with a licence. The overriding consideration will always be the protection of the public.
3. In this policy, the time periods mentioned in each case refer to the time that has elapsed since the date of conviction. Where a custodial sentence has been imposed, however, the time period runs from the date of release from prison. Where several offences are being considered together, the pattern of offending will be taken into consideration and the Council will normally expect a person to have been free from conviction for a period of three to five years from the last conviction.

4. The Council reserves its right to take into consideration spent convictions and relevant cautions.
5. The Council reserves its right to require an applicant to undergo a substance abuse (illegal drugs) test where there is evidence to suggest that the applicant may have a drugs problem or there is a history of drug use. This would be at the expense of the applicant and would normally be required where two or more convictions or cautions under the Misuse of Drugs Act within the last ten years have been revealed.
6. Should the Council be minded to refuse an application or have concerns over convictions or driving endorsements the applicant will be invited to attend the Licensing Sub-Committee before making a determination. If an applicant does not attend, a decision will be made based on the information available.

The following examples afford a general, but not exhaustive indication as to the action likely to be taken where convictions are declared and/or revealed.

Types of Convictions

(a) Minor traffic offences

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have accrued the applicant should be warned as to future conduct and the warning recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his or her DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification

Minor Traffic offences not declared by driver

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the Council shall determine whether to issue the licence subject to a warning regarding future conduct or to refuse to grant the licence. A key consideration in reaching this determination will be whether there was a premeditated intent to deceive.

Existing drivers are under a legal obligation to declare to the Council all offences committed. Failure to do so may result in the revocation of the licence.

(b) Major traffic offences

An isolated, spent conviction for offences including dangerous driving or driving without due care and attention should normally merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

More than one conviction for this type of offence or a combination with other convictions within the last two years should merit refusal and no further application will then be considered until a period of at least five years free from conviction has elapsed.

(c) Drunkenness - With a motor vehicle

A serious view should be taken of convictions for driving or being in charge of a vehicle under the influence of drink.

An isolated incident in the past should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least five years should elapse after the restoration of the DVLA driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic then a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(d) Drugs

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions. If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

(e) Indecency offences

Hackney carriage and Private Hire Vehicle drivers often carry unaccompanied and/or vulnerable passengers. If an applicant has a conviction for any sexual offence the application will be refused.

(f) Violence

As Hackney Carriage and/or Private Hire Vehicle drivers and operators are in close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 should be used to justify the issue or refusal of a licence.

(g) Dishonesty

Hackney Carriage and/or Private Hire Vehicle drivers and operators are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.

Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any property left in the vehicle being kept by unscrupulous drivers.

For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least three to five years free from conviction should be demonstrated before an application is considered.

If an applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

(h) Insurance offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance.

An isolated incident in the past will not necessarily debar an applicant but the sub-committee will require evidence as to the facts of the case.

More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Licence, unless there are exceptional circumstances. A driver found guilty of driving passengers for hire and reward whilst without valid insurance will have their Hackney Carriage and/or Private Hire Driver's Licence revoked immediately and no further application for such a licence will be considered by the Council for a minimum period of five years.

A Private Hire operator similarly convicted of operating a vehicle without valid insurance will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of five years

(i) Use of Hackney Carriage or Private Hire Vehicles

Unlicensed drivers who have convictions for any offences relating to the use of a licensed vehicle will not be considered for a licence by the Council for a minimum period of three years. More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Hackney Carriage and/or Private Hire Driver's licence, unless there are exceptional circumstances.

Licensed drivers who are convicted of plying for hire (or touting) or other offences relating to the use of licensed vehicles will have their licence revoked and will not normally be considered for a licence by the Council for a minimum period of three years from the date of conviction. Private Hire Operators found guilty of operating a vehicle where no private hire vehicle Licence is in place will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of three years.

(k) Failure to respond to interview request

The Council considers failure to respond to officer's request for an interview whether formal or informal to be serious as it prevents the Council from investigating issues and complaints and shows a disregard for the safety of the travelling public. In these circumstances the Council shall consider suspension of a driver's licence pending the outcome of the investigation.

(l) Failure to report an accident

A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning. Subsequent offences may be dealt with by way of revocation of the licence and/or prosecution

Report to the Council

Subject: Asset Management and Economic Development Portfolio

Date: 17 December 2013

Portfolio Holder: Councillor A Grigg

Recommending:

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

North Weald Airfield

The newly named Asset Management and Economic Development Cabinet Committee met on 5 December, when it considered some complex issues around the condition of the runway at North Weald Airfield. Since that issue was considered in private session I cannot set out the details in this report, but I can inform Members that it has become necessary to commission a further detailed assessment of the condition of the main runway. This work will be helpful in determining both the future approach to continued aviation at the Airfield as well as informing the work which is being done in developing options for further income generation.

Estates & Valuation

The Council currently has three vacant industrial units at Oakwood Hill all of which are now under offer. This leaves just two other properties that are currently vacant at 548 Limes Avenue, Chigwell and 144 Brooker Road, Waltham Abbey. It is encouraging that the Council are continuing to maintain a very high occupancy rate in the commercial property portfolio.

The refurbishment of the Bakers Lane, Epping public toilets is on schedule with a target handover date of Monday 16 December 2013.

The planning application for the redevelopment of the Sir Winston Churchill public house site will be considered at the District Development Control Committee on 11 December 2013.

Economic Development

The Council continues to increase its work to support the local economy

A senior party of members and officers, (supported by the manager of Jobcentre Plus) recently met with the new Chief Executive of Stansted Airport. The meeting discussed the future of the airport, plans for investment, and opportunities for joint working, increasing the number jobs at the airport gained by local residents and

ensuring local companies in the supply chain side can access current and emerging opportunities.

One Shops Local now has over 320 registrations from businesses in the area. Visit Epping Forest has been running advertising campaigns to support tourism in the district over the Autumn and many of our local attractions are showing more referrals from our own site than the Visit Essex site. The district was host a few weeks ago to a major conference on Tourism organised by Visit Essex, with key national speakers attending.

Both Essex County Council and the South East LEP are developing their funding proposal packages for the next several years and district members are representing the needs of Epping Forest and the wider West Essex corridor at LEP meetings.

The newly established District Council Town Centres Fund has finished its second round of bids with the majority of Town Centre Partnerships receiving funding, together with a bid from the Chamber of Commerce. Regular collective meetings of the partnerships will now be held to enable sharing of information and best practice and joint action on common problems.

The Portas Town Team in Waltham Abbey are close to launching a Smartphone App to promote the town, and are also looking at developing a meridian festival, and marker, and also hosting a High Street Summit.

The co-location project, bringing funded officers from a variety of organisations with a role in supporting economic development in the district, is continuing. Officers from both ECC and the Department of Work and Pensions now operate from the district council offices, working on joint projects and coordinating activity. A new Youth Employment Taskforce, designed to work with local employers to tackle problems specific to this age range will soon be launched, supported by these officers.

The Christmas edition of the Business Bulletin will shortly be produced highlighting the work of partners and the District Council in this area.

Report to the Council

Subject: Environment Portfolio

Date: 17 December 2013

Portfolio Holder: Councillor W Breare-Hall

Recommending:

That the report of the Environment Portfolio Holder be noted.

Waste Management

The procurement process remains on schedule with the second round of competitive dialogue having been completed in early November. Officers are now dealing with clarification questions from the remaining contractors, ahead of them submitting the next set of tender documents on 23 December. Tender assessment will be conducted immediately after the Christmas and New Year break, with Cabinet receiving a report on 3 February 2014 recommending the three contractors who should proceed to the final stage of the process.

In my last report I made mention of a letter sent by a Government Minister regarding the collection of commingled recyclates. Further information has become available since then, although final guidance from Government is still awaited. I remain confident that we shall be able to maintain our current preferred collection methodology, but we shall be required, as part of the procurement process, to have considered the requirements of European Waste Directives and set down our reasoning for the decisions we eventually make.

Discussions with the County Council regarding funding provided through the Inter Authority Agreement continue. The Essex Waste Collection Authorities have sought legal guidance on the validity of the actions proposed by the County, which suggests that the County should, at the very least, reconsider their approach to their proposed reductions in funding. As suggested previously, I will keep Members informed as discussions continue.

Environmental Health & Neighbourhoods

Fly-tipping

Evidence gathered by the Council's Environment & Neighbourhood team led to the prosecution of Ultimate Lofts and Extensions Limited. The company was fined £500 and ordered to pay the Council's prosecution costs of £675 in Chelmsford Magistrates Court on 19 November 2013 after pleading guilty to failing in their duty of care, which led to some waste from their company being fly-tipped in Weald Hall Lane, Thornwood Common.

The Environment and Neighbourhoods team have asked for another article to be published in the Council's One Business briefing to remind companies of the need to comply with their duty of care, to both protect their business and keep waste out of the hands of potential fly-tippers.

Jamie Monisse, of The Square, Loughton, was fined £150 and ordered to pay the Council's prosecution costs of £451 in Chelmsford Magistrates Court on 19 November 2013, in

relation to the unlawful depositing of a wheelie bin and its contents in a garage area in Pyrles Lane, Loughton. The matter was investigated by an Environment & Neighbourhood Officer who visited the site and examined CCTV recordings provided by colleagues in the Safer Communities team.

The Environment & Neighbourhoods team continue to work closely with the Safer Communities team (Adrian Petty - CCTV Operations officer) in order to try and catch more offenders leaving waste in fly-tipping hot spots.

Mrs Cathy Aziba, who has been charged with a fly-tipping offence, has recently elected to have her case heard in the Crown Court. The case is set for 3 March 2014 for three days. CCTV recordings to the rear of The Broadway, Debden, allegedly identified a bed, armchair and other waste being removed from her property and deposited in the near vicinity.

Litter

Three fixed penalty notices have recently been offered to litter offenders, two resulting from pre-arranged patrols in Debden and one from reliable evidence from a member of the public who challenged somebody littering from a car near his property.

On 13 November, Officers participated in a litter pick event arranged by volunteers from McDonalds at Hastingwood, with children from St. John's School, Epping. Pupils put on plastic overalls and boots for a litter pick at Lower Swaines recreation ground in Epping.

The initiative was the idea of McDonalds franchisee Tony Fagg and included an art competition with the three winning pupils receiving awards and congratulations from the Vice-Chairman of the Council, Councillor Boyce. McDonalds organised the poster design competition with St John's School Art Department and provided WH Smith voucher prizes for the top entries. The winning entry with the logo "**Keep calm and bin it!**" will be reproduced in the Hastingwood restaurant and car park.

Councillor Boyce and his wife Jan, McDonalds Franchisee Tony Fagg and Richard Gardiner, the Council's Environment & Neighbourhood Manager, judged the design competition.

The Council is hoping to participate in a county-wide litter campaign in Spring 2014, in conjunction with Essex County Council, McDonalds and the Cleaner Essex Group (CEG). Essex County Council has agreed to match fund the financial contribution of all the Essex local authorities who participate. We are hoping to contribute £2000 to the campaign in addition to using our existing resources to advertise and enforce. The campaign seeks to make littering less sociably acceptable and raise the profile of litter offences and potential fines.

Report to the Council

Subject: Finance and Technology Portfolio

Date: 17 December 2013

Portfolio Holder: Councillor S Stavrou

Recommending:

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

Accountancy

The publication deadline for this agenda requires this report to be 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. Recent economic data has been more encouraging but it is unlikely that we will see any easing of the funding reductions for local government. If there is either something of particular significance in the Autumn Statement or our grant figures appear earlier than anticipated I will provide an oral update.

The Accountancy section is always busy at this time of year working on the budget and this year they have the added complication of producing the budget in the new four directorate structure. In order to get a budget in the new structure in the available time it will be necessary to make some broad assumptions and allocations. These will need to be revisited once the structure has settled down and the various service reviews have been concluded.

Benefits

Later on the agenda we have the Council's scheme for Local Council Tax Support for 2014/15. This is similar to the scheme that has been in place for 2013/14. As the current scheme appears to be working well so far, Cabinet on 2 December decided against any significant changes. When we come to consider the scheme for 2015/16 we will be looking at the possibility of a residency qualification and, given the likely further reductions in grant, options for reducing the overall cost of the scheme.

Revenues

Also at Cabinet on 2 December, the previous in principle decision to enter a pool for business rates for 2014/15 was confirmed. Not all of the eligible authorities in Essex decided to join the pool but ten have. The outcomes from the pool will be determined by how the economies of the participating districts perform during 2014/15. If current economic trends continue there should be some growth within the pool. Although it is worth highlighting that the financial modelling undertaken shows a benefit in excess of £2 million across the pool even with zero growth. Our share could be approximately £100,000 but as this is not certain and we always take a prudent view on potential income it will not be included in the budget for 2014/15.

Performance Management

Key Objectives 2013/14 & 2014/15

Mid-year progress against the Council's key objectives for 2013/14, 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.

Initial proposals for key objectives for 2014/15 are being developed by Directors and Portfolio Holders, and these will be considered at a joint meeting of Cabinet Members and Management Board on 11 December 2013. The key objectives will be formally considered by the Cabinet and the Overview and Scrutiny Committee, early in 2014.

Key Performance Indicators 2013/14

The Finance and Performance Management Scrutiny Panel has recently reviewed six-month performance for the key performance indicators adopted for 2013/14.

The position with regard to the achievement of target performance for the KPIs at the end of the first six months (1 April to 30 September 2013) of the year, was as follows:

- (a) 26 (74.3%) indicators achieved the second quarter performance target; and
- (b) 9 (25.7%) indicators did not achieve the second quarter performance target, although 5 (55.5%) of these KPI performed within an agreed tolerance for the indicator.

Cumulative KPI performance reports for the third quarter of the year will be considered by the Scrutiny Panel in March 2014, alongside proposals for KPIs for 2014/15, which will be developed with the key objectives for the next year.

Technology

Telephone switch replacement project

Implementation is well underway and around 20% of staff have been trained and are using the new system. Feedback has been very positive and it is still anticipated that the project will be completed by the end of the financial year.

Wireless coverage

This project will allow site wide, secure wireless access to Council systems and to the internet. The cabling of the Civic Offices for the wireless access points has commenced and will be completed before Christmas. The access points and control centre software have been configured and it is anticipated that the system will be live shortly after cabling has been completed.

Internet connection upgrade

The upgrade to the 30Mb fibre connection has been completed and the old connection terminated. This higher speed connection has been implemented at no extra cost to the Council.

Mobile working trial

Staff from the Planning Directorate are now working with a variety of mobile devices. ICT staff are accompanying them during various times in their working day to offer assistance in the best use of the device and to help establish the most suitable solution. Feedback will be monitored for future mobile working solutions within other Directorates.

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Report to the Council

Subject: Housing Portfolio

Date: 17 December 2013

Portfolio Holder: Councillor D Stallan

Recommending:

That the report of the Housing Portfolio Holder be noted.

Council Housebuilding Programme – Year 1 Schemes

I am pleased to report that the first site within the proposed package of sites for Year 1 of the Council's new Housebuilding Programme – for 9 flats at Harveyfields, Waltham Abbey – received planning permission from the Area Plans West Sub-Committee on 20th November 2013.

In addition, planning applications for all the remaining sites within the proposed Year 1 of the Programme – for 16 flats and houses at four sites on the Roundhills Estate, Waltham Abbey – have now all been submitted.

Marden Close and Faversham Hall Conversion Schemes, Chigwell Row

I am also pleased to report that the proposed conversion of 20 difficult-to-let bedsits at Marden Close, Chigwell Row into 10 self-contained one-bedroomed flats received planning permission from the Area Plans South Sub-Committee on 30th October 2013.

A further planning application to convert the ground floor community hall at adjacent Faversham Hall, Chigwell Row into two self-contained flats has also recently been submitted.

Proposed new Government Social Rents Policy – Effect on the HRA Financial Plan and Housing Improvements & Service Enhancements

In late-October 2013, the Department for Communities and Local Government (DCLG) published its long-awaited Consultation Paper on the future of social rents, with a response date of 24th December 2013.

In summary the document proposes that:

- From April 2015, rents for existing tenancies will only be able to increase by the Consumer Prices Index (CPI) plus 1% per year (instead of the current Retail Prices Index (RPI) plus 0.5%), with no additional increase allowed (currently up to £2 per week) to achieve convergence with housing association rents for similar properties within the District.
- For new tenancies, the formula (or target) rent (i.e. the rent which housing associations currently charge for the same type of property in the same location) can be charged straight away when the new tenant moves in. Subsequently, such rents will also increase by CPI plus 1%
- Details of how such Council rent increases will be centrally-controlled through “rent rebate subsidy limitation” are still to be decided/published by the DCLG. This will be the way that the Government actually implements and ensures the above rents policy

- Affordable rents (which housing associations currently charge, and the Council will charge, for new developments) will increase by CPI plus 1%
- Tenants (including joint tenants, spouses and partners) earning in excess of £60,000 per annum in total will be exempt from the policy – this is to enable local authorities and housing associations to charge these tenants market rents, if they want to (under the DCLG’s “Pay to Stay” policy).

The DCLG’s proposal to cease the rent convergence arrangements from April 2015 will have a significant detrimental effect on the Council’s Housing Revenue Account (HRA) Financial Plan, which will result in the amount of resources available to spend on housing improvements and service enhancements from April 2014 being far less than currently planned within the HRA Financial Plan – this is because the HRA’s Housing Improvements and Service Enhancements Fund is used as a “balancing” fund for the HRA. If additional HRA income is received (or costs reduced), the amount in the Fund can be increased; conversely, if - for example, as a result of the DCLG’s proposals - HRA income reduces, the amount available to the Fund has to reduce.

Of course, tenants whose rents are not yet at their property’s target rent will be benefit, since their rent increases will be lower than currently planned – although tenants in receipt of housing benefit will not gain this benefit themselves; the beneficiary will be the Treasury, due to reduced housing benefit costs.

Therefore, officers have modelled two scenarios for the impact of the DCLG’s proposals for social rent levels on the amount of money available for housing improvements and service enhancements from April 2014. One of the scenarios is based on a policy whereby new tenancies are re-let at the property’s target rent; the other is based on the current policy of re-letting at the same rent as charged to the previous tenant. The results are shown in the table below - no assumptions have been made about the adoption of a “pay to stay” policy”.

Scenario	2014 - 2019 £000 p/a	2019 - 2029 £000 p/a (average)	2029 - 2043 £000 p/a (average)	Total
Current amount planned	£1,350	£5,500	£8,600	£183 million
Properties re-let at same rent	£600	£4,500	£6,900	£145 million
Properties re-let at target rent	£700	£5,100	£7,800	£164 million
Reduction	£650 or £750	£400 or £1,000	£800 or £1,700	£19m - £38m

As can be seen, the amount available for housing improvements and service enhancements for the next five years (from April 2014) reduces by either £650,000 or £750,000 per annum, amounting to either £19 million of £38 million over the next 29 years (dependent on the policy adopted for re-let rents).

The Director of Housing is therefore proposing to submit an officer response to the CLG’s Consultation Paper on behalf of the Council.

At its meeting in January 2014, the Housing Scrutiny Panel will be considering the effects of the DCLG’s proposals on the Housing Improvements and Service Enhancements Fund, and which planned schemes should be deleted from programme. In February 2014, the Cabinet will consider whether or not properties should be re-let at their target rents (if they are not already at target rent).

Park Home Licensing

Members will recall the consultation carried out in 2011 on the conditions to be attached to the licences for the permanent residential park home sites in the District. The conditions were agreed in July 2012 and the new site licences have all since been issued.

Early in the New Year, officers will be consulting again with park home residents and site owners on a proposal to start charging for the Council's park home licensing functions. This is in response to new legislation introduced in May 2013, which allows local authorities to charge site owners a fee when they apply for a site licence, or apply for an amendment to an existing licence, in order to cover the Council's costs.

Bearing in mind the amount of officer time involved, it is my view that the Council should take advantage of this new ability to charge for park home licensing. Therefore, at my request, officers have devised a charging scheme which takes account of their time for processing applications for site licences and the associated work. The legislation does not allow these charges to include the time taken in dealing with complaints or taking enforcement action, although this might be considered as an option at a later date (in relation to those sites only where time has to be spent dealing with complaints or taking enforcement action).

Officers will also be consulting with residents on authorised Gypsy, Roma and Traveller caravan sites in the District in the New Year on the conditions to be attached to their site licence conditions. It is intended that these conditions will be essentially the same as those already agreed for other permanent residential sites, but with some minor changes to account for the differences in the ways the sites are occupied.

Variation of Tenancy Conditions

At its meeting on 15 April 2013, the Cabinet adopted the Council's new Tenancy Policy. Under the Policy, from 1 September 2013, the Council has introduced a Pilot Scheme for Flexible (fixed-term) Tenancies to be granted to all new tenants who sign-up to the tenancy of a property of three bedrooms or more, for a fixed term of 10 years including the Introductory Tenancy period.

It was therefore necessary for us to have a new Flexible (fixed-term) Tenancy Agreement in place by 1 September 2013. Accordingly, officers undertook a detailed review of the Tenancy Conditions of the Council's current Standard Tenancy Agreement, to form the basis of the new Flexible Tenancy Agreement. All the proposed changes were considered by both the Housing Scrutiny Panel and the Tenants and Leaseholders Federation - and the new Flexible Tenancy Agreement was approved by the Cabinet on 22 July 2013.

The Cabinet further agreed that, in order for generally the same Conditions of Tenancy to be applied to both Flexible (fixed-term) Tenants and Secure Tenants in the future, we should formally vary the Standard Tenancy Agreement for all existing and future Secure Tenants, with the new Agreement being based on the new Flexible Tenancy Agreement.

Officers have now served a formal "Preliminary Notice" on all the Council's Secure Tenants, in accordance with the requirements of Section 102 of the Housing Act 1985, consulting them on the proposal to vary their Standard Tenancy Agreement with the Council. The Notice explains the changes and their effects, and states the Council's intention to serve all tenants with a formal "Notice of Variation". It also invites comments on the proposals within the 28-day consultation period, which closes on 16 December 2013.

The Preliminary Notice was served on 7,981 Secure Tenants (including all joint tenants - so some households received two Notices, as required by law). At the time of writing, 335

(4.2%) responses have been received. A summary of the responses are as follows (the detail will be reported to the Cabinet, as part of the report on the proposed variation):

- 109 - blank forms have been received
- 108 - state they are in favour of the proposed changes
- 61 - raise unrelated housing management issues
- 36 - raise general issues
- 9 - raise issues regarding parking
- 5 - raise issues regarding pets
- 7 - complimented the Council on its service

A Telephone Hotline has also been made available for tenants to call and leave any comments. At the time of writing, 56 tenants have called the Hotline. Officers are in the process of contacting callers where appropriate.

After receipt of all the comments from tenants, I will be submitting a report to the Cabinet on 3 February 2014. I will be asking the Cabinet to consider the responses received to the Preliminary Notice and, subject to the comments received, to adopt the new Standard Tenancy Agreement and approve the issuing of the Notice of Variation.

It is expected that the new Tenancy Conditions will apply to all existing and new Secure Tenants from 1 April 2014.

Tenant Census - Progress Report

Officers have recently been undertaking a 'census' of all our Council tenants. The aim is to make sure that the information we hold on tenants is correct and up to date, and to help us fulfil our commitment to continually improve the services we provide. In particular, the census aims to capture as much information as possible about our tenants' "protected characteristics", as defined by the Equality Act

Officers sent out approximately 6,400 forms and, at the time of writing, have received 3,500 forms back (55%) - which is an excellent response rate to, effectively, a postal survey. Following a reminder in Housing News, more forms are still being received.

The data is being entered onto the Housing Directorate's OHMS integrated housing computer system; 2,900 forms have already been processed. Once the process has been completed, Housing staff will have access to more accurate data for the tenants who responded, such as up-to-date phone numbers, details of key holders and any special needs of the client group. Once the data has been collated, officers will be asking a specialist company to undertake a detailed analysis of the information and produce a profiling report, which will made be available to all members.

Essex Landlord Accreditation Scheme

Our Private Sector Housing (Technical) Team has been working as a consortium with six other Essex local authorities to develop a new private landlord scheme - the Essex Landlord Accreditation Scheme (ELAS) – which will assess and recognise good private landlords in the areas of operation. This will be a very useful scheme for residents of our District, particularly with the increased profile of the private sector as a provider of rented accommodation.

Following a procurement process carried out by Essex County Council, it is hoped that an external scheme provider will be appointed to start in April 2014. There will be no cost to the participating councils, since the Scheme will be funded by an annual membership fee paid by the landlords that join the Scheme.

Occupational Therapy (O.T.) Assessments for Disabled Facilities Grants (DFGs)

Members will be aware of the concern I have had over recent years that the number of referrals received for Disabled Facilities Grants (DFGs) from Essex County Council (ECC) has been decreasing. This has been particularly concerning, bearing in mind the evidence from our most recent private sector house condition survey that the number of disabled people trying to live independently in the community is rising.

Councils are legally required to give DFGs, and we receive a subsidy from the CLG to do so (currently £290,000 a year in our case), but we can only give these grants on the basis of a recommendation, or referral, from ECC.

As this situation has also been reflected in other districts across Essex, private sector housing officers from across Essex have been meeting regularly with representatives of ECC's Occupational Therapy (O.T.) service, in order to try to resolve this issue. In response to these concerns, ECC has increased the number of self-employed O.T.s in its 'Commissioned Workflow Team' to speed up the assessment of service users and referrals for adaptations.

The result of this response by ECC is that the number of referrals received in the first two quarters of 2013/14 has doubled, compared to 2012/13. Although this is welcome, it does now present a risk in that the Council's approved budget for DFGs may be insufficient, and that officers may also be unable to cope with the increased demand.

However, the latest information from ECC is that they are in the process of clearing a backlog of referrals, in order to meet their target of visiting all clients within 28 days of receiving an enquiry. O.T.s expect to meet this target by the end of December 2103, so a 'steady state' position should be reached by the last quarter of 2013/14. This means that, by the year-end, officers should be able to get a better picture of the numbers of referrals likely to be received on an ongoing basis - information which will be essential for the effective management of financial and staffing resources.

Empty Homes Week

Week beginning 25 November 2013 was National Empty Homes Week. To mark this, the Council had a banner on the home page of the Council's website and issued a Media Release, which highlighted the issues surrounding empty homes and why it is in the community's interest to minimise the number in our District. The Media Release also informed of the financial incentives currently available to help property owners - such as the PLACE Scheme, Empty Homes Repayable Assistance and how residents can report an empty property to our Private Sector Housing Team.

As a result of the Media Release, on Thursday 28 November, I was interviewed on BBC Essex by Dave Monk to talk about how the Council deals with privately-owned empty homes. I was able to explain the both the positive and enforcement steps that the Council takes to reduce the number of empty properties.

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Report to the Council

Subject: Leisure & Wellbeing Portfolio

Date: 17 December 2013

Portfolio Holder: Councillor E Webster

Recommending:

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

Leisure

The timings and route of the Tour de France have now been confirmed. Le Tour will be passing through our District on Monday 7 July 2014, as part of the third stage which starts in Cambridge and ends at Buckingham Palace. This will be a very significant event, and will require at least the same detailed consideration as that given to the Olympic Torch Relay in 2012. The County Council has established a Steering Group and the Deputy Chief Executive is establishing a District officer working group to oversee matters within the District and to feed into the County Steering Group. I will keep Members informed as more details emerge.

At the recent Amateur Swimming Association Swimtastic awards, SLM were awarded the Facility Operator of the Year award. Also, one of the swimmers from Loughton Leisure Centre, fourteen-year-old Piers Bloomfield who suffers from quadriplegic cerebral palsy won silver in the disability swimmer of the year award. Congratulations go to both Piers & SLM for their awards.

The leisure centres continue to perform well financially and should they maintain their current levels of income, the Council would receive a share of the above target income.

Leisure & Cultural Strategy

Having now received the nominations from all groups, the initial meeting of the Portfolio Advisory Group for the production of the new Leisure and Cultural Strategy is due to take place on the 13 January 2014. Officers have been undertaking a significant amount of preparatory work in gathering evidence for the review, mapping the Council's and other providers' current opportunities. The initial meeting will present an overview of the issues to be considered and scope the focus. It is my intention to arrange a tour of all the Council's Leisure Centres, the Museum and other community facilities, as I believe it is important for the advisory group to have the opportunity to see facilities being used and to consider the customer experience. Consultation will be given by the group to the most appropriate form and level of public consultation, to shape their recommendations.

Health & Wellbeing

The West Essex Wellbeing Committee has now met on two occasions. Members will recall that Councillor Chambers has reported back to Full Council on the initial meeting. The emerging Health and Wellbeing Strategy being co-ordinated by the Committee will be an important strategic document for the District Council's Leisure and Cultural Strategy as it is through participation in Sports, Arts and other recreational activities that many of the health improvement aspirations of the Wellbeing Strategy could be achieved.

Community Services

Reality Roadshow: A really successful Reality Roadshow event was organised at West Hatch School on 13th November, by Community Services in support of the Community Safety Partnership. Nearly 200 Year 9 pupils (aged 14 years) participated in the range of interactive scenarios which included healthy living and personal safety, along with exploring the consequences of committing crime or anti-social behaviour.

Limes Centre, Chigwell: A range of new initiatives and events have been successfully launched at the Council's flagship community centre, including a Community Café and dedicated Youth Café which opened in November and a special evening of pampering and wellbeing for mums and nans on the estate, which was organised by the "Friends of The Limes Centre" group, as their first event in support of the local community.

Tree Planting at Holy Cross School, Waltham Abbey: I was really pleased to be able to attend a special tree planting event at Holy Cross Infants School, where Community Services helped pupils plant a variety of 30 trees in the grounds of their school as part of an environmental project. The trees were supplied free of charge by the Woodland Trust and it is hoped that similar projects will be supported in a number of other primary schools across the district.

Countdown to Commonwealth Games: Community Services have successfully secured £11,400 from Active Essex to deliver running, cycling, disability, get back into sport and a satellite sports clubs initiative in order to increase local participation in sport and physical activity over the next 12 months. The initiatives will involve working with local schools, sports clubs and community groups throughout the District.

Get Back into Netball: Ladies of all ages have the opportunity to get back into netball through a newly-formed Epping Upper Clapton Netball Club which is supported by the Council and funding from Active Essex. The club is looking for local people to join them in their new venture of developing a fun and friendly netball club on the Rugby Club site in Thornwood. The club trains every Tuesday from 8.00pm–9.00pm at Roding Valley High School and will transfer to Thornwood when a netball court has been established at the club. Over the first three weeks, numbers have gradually increased to around 30 ladies per session.

Disability Inclusion Project: This excellent project which is funded for two years through Essex County Council has already attracted over 300 disabled children and young people to a range of exciting sports activities. In addition to the summer programme that was offered, a regular programme is provided each week which includes dodgeball, trampolining, yoga, boccia, swimming and horse riding. To celebrate the success of the project with all participants and their families, Community Services has arranged a special Christmas party on Friday 13th December 4.30pm – 6.30pm at Waltham Abbey Town Hall.

'Our Lopping Festival': This special festival which took place in November at the historic Lopping Hall, Loughton, was extremely successful and met its aims in terms of raising the profile of the Hall as a community asset. Over 500 local people participated in the varied programme of events which were organised in conjunction with a range of partners including Epping Forest College students. Around half of those who visited had never been to Lopping Hall before and learnt about the history of this excellent community facility.

'Transitions': Community Services Arts, have just successfully secured funding from Essex County Council to deliver a special training programme for artists wishing to work in care homes and with those living with dementia. The training builds on the work that

has been delivered in local care homes which aims to ensure best practice and quality of life in residential settings. The training will be provided free of charge and is being run in Epping in January.

Local Children's Choirs: Funding has been secured from Essex Music Schools to work with several local primary schools in the district to develop community choirs and singing groups. The first school will join the project in January and others will be added to the project as it develops. All pupils involved will have a chance to perform to the public in an ensemble in 2014.

Museum enters a new phase: As members are aware, the district Museum closed its doors to the public on Friday 1st November, as the first stage in an exciting process of redevelopment and expansion. Although the public will not be able to access the museum building during the period of works, a full museum service will continue to be provided across the district and further afield, through a comprehensive programme of education sessions, touring displays and events. In addition, Lowewood Museum in Hoddesdon, which is managed by EFDC on behalf of Broxbourne Borough Council, will be open to all Epping Forest residents to explore some of Hertfordshire's history and exhibitions from our own district too.

Whilst work on the redevelopment is currently underway which includes procurement of professional services, staff at the museum are also working on the renewal paperwork for Museum Accreditation under a national scheme administered by the Arts Council. The accreditation needs to be upheld during the closure period, as it covers all aspects of the museum service and acknowledges the museum as a fit and proper institution.

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Report to the Council

Subject: Safer, Greener and Transport Portfolio

Date: 17 December 2013

Portfolio Holder: Councillor G Waller

Recommending:

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

Domestic Abuse and Domestic Homicide

At the end of November the Council participated in Domestic Abuse Awareness Week. During this period the Community Safety team sought to remind all our residents that confidential help and advice are available to those suffering from this largely hidden problem.

As part of the week's activities, a special ceremony was held at Grange Farm Meadows to remember Gillian Andrade, a young mother from Loughton who was a tragic victim of abuse, losing her life in July 2012. During the ceremony, attended by friends and the brother of the victim, 14 doves were released to commemorate the 14 deaths arising from domestic abuse that have occurred in Essex since April 2011.



Domestic Abuse Awareness Ceremony – Release of the Doves

Since that date in 2011, Community Safety Partnerships have been required to initiate a Domestic Homicide Review (DHR) following a death arising from domestic abuse. I reported to the last Council meeting that our Report on the death of Gillian Andrade had been submitted to the Home Office for their evaluation, and I have now

received a formal response from the Chair of the Home Office Quality Assurance Panel, confirming that the Report has been approved. The response continued:

'The QA Panel would like to commend you on this well ordered report, which we felt reflected a Domestic Homicide Review that was open and pro-active. It also demonstrated a strong understanding of domestic violence, and a good level of professional curiosity about the circumstances that led to this incident. The QA Panel found the list of those contacted along with their relevance to the review was particularly helpful.'

We were pleased to learn of this outcome as we are aware that many Reviews have been rejected as 'inadequate', with a requirement for further work to be undertaken. An issue to which our Review Panel drew attention – the need for information to be better collated by ambulance services when dealing with domestic abuse cases – is one that the Home Office is now going to explore with the Department of Health. As the Chairman of the Community Safety Partnership, I would like to thank all the members of the Review Panel, including Ann Haigh who chaired it, for their work in carrying out what was a complex Review process. Our Community Safety team led by Caroline Wiggins also provided invaluable input.

Hardly had the Report been sent to the Home Office than we learned of the further tragic death of a woman at Waltham Abbey, Junella Valentine, and I have therefore set up another DHR Panel, chaired by His Honour retired Judge Anthony Bradbury, to commence its work of investigating the full circumstances, in the hope that lessons might be learned that could perhaps prevent more occurrences in the future.

Safeguarding

In line with other local authorities in Essex, the Council has recently reviewed its Safeguarding policy, to incorporate a range of new and escalating issues such as Domestic Abuse and Violence, Child Sexual Exploitation and Forced Marriage. In addition, the new policy contains reference to vulnerable adults, which follows Essex Safeguarding Children and Adults Boards' drive to work more closely together. As part of this review, I would like to draw Members' attention to the important role that the District Council plays in helping to protect children, young people and vulnerable adults from harm:

- Under Sections 11 and 47 of the Children Act 2004, the District Council has a duty to safeguard and promote the well-being of children and young people and to cooperate with Essex County Council in discharging its safeguarding duties as a Children's Services Authority.
- As provider of sheltered housing schemes, homelessness accommodation, Community Safety and a range of other services, the District Council also has a responsibility for the safeguarding and well-being of vulnerable adults and works with Essex Police and Essex County Council Social Care team in its role as the lead agency for the protection of vulnerable adults.

The District Council is therefore committed to maintaining a 'whole' organisation' approach to safeguarding and embraces its responsibility to work in partnership and share information with other agencies such as Essex Social Services and Essex Police.

The new policy document and following Mission Statement will be submitted for approval to Council at its meeting in February 2014:

'Epping Forest District Council is committed to safeguarding and promoting the welfare of all children, young people and vulnerable adults, as service users, residents and visitors to the area. The Council acknowledges the importance of working with partner agencies to ensure that children have safe, healthy and happy childhoods, and that young people and vulnerable adults are given the support they need to enjoy quality of life and well-being.'

The Mission Statement is underpinned by the following:

- valuing, listening to and respecting children, young people and vulnerable adults as well as promoting their welfare and protection;
- safe and robust recruitment, supervision and safeguarding training for all staff working with the public;
- provision of a current and comprehensive Safeguarding policy and related procedures, which is accessible and promoted to all staff;
- efficient and effective reporting of concerns, incidents and allegations;
- strategic planning and decision-making which considers the impact on children, young people and vulnerable adults.

Parking

At its last meeting the Finance and Performance Management Cabinet Committee considered the approach to be taken in respect of car parking tariffs. The Committee agreed that, following an absence of tariff increases for the past five years, and taking account of the current financial position, the time has come to review tariff levels and structures. There is a recognition by the Cabinet that tariffs need to be structured in such a way that the economic performance of our high streets is not adversely affected. Achieving this aim while generating a higher financial contribution overall will not be an easy balance to achieve, but I have tasked officers with a review of tariff structures based on this principle.

I have noted that some Members are becoming increasingly concerned about the performance of the North Essex Parking Partnership (NEPP), and some disquiet was also expressed at a recent meeting of the Local Councils' Liaison Committee. While it may be that some of these concerns arise from misunderstandings about NEPP's role and activities, justifiable views have been expressed by several member authorities that the organisation needs to explain those activities more openly, as well as performing more efficiently. I have asked officers to set out in the Members' Bulletin a summary of our involvement with NEPP and an explanation of its responsibilities, and I also welcome the intention of the Overview and Scrutiny Committee to invite a representative of NEPP to attend a future meeting.

At the time of writing this Report, it was intended that the informal public consultation on the Buckhurst Hill Parking Review should start in early December (representing some slight slippage from the earlier timetable). This offers residents the opportunity to comment on the proposed changes to on-street parking restrictions, in advance of final decisions and the formal public consultation.

Highways

Essex Highways have made progress with the preparatory work for a potential new Junction 7A on the M11, with a link road between Gildea Way, Harlow and the motorway. A series of public exhibitions is currently taking place at venues in Harlow and Epping from 2 December 2013 to 31 January 2014. By the time of the Council meeting, an exhibition, with display boards showing how the new junction links into the existing road network, as well as demonstrating associated improvements, will already have taken place at North Weald Library, and a further staffed event will take place at Sheering Village Hall on 10 January between 3.00 and 8.00 pm.

Conservation

A new Technical Officer for Conservation has been appointed and started work in October. The calibre of applicants was extremely high but the successful candidate shone during the interview process, displaying her breadth of building conservation knowledge, experience and qualifications. As well as providing general support to the Conservation Officer, Maria Kitts, she has been tasked with completing and publishing three Conservation Area character appraisals that are currently in final draft form (York Hill, Staples Road and Baldwins Hill). At present she is on a temporary contract until the end of March 2014, but it is proposed that her contract can be extended for a further 12 months through the use of some old outstanding town centre Section 106 monies, so that more character appraisals can be progressed.

With the Technical Officer's assistance, it is anticipated that the Conservation Officer will publish the York Hill and Staples Road Conservation Area character appraisals in early 2014, with Baldwins Hill following shortly afterwards. Attention will then be turned to the character appraisal for Copped Hall, which is also currently in draft form.

The District has 25 conservation areas of which only six have character appraisals. These set out the special interest of an area by exploring its history, archaeology, the built environment and its unique character; they can also include a management plan. Once an appraisal has been established, suggestions are produced as to how the area's special interest can be preserved or enhanced. These documents are helpful in guiding appropriate new development in conservation areas and informing planning decisions.

Along with the four character appraisals currently in draft form (York Hill, Staples Road, Baldwins Hill and Copped Hall, three other areas have been identified as priorities (Chipping Ongar, Waltham Abbey, and Nazeing and Roydon). As well as these, the Heritage Asset Review from May 2012 (a document which forms part of the Local Plan Evidence Base for heritage conservation) identified two areas for potential Conservation Area designation: St John's, Buckhurst Hill and Theydon Bois. With a full time member of staff dedicated to working on appraisals, it is estimated that the drafting and publication of a full character appraisal would take between three and four months.

This is important work which will help us to preserve and maintain the most precious features of our District for future generations.

Report to the Council

Report of: Support Services Portfolio

Date: 17 December 2013

Portfolio Holder: Councillor H Ulkun

Recommending:

That the report of the Support Services Portfolio Holder be noted.

Individual Elector Registration (IER)

1. Since I reported to the Council meeting on 5 November 2013, I am pleased to say the Council has been successful in a grant application made to the Cabinet Office for additional IT software. This will help to facilitate better data checking in connection with elector registration. The grant approved totals £1,500.
2. Work is continuing on schemes to make use of the separate transitional funding provided for the next financial year by the Cabinet Office in respect IER. Currently, discussions are centring on the need to provide additional staffing in the Electoral Services Section in order to cope with additional work generated during the transitional phase leading to full individual elector registration next year. Currently it is estimated that the £33,000 grant from the Government will be utilised for administrative support (£22,000) and the balance being reserved for temporary staffing over the canvass period.

Electoral Canvass 2013

3. As I reported to the last meeting, the Electoral Register canvass is currently underway and the final reminder notice were sent to households during the weekend 30 November/1 December 2013.
4. At the November Council meeting, I reported that 15,000 electors had responded by telephone, text or internet where they had no changes to their details. This good performance has continued. The total number of households using this method is now over 22,000. However, this good news is tempered by the rate of return overall. At third reminder stage last year, 92% of households had completed their registration. This year the figure is 90% so it is important that there is a good response third reminder letters. Approximately 5,300 voters have yet to be registered and further publicity will be sought bearing in mind the importance of achieving a registration level which matches past performance.

Review of Polling Stations

5. The review of polling stations will now take place early in 2014. In addition in relation to the two polling stations I mentioned previously where special works were to be undertaken, I am pleased to say that the Allnutts Institute, Epping has now been completed. At Hastingwood Village Hall, steps are in process to provide a ramp for wheelchair users who come to vote when it is in use as a polling station.

6. I also mentioned in my last report the position concerning Faversham Hall, Chigwell Row which will not be available for polling purposes after May 2014. I am pleased to say that a possible alternative venue has now been identified and this will be reviewed in time for the General Election in May 2015.

Website – Disaster Recovery/Business Continuity

7. Members will be aware that the Epping Forest website is currently hosted on the Council's own internal infrastructure. This creates a certain risk in the event of a loss of premises or of a connection as the website would then become unavailable. To deal with this threat, it is proposed to move the website to an external host and with this in mind a number of providers are currently being evaluated by David Newton, Assistant Director (ICT) and the Website Development Board.
8. As the website is held in a virtual environment, the process of transferring the site to the new location can be achieved quickly once a provider has been selected.

Report to the Council

Committee: Cabinet

Date: 17 December 2013

Portfolio Holder: Councillor S Stavrou (Finance and Technology)

LOCAL COUNCIL TAX SUPPORT SCHEME 2014/15

Recommending:

That, in view of the consultation responses and experience of the 2013/14 scheme so far, no changes be made to the scheme for 2014/15 attached as Appendix 2 to this report.

Background

1. As part of the major changes to the Welfare Benefits system, from 31 March 2013 Council Tax Benefit ended and was replaced by a new scheme called Local Council Tax Support (LCTS). A key principle of the scheme was the protection of people who are of an age where they can claim Pension Credit. The Government introduced Regulations to ensure that pensioners who previously received Council Tax Benefit have continued to receive the same level of assistance they had prior to LCTS being introduced.
2. The Pan Essex LCTS Project Group, comprising of all the billing authorities and the unitary authorities in Essex, was created in January 2012 to devise a modular approach upon which all Essex authorities could base their local schemes according to local needs. The precepting authorities of Essex County Council, Essex Fire Authority and Essex Police have been involved from the beginning of the project. The project is managed by the Benefit Managers under guidance from the Essex Finance Officers Association.
3. The development of the 2013/14 LCTS scheme for the Epping Forest District included consultation with the public and the major precepting authorities. It sought to achieve cost neutrality i.e. the cut in Government funding is 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. The scheme was approved by Council on 18 December 2012. It is too early to provide a definitive analysis of the 2013/14 scheme outturn as the collection and recovery rates are yet to be finalised. However, indications are that the scheme will achieve the required cost neutrality desired at the outset and the collection rate is higher than originally anticipated.
4. On 22 July 2013, we approved the general principle that the Local Council Tax Support scheme for 2014/15 should be cost neutral for the Council and that public consultation should be undertaken on certain elements of the scheme.

Proposed Local Council Tax Support Scheme 2014/15

5. The 2013/14 Government funding to councils for LCTS was set at 90% of what would have been available as subsidy if the Council Tax Benefit Scheme had continued. In 2013/14, the

Government funded LCTS with a specific grant of £1.119M (including the town and parish council element). For 2014/15 the funding has been rolled into the Council's overall funding position made up of Revenue Support Grant and locally retained business rates. The Department for Communities and Local Government (DCLG) has stated that although it will not be identifiable within the draft settlement figures, the allocation will be similar to that for 2013/14, although the overall package will be reduced. DCLG have stated that authorities will need to decide on the value of the funding to be used for LCTS from 2014/15.

6. We are proposing that the Epping Forest LCTS scheme for people of working age continues for 2014/15 with the same scheme as for 2013/14. This will bring some stability for current recipients of LCTS as they will know approximately how much LCTS they will receive and how much Council Tax they will have to pay. We have also taken account of the fact that for 2013/14, some other authorities decided to support the cut in funding themselves but they are now having to make some major changes to their schemes for 2014/15 as they cannot continue to fund the shortfall.
7. Based on current forecasts, maintaining the current scheme in the Epping Forest District would enable a net neutral scheme to be delivered. It is anticipated that the Government will make further cuts to funding in future years and therefore the Pan Essex LCTS Project Group is currently considering how schemes can be changed for 2015/16 to both simplify the administration of the schemes and to make further cuts in expenditure on the schemes. In our view if major changes are to be made in 2015/16, it is sensible to have a stable scheme without changes for 2014/15.
8. Currently, the total expenditure on LCTS is £7,564,000, which is made up of £4,255,000 for elderly recipients and £3,309,000 for working age recipients. We anticipated that expenditure on the current scheme would total £7,684,000 for 2013/14 and therefore there is a small surplus which is primarily due to a decrease in the caseload. The total number of recipients in April 2013 was 8417 and this has reduced to 8304 in October 2013.
9. In estimating likely expenditure on LCTS for 2014/15, we have taken account of several factors which will increase expenditure on the current scheme, even if the scheme itself does not change. Essex County Council has indicated that it will increase its precept by 1.99% and Essex Police have also indicated that they will be increasing their precept. These increases, together with any other Council Tax increases, will in turn increase the total expenditure on LCTS. In addition to this, the applicable amounts used in the calculation to assess a household's needs will increase in April 2014, and thereby give greater entitlement to LCTS. However, this will be partially offset by an increase in state pensions and benefits. Taking these factors into account, together with the current underspend this year, if the scheme is kept the same in 2014/15, we anticipate that cost neutrality should still be achieved.
10. If the scheme is changed to achieve further savings, a change to the maximum percentage of 80% for working age recipients would achieve approximately £46,500 savings per 1%. The inclusion of Child Benefit in the calculation without changing the maximum percentage would achieve savings of £198,000 whilst the inclusion of child benefit and a change to the maximum percentage, would achieve savings of approximately £198,000 plus £45,000 per 1%.
11. As the major impact of any further reduction in LCTS will be on low income working age families, we are of the opinion there is a risk of a reduction in the collection rate should this group be asked to pay considerably more towards their Council Tax. With the Government Welfare Reform initiative that is currently being implemented, it is this same group who are most affected by the social sector under occupancy rule and benefit 'capping'. If there is a significant reduction in the amount of support, there will become a time where people who

were paying their Council Tax, albeit that it was difficult for them, will not pay at all because the total amount is impossible for them. The savings outlined above can only be achieved if those sums can be collected.

Consultation

12. Before final approval of the scheme, councils are required to consult with the major precepting authorities (County Council, Police & Fire Authorities) and the public. Essex County Council finance officers have attended the majority of the Pan Essex LCTS Project group meetings and the Police and the Fire Authority are invited and receive minutes of all the meetings. All the precepting authorities have indicated that provided the schemes remain cost neutral, they will not object to the schemes.
13. The only legal challenges that have been made to other authorities' LCTS schemes have been on the basis that consultation was not properly undertaken. Although none of the challenges were successful, our officers have been mindful that consultation needs to be properly undertaken on any changes to the scheme. In view of the uncertainty of the amount of funding available for 2014/15, consultation with the public was carried out from 16 August 2013 to 30 September 2013. The consultation was asking for views specifically on retaining the current scheme for 2014/15 and whether the percentage should be changed and/or child benefit included. Child Benefit always used to be included in the calculation of Council Tax Benefit until the previous Government decided that it should be disregarded. It is however an income into a household which may not be available to other households who have to pay the same amount of Council Tax.
14. In addition to information on the website, leaflets explaining the current scheme, the consultation and how to respond were sent with 4,000 Council Tax bills during this period. This ensured that both taxpayers receiving no help to pay their Council Tax, as well as current recipients of LCTS were made aware of the consultation. As the cost of the scheme impacts on Council finances, all EFDC staff were notified that the consultation was being undertaken.
15. Only 41 responses to the consultation were received which, although disappointing, is in keeping with the response levels of the other Essex Authorities (and is similar to the level of response to last year's consultation). The results of the consultation are shown in Appendix 1. Respondents were also able to give any additional comments which varied from comments that the scheme needs to be the same for everyone and therefore fair to everyone, that there should not be a band D restriction, support should be reduced for the unemployed to give the incentive to work, and that people of pension age should not be protected. Overall the responses to the consultation that were received did not highlight any issues that would give cause to make major changes to the scheme.
16. In total, there were approximately 4,500 people affected who have had to pay some or more Council Tax in 2013/14. The response from claimants to the 2013/14 scheme has obviously brought complaints, but the majority have been accepting that they do have to pay some Council Tax this year. The area of change that brought the most vociferous complaints has been the band D restriction. Even then, the majority of complaints about this have been from the claimants living in Band G properties, of which there were only 48 claims affected out of 4,500.
17. After the consultation closed on 30 September, Gingerbread, the charity for single parent families, made representations that the Council's scheme should be changed to disregard child maintenance. It appears that they had written to every local authority that adopted a scheme to include child maintenance. No previous representations or complaints have been received about this particular aspect of the scheme. To give protection to specific groups of

people has been considered by us but discounted as this would put a greater financial burden on non-protected groups of people, some of whom have an income of just £71.70 per week. Consultation was undertaken in 2012 on the proposals for our scheme, and the specific proposal to include child maintenance received support from respondents. Gingerbread have stated that the median amount of child maintenance is £12.00 per week, but £15 per week of any maintenance income is disregarded anyway, and, if a claimant is receiving a passported benefit, any child maintenance that they receive is still fully disregarded. Therefore the single parents with the more modest income are still protected by the Council's scheme.

18. In considering this aspect we have also been advised that in 2008 the Institute of Fiscal Studies provided written evidence to Parliament that confirmed fully disregarding child maintenance would benefit those who are better off. They said -

“Disregarding child benefit in HB/CTB does not affect families who are receiving the full entitlement of HB/CTB, as it is impossible for them to be entitled to any more HB/CTB; it only affects those families who are on the taper of HB/CTB, and those families who, without the disregard, have incomes sufficiently high to not be entitled to HB/CTB and who will become entitled with the disregard.”

19. If maintenance is disregarded as income in future years, the impact on other claimants would need to be considered. In order to make up the shortfall in overall scheme savings that such a measure would necessitate, it would probably be necessary to look at reducing the maximum amount that can be awarded to people of working age. Currently this is 80% for the EFDC scheme but, if further savings were required because child maintenance is disregarded, that percentage may need to decrease. This would increase the amount that all claimants have to pay, including single parents that do not have the benefit of additional income from child maintenance. Therefore, by helping single parents with a higher income, it will in fact place a greater financial burden on those single parents with a lower income.
20. Due to the fact that in over a year, no-one had raised any concern over the inclusion of child maintenance as income, this is not an aspect of the EFDC scheme that we were looking to change and therefore it was not included again in the consultation for the 2014/15 scheme. As we have not consulted on such a change and there is no time to do so now, if this aspect of our scheme was changed for 2014/15 it would be vulnerable to challenge.

Exceptional Hardship Fund

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

Conclusions

22. The LCTS scheme needs to be designed to ensure, as far as possible, stability and sustainability in the Council's finances. LCTS is not a benefit and it is treated as a discount within the Council Tax calculations. This means that the Council's taxbase will reduce (as will the taxbase for all other preceptors). The anticipated funding from the Government should cover the lost Council Tax income although the DCLG will not be confirming the actual grant to each Authority until Christmas.
23. We recommend as set out at the commencement of this report.

1: Should the Council make any changes to the existing Local Council Tax Support scheme?		
	Response Total	Response Percentage
Yes	19	46%
No	14	34%
Don't know	8	20%
	Total Respondents	41
	Skipped the question	103

2: If the Council has a reduction in the Government funding for Local Council Tax Support, how should the Council fund the shortfall?			
	Yes	No	Response Total
Change the scheme to reduce the amount of LCTS paid?	87.8% (36)	12.2% (5)	41
Increase the Council Tax	7.32% (3)	92.68% (38)	41
Cut services provided by the County, District, Town & Parish Councils	17.07% (7)	82.93% (34)	41
	Total Respondents		41
	Skipped the question		103

3: Currently the maximum Local Council Tax Support that can be paid to people of working age is 80% of their Council Tax liability. If the Council has to make changes to the scheme, should the maximum percentage be reduced to fund the shortfall?		
	Response Total	Response Percentage
Yes	30	73%
No	9	22%
Don't know	2	5%
	Total Respondents	41
	Skipped the question	103

4: Currently Child Benefit is not counted as income for Local Council Tax Support yet it is income that is actually received. Should Child Benefit be included as income for Local Council Tax Support?		
	Response Total	Response Percentage
Yes	28	68%
No	12	29%
Don't know	1	2%
	Total Respondents	41
	Skipped the question	103

5: In 2013/14 there is a small Exceptional Hardship Fund to help people to pay their Council Tax where they are experiencing severe hardship. Should this fund be continued in 2014/15?		
	Response Total	Response Percentage
Yes	29	71%
No	10	24%
Don't know	2	5%
	Total Respondents	41
	Skipped the question	103

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

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1.0 Introduction to the Council Tax Reduction Scheme

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

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

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

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

The three prescribed classes are as follows;

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

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and

- f. who has made an application for a reduction under the authority's scheme.

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

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

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

Disregard of certain incomes

- 1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:
- a. a war disablement pension;
 - b. a war widow's pension or war widower's pension;
 - c. a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - d. a guaranteed income payment;
 - e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

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

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

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;
- a. has not attained the qualifying age for state pension credit; or
 - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.
- 1.7 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of

¹ Section 5 of this scheme

- universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
 - d. is not deemed to be absent from the dwelling;
 - e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
 - f. be somebody in respect of whom a maximum Council Tax Reduction² 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 *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
 - i. has made a valid application for reduction⁶.

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

Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- g. be somebody in respect of whom a maximum Council Tax Reduction⁸ amount can be calculated;
- h. not have capital savings above £6,000⁹;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*¹⁰ is **more** than their *applicable amount*¹¹;
- j. have made a valid application for reduction¹²;
- k. be a person in respect of whom amount A exceeds amount B where
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; 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

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

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

Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2014/15

Sections 2- 8
Definitions and interpretation

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

2.1 In this policy–

‘the Act’ means the Social Security Contributions and Benefits Act 1992;

‘the Administration Act’ means the Social Security Administration Act 1992;

‘the 1973 Act’ means the Employment and Training Act 1973;

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

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

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

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

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

‘applicant’ means a person who the authority designates as able to claim Council Tax Support – for the purposes of this policy all references are in the masculine gender but apply equally to male and female;

‘application’ means an application for a reduction under this scheme:

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

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

‘attendance allowance’ means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘the Consequential Provisions Regulations’ means the Housing Benefit and Council tax support (Consequential Provisions) Regulations 2006;

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

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

‘council tax benefit’ means council tax benefit under Part 7 of the SSCBA;

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

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

‘couple’ means;

- a. a man and a woman who are married to each other and are members of the same household;
- b. a man and a woman who are not married to each other but are living together as husband and wife;
- c. two people of the same sex who are civil partners of each other and are members of the same household; or
- d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
and for the purposes of sub-paragraph (d) two people of the same sex are to be 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. The above includes the Marriage (Same Sex Couples) Act 2013;

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

‘designated authority’ means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

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

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

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

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

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

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

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

‘employed earner’ is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

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

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

‘the Employment, Skills and Enterprise Scheme’ means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **‘Back to Work Schemes’**;

‘employment zone’ means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’s allowance to obtain sustainable employment;

‘employment zone contractor’ means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

‘enactment’ includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

‘extended payment (or reduction)’ means a payment of council tax support payable pursuant to section 60;

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

‘extended payment or extended reduction (qualifying contributory benefits)’ means a payment of council tax support payable pursuant to section 61;

‘family’ has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;

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

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

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

‘housing benefit’ means housing benefit under Part 7 of the Act; ‘the Housing Benefit Regulations’ means the Housing Benefit Regulations 2006;

‘Immigration and Asylum Act’ means the Immigration and Asylum Act 1999;

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

‘income-related employment and support allowance’ means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

‘Income Support Regulations’ means the Income Support (General) Regulations 1987**(a)**;

‘independent hospital’–

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

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

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

‘the Independent Living Fund (2006)’ means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

‘invalid carriage or other vehicle’ means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

‘Jobseekers Act’ means the Jobseekers Act 1995; **‘Jobseeker’s Allowance Regulations’** means the Jobseeker’s Allowance Regulations 1996 and Jobseeker’s Allowance Regulations 2013 as appropriate;

‘limited capability for work’ has the meaning given in section 1(4) of the Welfare Reform Act;

‘limited capability for work-related activity’ has the meaning given in section 2(5) of the Welfare Reform Act 2007;

‘the London Bombing Relief Charitable Fund’ means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

‘lone parent’ means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

‘the Macfarlane (Special Payments) Trust’ means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

‘the Macfarlane (Special Payments) (No.2) Trust’ means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

‘the Macfarlane Trust’ means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

‘main phase employment and support allowance’ means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

‘the Mandatory Work Activity Scheme’ means a scheme within section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting applicants to improve their prospect of obtaining employment;

‘maternity leave’ means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

‘member of a couple’ means a member of a married or unmarried couple;

‘MFET Limited’ means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

‘mobility supplement’ means a supplement to which paragraph 9 of Schedule 4 refers;

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

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

'net earnings' means such earnings as are calculated in accordance with section 26;

'net profit' means such profit as is calculated in accordance with section 28;

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

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

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

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

'occupational pension' means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

'occupational pension scheme' has the same meaning as in section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

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

'partner' means—

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

'paternity leave' means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

'payment' includes part of a payment;

'pension fund holder' means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

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

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

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

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

'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;
- b. a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or
- c. the Employment, Skills and Enterprise Scheme;
- d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- e. Back to Work scheme.

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

- a. a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- b. a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- c. a public authority in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- d. a public authority in consequence of a function relating to disability under section 49 of the Equality Act 2010;
- e. a best value authority in consequence of a function under Section 3 of the Local Government Act 1999,
- f. a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- g. a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- h. the Commission or the Office of the Health Professions Adjudicator in consequence of a function under sections 4, 5, or 108 of the Health and Social Care Act 2008,
- i. the regulator or a private registered provider of social housing in consequence of a

function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008, or
j. a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

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

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

'the Skipton Fund' means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.

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

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

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

'subsistence allowance' means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

'support or reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

'the Tax Credits Act' means the Tax Credits Act 2002;

'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next;

'training allowance' means an allowance (whether by way of periodical grants or otherwise) payable—

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

'the Trusts' means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 and the Universal Credit (Miscellaneous Amendments) Regulations 2013;

'Uprating Act' means the Welfare Benefit Up-rating Act 2013;

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

'war disablement pension' means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

'war pension' means a war disablement pension, a war widow's pension or a war widower's pension;

'war widow's pension' means any pension or allowance payable to a woman as a widow

under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘war widower’s pension’ means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘water charges’ means;

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

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

‘week’ means a period of seven days beginning with a Monday;

‘Welfare Reform Act’ means the Welfare Reform Act 2007;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹³; 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

¹³ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013

for section 18 of that Act.

- 2.5 For the purposes of this policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this policy, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

- 3.1 In this policy, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the applicant's family;
 - b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
 - c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
 - d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
 - e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
 - f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.
- 3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–
- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
 - b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax support scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
 - c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance Number¹⁴

4.1 No person shall be entitled to support unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming support.

4.2 This subsection is satisfied in relation to a person if–

- a. the claim for support is accompanied by;
 - i. a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

4.3 Paragraph 4.2 shall not apply–

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

5.0 Persons who have attained the qualifying age for state pension credit 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 in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit, except where either partner receives income support, income based jobseekers allowance, income related employment and support allowance or universal credit

5.2 This scheme also applies to a person if:

- (i) he has not attained the qualifying age for state pension credit; or
- (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
 - (a) a person on income support, on income-based jobseeker’s allowance or an income-related employment and support allowance; or
 - (b) a person with an award of universal credit.

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

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

- 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;
 - l. a person who
 - i. 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 income-related 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
 - iii. that period is unlikely to exceed 13 weeks; and

- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is:

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
- b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—

- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
- c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.7 In this section;

- ‘medically approved’ means certified by a medical practitioner;
- ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
 - a. in a care home;
 - b. in an independent hospital;
 - c. in an Abbeyfield Home; or
 - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

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;
 - f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

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

A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 Paragraph 9.1 the definition of a child or young person shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income- related employment and support allowance; or has an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.
- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies
- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;

- a. the person who is receiving child benefit in respect of him; or
- b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household

11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

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

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

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

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

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

- a. that child or young person lives with the applicant for part or all of that reduction week; and
- b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law

Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Sections 12 – 14 & Schedule 1

Applicable Amounts for Council Tax Support purposes

12.0 Applicable amounts

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case;

- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
- e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case;

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the lowest amount within paragraph 1 of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts or living allowances) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- d. if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in paragraph 3 of Schedule 1 of this scheme (family premium);
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

14.0 Applicable amount: persons who are not pensioners who have an award of universal credit

14.1 In determining the applicable amount for a week of an applicant—

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

(2) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(3) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

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

- 15.1 The income and capital of:
- a. an applicant; and
 - b. any partner of that applicant,

is to be calculated in accordance with the following provisions.

- 15.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

- 15.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

15A.0 Calculation of income and capital: persons who are not pensioners who have an award of universal credit

- 15A.1 In determining the income of an applicant
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

- 15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
 - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
 - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
 - (d) section 33 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
 - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

- 15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

- 15A.4 sections 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (2)

- 15A.5 In determining the capital of an applicant;

- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

16.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's

16.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax support scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.'

16.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 16.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 18.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

17.3 The maximum deduction to which paragraph 17.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended).

17.4 For the purposes of paragraph 17.1 'income' includes capital treated as income under section 31 (capital treated as income) and income, which an applicant is treated as possessing under section 32 (notional income).

18.0 Treatment of child care charges

- 18.1 This section applies where an applicant is incurring relevant child-care charges and;
- a. is a lone parent and is engaged in remunerative work;
 - b. is a member of a couple both of whom are engaged in remunerative work; or
 - c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
 - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - c. is paid an employment and support allowance;
 - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or

- c. in respect of care provided by a relative of the child wholly or mainly in the child's home.

- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
 - e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
 - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
 - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
 - m. by a person who is not a relative of the child wholly or mainly in the child's home.
- 18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.
- 18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- 18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where

- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work
 - b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
 - c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
 - d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act or personal independence payment under the Welfare Reform Act 2012;
 - v. increase of disablement pension under section 104 of the Act;
 - vi. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - vii. main phase employment and support allowance;
 - g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
 - h. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - i. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- 18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of

work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—

- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
- b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

18.14 For the purposes of paragraph 18.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—

- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
- c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—

- a. the date that leave ends;
- b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

- a. 'qualifying support' means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- b. 'child care element' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

18.17 In this section 'applicant' does not include an applicant;

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit

19.0 Average weekly earnings of employed earners

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

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

19.2 Where the applicant has been in his employment for less than the period specified in paragraph 19.1 a)(i) or (ii)

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

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

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26

20.0 Average weekly earnings of self-employed earners

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

20.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with section 27 to 29 of this scheme

21.0 Average weekly income other than earnings

21.1 An applicant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise an authority to disregard any such income other than that specified in Schedule 4 of this scheme

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

21.3 For the purposes of this section income other than earnings shall be calculated in accordance

with paragraphs 30 to 32 of this scheme

22.0 Calculation of average weekly income from tax credits

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

22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3

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

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

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

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

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

23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

24.0 Disregard of changes in tax, contributions etc.

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

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

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

25.0 Earnings of employed earners

25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes–

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of–
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- i. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended¹⁵.

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

¹⁵ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.

- 26.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 14 of Schedule 3.
- 26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;
- a. any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 contributions under the Act;
 - b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
 - d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.
- 26.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner,

means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

27.3 This paragraph applies to—

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of council tax support which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of social security contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.

28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and

- (ii) social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.
- 28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of–
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for–
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt–
- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of–
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution
- 28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against

his earnings in any other of his employments.

28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined

- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
- b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

28.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

29.1 The amount to be deducted in respect of income tax under section 28.1b i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

29.2 The amount to be deducted in respect of social security contributions under paragraphs 28.1 1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of–

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

29.3 In this section 'chargeable income' means–

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (28.3)(a) or, as the case may be, (28.4) of section 28;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

30.0 Calculation of income other than earnings

30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 27.2 to 27.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

- 30.2 There shall be disregarded from the calculation of an applicant's gross income under paragraph 30.2, any sum, where applicable, specified in Schedule 4.
- 30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.
- 30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—
$$\frac{A - (B \times C)}{D}$$

Where
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
D = the number of reduction weeks in the assessment period.
- 30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if—
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5
- 30.10 In this section— 'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 43 to 45, 'assessment period' means—
a. in a case where a relevant payment is made quarterly, the period beginning with the

reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

- b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
 - i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of those date is earlier

‘quarter’ in relation to an assessment period means a period in that year beginning on;

- a. 1st January and ending on 31st March;
- b. 1st April and ending on 30th June;
- c. 1st July and ending on 31st August; or
- d. 1st September and ending on 31st December;

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.

31.0 Capital treated as income

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £6,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income

31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 Except in the case of–

- a. a discretionary trust;
 - b. a trust derived from a payment made in consequence of a personal injury;
 - c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
 - e. any sum to which paragraph 48(a) of Schedule 5 refers;
 - f. rehabilitation allowance made under section 2 of the 1973 Act;
 - g. child tax credit; or
 - h. working tax credit,
 - i. any sum to which paragraph 32.13 applies;
- any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–

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

32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation–
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a previous participation in the Mandatory Work Activity Scheme;
- e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.8 Where an applicant is in receipt of any benefit (other than council tax support) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

32.9 Subject to paragraph 32.10, where—

- a. applicant performs a service for another person; and
- b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

32.10 Paragraph 32.9 shall not apply—

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.

32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those

earnings which he is treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Support purposes

33.0 Capital limit

33.1 For the purposes of this scheme, the prescribed amount is £6,000 and no support shall be granted when the applicant has an amount greater than this level

34.0 Calculation of capital

34.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).

34.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

35.0 Disregard of capital of child and young person

35.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

36.0 Income treated as capital

36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.

36.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.

36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

37.0 Calculation of capital in the United Kingdom

- 37.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—
- a. where there would be expenses attributable to the sale, 10 per cent.; and
 - b. the amount of any encumbrance secured on it;

38.0 Calculation of capital outside the United Kingdom

- 38.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated
- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
 - b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,
- less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

39.0 Notional capital

- 39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).
- 39.2 Except in the case of
- (a) a discretionary trust; or
 - (b) a trust derived from a payment made in consequence of a personal injury; or
 - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
 - (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
 - (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
 - (g) child tax credit; or
 - (h) working tax credit,
- any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.
- 39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- 39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made:
- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - b. pursuant to section 2 of the 1973 Act in respect of a person's participation:
 - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - c. in respect of a person's participation in the Mandatory Work Activity Scheme;
 - d. Enterprise Scheme;
 - e. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
 - f. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - i. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - ii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - iii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- 39.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case
- (a) the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
 - (b) he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- 39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.
- 39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.
- 40.0 Diminishing notional capital rule**
- 40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;
- (a) in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;

- (b) in the case of a week in respect of which paragraph 40.1(a) does not apply but where
- (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.
- 40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that
- (a) he is in receipt of council tax support; and
 - (b) but for paragraph 39.1, he would have received an additional amount of council tax support in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of
- (a) the additional amount to which sub-paragraph 40.2 (b) refers;
 - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations (notional capital) and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of
- (a) the amount of council tax support to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;

- (c) if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax support and the conditions in paragraph 40.6 are satisfied, and in such a case—

- (a) sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- (b) subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

40.6 The conditions are that

- (a) a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- (b) the applicant would have been entitled to council tax support but for paragraph 39.1.

40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

40.8 For the purposes of this section

- (a) 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;

- (iii) in paragraph 40.4 (c),(d)and(e)means–
- (aa) a period of less than a week which is the whole period for which income support , an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
 - (bb) any other period of less than a week for which it is payable;
 - (b) ‘relevant week’ means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purpose of determining his entitlement to council tax support; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
 - (c) ‘relevant subsequent week’ means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held

- 41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

42.0 Not used

Sections 43 - 56

Definition and the treatment of students for Council Tax Support purposes¹⁶

¹⁶ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

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

'access funds' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

'college of further education' means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

'contribution' means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;

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

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

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

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

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

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

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

‘grant income’ means

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

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

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

‘period of study’ means—

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

appropriate to his course;

- c. in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

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

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

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

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

'standard maintenance grant' means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

'student' means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

'student loan' means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Student's Allowances (Scotland) Regulations 2007

43.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- (a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
- (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
- (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council Tax Support

45.0 Students who are excluded from entitlement to council tax support

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council Tax Support under Classes A and B of the Council's reduction scheme.

45.2 To be eligible for support, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from aboard).

45.3 Paragraph 45.2 shall not apply to a student

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (j) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which

includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;

(iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

45.3A For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;

(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

(a) the day on which he resumes attending or undertaking the course; or

(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs

46.2 and 46.3, be the whole of his grant income.

- 46.2 There shall be excluded from a student's grant income any payment;
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is

apportioned or, as the case may be, would have been apportioned.

46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

47.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

48.0 Covenant income where no grant income or no contribution is assessed

48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with 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

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,

- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

- 51.3 A student shall be treated as possessing a student loan in respect of an academic year where;
- (a) a student loan has been made to him in respect of that year; or
 - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- 51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

- 51A. 1A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

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

56.0 Disregard of changes occurring during summer vacation

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

Sections 57 – 63

The calculation and amount of Council Tax Support

57.0 Maximum council tax support

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 80 per cent, of the amount A divided by B where;

- (a) A is the **lower** of either;
 - i. amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; or
 - ii. the amount set by the appropriate authority as the council tax for the relevant financial year in respect of a dwelling within Band D subject to any discount which may be appropriate to the person's circumstances; and
- (b) B is the number of days in that financial year

less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

In this paragraph "relevant financial year" means, in relation to any particular day, financial year within which the day in question falls.

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

57.3 Subject to paragraph 57.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom paragraph 45.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

57.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case

58.0 Non-dependant deductions¹⁷

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum Council Tax Reduction) shall be;

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

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

- (a) less than £xx.xx, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £xx.xx, but less than £xx.xx, the deduction to be made under this section shall be £x.xx;

¹⁷ The amounts shown within this section shall be updated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- (c) not less than £xx.xx, but less than £xx.xx, the deduction to be made under this section shall be £x.xx;
- 58.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 58.4 In applying the provisions of paragraph 58.2 in the case of a couple or, as the case may be a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 58.5 Where in respect of a day–
- a. a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - b. other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
 - c. the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is–
- a. blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - b. receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- 58.7 No deduction shall be made in respect of a non-dependant if:
- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - c. he is a full time student within the meaning of section 44.0 (Students); or
 - d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - e. 'patient' has the meaning given within this scheme, and

- f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
- g. he is not residing with the claimant because he is a member of the armed forces away on operations

58.8 No deduction shall be made in respect of a non-dependant:

- a. who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
- b. to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income:

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

any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

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

59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be $2 \frac{6}{7}$ per cent. Where an applicant's income exceeds their applicable amount, their council tax support shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax support as defined within section 57 of this scheme

59A Minimum Council Tax Support

59A.1 The amount of a person's minimum council tax support in respect of a day for which he is liable to pay council tax, shall be $0.50p \times 1/7$

60.0 Extended reductions

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

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

60.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

60.4 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).

60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

60A.0 Duration of extended reduction period

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

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

60B.0 Amount of extended reduction

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of—

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the

- general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the applicant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

60C Extended reductions – movers

60C.1 This section applies;

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

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

60C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
(b) the mover directly.

60C.4 Where—

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

60D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement

60D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

61.0 Extended reductions (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
(b) entitlement to a qualifying contributory benefit ceased because the applicant or the

applicant's partner;

- (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

61.2 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where;

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

61A.0 Duration of extended reduction period (qualifying contributory benefits)

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.3 The extended reduction period ends;

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

61B.0 Amount of extended reduction (qualifying contributory benefits)

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

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

61B .2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

61C.0 Extended reductions (qualifying contributory benefits) – movers

61C.1 This section applies;

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

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to–

- (a) the second authority; or
- (b) the mover directly.

61C.4 Where

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

61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

61D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

61E.0 Extended reductions: - Movers Generally¹⁸

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

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

(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.

Sections 64 – 67

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

64.0 Date on which entitlement is to begin

- 64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.
- 64.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

- 67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under an authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.
- 67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the

purposes of this scheme.

Sections 68– 74A

Claiming and the treatment of claims for Council Tax Support purposes

68.0 Who may claim¹⁹

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 scheme²⁰

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

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 69.2 An application may be made—
- (a) in writing,
 - (b) by means of an electronic communication in accordance with section 101 to 106 of this policy or
 - (c) (where the authority has published a telephone number for the purpose of receiving such applications) by telephone.
- 69.3 (1) An application which is made in writing must be made to the offices of the authority on a properly completed form.
(2) The form will be provided free of charge by the authority for the purpose.
- 69.4. Where an application received by the authority is defective because
- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
- the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
- 69.5. (1) Where an application made in writing is defective because—
- (a) the form provided by the authority has not been properly completed; or
 - (b) if it is made in writing, but not on the form provided by the authority, and the authority does not consider the application as being in a written form which is sufficient in the circumstances of the case;
- the authority may request the applicant to complete the defective application or (as the case may be) supply the applicant with the form to complete or request further information or evidence.
- (2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 69.6. (1) If an application made by electronic communication is defective the authority will provide the person making the application with an opportunity to correct the defect.
(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
- 69.7. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- 69.8. (1) If an application made by telephone is defective the authority will provide the person making the application with an opportunity to correct the defect.
(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.
- 69.9 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

69.10 Where an applicant ('C')—

- (a) makes a claim which includes (or which C subsequently requests should include) a period before the claim is made; and
- (b) from a day, in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period), the claim is to be treated as made on the date determined in accordance with paragraph 69.11

69.11 The date is the latest of—

- (a) the first day from which C had continuous good cause;
- (b) the day 3 months before the date the claim was made;
- (c) the day 3 months before the date when C requested that the claim should include a past period.

69A.0 Date on which a claim made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is

- (a) in a case where;
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction under this scheme is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
- (b) in a case where—
 - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the authority's offices within one month of the date of the change,the date on which the change takes place;
- (c) in a case where—
 - (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
 - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,the date of the death or separation;
- (d) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (e) in any other case, the date on which the application is received at the offices of the authority.

69A.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
have been entitled to that allowance.

- 69A.3 Where the defect in an application by telephone:
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance;
 - (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.
- 69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- 69A.5 The conditions are that—
- (a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
 - (b) where an application is not on approved form or further information requested by authority applies;
 - (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
 - (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
 - in either case, within such longer period as the authority may consider reasonable; or
 - (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- 69A.6 Except in the case of an application made by a person treated as not being in United Kingdom, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- 69A.7 Except in the case of an application made by a person treated as not being in United Kingdom, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than
- (a) in the case of an application made by a pensioner, the seventeenth reduction week following the date on which the application is made, or
 - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,
- the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- 69A.8 Sub-paragraph (7) applies in the case of a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit.

70.0 Submission of evidence electronically

70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Evidence and information²¹

72.1 Subject to paragraph (2), a person who makes an application, or a person to whom a reduction under an authority's scheme has been awarded, shall furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and shall do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.2 Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (4) applies.

72.3 Where a request is made under sub-paragraph (1), the authority shall;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

72.4 This sub-paragraph applies to any of the following payments—

(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

(b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);

(c) a payment which is disregarded under paragraph 29(9)(b) or (c) (non-dependant deductions) or paragraph 2(b) or (c) of Schedule 4 (second adult's gross income) other than a payment under the Independent Living Fund (2006).

72.5 Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable

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

the personal pension scheme to be identified.

73.0 Amendment and withdrawal of claim²²

- 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 circumstances²³

- 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

²² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he ceases to be a child or young person.

- 74.4 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances

Sections 75- 90

Decisions, decision notices and awards of Council Tax Support

75.0 Decisions by the authority²⁴

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 decision²⁵

76.1 The authority must notify in writing any person affected by a decision made by it under this scheme

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- (a) informing the person affected of the duty imposed by paragraph 74.1;
- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

76.4 The written statement referred to in sub-paragraph (3) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.5 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (6).

76.6 This sub-paragraph applies to—

- a) the applicant;
- b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,a person appointed by the authority under paragraph 68.2.
- c) a person appointed by the authority under paragraph 68.3

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

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

77.0 Time and manner of granting council tax support²⁶

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 paid²⁷

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

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁷ 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 / reduction²⁸

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 entitled²⁹

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

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82 – 90.0 Not used

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

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

Sections 91 – 94

Collection, holding and forwarding of information for Council Tax Support purposes

91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax 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.

Sections 95 – 98

Revisions, Written Statements, Termination of 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

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³⁰

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- a. the person's entitlement to a reduction under its scheme, or
 - b. the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- a. consider the matter to which the notice relates;
 - b. notify the aggrieved person in writing;
 - i. that the ground is not well founded, giving reasons for that belief; or
 - ii. that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

³⁰ Inserted by Council Tax Reduction Scheme-s (Prescribed Requirements) (England) Regulations 2012

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³¹

100.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act must be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with this scheme

100.2 An application to the authority for a reduction not in accordance with paragraph 1 on the grounds of Exceptional Hardship under this scheme must be made:

- (a) in writing,
- (b) by any means acceptable to the authority.

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³²
Electronic Communication

³² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

- 101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of:
- a. authenticating the identity of the sender of the communication;
 - b. electronic communication;
 - c. authenticating any application or notice delivered by means of an electronic communication; and
 - d. subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

- 103.1 The authority may use intermediaries in connection with;
- a. the delivery of any information by means of an electronic communication; and
 - b. the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an

authority's scheme on the day the conditions imposed:

- a. by this section; and
- b. by or under an enactment,

are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of:

- a. the sender of any information delivered by means of an electronic communication to an official computer system; or
- b. the recipient of any such information delivered by means of an electronic communication from an official computer system,

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

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

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

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

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

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

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts ³³

³³ ³³ The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance b) is aged not less than 25 c) is aged not less than 18 but less than 25	£xx.xx
2. Lone Parent	£xx.xx
3. Couple; 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 c) Polygamous Addition	£xx.xx

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- Paragraph 17 or 18 is satisfied in relation to the applicant; or
- 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;	£xx.xx
(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.	£xx.xx

(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
- where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £xx.xx;
 - in any other case, £xx.xx;

Premiums

4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6 (1) The following premiums, namely–
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and 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
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer’s allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

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

Premium	Amount
Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
Severe Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£xx.xx
Disabled Child Premium	£xx.xx 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	£xx.xx 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) £xx.xx 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) £1£xx.xx in respect of each person who is neither— (i) a child or young person; nor

	<p>(ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied;</p> <p>(c) £xx.xx 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.</p>
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The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £xx.xx. The amount of the support component is £xx.xx.

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

Schedule 2

Not Used

Schedule 3

Sums to be disregarded in the calculation of earnings³⁴

³⁴ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
 - (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax support the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in
(aa) paragraph 25.1(e), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds);
and
 - (ii) any award, sum or payment of the nature described in

(aa) paragraph 25.1(g) or (h), or
(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax support—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), or (j).
2. In the case of an applicant who, before first day of entitlement to council tax support;
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).

- 2A.** In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.
- 3.** (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
- (a) the is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
- (b) the or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
- 4.** In a case where the applicant is a lone parent, £25.
- 5.** (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
- 6.** Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
- (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
- (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
- 7.** In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

- 8.** (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as—
- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
 - (c) an auxiliary coastguard in respect of coast rescue activities;
 - (d) a person engaged part-time in the manning or launching of a life boat;
 - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;
- but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).
- (2) If the applicant's partner is engaged in employment;
- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.
- 9.** Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.
- 10.** In a case to which none of the paragraphs 3 to 9 applies, £5.
- 10A.** (1) Where;
- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
 - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
 - (c) paragraph 12 does not apply,
- the amount specified in sub-paragraph (7) ('the specified amount').
- (2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.
- (3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).
- (4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

- (5) This sub-paragraph applies to a person who is;
 - (a) in receipt of a contributory employment and support allowance;
 - (b) in receipt of incapacity benefit;
 - (c) in receipt of severe disablement allowance; or
 - (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975
 - (6) 'Exempt work' means work of the kind described in;
 - (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
 - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
 - (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
 12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
 13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
 14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
 15. Any earnings of a child or young person.
 16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—
 - (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
 - (b) the applicant—
 - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) is a member of a couple and
 - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;

(aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or

(c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1);

(a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and

(c) £17.10

(4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.

17. In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings³⁵

³⁵ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any

analogous payment.

- 12.** (1) Any payment—
- (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15** (1) Subject to sub-paragraph (2), any of the following payments;
- (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose

- funds are derived from a payment made in consequence of any personal injury to the applicant;
- (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
- (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.
- 16.** 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
- (a) widowed mother’s allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent’s allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
- (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of ‘water charges’ in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words ‘in so far as such charges are in respect of the dwelling which a person occupies as his home’.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–

- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student's student loan,
an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
 - (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.(2) For the purposes of sub-paragraph (1), the amount shall be equal to–
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non- dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
 - (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
 - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.(2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.

- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to ‘income in kind’ does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family–
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under–
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the applicant or his partner for a person (‘the person concerned’), who is not normally a member of the applicant’s household but is temporarily in his care, by–
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;

- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
- 29.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be

disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.

36. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either

- (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
- but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

- 37.** Any housing benefit.
- 38.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 39. - 40.** not used
- 41.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
- 46.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the

applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

48A. (1) £15 of any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In paragraph (1)

'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;

(a) the Child Support Act 1991;

(b) the Child Support (Northern Ireland) Order 1991;

(c) a court order;

(d) a consent order;

(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

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

49. Not used

50. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

51. Any guardian's allowance.

52. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

54. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

55 (1) Any payment which is

(a) made under any of the Dispensing Instruments to a widow, widower or

(b) surviving civil partner of a person;

- (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
- (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

- 55A.** Any council tax support or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
in respect of which such assistance is or was received.
(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.

63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. Not used
65. Not used
66. Any payment of child benefit.

Schedule 5

Capital to be disregarded³⁶

³⁶ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph(2), 'the award of council tax support' means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition

that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

- 11.** Any sum—
 - (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home,for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the

Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

19A. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

20. Any social fund payment made pursuant to Part 8 of the Act.

21. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

22. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.

23. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

24. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

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

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
- but only for a period of 52 weeks from the date of receipt of the payment or repayment.
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
- 41.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax support), the whole of his capital.
- (2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax support), sub-paragraph (1) shall not have effect.
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and
- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
- (2) This sub-paragraph applies to a sum of capital which is derived from;
- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

- .
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
- award of damages for a personal injury to that person; or
 - 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;
- by way of an education maintenance allowance made pursuant to—
 - regulations made under section 518 of the Education Act 1996;
 - regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - 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;
 - corresponding to such an education maintenance allowance, made pursuant to;
 - 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
 - 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;
- regulations made under section 518 of the Education Act 1996;
 - regulations made under section 49 of the Education (Scotland) Act 1980; or
 - directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 53A.-53B.** Not used

- 54.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of

- any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
- whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person’s partner;
 - (b) being a member of a diagnosed person’s family;
 - (c) acting in place of the diagnosed person’s parents,
- at the date of the diagnosed person’s death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
- ‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld- Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
- ‘trust payment’ means a payment under a relevant trust.
- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
- 59** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) ‘local authority’ includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

62. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

Report to the Council

Committee: Cabinet

Date: 17 December 2013

Portfolio Holder: Councillor A Grigg

(Asset Management and Economic Development)

Recommending:

That a supplementary capital estimate in the sum of £3,484,000 be approved for the purchase of the long leasehold Head Lease interest of 2 - 8 Torrington Drive, Loughton including the Sainsbury's store, car park and 0.121 acre car park in Burton Road.

-
1. The site of the Sainsbury's store and other properties at Torrington Drive, Loughton has been monitored for some time by the Council's Asset Management Coordinating Group since the Council is the freehold owner. Torrington Drive Ltd, a subsidiary of Stobart Properties, owns the Head Lease of 125 years from 31 May 1988 with an unexpired term of 99 years.
 2. An opportunity has arisen for the Council to purchase the Head Lease and we have taken advice from the Council's chartered surveyor consultants, Bidwells LLP including their opinion of market value based upon market evidence. The purchase price following negotiations is £3,350,000 plus Stamp Duty at 4% = £134,000. The negotiated purchase price is on the basis that Torrington Drive Ltd will complete a new sub lease with Sainsbury Plc for at least 15 years from 24 June 2013.
 3. The new sub lease will be conditional on Sainsbury Plc entering into a development agreement with Torrington Drive Ltd to carry out refurbishment works which will provide a new Sainsbury's store of 19,440 sq ft (gross internal area), demolition of existing unit shops and a new car park of 49 spaces.
 4. The Council would then accept a surrender of the Head Lease from Sainsbury's. This would result in Sainsbury's new sub lease being direct with the Council making all future transactions simpler.
 5. The acquisition of the Head Lease will provide the Council with a valuable addition to its property portfolio providing additional income of £224,424 per annum at an initial net yield of 6.44%.
 6. As freehold owners of this site and of the adjoining petrol station site the Council would be able to consider future redevelopment of both sites in accordance with the regeneration Design Brief approved by the Council in 2008. This would be subject to the sub lease agreed with Sainbury's and the lease of the petrol station.
 7. If the site is not purchased any future redevelopment would have to be agreed with the Head Lease owner at an appropriate time in the future. This would not give the Council the

control of the site and would adversely impact on the likelihood of securing and influencing the regeneration of the larger site.

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

Report to the Council

Committee: Cabinet

Date: 17 December 2013

Portfolio Holder: Councillor H Ulkun

CALENDAR OF MEETINGS 2014/15

Recommending:

That the Calendar of Council Meetings for 2014/15 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 us for consideration prior to its adoption by the Council.

2. We have considered a draft calendar for 2014/15 based on the current year's calendar, with approximately the same number of meetings.

3. The calendar we are recommending for 2014/15 retains where possible:

- (a) all Cabinet and Cabinet Committees on a Monday or a Thursday;
- (b) all Area Plans Sub-Committee meetings on a Wednesday; and
- (c) all miscellaneous Committee meetings on a Thursday.

4. The proposed calendar continues to keep Friday evenings free of meetings and encroachment into August has been kept to a minimum. We ask members to note that the proposed calendar is very congested and the organisation of any additional meetings will need careful consideration. Wherever possible, meetings have not been scheduled to coincide with major religious festivals. However, there is one meeting of Area Plans Sub-Committee West where it has not been possible to avoid a clash with the Jewish New Year festival of Rosh Hashanah.

5. We wish to draw attention to the following proposals.

Council

6. Due to the delay in holding the local elections to coincide with the European Parliamentary Election on 22 May 2014, the Annual Council meeting has been rescheduled for Tuesday 10 June 2014 as previously agreed by the Council.

The Executive

7. We are proposing that the frequency of Cabinet meetings in the Autumn should be revised from every six weeks to every four weeks which results in an additional meeting being held during this period. This year it was necessary for us to hold two meetings in July in order to complete the business and the extra meeting will assist us in meeting our work programme without the need for an extraordinary meeting.

8. The Council Housebuilding Cabinet Committee is not included on the calendar as we have been advised that it meets as and when evaluations for the various sites are received. Meetings will therefore be arranged by officers in consultation with the Chairman of that Committee when required.

Overview and Scrutiny

9. The Overview & Scrutiny Committee has traditionally met approximately a week before the Cabinet to enable it to review the Cabinet agenda, published a few days before. However, one of the recommendations from the Overview & Scrutiny Review Task & Finish Panel is that there should be more time between meetings of the Cabinet and Overview & Scrutiny Committee so as to ease the process for Call-ins of Cabinet decisions and also the review of Cabinet business via the Key Decision List. At the meeting of the Cabinet it was agreed that meetings of the Committee should be rescheduled with a revised programme submitted to the Council. To facilitate this the attached calendar provides for meetings of the Committee to be held approximately three weeks before the next Cabinet on either a Monday or a Tuesday, which will also permit reports to be forwarded from Overview & Scrutiny to Cabinet for consideration.

10. We are proposing an additional meeting of the Overview and Scrutiny Committee in the Autumn in order to mirror the additional meeting of the Cabinet.

11. The quarterly meeting schedule for Scrutiny Panels is maintained with the Finance and Performance Management Scrutiny Panel having an additional meeting as part of the budget preparation process and a joint meeting with Finance and Performance Management Cabinet Committee in January to consider the draft budget.

Plans Sub-Committees

12. We are recommending that the four week cycle be maintained with the week after the local elections being kept free of Plans-Sub Committees to enable member training to take place.

Licensing Sub-Committees

13. The proposed calendar makes provision for evening meetings of the Sub-Committee to consider premises licences although the need for these meetings is being reviewed by the Overview and Scrutiny Committee.

Waste Management Contract

14. In order to meet the timescale for the letting of the new Waste Management Contract in 2014 it will be necessary to hold additional meetings of the Cabinet and possibly the Council. Currently these are scheduled for 19 May 2014 (during the current municipal year) and provisionally 16 June 2014 (the 2014/15 municipal year) respectively.

Parish and Town Council Meetings














15. At the meeting of the Cabinet, concern was also expressed by some dual-hatted members about the proposed dates of some meetings being held on the same evenings as certain full Parish/Town Council meetings. Since the meeting of the Cabinet the officers have made enquiries of the clerks of the local councils specifically mentioned. It has been established that two of the local councils will not be approving their calendars until the New Year. In relation to another one which has an approved calendar until the end of the calendar year 2014 showing meetings of the full parish council on the last Thursday of a month there is only one clash with a District Council Cabinet Committee meeting.

16. With 24 parish and town councils it is extremely difficult to avoid some clashes and many parish/town councils wait for the District Council calendar to be published so that they can work around it. It is considered that the attached calendar meets the concerns of the dual-hatted members as far as possible.

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

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Epping Forest District Council Calendar of Meetings 2014/15

		2014								2015				
Meeting		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Executive														
Council			10th(16th)	29th		30th		4th	16th	17th(19th)			21st	26th
Cabinet		19th	23rd	21st		8th	6th	3rd	1st		2nd	9th	13th	
FPM Cab Comm			26th			18th		13th		19th		19th		
AM & ED Cab Comm				14th			13th		8th		9th		20th	
Local Plan Cab Comm				7th		1st		17th		26th		16th		
Scrutiny														
OS Committee				1st		16th	14th	10th		12th	10th	23rd	27th	
Finance & Perf Mgmt			17th			9th		11th		19th		10th		
Housing				22nd			21st			20th		24th		
Planning Services				8th		2nd			9th				14th	
Safer, Cleaner, Greener				15th			7th			6th	24th		28th	
Constitution & Mbr Serv's			24th			23rd		18th		13th		17th		
Planning														
District Development			25th		13th		8th		3rd		11th		8th	
Plans East		14th	18th	23rd	20th	17th	15th	12th	10th	21st	18th	18th	15th	20th
Plans West			4th	2nd-30th	27th	24th	22nd	19th	17th	28th	25th	25th	22nd	27th
Plans South		7th	11th	9th	6th	3rd	1st-29th	26th		7th	4th	4th	1st-29th	
Licensing														
Licensing Committee							8th						8th	
Licensing Sub (Day)			17th	15th	12th	9th	7th	11th	9th	13th	10th	10th	7th	
Licensing Sub (Evening)		15th		17th	14th	11th	16th	6th	11th	15th	12th	12th	16th	
Miscellaneous														
Audit & Governance			30th			25th		24th			5th	30th		
Housing Appeals Panel		12th		7th	4th	1st	6th	3rd	8th	12th	9th	9th	13th	
Joint Consultative Comm				24th			23rd			22nd			23rd	
Local Councils Liaison				10th				20th				26th		
Standards Committee				3rd			9th			8th			7th	
Webcast meeting			<u>Easter 2015</u>			<u>Fri 3-Apr-15 - Mon 6-Apr-15</u>				<u>General Election</u>			<u>Thu 7-May-15</u>	

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Report to Council

Date of meeting: 17 December 2013

Subject: Overview and Scrutiny report to Council – December 2013

Contact for further information: Councillor R Morgan



Recommendation:

That the Overview and Scrutiny progress report from November 2013 to the present be noted.

Overview and Scrutiny Committee Meeting – 26 November 2013

1. At our meeting on Tuesday, 26 November 2013 we received a consultation document from Essex County Council on the future of their Children's Centres. To aid us in our deliberations we had Stav Yiannou, the ECC Lead Strategic Commissioner on Early Years Education and Learning; and Stacy Randall, Spurgeon's Regional Manager. They gave us a short talk on the background to these cuts and the rationale to their proposals. We noted that this consultation ends on 5 December and was about making £2.5m of savings from the Children Centres Budget from 2014/15.
2. We also unusually, had two public speakers on this topic who helpfully gave us their views on the proposals.
3. After a long debate and cross questioning of the two officers the Committee endorsed the draft response prepared by our officers. We also noted that members could respond individually to the consultation.
4. We then received a presentation from some members of the Youth Council who took us through their last year's activities, giving us an overview of the things that they had got up to in their time as a Youth Councillor. We noted that the Councillors were elected for a two year period and that they were all now in their second year of office. Youth Volunteering had been a big theme for them during the year and as young volunteers themselves they were passionate about encouraging other young people to volunteer.
5. We then considered the Cabinet Agenda for their meeting held on 2 December 2013. Councillor Murray commented on agenda item 9 the sale of Church Hill Car Park. He was surprised that the report said that it was an un-kept site that would benefit from a tidy up, as he noted that we were the owners of the site. He also wanted assurance that 40% of affordable housing be maintained and that it would also be helpful to have a meaningful definition of what was meant by affordable housing.
6. Councillor Angold-Stephens commented in relation to agenda item 10 on the Cabinet agenda, the potential strategy options for council property assets. He wanted an assurance that the ward councillors would be consulted on this before it went to the Cabinet Committee.

7. Councillor Chambers commented on agenda item 17 – Safeguarding Audit and Resource Requirements. He thought that the recommendations were slightly too rigid and wondered if the Council could look at sharing services, such as sharing safeguarding officers with other authorities.

8. We next considered the report reviewing the new Licensing procedures. We noted that this had initially gone to the Constitution and Member Services Standing Panel the week before, where they agreed that:

- evening meetings should be discontinued;
- scrap metal dealers licence be heard at the daytime meetings;
- the chairman should decide if an evening meeting was needed in conjunction with the relevant ward members; and
- the report to Cabinet for the increase in the budget for extra Licensing and Democratic Services staff to be endorsed.

On consideration the Committee agreed this report and the amended recommendations.

9. We then considered the Corporate Plan Key Objectives for 2013/14 and the quarter 2 progress made, which we noted. We also considered the final report of the Overview and Scrutiny Review Task and Finish Panel which recommended lots of small and some major amendments to the Overview and Scrutiny procedures and consequently to the Council's Constitution. We agreed the report with some amendments. This report is on this agenda for consideration and approval. Some adjustment to the dates of the main Overview and Scrutiny Committee which will alter the Calendar of Meetings may be needed.

10. Finally we noted the 'Allocations of Costs' report produced by a sub-group of the Finance and Performance Management Standing Panel and noted that it would be making its way to an appropriate meeting of the Finance Cabinet Committee. We reviewed our work programme for the last six months and appointed a new member to the Finance and Performance Management Standing Panel, Councillor Mann to replace the late Councillor Finn.

Report to Council



Date of meeting: 17 December 2013

Report of: Overview and Scrutiny Review Task and Finish Panel

Chairman: Councillor K Angold-Stephens

Subject: Overview and Scrutiny Review

Recommendations:

- (1) That a report be submitted to the Council recommending that the proposals arising from this review of Overview and Scrutiny as set out in Appendix 1 be approved;
- (2) That the amendments set out in Appendix 2 (Overview and Scrutiny Procedure Rules and "Call In" Protocol) be approved and recommended to the Council for adoption and publication in the Constitution;
- (3) That this report be referred to the Audit and Governance Committee as previously requested.

Report:

1. Introduction

- 1.1 We were appointed by the Overview and Scrutiny Committee on 7 April 2012 to review Overview and Scrutiny arrangements within the Council with particular reference to working relationships with the Cabinet.
- 1.2 We were originally set a deadline of completing this review and making recommendations with a view to introducing the proposed changes by the beginning of the current Council year. In practice this did not prove to be possible in view of the discussion prompted by feedback from consultation.

2. Approach to the Review

- 2.1 We were provided with a comprehensive summary of all the statutory provisions relating to the Overview and Scrutiny (OS). If any members of the Council wish to review this information it can be found appended to the agenda for our meeting on 6 December 2012 (Agenda Item 5 – Appendix – Page 15). We were satisfied that the Council had met its statutory obligations and that the Council's Constitution and, more particularly, the Overview and Scrutiny Procedure Rules adequately reflect the statutory arrangements which apply.

- 2.2 Within the same Panel agenda, members will find further research which we commissioned as part of the review. This included:
- (a) a summary of outcomes from previous OS reviews;
 - (b) a digest of views received during consultation from Councillors and Officers about OS;
 - (c) examples from other Councils of good OS practice.
- 2.3 We reported to the Committee on 20 May 2013 with our provisional recommendations and the Committee made a number of comments and raised questions about some of our proposals. These included:
- (a) a query as to whether a call-in is still to be reported to the Overview and Scrutiny Committee even if it had been withdrawn by mutual consent;
 - (b) views regarding the proposal to allow only a lead “call-in” sponsor to speak to the call-in, thereby excluding other signatories;
 - (c) questions regarding our proposals for a new seating plan to deal with scrutiny of external organisations and call-in; and
 - (d) the question of whether the public should be asked to raise questions at OSC meetings or make presentations on matters of concern.
- 2.4 These concerns from the Committee had been addressed at our most recent meeting and we explain below that we have responded positively to the comments made.
- 2.5 The Audit and Governance Committee requested an opportunity to review our interim findings and also the process of the review itself, to seek assurance, from the point of view of good governance, that the review was robust. The Audit and Governance Committee received a report with the interim proposals at its meeting on 27 June 2013 and was happy with the process.
- 2.6 However, the Committee also asked for sight of the final proposals before these are submitted to the Council. With this in mind, we have asked for this report to be supplied to the Audit and Governance Committee at its next meeting.

3. Findings and Recommendations

- 3.1 Appendix 1 to this report shows our recommendations for changes to Overview and Scrutiny arrangements. A commentary is given below of our main findings in relation to a number of separate topic areas.

Overview and Scrutiny Committee – Chairman

- 3.2 At present, there are no specific rules concerning the appointment by the Council of an Overview and Scrutiny Committee Chairman. It is clear to us however that OS should not be a political process. We received representations as part of the consultation that the Chairman of OSC should automatically be a member of a minority party but feel that the only requirement should be that the Councillor appointed should have experience and understanding of OS in order to be qualified for the position. We also would like the Chairman of OSC to be able to attend the agenda planning group if he or she so wishes.

Cabinet/Overview and Scrutiny - Liaison

- 3.3 We feel that changes need to be made in order to facilitate closer working between the Cabinet and Overview and Scrutiny. One of the roles of Overview and Scrutiny is to assist the Cabinet in the conduct of its responsibilities whilst at the same time holding the Cabinet to account for the decisions made. However, our view is that there has been too much reliance in the past on call-ins as a way of bringing the Cabinet to account and not enough emphasis on pre-scrutiny.
- 3.4 Pre-scrutiny would allow a discussion to take place between the Cabinet and the Leader of Council and OSC in order to look at the former's programme of work and decide how Overview and Scrutiny could assist in the delivery of that programme. OSC should also regularly monitor progress by the Cabinet in delivering its programme.
- 3.5 We think this can be best achieved by linking the Cabinet's forward plan with the work programme for OS. We are recommending that at the first OSC each year, the Leader of Council and his Cabinet colleagues should present their programme and answer questions. This would also give an opportunity for the Leader of Council to advise OSC of those matters which could be undertaken on the Cabinet's behalf. Likewise, with the benefit of the planning of the OS work programme, will allow OSC to indicate work to be undertaken which affects executive functions.
- 3.6 We would like to see more attendance by Portfolio Holders at Scrutiny Panel meetings as they can then answer questions and provide information which can assist the work of the Panel concerned.
- 3.7 We also propose that progress reports be given after 6 months to OS on the Cabinet forward plan for the year and the delivery of its priorities so that OS has a chance to comment on Executive activities without relying totally on "call-ins".
- 3.8 We have also looked at the process by which the Overview and Scrutiny Committee reviews the Cabinet agenda at each meeting and we think there is scope of improving the arrangements.
- 3.9 The interval between the despatch of the Cabinet agenda and the Overview and Scrutiny Committee meeting is currently very short and we feel that this may not give OS members enough opportunity to really study Cabinet business. Pre –scrutiny of the kind we have described earlier in the report means that none of those items on the Cabinet agenda should be a surprise to OS members as there should have been discussion with the Leader of Council at the beginning of the year. The Cabinet review item is currently placed at the end of the OSC agenda and we think it should be placed earlier on the agenda to give it more prominence and to allow more time for discussion.

Overview and Scrutiny Work Programme

- 3.10 One of our concerns is that the management of the OS Work Programme should be improved.
- 3.11 We have listed in our recommendations a wide range of information from which the OS Work Programme could be drawn. For instance, there may be useful data on public concerns from the complaints or from Freedom of Information requests. We feel that the Cabinet Work Programme should also be taken into account in deciding how the OS programme should be structured.

- 3.12 We would also like to see use made of digests from Directorate Business Plans and information from petitions.
- 3.13 Another area where we feel that more work can be done is following up on previous scrutiny work. We are suggesting that once scrutiny work has been completed there should be 3 monthly oral reports from the Portfolio Holders followed by 6 monthly reviews on implementation. This should include reviews of matters such as Cabinet decisions on scrutiny reports and following up on discussions with external organisations following reviews.
- 3.14 We think the management of the OS Work Programme should be co-ordinated by the officer agenda planning group in consultation with the Chairman or Vice Chairman of the OSC. We would wish that group to review the work programme, review requests from the public and Councillors for reviews (via the pick system) and programme 3 monthly and 6 monthly follow ups. This group could also deal with any requests for reviews which are inappropriate or not relevant to OS. In our view, work programming by OS should start well before the start of the Council year. We are recommending that preparation should begin in February with a pause if necessary during April/May if EFDC Elections are due.
- 3.15 We also re-affirm the use of the “pick “system as the basis of assessing requests for reviews. The Officer Group should be strict in ensuring that items are all submitted on the form and if, requests are unclear or incomplete, refer them back for clarification. The Overview & Scrutiny Committee asked that we clarify in this report that all “PICK” forms which are appropriate as to content and intention, completed correctly and relevant to the District or the Council will be submitted to the Overview & Scrutiny Committee for consideration.

Scrutiny Panels

- 3.16 We have no major proposals in relation to Scrutiny Panels except that we wish to see Panel Chairmen more disciplined in attending meetings of the OSC in order to give progress reports on the work of their Panels.
- 3.17 We looked at the question whether pro-rata requirements for Standing Scrutiny Panels could be discontinued in order to ensure that memberships comprised Councillors who had a keen interest in the subject matter and did not merely attend to fulfil the pro-rata formula. Although in discussion, this did find some support, it was felt that in practical terms this would not be deliverable within the Council and we have therefore decided not to make any proposals in that regard.
- 3.18 Another minor change we wish to make is to dispense with the term “Standing Scrutiny Panel” and replace it with the simpler title “Scrutiny Panel”. We feel that this shortened title will still adequately distinguish these Panels from the “Task and Finish Panels” set up from time to time.
- 3.19 That the rules concerning set up from time to time of Portfolio Holders attending Scrutiny Panels be extended to Portfolio Holder Assistants.

“Call-in” Procedure

- 3.20 The “call-in” process operated by the Council has been reviewed several times and we think that, on the whole, it is working well. We are, however, making recommendations about improving the process as discussed below.

- 3.21 We wish to introduce arrangements whereby a Cabinet member and a call-in sponsor could meet before the call in is referred to OSC. Such a meeting would be convened by the Chairman of the Overview and Scrutiny Committee and would explore whether an agreement can be reached on a way forward. This might allow a “call-in” to be withdrawn or modified or allow a Portfolio Holder to agree changes to the decision so as to reflect the concerns expressed. We were asked previously by the Committee about what would happen if a “call-in” is withdrawn as a result of this process. We have looked at this issue and feel that OSC should be advised for information at the next meeting of any prior discussions about the call in and the outcome.
- 3.22 The deadline for a call-in is 5 days following the publication of a notice of the relevant executive decision. We feel that this is a tight timescale, particularly as five members have to sign in order to validate the “call in”. We are pleased that officers now operate more flexible arrangements. We still feel that a signed document is still required but e-mail submissions of support by the 5 call-in sponsors are now accepted and speed up the process. In the longer term we would like the opportunities for an electronic call-in system to be investigated.
- 3.23 We have also looked at the way in which “call in” debates at OSC are structured. We originally felt that the portfolio holder should not respond the “call in” until all five signatories have presented their reasons for calling in. The Overview & Scrutiny Committee has however changed our proposal as members felt that it was onerous for a single Portfolio Holder to have to respond to 5 separate speakers at the same time. Our recommendation is now that the order of speakers should be as follows:
- (a) Lead signatory to present call in;
 - (b) Portfolio holder responds;
 - (c) 4 other “call in” signatories respond;
 - (d) Portfolio Holder responds;
 - (d) debate by OSC (including an opportunity for other “call-in” signatories to the call-in speak if they so wish should they be more than 5 in number);
 - (e) reply by the “lead call” in signatory to the debate;
 - (f) Reply by Portfolio Holder to the debate.
 - (g) voting.

We would emphasise that the discretion has been retained for the Chairman of the Committee/Panel to vary this procedure should circumstances warrant this.

- 3.24 We have made recommendations on the use of the Council Chamber in the section of this report relating to the scrutiny of external organisations (see below). We recommend that the same seating arrangements should apply to call-ins, the relevant Director and the Portfolio Holder being asked sit together in the well of the Chamber to make their presentations and answer questions. We are suggesting that this arrangement should operate on a trial basis over the first 9 months of the Council year 2014/15 and then reviewed.

Scrutiny of External Organisations

- 3.25 We have probably spent more time on how to scrutinise the activities of other agencies who affect the District than on any other issue. Although a procedure regarding how such a scrutiny is to be conducted is outlined in the Overview and Scrutiny Rules we do not feel that this is fully effective.
- 3.26 The essence of scrutiny of external organisations is preparation. Currently, members of OSC have a private meeting on questions to be asked prior to the meeting. This is linked to an earlier invitation in the bulletin to put forward questions. We think that this is probably leaving matters too late for proper preparation and we would like a preliminary discussion to be held at the previous OSC to agree the topics which need to be raised. This should guide the Committee and officers on the kind of topics which need to be explored. We hope that this will enable more background information to be prepared by officers and avoid duplicating questions in debate. It will also enable the issues of concern to be sent to the organisation at an earlier stage, improving the prospects for meaningful answers being given at the meeting. We are also recommending that undertakings given by organisations should be followed up after six months and the outcomes reported back to OSC or the relevant Panel.
- 3.27 In terms of the way in which time is allocated at Overview and Scrutiny Committee meetings for this kind of scrutiny, we think that time limits should be applied to presentations by external bodies. We do not propose to be prescriptive about this as we are content for the Chairman of OSC to do this. However, we do not wish to see a time limit on the period for questions. We feel that an arbitrary time limit can often prevent members from asking significant follow up questions and frustrate the main purpose in inviting external agencies, namely of finding out the true position on how the District is affected.
- 3.28 We also feel that there is an issue around the selection of organisations who attend Overview and Scrutiny Committee meetings. Quite often requests are made simply to allow representatives to come to meetings to present information on some new initiative they are undertaking. In our view, this is not the same as Scrutiny. We feel that in planning the work programme for OS each year there must be regard to real issues for the Council and the community. Our recommendations also cover the important issue of following up on undertakings given by organisations during scrutiny sessions with these undertakings being summarised in the Council Bulletin.
- 3.29 A trial of new seating arrangements for external organisations is recommended. We consider that representatives of the external organisations should be seated in the well of the Chamber because this would provide a better focus for questioning and change the relationship between the organisation scrutinised and the OSC. We are aware that when we reported our provisional recommendations to the Overview and Scrutiny Committee, some reservations were expressed about this idea. However, we still wish to recommend this new seating arrangement because we feel that with representatives of external organisations sitting at the “top table” scrutiny is less effective.
- 3.30 At the end of the trial, we recommend that there should be a review of the effectiveness of this arrangement by the Constitution and Member Services Scrutiny Panel. The trial should be for 9 months but could be extended at the discretion of the Committee if insufficient external reviews have been conducted in that period.

Budget Scrutiny

- 3.31 We have reservations about the current involvement of Overview and Scrutiny in budget monitoring. Currently the activities of the Finance and Performance Management Scrutiny Panel ("Scrutiny Panel") seem to mirror the work of the Cabinet Committee to an excessive extent. We received representations as part of consultation about the current practice of submitting the same budget papers to Scrutiny Panel as are discussed by the Cabinet Committee. We feel that all the detailed financial information is rightly the responsibility of the Cabinet Committee and budget scrutiny by Overview and Scrutiny should be on a different basis.
- 3.32 We feel that the Scrutiny Panel should be reviewing the financial issues paper produced by the Director of Finance and ICT by September each year and the mid-term financial strategy document. Throughout the budget process, the Scrutiny Panel should concentrate on policy issues, trends, problems and themes rather than trying to assimilate the vast amount of financial data which the Cabinet Committee must have to meet its responsibilities. We wish to avoid the duplication that currently exists between the Cabinet Committee and this Scrutiny Panel.
- 3.33 At our request the Director of Finance and ICT has developed an OS budget review timetable which is set out in our recommendations. Principally this will involve an initial look at the financial issues paper by September. In November this will be followed by examination of the draft growth lists and savings and the DDF programme (plus fees and charges), followed, in January, by an update of the medium term financial strategy for the next financial year. The timetable would conclude in February with the final form of the draft budget.
- 3.34 We think that this should be the basis of scrutiny of the budget each year. This will allow the Scrutiny Panel to comment on the broad issues affecting the budget without becoming unduly immersed in the detail. This process should, in our view, be coupled with training in financial procedures preceding the beginning of the budget cycle by the end of September. We are happy for the content of that report and also the timing to be left with the Director of Finance and ICT but we feel it is essential that this training is given if OS is to make a real contribution to the budget process.
- 3.35 We wish the Scrutiny Panel's term of reference to be reviewed to avoid duplication with the Cabinet Committee and to see the joint meetings with the Cabinet Finance Committee discontinued. We also would like the Scrutiny Panel to look at the timetable for business plans so that this too can complement the OS work programme for the year.

Scrutiny of Key Performance Indicators

- 3.36 The quarterly review of Key Performance Indicators (KPI's) is currently undertaken by the Finance and Performance Management Standing Scrutiny Panel ("Scrutiny Panel"). We wish to see this continue but we would like KPI monitoring to concentrate on those indicators which are either "red" (below target) or "amber" (i.e. within a target tolerance) although all KPIs will continue to be reported as now. We see limited value in considering indicators which are being met. Furthermore, although we support the co-ordinating role of that Panel, we feel that where other Panels are in being and have a direct interest in any KPI, they should be able to review current performance or the reasons for non achievement if more detailed review is necessary after an initial presentation has been made to the Scrutiny Panel. We are asking that the terms of reference of that Panel should also be amended to reflect this approach.
- 3.37 If there is no separate Panel in being which can deal with any KPI, these further reviews can be dealt with by the Finance and Performance Management Scrutiny Panel.

The Public Profile of Overview and Scrutiny

3.38 At previous reviews of Overview and Scrutiny there has been discussion regarding the public profile of Overview and Scrutiny. We feel that although the Constitution adequately reflects the need for Overview and Scrutiny to engage with the public, this has not been achieved in practice and continues to be a problem. We have a number of ideas as to how we can improve things and these are set out below.

(a) Items from the Public

3.39 The Overview and Scrutiny rules should be amended to allow the public the opportunity to ask questions at Overview and Scrutiny and Panel meetings and to address those bodies on issues of concern.

3.40 This is an issue which was commented upon by Overview and Scrutiny Committee at the provisional recommendation stage because there were fears about the public raising topics which are not otherwise on the agenda. The Committee also felt that Overview and Scrutiny should avoid a situation where the same question or request to address a Committee or Panel can be repeated.

3.41 We accept those concerns and are proposing that questions and requests to address a Panel or the OSC should be limited to existing agenda items. If requests are received for topics which are not included on the agenda, these need to be dealt with under the "pick" system and submitted to a later meeting. We are sure that officers will look at these proposals carefully to ensure that they are relevant before placing them before members.

3.42 On the question of the same matter being raised again, we are proposing that the rules should say such questions or proposals can only be dealt with once in any one year. We would also like to see more opportunities for Panels to deal with relevant subjects as questions may be better dealt with in a smaller group of Councillors with more background knowledge of the subject matter. However some matters will be more appropriate for OSC.

(b) Encouraging Participation by the Public

3.43 We wish Chairmen to use their discretion whenever possible at both at OSC and Panel meetings, to ensure that the public can easily engage with OS and make a real contribution. We would like to see the website used to encourage the public to come forward with questions and ideas, particularly where scrutiny of external agencies is planned. Specific publicity for those sessions should also be given.

Scrutiny of Community Safety

3.44 We have reviewed the arrangements for scrutiny of Crime and Disorder and NHS issues as these are likely to be of interest to the public and Councillors alike. We are broadly quite happy with the arrangements for crime and disorder. We feel that there is a willingness by the Police and Crime Commissioner to come to this District to answer questions from the public and Councillors and we are confident that this will continue.

- 3.45 There should be adequate advanced publicity for community meetings arranged in the District under the auspices of the Police and Crime Commissioner's office. One recent event was, so far as we can see, advertised only fairly late in the day, with the result that there was a disappointing public attendance. We are recommending that the Commissioner's office should be asked to provide more notice and make use of the Council's resources to publicise such events.

Scrutiny of the NHS

- 3.46 Currently, statutory responsibility for NHS scrutiny lies with the County Council. We recognised the importance of having members of this Council on the County Scrutiny and value their feedback but currently there is no opportunity for this Council to scrutinise the decisions that may affect our local circumstances and to provide a forum for our Members to brief our County Councillor who serves on that Committee on matters that concern us.
- 3.47 We take the view that scrutiny on a County-wide basis may not be at a sufficiently local scale and we are proposing that an approach should be made to the County Council to carry out local review as and when the need arises. We are hopeful that Essex County Council will accept the need for local NHS reviews.

(Note: representations have been received by the Chairman of the Panel from one of the two representatives of the Council on the West Essex Health & Wellbeing Board (HWB) that local scrutiny of health issues by EFDC will conflict with the work of the HWB. This is not a matter which has formed part of our review but if the Council wishes to pursue local scrutiny reviews of health service issues, it will be necessary to liaise with not only with Essex County Council but also the HWB if this is to be pursued. Recommendation (27) in Appendix 1.

Training

- 3.48 We have mentioned training in relation to the budget and we are proposing that the training courses on OS should be reinstated and held each June in the years when there are Epping Forest District Council elections. We think it is very important that Councillors are constantly refreshed regarding Overview and Scrutiny techniques and particularly newly-elected Councillors, who need to be aware of the opportunities which OS opens up to non Cabinet members. We hope that this will not be the only Overview and Scrutiny training to be provided and that more specialist courses will be facilitated as and when needed.
- 3.49 Finally, we have been advised that the Tenants' Federation are forming their own Overview and Scrutiny Committee to monitor their relationship with the Council as housing authority. We are very supportive of this initiative and wish to see representatives of the Federation fully involved in any training sessions held.

4. Constitutional Changes

- 4.1 Revised Overview and Scrutiny Procedure Rules are attached as Appendix 2 and incorporate those proposals which require constitutional changes. The Committee will appreciate that many of the changes mentioned in our recommendations are more operational in character or merely support provisions in the Constitution which exist already. Any changes to the Rules are shown in bold type/underlined and, if approved, should be submitted to the next Council meeting for adoption and publication in the Constitution.

5. Conclusions

- 5.1 Our overriding impression of OS within the Council at present is that constitutionally it is well established but the full scope of the opportunities it offers to Councillors and the community to influence the way in which the Council and others work has yet to be fully grasped.

6. Thanks

- 6.1 The Panel wishes to acknowledge the support and responses received from all those consulted about this review. In particular we acknowledge the work carried out in support of the review by Connor Lattimer and Nicholas Trower in undertaking research and general support for the review during their summer internships in 2012.

K Angold-Stephens (Chairman)

Z:\C\OVERVIEW AND SCRUTINY\REPORT – 26 NOVEMBER2013

OVERVIEW AND SCRUTINY REVIEW – DRAFT RECOMMENDATIONS

Section marked thus * involve constitutional changes.

Overview and Scrutiny Committee – Chairman*

(1) That Overview and Scrutiny Procedure Rule 8 be amended by the addition of a new sub-paragraph (3) as follows:

“3. The Chairman of the Committee must have experience and understanding of the Overview and scrutiny system.”

(2) That the Chairman and Vice Chairman of the Overview and Scrutiny Committee shall be invited to attend agenda planning sessions conducted by officers.

Cabinet/Overview and Scrutiny Committee Liaison*

(3) That in order to improve liaison arrangements between the Cabinet and Leader of the Council with the Overview and Scrutiny Committee the following proposals be agreed and incorporated in the Overview and Scrutiny rules:

(a) that the Leader of Council attend the first Overview and Scrutiny Committee of any Council year so as to present the Cabinet’s Forward Plan and to attend after six months to update the Overview and Scrutiny Committee on progress with that plan;

(b) that at the first meeting of the Overview and Scrutiny Committee each year, the Leader should indicate, where appropriate, any work which could be undertaken by Overview and Scrutiny on behalf of the Cabinet and likewise the Committee will indicate to the Leader work which will be undertaken by the Committee in the following year;

(c) that at the initial meeting of the Overview and Scrutiny Committee each year, members should have the opportunity to ask the Leader of Council and Portfolio Holders questions on matters of concern regarding Cabinet business;

(d) individual Portfolio Holders should attend appropriate Overview and Scrutiny Standing Panel meetings which deal with matters relating to their portfolios and should answer questions on their portfolio from Panel members;

(e) that relevant Portfolio Holders should attend any of the appropriate Standing Panel meetings dealing with matters related to their portfolio;

(f) that all Councillors be encouraged to attend discussions with the Leader of Council and Portfolio Holders at OSC or Panels, where they have an interest in the subject matter concerned;

(g) that the Standing Item on the Overview and Scrutiny Committee Agenda relating to the review of Cabinet business at its next meeting be placed earlier on the Committee’s agenda to allow more opportunity for discussion; and

(h) that the Council calendar of meetings be reviewed so as to allow more time between meetings of the Cabinet and the Overview and Scrutiny Committee so as to ease the process for call-ins and also the review of Cabinet agenda business.

Overview and Scrutiny - Work Programme*

(4) That the first meeting of the Overview and Scrutiny Committee each year should include consideration of the work programme both for the Committee and Panels and that the compilation of the work programme should take account of the following:

- (a) significant decisions, whether or not they are key decisions, which are included in the Council's Forward Plan;
- (b) monitoring of the Cabinet Forward Plan as to progress and content of proposed decisions;
- (c) items arising from the Forward Plan to be raised as part of the Cabinet review item on Overview and Scrutiny Committee agenda;
- (d) requests by the public or Councillors;
- (e) a review of topics raised by way of formal complaints to the Council during the preceding year;
- (f) topics which have arisen in Freedom of Information Act requests during the previous year;
- (g) agreed Cabinet priorities for the year;
- (h) any outstanding work by Scrutiny Panels not completed during the previous Council year;
- (i) digests of information arising from petitions received during the previous year;

(5) That the submission of items by members of the Council or the public for consideration by Overview and Scrutiny Committee continue to be based on the "pick" work request form, use of which should be enforced and that in cases where a pick form is unclear or incomplete, they be returned to the proposer with a request for clarification, the content of all requests being reviewed to ensure that only those requests which are relevant to the District or the Council and expressed in appropriate terms are brought before the Committee;

(6) That items or questions requested by the public be dealt with by officers so that these can be presented in the "Pick" form format;

(7) That where Overview and Scrutiny Committee or a Panel undertakes a review of Council services affecting the Cabinet, more follow-up work be undertaken as follows:

- (a) **after 3 months** – the relevant portfolio holder should give a verbal report on whether the OS recommendations have been agreed or any reasons why they have not been agreed or have been amended; and

(b) **after six months** – the relevant portfolio holder should report back on the implementation of those recommendations.

(8) That the Overview and Scrutiny Agenda Planning Group of officers in consultation with the Chairman of the Overview and Scrutiny Committee be given prime responsibility for managing the Overview and Scrutiny work programme including reviews of requests from the public and members via the “pick” form procedure so as to establish the relevance and suitability of reviews requested;

(9) That the preparation of the Overview and Scrutiny Work Programme should commence in February each year but with account taken of the election period April/May each year if District Council elections are taking place;

(10) That, in terms of Council budgets scrutiny, provision be made in the Council's annual training programme for Overview and Scrutiny members to be trained in budget processes before the commencement of the budget round each year and that the Director of Finance and ICT being asked to determine the most appropriate timing and content for such training sessions.

Overview and Scrutiny Panels*

(11) That Overview and Scrutiny Procedure Rules 12 and 13 be amended so as to require all Chairmen of Standing and Task and Finish Panels to attend each Overview and Scrutiny Committee to give oral or written progress reports on the work of their Panels.

(12) That the term “Standing” be discontinued in respect of the titles of Scrutiny Panels with Scrutiny Panels and Task and Finish Scrutiny Panels being used in future.

Call-in Procedure*

(13) That the following changes be made to the call-in procedure set out in the Overview and Scrutiny Procedure Rules and Protocol:

(a) that the Chairman of the Overview and Scrutiny Committee, if requested either by the lead Councillor for a call-in or the relevant Cabinet member, should convene a meeting to discuss the call-in before this is considered formally by the Overview and Scrutiny Committee with a view to establishing whether there could be agreement between the Cabinet member and the call-in sponsor on proposals to modify the decision or the terms of the “Call in” so as to progress the matter;

(b) that the present deadline for calling in decisions by the Cabinet or Portfolio Holders remain at five days and that a more flexible approach of allowing signing by separate e-mails from the members who support the call-in concerned be noted;

(c) that further work be undertaken as to the possibility of instituting full electronic call-ins so as to speed up the process for dealing with these requests;

(d) that a new provision be introduced so as to allow “call-in” sponsors to withdraw any objections they may have notified if having met with the Portfolio Holder and the Chairman of the Overview and Scrutiny Committee their concerns are met;

- (e) that situations where the procedure outlined in (d) above has been followed, an agreement has been reached on the withdrawal of call-in objections, an information report be submitted to the next meeting of the Overview and Scrutiny Committee on that withdrawal and the circumstances which led to changes in the original Cabinet decision being agreed by the Portfolio Holder or the Cabinet;
- (f) that the procedure for dealing with call-ins at the Overview and Scrutiny Committee meetings be amended to take place in the following order:
 - (i) lead “call-in” sponsor to speak first;
 - (ii) portfolio holder responds;
 - (iii) the four other signatories to the call-in to be given the opportunity to speak next;
 - (iv) Portfolio Holder responds;
 - (v) debate;
 - (vi) lead “call in” sponsor replies;
 - (v) final response by Portfolio Holder; and
 - (vi) voting.
- (g) that in cases where the number of signatories to a call-in exceeds five, the first five signatories on the call-in notification be dealt with under the previous sub-paragraph with any other signatories being able to speak only during the ensuing debate on the call-in.

Scrutiny of External Organisations

(14) That arrangements for scrutinising the work of external organisations be amended as follows:

- (a) that for the purposes of presentations by representatives of outside organisations, they should be seated in the well of the Chamber for a trial period of 9 months from the commencement of the 2014/15 Council year and reviewed subsequently by the Constitution and Member Services Scrutiny Panel.
- (b) that this layout also be used on a trial basis for call-ins with the relevant Portfolio Holder and Director sitting together in the well of the Chamber in order to answer questions from the Overview and Scrutiny Committee on call-in business.
- (c) that members take a more critical approach to the selection of outside organisations to be scrutinised, ensuring that invitations are only issued to the organisations where there are public concerns.
- (d) that a flexible approach be taken on whether or not scrutiny of an external organisation would be better conducted by a Standing or Task and Finish Panel rather than the Overview & Scrutiny Committee.

(e) that priority be given to preparing for external scrutiny sessions by extending existing arrangements by the addition of preliminary consideration at the meeting preceding the visit of the organisation concerned on the topics to be covered with Service Directors being encouraged to assist with background information which might assist follow-up questions to be formulated.

(f) that the Overview and Scrutiny Chairman determine the appropriate time allocation for presentations by external organisations but no time limit be set for questions from members of the Council.

(g) that more emphasis be given to monitoring undertakings given and proposals made by external organisations through follow up reviews after six months and reporting back to the Overview and Scrutiny Committee or the relevant Panel.

Scrutiny of Council Finance and Budgets

(15) That a new timetable for review of the budget by Overview and Scrutiny be introduced as follows:

September – Financial Issues paper from Director of Finance submitted to the Finance and Performance Management Scrutiny Panel (“the Panel”).

November – Draft growth lists/savings and DDF programme and information on fees and charges submitted to the Panel.

January – Update of medium term financial strategy for the next financial year to be considered by the Panel.

February – Final form of draft budget to be submitted to the Panel for comment.

(16) That the timetable for the budget review be publicised in the Council Bulletin so that members who are interested in particular budget issues are aware of the meetings at which the Standing Panel will be examining proposals.

(17) That in future the Panel should concentrate on policy issues and emerging trends, problems and themes rather than individual budget details which are a matter for the Cabinet.

(18) That the Panel be asked to review their terms of reference so as to avoid duplication with the work of the Finance and Performance Management Cabinet Committee.

(19) That, in line with this new approach for the Standing Panel, the present practice of holding joint meetings with the Cabinet Finance Committee be discontinued so as to separate the roles of the two bodies.

(20) That, in reviewing budgets, the Panel should take account of budget issues from previous years if relevant to the current budget.

Key Performance Indicators – Role of Overview and Scrutiny

(21) That the following changes be made to arrangements for the quarterly review of key performance indicators by Overview and Scrutiny:

- (a) that the Finance & Performance Management Standing Scrutiny Panel (“Standing Panel”) should continue to be responsible for the review of KPI performance on behalf of the Overview & Scrutiny Committee;
- (b) that the Standing Panel should continue each quarter to take an overview of all KPI performance but any “red” (below target) or “amber”(within target tolerance) designated KPIs be referred for further review to the appropriate Scrutiny Panel (where one exists) if more detailed analysis is considered necessary;
- (c) the Standing Panel should deal with “red” or “amber” designated KPIs for which there no other Panel exists;
- (d) that the Standing Panel be asked to review their terms of reference with these changes in mind.

Overview and Scrutiny – Public Profile

(22) That the following steps be taken so as to improve the public profile of the Council’s Overview and Scrutiny function:

- (a) that a more proactive stance be adopted with regard to engagement with the public;
- (b) that the Overview and Scrutiny rules be amended so as to allow an opportunity for the public to ask questions at Overview and Scrutiny Committee meetings and Scrutiny Panels and also to address those bodies on issues of concern subject to the following:
 - (i) that the questions concerned or the matters on which the Committee or Panel is to be addressed are relevant to the powers and responsibilities of the Council or relevant to the District;
 - (ii) that questions or matters of concern only be raised once in any Council year either at a Panel or the OS Committee but not at both;
 - (iii) that matters on which questions or issues are raised should be items which are on the relevant agenda;
 - (iv) that any questions or issues raised for the Overview and Scrutiny Committee or a Panel which are not set out in the agenda for the following meeting be deferred and subjected to the pick process and brought back for further discussion at the next available meeting;
- (c) that a flexible approach be adopted to facilitating the submission of business from the public for Overview and Scrutiny including the use of correspondence, email through the website and the pick form process as appropriate;
- (d) that the Forester and local press releases and the website be used to heighten the profile of Overview and Scrutiny including:
 - (i) the annual work programme for Overview and Scrutiny;

(ii) specific items due to be considered by the Overview and Scrutiny Committee or its Panels so as to encourage the public to submit evidence or comments, particularly where scrutiny of external bodies is planned; and

(iii) that the Chairman of the OS Committee be allowed maximum discretion within the Overview and Scrutiny rules to allow the public to contribute fully to the work of Overview and Scrutiny

Scrutiny of Community Safety

(23) That the current arrangements for scrutiny of Community Safety issues including the activities of the Police and Crime Commissioner for Essex be continued.

(24) That the Police and Crime Commissioner's office be asked to give longer notice of local community meetings and to take up the Council's offer of using the Council's resources to advertise these events.

Scrutiny of National Health Service

(25) That, notwithstanding that the health scrutiny was a County Council function, that an approach be made to Essex County Council for local health scrutiny to be undertaken under the auspices of the Overview and Scrutiny Committee and conducted by the Safer Cleaner Greener Standing Panel.

(26) That if members of the public or Councillors wish to raise specific health issues for review by the Panel, the pick form procedure be used and authority sought from Essex County Council to undertake local scrutiny.

(27) That liaison arrangements be put in place between the Safer Cleaner Greener Standing Panel and the County Council's Health Scrutiny Committee to ensure that there is effective liaison.

Training

(28) That the following arrangements be put in place regarding training of Councillors in Overview and Scrutiny techniques:

(a) that each year an Introductory Course on Overview and Scrutiny be held in June during years when there are District Council Elections;

(b) that Budget Scrutiny Training be given by the end of September as indicated earlier in these recommendations;

(c) that further specialist training in Overview and Scrutiny techniques be arranged as and when thought necessary and dependent on available funding; and

(d) that the Tenant's Federation which has established its own Overview and Scrutiny Committee be invited to attend future training courses on Overview and Scrutiny and that the possibility of a financial contribution towards the cost of such training from the Housing Revenue Account be researched.

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Appendix 1 Protocol on Consideration and Reporting on Executive Decisions Called in by the Overview and Scrutiny Committee.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

- (a) The Council will, at the Annual Council meeting, appoint an Overview and Scrutiny Committee as set out in Article 6.
- (b) Each Overview and Co-ordinating Committee shall comprise 11 members, including a Chairman and Vice-Chairman appointed by the Council.

2. OVERVIEW AND SCRUTINY COMMITTEE - FUNCTIONS

- 1. The Overview and Scrutiny Committee will discharge the Overview and Scrutiny functions conferred by Section 20 of the Local Government Act 2000 plus those responsibilities allocated by the Council.

3. OVERVIEW AND SCRUTINY COMMITTEE - TERMS OF REFERENCE

- 1. The functions of the Overview and Scrutiny Committee shall be as follows:
 - (a) review of corporate strategies;
 - (b) ensuring that the decisions/actions of the Cabinet accord with the Council's policies and budget;
 - (c) monitoring and scrutinising the financial performance of the Council and making recommendations to the Cabinet in relation to annual revenue and capital guidelines, bids and submissions;
 - (d) when required, questioning members of the Cabinet or other Committees and officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (e) making recommendations to Cabinet and appropriate Committees and the Council arising from the outcome of the overview and scrutiny process;
 - (f) review, scrutiny **and monitoring** of the performance of other public bodies **including the National Health Service (with the agreement of Essex County Council) and of the community safety responsibilities of the Police and Crime Commissioner** active in the District, inviting reports from them by requesting them to address the Committee and local people about their activities and performance;
 - (g) questioning and gathering evidence from any person (including Councillors, members of Council staff and others) on issues falling within the functions of the Committee;

- (h) determining terms of reference, memberships (including the appointment of Chairman and Vice-Chairman) and reporting for all Standing and 'Task and Finish' Scrutiny Panels;
- (i) scrutinising executive decisions;
- (j) considering and making responses to executive decisions which are called in either as a Committee or through referral to a Standing or 'Task and Finish' Panel;
- (k) monitoring the effectiveness of the call-in procedure, reviewing the number and reasons for call-in and making recommendations to the Council on any changes required to improve operation of the process;
- (l) monitoring and scrutiny of the Forward Plan;
- (m) review of implications of Government Consultation documents where requested by members;
- (n) reports on key performance Indicators referred to the Committee;
- (o) reports on Service Business Plans as requested by members;
- (p) receiving presentations from the Leader of the Council and other Portfolio Holders early in the Council year outlining their plans for the year ahead and reporting performance in the previous Council year;
- (q) consideration of requests from Cabinet for scrutiny involvement in policy development and determining appropriate action;
- (r) to receive evidence from a senior officer relating to a petition where the number of signatures meets or exceeds the trigger level contained in the Council's Petitions Scheme and make recommendations as appropriate;
- (s) to review, when requested by the petition organiser, the Council's response to any petition which they consider has not been dealt with properly including, if appropriate, investigating, making recommendations to the Council or Executive or arranging for the matter to be considered at a meeting of the full Council;
- (t) determining work programmes in accordance with items falling within Committee's ambit in accordance with (a)-(s) above.

4. WHO MAY SIT ON THE OVERVIEW AND SCRUTINY COMMITTEE?

1. All councillors except members of the Executive may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

5. CO-OPTEES

1. The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of appropriate persons as non-voting co-optees.

6. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE

1. Meetings of the Overview and Scrutiny Committee will be held in accordance with the Council's calendar of meetings in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman, or by the Proper Officer if he/she considers it necessary or appropriate.

7. QUORUM

1. The quorum for the Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

8. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?

1. The Overview and Scrutiny Committee will be chaired by the Councillor appointed as Chairman of the Committee at the Annual Council meeting.

2. A Vice-Chairman will also be appointed by the Council at its Annual Meeting. The Chairman and Vice-Chairman of the Committee will be appointed from those Councillors serving on the Committee. The Chairman and Vice-Chairman will be appointed for a term of one year and will be eligible for re-appointment.

3. The Chairman of the Committee must have experience and understanding of the Overview and scrutiny system.

9. WORK PROGRAMME

Responsibilities

1. The Overview and Scrutiny Committee shall approve an Overview and Scrutiny Work Programme. **This programme will be co-ordinated and prepared in draft by the Overview & Scrutiny Agenda Planning Group or equivalent body in consultation with the Chairman of the Committee.**
2. **The programme shall be compiled over the period February to May each year, with allowance made in the timetable for preparing the programme for the electoral period. A draft programme will be submitted to the first Overview and Scrutiny Committee meeting of each Council year for approval.**

Compiling the Work Programme

2. In determining the contents of the work programme, the Committee will:
 - (a) seek proposals for inclusion from all Members of the Council through the Council Bulletin **and from the public including via the Council's website;**

- (b) invite the Leader of the Council and other Portfolio Holders **to attend the first meeting of each Council year to present the forward plan for the Cabinet for the following year in respect of the Council's executive functions, to answer questions on that plan and to indicate where appropriate work on the Cabinet's behalf which could be undertaken by Overview & Scrutiny;**
- (c) arrange for the Leader of the Council and other Portfolio Holders **to attend a further meeting six months after the first meeting of the council year to provide a progress report on the forward plan for the year in question;**
- (d) agree with the Leader of the Council and Portfolio Holders on any items for inclusion in the work programme which may be undertaken by Overview and Scrutiny on the Cabinet's behalf;
- (e) seek proposals from any partnership organisations on any projects which Overview and Scrutiny could undertake on behalf of those partnerships;
- (f) review the work programme for Overview and Scrutiny in respect of the current year;
- (g) consider external organisations to be scrutinised during the year in question.**

Approving the Work Programme

3. The Overview and Scrutiny Work Programme shall be approved prior to the Annual Council meeting each year and shall be of twelve months' duration. The programme shall be reviewed after six months.
4. The Committee will, in determining the work programme for Overview and Scrutiny:
 - (a) review all proposals submitted to ensure that they relate to the Council's Policy Framework including the Corporate Plan , the Forward Plan and other appropriate corporate information;
 - (b) ensure the agreed work programme has sufficient member and officer resources to support it;
 - (c) identify in advance any budgetary provision required for specific projects;
 - (d) ensure that the work programme is properly prioritised.
 - (e) allocate time limits for each project;
 - (f) ensure that any projects which do not find a place in the work programme are placed in a reserve programme for further review;
 - (g) ensure that all Members of the Council are informed about the work programme as part of the annual report to the Council in April each year;

- (h) review the work programme on a regular basis during the year.

Urgent Items and New Proposals

5. Where new proposals or matters of urgency arise during the currency of an annual work programme, the Committee may:

- (a) determine that any new project should be added to the programme and adjust the remainder of the programme accordingly;
- (b) determine that a new project should be deferred for review when the next work programme is considered;
- (c) decline to accept an additional project and give grounds for so doing.

6. All proposals for additional or urgent projects shall be submitted in writing and presented at a convenient meeting of the Overview and Scrutiny Committee by the member or officer so proposing.

Motions at Council Meetings

7. Any motion adopted by the Council following due notice from a Member of the Council and which relates to the responsibilities of Overview and Scrutiny shall, on adoption, stand referred to the Overview and Scrutiny Committee for consideration. In determining how to respond to the motion, the Overview and Scrutiny Committee shall consider whether the proposal should be incorporated in the work programme or held for future consideration in accordance with the procedures outlined in Paragraph 4 and 5 above. The Committee shall also advise the Council, via the Members' Information Bulletin, of the action taken on such motions.

10. AGENDA ITEMS

1. Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

2. Any members of the Council who are not members of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of that Committee. If the Proper Officer receives such a notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny Committee for consideration.

3. The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council or the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or the Council. The Executive shall consider the report of the Overview and Scrutiny Committee within one month of receiving it and the Council

within two months of receiving it, or, in either case, as soon as is reasonably possible.

11. POLICY REVIEW AND DEVELOPMENT

1. The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
2. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Executive in so far as they relate to matters within their terms of reference.
3. The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
4. In carrying out any policy review or policy development work within their terms of reference, the Overview and Scrutiny Committee may refer all or part of such matters to a Standing Scrutiny Panel or a 'Task and Finish' Scrutiny Panel for consideration in accordance with the programme approved by the Overview and Scrutiny Committee.
- 5. The Overview and Scrutiny Committee or relevant Scrutiny Panel shall receive a verbal report from the relevant portfolio holder after three months from completion of any completed scrutiny study indicating whether recommendations from that study have been agreed or modified. After six months the Portfolio Holder will give a report to the Committee or Panel on Progress with implementation of those recommendations.**

12. SCRUTINY PANELS - PROCEDURAL REQUIREMENTS

1. Scrutiny Panels may be established on an annual basis by the Overview and Scrutiny Committee.
2. Scrutiny Panel status will be restricted to those activities of a recurring or cyclical character which require a longer term involvement by members.
3. The Overview and Scrutiny Committee shall determine the number and terms of reference of Scrutiny Panels and shall review whether they should continue in being before the end of each Council year.
4. Scrutiny Panels will:

- (a) adhere to a work programme agreed by the Overview and Scrutiny Committee;
- (b) have a chairman and vice-chairman appointed by the Overview and Scrutiny Committee;
- (c) have memberships which reflect pro rata requirements and the lowest number of members required to achieve cross-party representation whilst allowing the inclusion of members who are not members of a political group or are not members of the Overview and Scrutiny Committee;
- (d) have memberships which represent the minimum number necessary to adhere to their work programmes;
- (e) be able to make proposals to the Overview and Scrutiny Committee for the variation of their terms of reference or work programme;
- (f) be able to seek delegated authority from the Overview and Scrutiny Committee, to vary their terms of reference and work programme according to circumstances;
- (g) report **through the Panel Chairman to meetings** of the Overview and Scrutiny Committee on progress with their work programme and on any recommendations for consideration;
- (h) be able, after consideration by the Overview and Scrutiny Committee, to report direct to the Council, the Cabinet Committee a Portfolio Holder, or any other Council body'
- (i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Scrutiny Panel is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
- (j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview and Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;
- (k) extend a standing invitation to relevant portfolio holder(s) to attend panel meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and**
- (l) hear questions and presentations by members of the public or external organisations which are relevant to the work of the Panel concerned.**

5. Any member of the Council may be a member of a Scrutiny Panel, provided that any Cabinet member may not be a member of a Panel which directly deals with matters within his or her portfolio.

6. Any member of the Council shall be able to attend any meeting of a Scrutiny Panel and be notified of the publication of the agenda.
7. The provisions of Operational Standing Order 14 shall apply to these Scrutiny Panels.

13. 'TASK AND FINISH' SCRUTINY PANELS

1. 'Task and Finish' Scrutiny Panels may be established by the Overview and Scrutiny Committee in order to deal with ad hoc projects or reviews included in the annual work programme for Overview and Scrutiny.
2. 'Task and Finish' Scrutiny Panel status will be restricted to those activities which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.
3. 'Task and Finish' Scrutiny Panels will:
 - (a) have terms of reference, membership and a work programme approved by the Overview and Scrutiny Committee;
 - (b) have a Chairman and Vice-Chairman appointed by the Overview and Scrutiny Committee;
 - (c) have memberships which need not be based on pro rata rules;
 - (d) have memberships which represent the minimum number necessary to adhere to their work programmes;
 - (e) be able to make proposals to the Overview and Scrutiny Committee for the variation of their terms of reference or work programme;
 - (f) be able to seek delegated authority from the Overview and Scrutiny Committee for the variation of their terms of reference and work programmes according to circumstances;
 - (g) report **through the Panel Chairman at each meeting of** the Overview and Scrutiny Committee on progress with their work programme and on any recommendations for consideration;
 - (h) be able, after consideration by the Overview and Scrutiny Committee, to report to the Council, the Cabinet, a Cabinet Committee, a Portfolio Holder or any other Council body;
 - (i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Scrutiny Panel is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
 - (j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview and Scrutiny

Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;

(k) extend a standing invitation to relevant portfolio holder(s) to attend Panel meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and

(l) hear questions and presentations by members of the public or external organisations which are relevant to the work of the Panel concerned.

4. 'Task and Finish' Scrutiny Panels shall be flexible as to the number of Councillors appointed to membership. There will be no restriction on the numbers appointed.

5. Any Councillor may be a member of a 'Task and Finish' Scrutiny Panel, save that a member of the Cabinet may not be a member of any Panel which bears directly on his or her portfolio.

6. No 'Task and Finish' Scrutiny Panel shall be comprised of members of a single group only.

7. Any member of the Council shall be able to attend any meeting of a 'Task and Finish' Scrutiny Panel and to receive copies of agenda.

8. The normal arrangements for substitute members as set out in Operational Standing Order 14 shall not apply to Task and Finish Panels but the Chairman of any such Panel shall have discretion to accept alternate members to cover for existing members for any meeting.

14. NOMINATIONS TO STANDING SCRUTINY AND 'TASK AND FINISH' PANELS

1. The Leader of each political group (and any Councillor who is not a member of a political group) shall be notified before the commencement of each Council year of the number of Standing Scrutiny and 'Task and Finish' Panels to be appointed and the number of members to serve on each Panel, indicating pro rata requirements where applicable. Similar notice will be given through the Members' Bulletin to other members of the Council.

2. The Leader of each political group will also be notified of the number of Chairmen and Vice-Chairmen positions to be filled before the commencement of each Council year.

3. Group Leaders shall ensure that members of all political groups have an opportunity to nominate to any positions referred to under 1 and 2 above. Any nominations may be made up to the day before the meeting in question. Such nominations shall include a case for the position sought.

4. Nominations to these Panels shall be excluded from the calculation required under the Council's protocol regarding allocation of Chairman and Vice-Chairman positions between the political groups.

15. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

1. Once recommendations on proposals for policy review or development, the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Executive if the proposals are consistent with the existing budgetary and policy framework, or to the Council if the recommendation would require a departure from, or a change to, the agreed budget and policy framework.
2. If the Overview and Scrutiny Committee cannot agree on a single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
3. Reports by the Overview and Scrutiny Committee shall normally be presented by the Chairman of that Committee, unless he or she determines that it would be beneficial for a Panel Chairman to undertake this role instead or that a joint presentation is appropriate.

16. ENSURING THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY EXECUTIVE

(a) Executive matters not delegated to the Cabinet, a Cabinet Committee or a Portfolio Holder

1. Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will have 6 weeks or as soon as reasonably practical thereafter in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the overview and scrutiny proposals.

(b) Executive Matters Delegated to an Executive Committee or Executive Member

2. Where the Overview and Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where the Executive has delegated decision making powers to another individual member of the executive or to an Executive Committee, then the Overview and Scrutiny Committee will submit a copy of their report to that individual or committee for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Proper Officer and the Leader. If the member or Executive Committee with delegated decision making powers does not accept the recommendations of the Overview and Scrutiny Committee then the matter will then be referred to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee.

The Executive member or Committee to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within 6 weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and the Executive Member or Committee Chairmen will attend a future meeting to respond.

(c) Cabinet Business - Work Plan

3. The Overview and Scrutiny Committee will have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.

17. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

1. In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

2. Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee (or any Scrutiny Panel) as appropriate depending on the particular matter under consideration.

18. MEMBERS AND OFFICERS GIVING ACCOUNT

1. The Overview and Scrutiny Committee or a Standing Scrutiny Panel or 'Task and Finish' Scrutiny Panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service, a Director or Assistant Director to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance;

and it is the duty of those persons to attend if so required.

2. Where any member or officer is required to attend the Overview and Scrutiny Committee or Panel under this provision, the Chairman will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 14 working days notice of the meeting at which he/she is required to attend.

The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

3. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Panel concerned shall in consultation with the member or officer arrange an alternative date for attendance not less than 14 days from the date of the original attendance.

19. ATTENDANCE BY OTHERS

1. The Overview and Scrutiny Committee or Panel may invite people other than those referred to in paragraph 18 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Such attendance is optional for those invited.

2. Any member of the public or a representative of an outside organisation may ask a question or address the Overview and Scrutiny Committee, or **any Scrutiny Panel** on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting. The following rules shall apply to such requests:

(i) requests must relate to an existing agenda item;

(ii) requests must not raise new business for the meeting concerned;

(iii) all requests must be notified to the Council by 4 pm on the day of the meeting;

(iv) the request to ask a relevant question or address the Committee or a Panel shall only be allowed once and the same question or address may not be repeated subsequently at another scrutiny body in that Council year;

(iv) requests accompanied by proposals to circulate written material must be received **five clear days** before the meeting in time to be sent to Overview and Scrutiny Committee members in advance of the meeting;

(v) requests need not be in writing;

(vi) a maximum of two persons shall be permitted to address the Committee on any one agenda item;

(vii) a time limit of 3 minutes per speaker shall apply;

(viii) the Overview and Scrutiny Committee shall be able to ask questions on any comments made;

(ix) the Chairman of the Overview and Scrutiny Committee shall have discretion as to whether to limit the number of persons wishing to address the Committee if it is considered that the number of such speakers will unduly delay the proper despatch of business at any meeting.

20. CALL-IN

1. When a decision is made by the Executive, an individual member of the executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 5 working days of being made. All members of the Council will be sent copies of the written records of all such decisions within the same timescale, by the person responsible for publishing the decision.

2. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the required number of members objects to it and calls it in.

3. During that period, the Proper Officer shall call in a decision for scrutiny if so requested in accordance with paragraph (h) below and shall then notify the decision-taker of the call-in. He/she shall consult with the Chairman of the Overview and Scrutiny Committee who will determine that consideration of the call in will be referred to:

- (i) the next Overview and Scrutiny Committee; or
- (ii) **an appropriate Panel**; or
- (iii) a Task and Finish Panel.

If consideration of any executive decision is likely, under these rules, to be delayed for more than two weeks the Chairman of the Overview and Scrutiny Committee may require an extraordinary meeting to be convened at an earlier date if the circumstances appear to warrant this.

4. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) above, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.

5. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does

object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.

6. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

7. Where an Executive decision has been taken by an area committee, then the right of call-in shall extend to any 3 members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those 3 members may request the Proper Officer to call-in the decision. He/she shall call a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within five days of the decision to call-in. All other provisions relating to call in shall apply as if the call in had been exercised by members of the Overview and Scrutiny Committee.

8. Three members of the Overview and Scrutiny Committee or any five members of the Council have the right to call in an Executive decision. Such a request shall be in writing in the prescribed format and referred in Person to the Proper Officer.

9. Call in arrangements shall not apply to decisions on non-executive functions by Committees, Sub-Committees, Panels or Boards of the Council.

10. In the operation of "call in" arrangements, members of the Council shall also adhere to the terms of the Protocol approved by the Council and set out in Appendix 1 to these rules.

21. CALL-IN AND URGENCY

1. The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay is likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, a Joint Chief Executive or his/her nominee's consent shall be required. Decisions taken as a

matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

2. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

22. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

1. The Overview and Scrutiny Committee shall consider the following business:
 - (a) minutes of the last meeting;
 - (b) declarations of interest;
 - (c) consideration of any matter referred to the committee for a decision in relation to a call in;
 - (d) responses of the executive to reports of the Overview and Scrutiny Committee;
 - (e) **questions or requests by members of the public to address the Committee on any agenda item provided that these are relevant to the Council or the District and have not been dealt with at a previous meeting of the Committee or of any Scrutiny Panel**
 - (f) the business otherwise set out on the agenda for the meeting.

23. CONDUCT OF OVERVIEW AND SCRUTINY FUNCTIONS

1. Where the Overview and Scrutiny Committee or a Panel conducts investigations (e.g. with a view to policy development), they may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - (a) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (b) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
2. Following any investigation or review, the Committee/or Panel concerned shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

24. ANNUAL REPORT

1. The Overview and Scrutiny Committee shall submit an annual report to the Council in April each year on work undertaken during the preceding 12 months.

25. PARTY WHIPS

1. To facilitate cross party working, party whips will not be applied to the overview and scrutiny process.

PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS CALLED IN BY OVERVIEW AND SCRUTINY

1. Purpose of Protocol

- (a) To codify how the Overview and Scrutiny Committee or delegated Panel should deal with "call in" items.
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

2. Validation of "Call In"

- 2.1 All "call in" requests shall be made in writing in accordance with the Council's constitution. "Call in" requests shall only be made by members of the Council who are not members of the Executive. The "call in" shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the constitution.

3. Consideration of "Call In" Items by Overview and Scrutiny Committee

- 3.1 Consideration of Call-ins shall be the responsibility of the Overview and Scrutiny Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker. "Call in" items shall be referred to the next available date for the Overview and Scrutiny Committee or delegated Panel. The provisions of the Overview and Scrutiny Rules in the Council's constitution will apply to "call in" requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee or delegated Panel will receive:
 - (a) copies of all documentation submitted to the Executive on which the decision was based;
 - (b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
 - (c) any other relevant documentation.
- 3.3 The relevant Executive Portfolio Holder and at least one of the members who activated the "Call in" and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee or delegated Panel meeting.
- 3.4 The "Call in" decision shall be considered in the following manner:
 - (a) the **Lead Signatory to the calling in of the decision** shall describe their concerns;
 - (b) **the Portfolio holder responds;**

- (c) **the four remaining signatories shall then speak in support of the “Call in”;**

(NB if there are more than 5 signatories, the only the lead member and the following 4 Councillors on the call in notification shall be called to speak. Any other Councillor whose name appears on the call in notification shall be able to speak during the general debate on the item – see (d) below.)

- (d) **the Portfolio holder responds;**

- (e) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved;

- (f) **the Lead signatory will then have an opportunity to respond to the debate;**

- (g) **the portfolio holder shall then have an opportunity to respond to the debate**

(NB. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate.)

- (h) **following the debate,** the Overview and Scrutiny Committee or Panel has the following options:

- (i) confirm the decision, which may then be implemented immediately, or
- (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
- (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.

(f) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;

(g) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;

(h) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the

decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;

(i) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;

(i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker

(k) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and

(l) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.

(m) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

4. Consideration of Reports on "Call In" Items by the Executive

4.1 The report of an Overview and Scrutiny Committee or delegated Panel will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.

4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee or delegated Panel, must consult the Overview and Scrutiny Committee and delegated Panel Chairmen if he or she is minded to accept or reject them. In doing so the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.

4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee or delegated Panel and refer them, with his or her written response, to the decision making body concerned.

4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:

(a) the agreed report of the Overview and Scrutiny Committee or delegated Panel and any other supporting documents considered by it;

(b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee or delegated Panel, indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and

(c) any other information.

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- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
- (a) the Chairman of the Overview and Scrutiny Committee or delegated Panel shall present the views and recommendations of the Committee/Panel based on the report of the relevant OSC meeting and respond to questions, make general comments and respond to new proposals as appropriate;
 - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee or delegated Panel;
 - (c) the Executive (or Committee thereof) shall then consider the original decision, the views of the Overview and Scrutiny Committee or delegated Panel and any proposals by the Portfolio Holder; and
 - (d) the Executive (or Executive Committee) will then make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.
- 4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

5. Implementation of Decisions When Cabinet Control or Membership Changes

- 5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee or delegated Panel following a "call-in" but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

6. Consideration of "Call In" Reports of Overview and Scrutiny Committees made to the Full Council

- 6.1 In some circumstances, the Overview and Scrutiny Committee or delegated Panel may choose to refer the results of their consideration of "call in" items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the "call in" shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.
- 6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee or delegated Panel shall take account of the advice of the proper officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
 - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;

(c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and

(d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

7. Restriction on "Call In"

7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to "call in".

7.2 The "call in" procedure shall also not apply to any recommendation by the Cabinet to the full Council.

8. Withdrawal or Modification of a "Call In"

8.1 A valid "Call in" may be withdrawn at any time by the Lead signatory.

8.2 The lead signatory to a validated "Call In" or the relevant Portfolio Holder may request a meeting with the Chairman of the Committee prior to the "Call in" being considered by the Committee in order to discuss the following:

(a) **the management of the "Call in" debate at the Committee meeting concerned;**

(b) **the possibility of reaching agreement on removing any objections to the decision in question which are raised in the call in request; and**

(c) **the withdrawal of a "Call in".**

8.3 Where the lead signatory agrees to withdraw or modify a "Call in", the Councillor concerned shall notify his fellow signatories as soon as practicable and the circumstances shall be reported to the Overview & Scrutiny Committee.

8.4 If a "Call in" is withdrawn, the circumstances will be notified to all members of the Council via the Council Bulletin.

8.5 In cases where a Portfolio Holder has agreed to modify a decision, he or she shall issue a revised decision notice or refer the proposal back to the Cabinet, if the latter made the original decision.

8. Definitions

8.1 For the purpose of this Protocol, the following definitions shall apply:

(a) "Executive"

This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.

(b) "Decision"

Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.

(c) "Decision Taker"

This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

9. Review of Protocol

9.1 This Protocol will be reviewed by the Council as part of its constitution as and when appropriate.

Report to the Council

Statutory Report of the Head of Paid Service

Date: 17 December 2013

Item:

Directorate Restructure

- (1) That the revised Directorate Structure set out in Appendix 4 to the report reflecting the proposals recommended below be approved;
- (2) That the following posts be deleted from the establishment with effect from 1 April 2014, namely
 - Deputy Chief Executive,
 - Director of Corporate Support Services,
 - Director of Finance and ICT,
 - Director of Housing, and
 - Director of Planning and Economic Development;
- (3) That the post of Director of Environment & Street Scene be deleted from the establishment with effect from 1 June 2014;
- (4) That the post of Assistant to the Chief Executive be deleted from the establishment with effect from 15 June 2014;
- (5) That subject to recommendations (2)-(4), the termination of the employment of the Director of Planning and Economic Development on 31 March 2014, the Director of Environment & Street Scene on 31st May 2014 and the Assistant to the Chief Executive on 15 June 2014 be agreed on the grounds of voluntary redundancy/early retirement, in accordance with the costs reported;
- (6) That four new Director posts be created with effect from 1 April 2014, namely;
 - Director of Communities,
 - Director of Governance (Solicitor to the Council & Monitoring Officer),
 - Director of Neighbourhoods (Deputy Chief Executive), and
 - Director of Resources (Chief Financial Officer /s151 Officer);
- (7) That the salary scale for the four new Director posts be agreed as reported;
- (8) That subject to recommendations (2) - (7), and in accordance with the views of the Restructuring Panel, the following appointments be agreed by Council with effect from the 1 April 2014,
 - Director of Communities, A. Hall,
 - Director of Governance C.O'Boyle,
(Solicitor to the Council & Monitoring Officer)
 - Director of Neighbourhoods (Deputy Chief Executive) D. Macnab,
 - Director of Resources (Chief Financial Officer /s151 Officer) R. Palmer;

- (9) That the following posts be deleted from the establishment with effect from 1 April 2014, namely,
- Assistant Director (Benefits),
 - Assistant Director (Revenues),
 - Assistant Director (Accountancy),
 - Assistant Director (ICT),
 - Assistant Director (Facilities Management & Emergency Planning),
 - Assistant Director (HR),
 - Assistant Director (Legal),
 - Assistant Director (Development Control),
 - Assistant Director (Forward Planning, Conservation & Policy),
 - Assistant Director (Building Control),
 - Assistant Director (Community & Culture),
 - Assistant Director (Housing Property),
 - Assistant Director (Housing Operations),
 - Assistant Director (Private Sector & Resources),
 - Assistant Director (Environmental and Neighbourhoods),
 - Assistant Director (Technical Services),
 - Assistant Director (Performance & Operations), and
 - Chief Internal Auditor;
- (10) That the post of Assistant Director (Democratic Services) be deleted from the establishment with effect from 15 June 2014;
- (11) That subject to recommendations (9) – (10), the termination of the employment of the Assistant Director (Facilities Management & Emergency Planning) on 31 March 2014 and the Assistant Director (Democratic Services) on 14 June 2014 be agreed on the grounds of voluntary redundancy/early retirement, in accordance with the costs reported;
- (12) That the following new posts be created with effect from 1 April 2014,
- Assistant Director (Human Resources),
 - Assistant Director (Benefits),
 - Assistant Director (Revenues),
 - Assistant Director (Accountancy),
 - Assistant Director (ICT & Facilities Management),
 - Assistant Director (Governance & Performance Management),
 - Assistant Director (Legal Services),
 - Assistant Director (Development Management),
 - Assistant Director (Neighbourhood Services),
 - Assistant Director (Technical Services),
 - Assistant Director (Forward Planning & Economic Development),
 - Assistant Director (Housing Property),
 - Assistant Director (Housing Operations),
 - Assistant Director (Private Sector Housing & Communities Support),
 - Assistant Director (Community Services) and
 - Chief Internal Auditor;
- (13) That in accordance with Council restructuring practice, the direct assimilation of current post holders into the new Assistant Director positions be agreed as follows;

Current Post Title	New Post Title	Name
Assistant Director (HR)	Assistant Director (HR)	P. Maginnis
Assistant Director (Benefits)	Assistant Director (Benefits)	J. Twinn
Assistant Director (Revenues)	Assistant Director (Revenues)	R. Pavey
Assistant Director (Accountancy)	Assistant Director (Accountancy)	P.Maddock
Assistant Director (Legal)	Assistant Director (Legal Services)	A Mitchell
Assistant Director (Development Control)	Assistant Director (Development Management)	N. Richardson
Assistant Director (Community & Culture)	Assistant Director (Community Services)	J. Chandler
Assistant Director (Housing Property)	Assistant Director (Housing Property)	P Pledger
Assistant Director (Housing Operations)	Assistant Director (Housing Operations)	R. Wilson
Assistant Director (Private Sector & Resources)	Assistant Director (Private Sector Housing and Communities Support)	L.Swan
Assistant Director (Forward Planning, Conservation & Policy)	Assistant Director (Forward Planning & Economic Development)	K.Polyzoides
Assistant Director (Environmental & Neighbourhoods)	Assistant Director (Neighbourhood Services)	J. Nolan
Assistant Director (Technical Services)	Assistant Director (Technical Services)	Q. Durrani

- (14) That in accordance with Council restructuring practice, the direct assimilation of current post holder, B. Bassington, into the new Chief Internal Auditor position be agreed;
- (15) That a temporary post of Assistant Director (Economic Development & Asset Management), for a fixed term of one year, reporting to the Director of Governance, be created with effect from 1 April 2014;
- (16) That the appointment process for the temporary Assistant Director (Economic Development & Asset Management) be by internal advertisement in the first instance and be conducted Director of Governance (Solicitor to the Council & Monitoring Officer) as soon as practicable;
- (17) That the appointment process for the new Assistant Director (ICT & Facilities Management) be ring-fenced to the current holder of the post of Assistant Director (ICT) and conducted by the Director of Resources (Chief Financial Officer/s151

Officer) as soon as practicable;

- (18) That the appointment process for the new Assistant Director (Governance & Performance Management) be by internal advertisement in the first instance and conducted by the Director of Governance (Solicitor to the Council & Monitoring Officer) as soon as practicable;
- (19) That the salary scale for the new Assistant Director posts and the Chief Internal Auditor be agreed as reported, subject to job evaluation;
- (20) That the legal advice from Essex Legal Services as to the processes adopted be noted;
- (21) That the Chief Executive be designated as the Returning Officer and Electoral Registration Officer for Epping Forest District with effect from 15 June 2014;
- (22) That the Monitoring Officer, in consultation with fellow Directors, reports to Council, via the Constitution & Member Services Scrutiny Panel, reviewing all officer delegations prior to the implementation of the new structure on the 1 April 2014;
- (23) That Members note the overall reduction in the costs of top management of £353,700 and that this provides a payback period of 12.6 months for the one-off costs of £371,400;
- (24) That the necessary adjustments are made to the Continuing Services Budgets and District Development Fund for 2014/15.

Introduction

1. The main purpose of this Senior Management restructure is to achieve and balance the following aims:-
 - a) Make efficiency savings while protecting services to the public,
 - b) Encourage cooperative working within and beyond the Council, and
 - c) Embed an agreed set of values and behaviours into our working practices.
2. The new management structure and organisational values will provide a platform to enable the Council to drive continuous improvements in service delivery. My aim is to review working practices and seek innovative ways to improve efficiency and effectiveness. This will undoubtedly require investment in new technologies and some changes in processes or structures within each of the newly formed directorates. Inevitably the exact nature of all of these investments is not yet identified and therefore cannot be budgeted accurately. It is worth noting that future bids for DDF funding will be necessary and consideration should be given to creating a contingency to fund the one off costs of transformational change. Future bids against the fund would need to be supported by a business case that demonstrated value for money.
3. Within this report I will explain my reasons for proposing a 4 Directorate structure and the contribution it will make to delivering planned savings. I will also demonstrate the consultative approach I have taken to forming both the proposed structure and the cultural change that will help it to work effectively.

Process and Consultation

4. At an early stage as a new Chief Executive I met staff in formal settings, in smaller groups at breakfast briefings and indeed by shadowing teams within and outside the Council offices.
5. I was also aware of consultancy work which had been undertaken by Ernst & Young prior to my appointment. This looked at various structures for the Council's senior management and was a useful piece of background information which I have used to help me form my own conclusions.
6. I drafted an initial structure and shared it on an individual basis with Directors and Assistant Directors. I listened to their feedback and made appropriate adjustments.
7. On 30 August 2013, in accordance with good employment practice I wrote to all Directors and Assistant Directors seeking expressions of interest in early retirement/voluntary redundancy.
8. The Directorate Restructuring Panel was appointed by the Council on 21 May 2013 and has met on three occasions to consider early and developing versions of my proposals including salaries and voluntary redundancies/early retirement potential. I set out in a separate section the formal recommendations of that Panel at its meeting on 19 November 2013. At the latter meeting, I was able to report back on further aspects of implementing the new structure.
9. Firstly, I reported on further correspondence with those staff who had expressed an interest in voluntary redundancy/retirement and indicated those post holders who replied positively to that inquiry. Six such requests were reported and the financial impact explained. Further research was required on one position in order to determine whether a redundancy was established. In another case, no redundancy was thought to exist and the Panel was advised accordingly.
10. At the last meeting of the Panel, I reported back on the 4 cases and the one where there was a doubt as to a true redundancy. In that case I was able to confirm that a redundancy did exist as more than 50% of the post holder's present duties had changed in the new structure's equivalent position. I also reported on a follow-up letter I had sent to the five officers who had expressed an interest to confirm with them that voluntary redundancy was still their preference. All replied in the affirmative.
11. I have engaged with the Trade Unions throughout and will continue to do so. Indeed, I sent a very early version of my report and the proposed 4 Directorate Structure to all staff at the same time as I shared it with the Unions. This meant that the formal consultation took place over a period of 45 days in July and August 2013.

Summary of Consultation Responses

12. There has been a healthy response to the consultation process with 112 comments received in total. To assist in weighing up the comments I have produced a frequency distribution table which is included at Appendix 1. The full replies with any identifying factors redacted to maintain confidentiality form part of the background papers to this report.
13. Many of the comments represent an individual's preference about where a particular department should report or alternatively raise questions about process. Where these preferences score a frequency of 2 or less I have considered whether they raise any

substantive concerns that should be addressed by either changing the structure or adapting the implementation process. None of these lower frequency comments represent 'show stoppers' and whilst the structure could be changed as suggested, I have decided not to amend the proposal on the basis of an individual's personal preference.

14. It is very encouraging that the comment with the highest frequency is recording strong support for the values and behaviours. Nearly as many responses registered explicit support for the proposals.
15. The next most frequent comment was about the proposal to restructure the planning function. Many were concerned about what they saw as a separation of Forward Planning from Development Control because they thought there is a large overlap of skill sets and considerable cross working between the two departments.
16. I understand these concerns and I have given the matter a lot of thought both in drafting the original proposal and in considering consultation responses. My proposal isn't really about splitting these functions; it is more about recognising that the focus of Forward Planning is on policy development and strategy setting whilst Development Management is more focussed on implementing and administering policies. Clearly both departments have an important contribution to make to place shaping and I think this can be achieved in the proposed structure.
17. I have treated this consultation process as genuine and inclusive. As evidence of this I have adopted a number of suggestions in this report as a direct result of the feedback I received;
 - Statutory Officers are now to be designated at Director level,
 - Place Directorate renamed as Neighbourhoods, incorporating the Deputy Chief Executive role with responsibility for the Overview & Scrutiny function,
 - GIS to be managed as a corporate function under one directorate,
 - PR and Marketing to report to Assistant Director (Governance & Performance Management) rather than Communities,
 - Economic Development to be managed by an interim Assistant Director within Governance during the maternity leave of the incumbent Assistant Director,
 - Policy & Grants to report to Assistant Director Communities,
 - Assistant Director Private Sector & Resources renamed as Assistant Director Private Sector Housing & Community Support.
18. I would like to thank all those that have responded for their thoughtful and constructive comments. I would reassure all who responded that whether I adopted the suggestions made or not, I did carefully consider each and every comment made.

Summary of Legal Advice

19. I have sought legal advice from both Governance and employment law specialists at Essex County Council in order to be satisfied that my proposals are legally sound and to minimise the possibility of successful challenge.
20. Their advice is summarised at Appendix 2. Council should note that the processes followed in relation to the proposed voluntary redundancies/ early retirement, consultation and compliance with internal policies are all legally compliant. The full advice is treated as a confidential background paper by reason of legal professional privilege and staff confidentiality.

The New Structure

21. The existing senior Management structure is attached at Appendix 3. It shows that beneath the Chief Executive there are currently 5 Directorates in addition to the two separate 'Offices' for which the Chief Executive and Deputy Chief Executive are directly responsible.
22. In proposing change I do of course acknowledge the achievements of the Council and its staff to date. However, I believe that by reducing the number of Directorates and realigning the services to meet current demands this Council can not only make financial savings but also improve its service delivery to the public.
23. I therefore propose the new structure as set out at Appendix 4 which creates 4 new Directorates, namely,
 - Communities Directorate,
 - Governance Directorate,
 - Neighbourhoods Directorate, and
 - Resources Directorate.
24. Each will be headed by a Director who will all have responsibilities for both Directorate and Corporate Strategy.
25. The services within the Directorates will be managed by a range of Assistant Directors who will take on greater operational responsibilities. These Directorates are dealt with in turn in the following paragraphs.

The Communities Directorate.

26. Headed by the Director of Communities, this Directorate unites the existing Housing function with other community focussed services. In particular I anticipate benefits from bringing the safer communities work into this area as it reinforces current good working practices between teams.
27. In addition, the Policy and Grants Team (which includes the provision of grant aid to community organisations) will be incorporated within the Communities Directorate, which will enable closer working with the community-focussed teams within the new Directorate as well as providing an additional corporate resource for policy work.

The Governance Directorate.

28. Headed by the Director of Governance this area unites the Legal and Democratic services together with a number of complimentary regulatory Council functions. There is already a strong link between the two present directorates, particularly in the context of governance and standards issues. Another change brings the Performance Management Unit into the Directorate including the benefit of bringing responsibility for Freedom of information and Data Protection into the same Directorate.
29. The Internal Audit and Corporate Fraud investigation teams are brought together within this Directorate. In relation to the Chief Internal Auditor, this is for management purposes and in no way undermines the direct access between the Chief Internal Auditor and the Chief Executive. I have given direct assurance to the Audit & Governance Committee on this point and I reiterate it here.
30. In addition, the Development Management aspects of the planning function transfer to

this Directorate and this fits well with the regulatory work of the new Directorate.

Neighbourhoods Directorate

31. Headed by the Director of Neighbourhoods, this Directorate brings together important public facing services, whether provided externally through contracts, e.g. Waste Management and Leisure Management or internally e.g. Environmental Services.
32. The administrative and enforcement elements of licensing are reunited as the splitting of these activities between two Directorates has not proved ideal. Emergency Planning also transfers to the new Directorate.
33. The Forward Planning team, economic development and asset management are brought together under one Assistant Director. I am particularly keen to give economic development a higher priority within the council and there is a clear link between that aspiration and developing the council's own property portfolio with economic benefits in mind wherever possible. However this integration is a longer term aim for the reason explained below.
34. The post holder of the current post of Assistant Director (Forward Planning, Conservation & Policy) is currently on maternity leave and the interim cover for that post is dealing full time with the Local Plan preparation.
35. In order to progress the Economic Development agenda whilst preserving the newly-created substantive post, I propose to create a temporary Assistant Director post for one year. The details of this arrangement are dealt with later in paragraph 75 of this report.

The Resources Directorate.

36. Headed by the Director of Resources, this Directorate brings a number of support services together with Finance. In particular Facilities Management and ICT will provide a more joined up service for users. In particular, placing GIS/mapping under this Directorate will ensure delivery of this corporate project.
37. Bringing Human Resources and its associated services under the same Directorate as the ICT & Facilities management teams will assist in the delivery of smarter working and operational property strategies, albeit that external expertise will be needed to assist with any truly transformational programme.

Designation of Statutory Officers – Monitoring Officer

38. The Council must appoint a Monitoring Officer- pursuant to section 5 of the Local Government and Housing Act 1989. That role does not have to be held by a legally qualified person, but it is common practice to do so.
39. The role of the Monitoring Officer is set out in statute and referred to in the protocol within this Council's Constitution. To perform this role effectively it is my view that the role should be at a senior level.
40. In addition to this role I have retained the specific position of 'Solicitor to the Council'. As such I am proposing that these roles should be incorporated into the Director of Governance post as a part of its job description.

Designation of Statutory Officers – Chief Financial Officer

41. The Council must appoint a Chief Financial Officer pursuant to s151 of the Local Government Act 1972. That role must be held by a qualified accountant.
42. The role of the Chief Financial Officer is set out in statute and referred to in the protocol within this Council's Constitution. To perform this role effectively it is my view that the role should be at a senior level.
43. I am proposing that this role should be incorporated into the job description for the Director of Resources post.
44. As with the Monitoring Officer position, the inclusion of this statutory role in the posts set out above provides continuity in these key posts and avoids the need for a process to remove and then re-appoint the Monitoring Officer and s151 Officers.

Deputy Chief Executive

45. The role of deputising as Chief Executive will provide cover for planned absences of the latter and recognition of the role of supporting the Overview & Scrutiny functions of the Authority at a consistent and senior level. I have decided this role should be incorporated into the Director of Neighbourhoods post in the new structure.
46. The three roles of Monitoring Officer, Chief Financial Officer and Deputy Chief Executive will not be separately remunerated.

Returning Officer/Electoral Registration Officer

47. I propose that I should be appointed as Returning Officer/Electoral Registration Officer from the retirement of the present holder of these designations. This is supported by the Directorate Restructuring Panel. I have agreed that the present Returning officer will be responsible for the District and European Parliament elections on 22 May 2014 and that I will shadow him during the process as a succession planning initiative. I am recommending that the transfer should take place with effect from 15 June 2014. This is because the statutory 21 day period for a challenge to the election result will expire on 14 June 2014

Assistant Directors

48. I have carefully considered the current workload 'hotspots'. In so far as I am able, I have tried to anticipate areas of work that will require resource in the medium term. I have also reflected on the Cabinet's wishes to maintain a low Council Tax, support and encourage local business and generate income through management of our own assets.
49. In addition I have carefully considered all consultation responses which I referred to in more detail earlier. I have also taken account of the need to retain sufficient capacity to deliver the Council's agenda and the Key Objectives of the Cabinet, including the savings targets and the programme of service transformation.
50. With the above in mind I have created 15 Assistant Director posts and the Chief Internal Auditor post to manage the operational responsibilities of these larger Directorates. This represents a reduction of three Assistant Director posts from the current Establishment. However Members will recall that the posts of Assistant Director Planning & Economic Development (Building Control) and Assistant Director

Environment & Street Scene (Performance & Operations) have been held vacant for some time pending this reorganisation.

51. As the budgets for these posts were being used for temporary cover arrangements, they were not deleted as part of the exercise to remove vacant posts from the Establishment in January 2013.

Salaries

52. In proposing the salary level for the new Director, Assistant Director and Chief Internal Auditor posts, I have sought benchmarking information from Gatenby Sanderson, assessed the increased responsibilities of the posts and sought the views of the Directorate Restructuring Panel. I believe the salary level shown at Appendix 5 in the financial appraisal is appropriate.
53. For comparison purposes, I also presented the proposed salaries together with the current senior staff salaries for all of the Essex authorities to the Directorate Restructuring Panel. That comparison is set out in Appendix 6 for information.

Overall Savings

54. The impact of the proposed changes in financial terms is set out in full in Appendix 3. I would highlight that the overall reduction in the salary costs of top management will be £353,700.
55. The one-off costs of £371,400 associated with the proposed voluntary redundancies means the payback period for this new structure will be 12.6 months. In my experience in both the public and private sector a payback period of this duration is extremely good for this level of restructuring.
56. Whilst the focus of this report is on the top management structure, I would not want Members to lose sight of the other significant cost savings that have already been achieved from reductions in the establishment. I mentioned above the exercise on vacant posts that took place in January and removed £419,000 from the Council's salary budget. That review removed 18 full time equivalent posts from the establishment and has been effective in reducing the underspends on salaries that have been a feature in previous years.

Values and Behaviours

57. Of equal importance to the structural changes is the adoption of the corporately agreed values and behaviours in all our dealings with each other and the public.
58. Re-stacking the organisation to reduce the number of silos and collect similar functions under a leaner management structure is unlikely to drive cultural change in the organisation in and of itself. Consequently a parallel project has been undertaken to identify key corporate values and associated behaviours which provide a clear vision of the service delivery standards to which our organisation aspires. This project has involved over 120 staff from all levels and departments within the Council.
59. In short we have identified five value themes;
 - One Council
 - Trust
 - Performance

- Customer
 - Innovation
60. The general thrust of the values will focus staff on delivering on our promises, designing services that customers' value, dealing openly and honestly with people from the point of contact and actively seeking new ways of doing things.

Implementing the New Structure

61. I have set out the consultative process that has led to my proposed new structure. If Council approves the new structure as set out at Appendix 4 various decisions necessarily flow which are set out below and reflected in the recommendations.

Directors

62. In the first instance, the deletion of the existing Director posts, the Deputy Chief Executive and Assistant to the Chief Executive posts is proposed in recommendations (2)-(4). The reasons for the differing timescales are explained below.
63. The intention is for the new structure to be implemented with effect from 1 April 2014. Thus the posts of Deputy Chief Executive, Director of Corporate Support Services, Director of Finance and ICT, Director of Housing, and Director of Planning and Economic Development are recommended for deletion from that date.

Transitional arrangements for Key Director Posts

64. The Director of Environment & Street Scene is heavily involved in the procurement of the Waste Management Service. This important contract is being dealt with by competitive dialogue procedure and it is sensible to hand over the work at a suitably advanced stage. For that reason I propose to retain the post until 31st May 2014.
65. The Assistant to the Chief Executive is also the Returning Officer and Electoral registration Officer for the District. To hold those designations the appointed person must be an employee of the Council. Both District and European elections are due for 22 May 2014. To allow me the opportunity to observe this process from the point of view of succession planning and to allow for any electoral petition (should one arise) to be dealt with by the outgoing Returning Officer, I propose to retain the Assistant to the Chief Executive post until 15 June 2014.
66. Having received indications from the Director of Environment & Street Scene, Director of Planning and Economic Development and the Assistant to the Chief Executive that they would wish to be considered for voluntary redundancy/early retirement, I am proposing that their requests be agreed from the dates referred to above. I do so having had the benefit of legal advice that the posts fall within the definition of redundancy and the views of the Directorate restructuring panel which are set out earlier in the report.
67. The consequential costs of agreeing the redundancies is set out in Appendix 7.
68. The Council is asked to formally agree the creation of the 4 Director posts the Restructuring Panel has indicated support for both the salaries and appointments to these posts. I am therefore recommending the following appointments be made with effect from 1 April 2014,

- Director of Communities,

A. Hall,

- Director of Governance (Solicitor to the Council & Monitoring Officer) C.O'Boyle,
- Director of Neighbourhoods (Deputy Chief Executive) D. Macnab,
- Director of Resources (Chief Financial Officer /s151 Officer) R. Palmer.

69. As the Council will appreciate, it was important to establish whether there would need to be ring-fenced interview arrangements to make these appointments. I had already established that 5 voluntary redundancy requests remained on the table after checking with the individuals concerned. I also wrote to the four individuals named above to establish their intentions as to a preferred position at Director level in the new structure. All 4 members of staff confirmed their preferences as set out in the previous paragraph. Thus, at Director level, appointments can be made to these four new posts.

Assistant Directors

70. In accordance with restructuring practice it is necessary to delete all of the existing Assistant Director posts and the Chief Internal Auditor post in order to recreate the posts and reporting lines within the new structure. Thirteen of the Assistant Directors affected are recommended to be assimilated into the new Assistant Director Posts with effect from 1 April 2014.

Current Post Title	New Post Title	Name
Assistant Director (HR)	Assistant Director (HR)	P. Maginnis
Assistant Director (Benefits)	Assistant Director (Benefits)	J. Twinn
Assistant Director (Revenues)	Assistant Director (Revenues)	R. Pavey
Assistant Director (Accountancy)	Assistant Director (Accountancy)	P.Maddock
Assistant Director (Legal)	Assistant Director (Legal Services)	A Mitchell
Assistant Director (Development Control)	Assistant Director (Development Management)	N. Richardson
Assistant Director (Community & Culture)	Assistant Director (Community Services)	J. Chandler
Assistant Director (Housing Property)	Assistant Director (Housing Property)	P Pledger
Assistant Director (Housing Operations)	Assistant Director (Housing Operations)	R. Wilson
Assistant Director (Private Sector & Resources)	Assistant Director (Private Sector Housing & Communities Support)	L. Swan
Assistant Director (Forward Planning, Conservation & Policy)	Assistant Director (Forward Planning & Economic Development)	K.Polyzoides

Assistant Director (Environmental & Neighbourhoods)	Assistant Director (Neighbourhood Services)	J. Nolan
Assistant Director (Technical Services)	Assistant Director (Technical Services)	Q. Durrani

71. The Chief Internal Auditor, B Bassington also assimilates to the Chief Internal Auditor post in the new structure.
72. Having received indications from the Assistant Director (Facilities Management & Emergency Planning) and the Assistant Director (Democratic Services) that they would wish to be considered for voluntary redundancy/early retirement, I am proposing that their requests be agreed. I do so having had the benefit of legal advice that the posts fall within the definition of redundancy and the views of the Directorate restructuring panel which are referred to earlier in the report. In the case of the Assistant Director (Facilities Management & Emergency Planning) this would be with effect from the 1 April 2014.
73. The Assistant Director (Democratic Services) is also the Deputy Returning Officer so for the reasons referred to earlier in relation to the Assistant to the Chief Executive I intend to retain this post until after the elections. Thus the effective date will be 14 June 2014
74. The consequential costs of agreeing the redundancies are also set out in Appendix 6.
75. The newly assimilated Assistant Director (Forward Planning and Economic Development) is currently on maternity leave. The Forward Planning aspects of the post are being covered by an interim appointment. It is intended to therefore create a temporary Assistant Director (Economic Development & Asset Management) post for 12 months from 1 April 2014 in order to progress these duties in the absence of the postholder. The postholder will report to the Director of Governance during this transition period as the current management of various Council owned and associated sites has achieved a degree of momentum which I would wish to see continue whilst the Director of Neighbourhoods progresses the Local Plan and the Waste Strategy.
76. The Assistant Director (ICT & Facilities Management) and the Assistant Director (Governance & Performance Management) are the only two Assistant Director posts where direct assimilation is not possible as the new posts are not sufficiently similar to the existing roles.
77. The Assistant Director (Finance & ICT) has indicated a desire to apply for the new post of The Assistant Director (ICT & Facilities Management). This post will be ring fenced, albeit to a ring fenced group of one, as the Assistant Director (Finance & ICT) is the only Assistant Director then at risk. The appointment process will be conducted as soon as practicable by the Director of Resources, in accordance with the Council's policy.
78. For the Assistant Director (Governance & Performance Management) post, it is proposed to advertise internally in the first instance. The appointment process will be conducted as soon as practicable by the Director of Governance, in accordance with the Council's practices.

Officer Delegation

79. I am recommending that the Monitoring Officer should review officer delegation in the light of the responsibilities which will operate in the new Directorate structure. After consideration by officers, the proposals will be submitted to the Constitution & Member Services Scrutiny Panel prior to adoption by the Council as part of the Constitution. This review should be in place before the structure comes in operation on 1 April 2014.

Conclusion

80. I have taken time to produce a new structure that is inclusive of viewpoints from staff, Members and the Trade Unions, which will enable us to manage the challenges ahead whilst delivering cultural change through our accepted values and behaviours.
81. In addition, my proposals produce savings of £353,700 with a payback period of 12.6 months for the one-off costs of £371,400.
82. There are no compulsory redundancies and appointments and assimilations, should they be agreed this evening, will allow for an orderly and effective transition to the new arrangements with effect from 1 April 2014.

APPENDIX 1

Comments made/questions asked	Source of Comment				
	Staff	Directors	Cllrs	Unions	Total
1 Explicitly in favour/supportive	4	1	2	1	8
2 Support values and behaviours	6	1	2	0	9
3 Dislike Place title	4	2	1	0	7
4 Put Planning under Communities	1	0	0	0	1
5 Support combination of PR functions	2	0	0	0	2
6 Put Policy & Grants under Community Services	1	1	0	0	2
7 What happens to Executive Assistants?	1	1	0	0	2
8 Main regulatory services sit in Place and not as stated in Law & Gov	0	1	0	0	1
9 What happens with Economic Development after the interim period?	0	1	0	0	1
10 Concerns about separating safer communities team from ESS	3	0	0	0	3
11 Dislike title Law and Governance - why not Governance?	1	0	0	0	1
12 Dislike AD Democratic Services title and AD Human Resources	1	0	0	0	1
13 Wrong names used for PIU and Equality	1	0	0	0	1
14 PIU & PR should report to CEO	3	1	0	1	5
15 Complaints should be independent of any Directorate	1	0	0	0	1
16 Concerns about on-going Exec Admin support of complaints	1	2	0	0	3
17 Restructure not radical enough - why not 3 directors?	2	1	2	0	5
18 Add Housing to the Communities title	0	2	0	1	3
19 PR should report to Law & Governance	1	1	0	0	2
20 Concerns about incorporating meetings allowances into salary	0	1	0	0	1
21 Absence of an overarching vision for the Council	1	0	0	0	1
22 There has been a mixed response to values and behaviours work	1	0	0	0	1
23 There will be a need to change structures below AD level	1	0	0	0	1
24 Licensing should report to Governance & Law	1	0	0	0	1
25 Put Housing and Grounds maintenance together and call it Place and rename remainder Communities	1	0	0	0	1
26 Policy work should report to Governance and Law	1	0	0	0	1
27 Depots, car parking estates and valuations should report to Resources	1	1	0	0	2
28 Organisational development should linked to PIU and report to CEO	2	0	0	0	2
29 Restructure carried out top down	1	0	0	1	2
30 Put forward planning and development control back together	4	2	1	1	8
31 Not enough ADs in Place Directorate	1	0	0	1	2
32 Keep separate support and IT functions in the directorates	2	0	0	1	3
33 Internal Audit should report directly to CEO	1	0	0	1	2
34 Economic development should report to Law & Governance	1	0	0	0	1
35 Make team briefings mandatory	1	0	0	0	1
36 Some functions omitted - not clear how GIS fits into the new structure	2	0	0	1	3
37 More resources required to deliver economic development	1	0	0	0	1
38 Combine directorate communication teams into a single corporate PR team	1	0	0	0	1
39 Leisure Management should report into Communities	0	1	0	0	1
40 Housing Benefits should report to Communities	0	1	0	0	1
41 Equalities should report to CEO	1	0	0	0	1
42 IT and FM should remain separate	1	0	0	0	1
43 Rename Private Sector and Resources to include support functions	0	1	0	0	1
44 Building Services should report to Resources	1	0	0	0	1
45 Country Care should report to Forward Planning	1	0	0	0	1
46 Concerns about capacity of senior management	0	2	1	1	4
47 Various issues around statutory designations, DCE and solicitor to the Council	0	2	0	0	2
48 Require legal advice on report, process and documentation, consultation and appointments.	0	1	1	0	2
49 Concerns about legal resources under 3 directorate structure	0	1	0	0	1
50 Inconsistencies on recommendations	0	1	0	0	1
51 No compulsory redundancies	0	0	0	1	1
52 Pay differentials between AD's and D's too great	0	0	0	1	1
	61	29	10	12	112

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Chief Executive
Glen Chipp
(Head of Paid Service)

Deputy Chief Executive
Derek Macnab

Customer Services
Performance Management & Equalities
Compliments and Complaints
Overview & Scrutiny lead officer
Partnership Working
North Weald Airfield (strategic/ policy issues)
Head of Emergency Planning Team
Business Continuity

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Section 151 Officer
Procurement
Risk Management

Director of Finance & ICT
Bob Palmer

RIPA Officer
Monitoring Officer
Solicitor to the Council

Director of Corporate Support Services
Colleen O'Boyle

Director of Environment and Street Scene
John Gilbert

Assistant Director
CS & CR
Julie Chandler

Assist. Director
Benefits
Janet Twinn

Assist. Director
Revenues
Rob Pavey

Assist. Director
Accountancy
Peter Maddock

Assist. Director
ICT
David Newton

Assist. Director
HR
Paula Maginnis

Assist. Director
Legal Services
Alison Mitchell

Assist. Director
Facilities Management & Emergency Planning
Mike Tipping

Assist. Director
Neighbourhoods
Jim Nolan

Assist. Director
Performance & Operations
I

Assist. Director
Technical Services
Qasim Durrani

PR & Information
C & C Services
(Museum, Sports, Arts, City Dev)
Marketing & Events
Youth Council

Benefits

Revenues
Debt Recovery

Accountancy
Insurance
Concessionary
Fares

ICT
Telecommunications

HR
Payroll
Health & Safety
Admin & Sec.

Legal Services
Local Land Charges
Licensing (Policy/ Strategy)

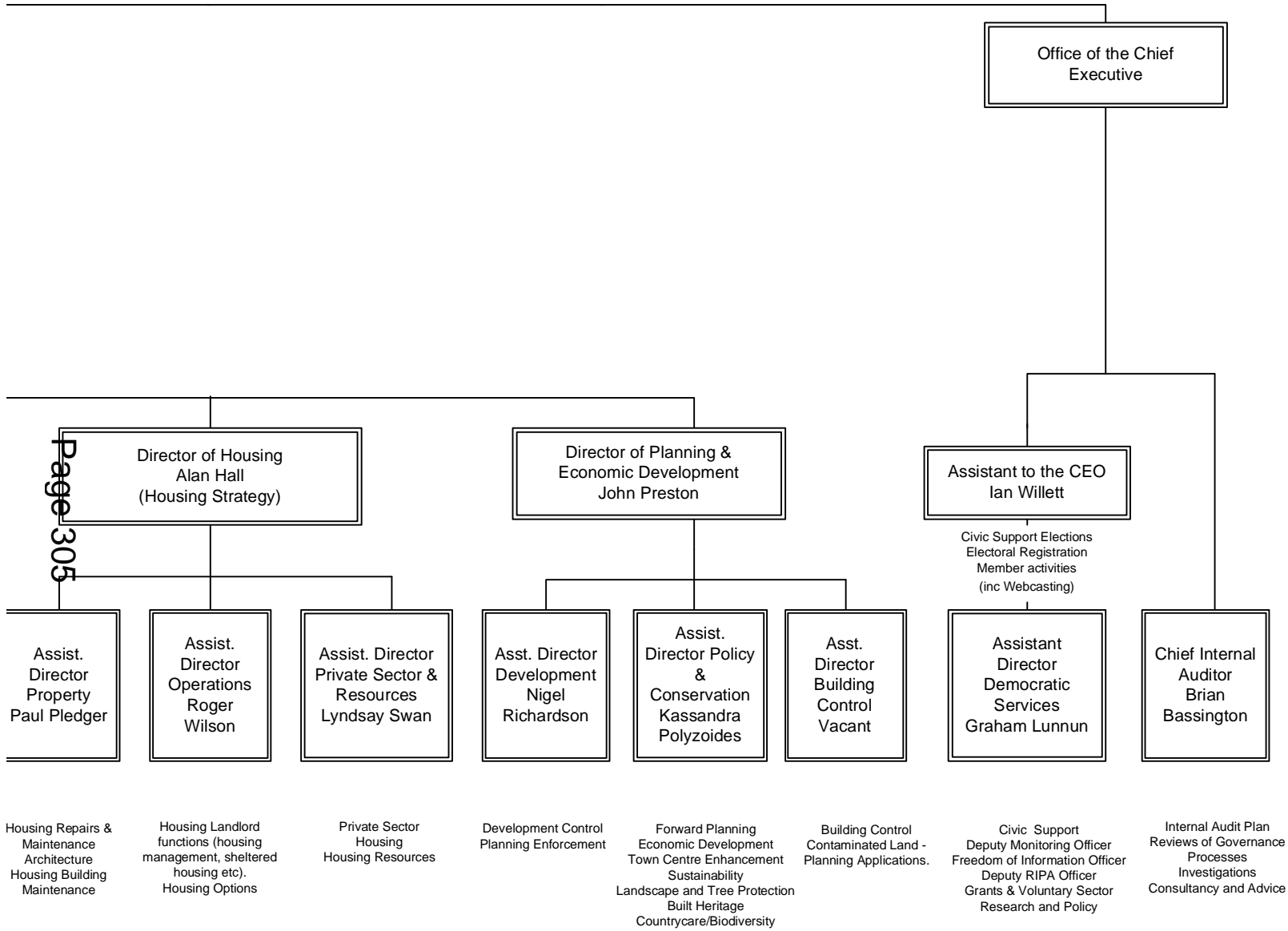
Fleet Operations
Emergency Planning
Facilities:
(Accommodation
Supts/Duty Officers
Depots
Building Services)
Reprographics
Estates & Valuation

Environmental Health
Crime & Disorder
Safer Communities
Neighbourhoods
Licensing Enforcement

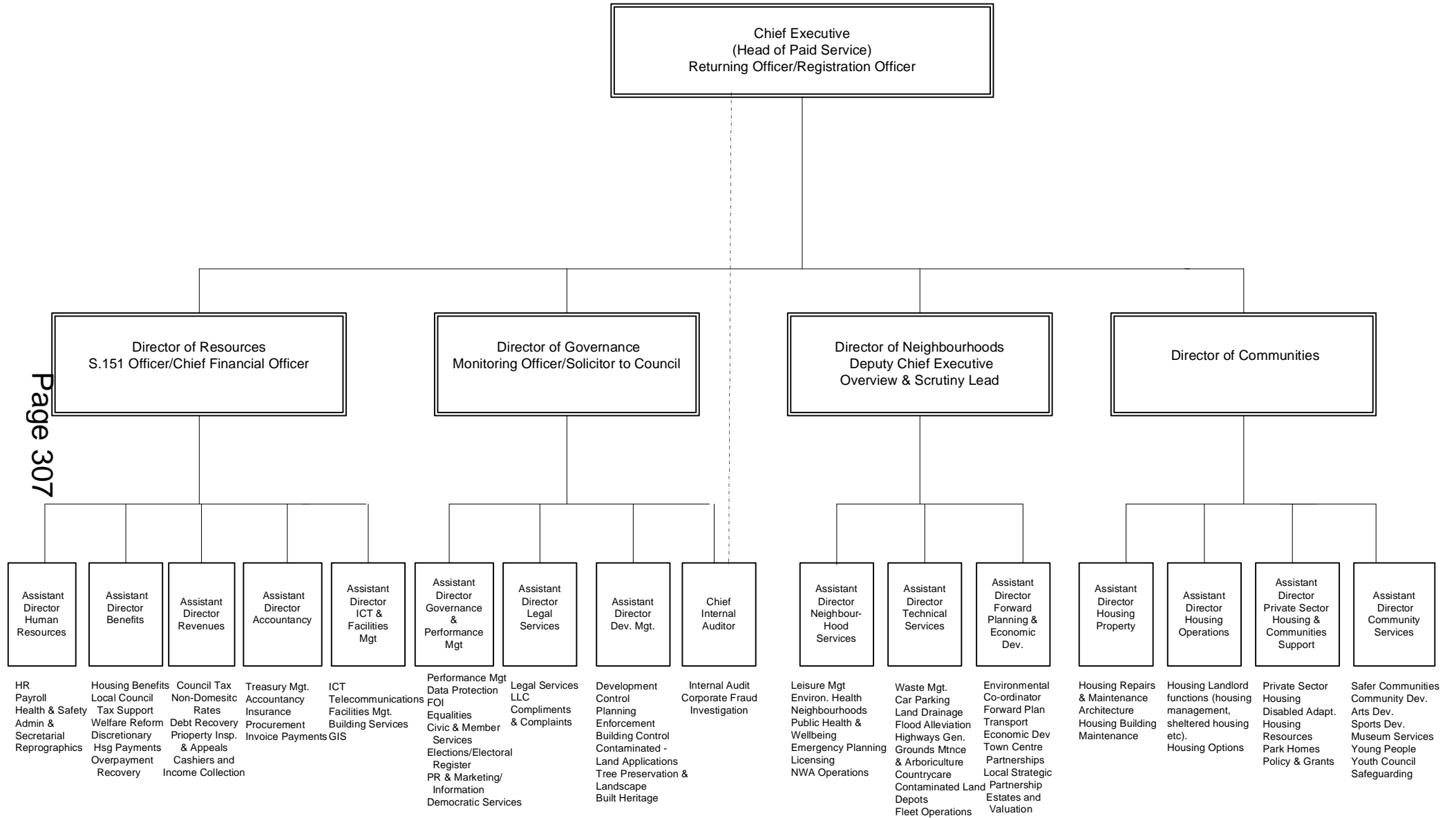
Leisure Management
Grounds Maintenance & Arboriculture
North Weald Airfield (operational issues)
Leisure Facilities (WASC)

Waste Management
Car Parking
Land Drainage
Flood Alleviation
Highways General

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Existing Structure

Proposed Structure - 4 Directors

Post	Number	Salary	Cost
		£	£
Deputy CE	1	87,083	87,083
Director	5	76,838	384,190
Assistant CE	1	61,664	61,664
Assistant Director - 1	10	53,365	533,650
Assistant Director - 2	9	47,611	428,499
			<u>1,495,086</u>
Less Proposed Structure			<u>-1,207,695</u>
Salary Saving			287,391
Pension and NI Saving			66,314
Annual Saving			<u>353,705</u>

Post	Number	Salary	Cost
		£	£
Director	4	88,364	353,455
Assistant Director - 1	9	56,033	504,299
Assistant Director - 2	7	49,992	349,941
			<u>1,207,695</u>

Monthly Saving 29,475

Salary Increases

Directors	15%
Assistant Directors	5%

Possible Redundancy Costs

Post	Number	Severance	Strain on		Cost
			Pension	Cost	
		£	£	£	
Director	2	127,045	104,086	231,131	
Assistant CE	1	53,159		53,159	
Assistant Director	2	87,134		87,134	
				<u>371,424</u>	

Number of months before payback achieved 12.6

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Senior Staff Salaries for Essex Districts 2012/13
(excluding pension contributions)

Appendix 6

	50 to 60	60 to 70	70 to 80	80 to 90	90 to 100	100 to 110	110 to 120	120 to 130	130 to 140	140 to 150	150 to 160	160 to 170	170 to 180	200 to 210	Senior Staff	Approx. Cost £'000
Basildon	19	7	2	2	3	2								1	36	2,520
Braintree	7	5	1	1		1		1							16	1,100
Brentwood	7	4	2					1							14	920
Castle Point	5	1	5			2					1				14	1,080
Chelmsford	19	6				1	3	2					1		32	2,310
Colchester	17	4	4		3		1								29	1,895
Epping	7	9		4			1								21	1,320
Harlow	10		4	1		1				1					17	1,185
Maldon	6	1	1		1										9	565
Rochford	1		5	1			1								8	630
Tendring		5	3					1							9	675
Uttlesford	6		3	1		1									11	745

Notes

1. The figures above are taken from the published accounts for 2012/13.
2. EFDC numbers above are as per proposed restructure.

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Voluntary Redundancy Costs

Chief Officers

Name	Position	Financial Cost to the Council
John Gilbert	Director of Environment and Street Scene	£66,325.50 (Redundancy payment)
John Preston*	Director of Planning and Economic Development	£60,719.18 (Redundancy payment) and £104,085.60 (Early retirement financial strain) Total - £164,804.78
Ian Willett	Assistant to the Chief Executive	£53,158.50 (Redundancy payment)

(*An early retirement financial strain cost is attached to this employee as he is aged 55 or over and entitled to receive their pension early (as they will be subject to redundancy). The Council is liable for the shortfall (i.e. the strain) on the pension fund as the employee is below 65. (Whether a financial strain applies will depend on a range of factors and circumstances, age being one of the factors).

Assistant Directors

Name	Position	Financial Cost to the Council
Graham Lunnun	Assistant Director, Democratic Services	£41,044.50 (Redundancy Payment)
Mike Tipping	Assistant Director, Facilities Management & Emergency Planning	£46,090.35 (Redundancy Payment)

Total Costs

Cost of Redundancy	Cost of Financial Strain	Total
£267,338.03	£104,085.60	£371,423.63

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Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, ‘paying due regard’, and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

When do I use this record? Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at ‘formative stages’ of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

How do I use this record: When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
27/11/2013 Glen Chipp	<p>1. Directorate Restructure for senior management at EFDC. The Head of paid Service (Chief Executive) is responsible. The purpose of the restructure is to</p> <ul style="list-style-type: none"> i) make efficiency savings while protecting services ii) encourage cooperative working within and beyond the Council iii) embed the agreed set of values and behaviours in our working practices <p>2. The new structure impacts on all staff to varying degrees.</p> <p>3. Steps taken to test whether the proposed changes impacted any group/ person with a protected characteristic – included specialist legal advice and wide ranging consultation with staff/Trade Unions and Members.</p> <p>4. By offering and considering early retirement /voluntary redundancy applications –</p>

eliminated the need to make compulsory redundancies or consider selection criteria.

5. By consulting early and in depth this allowed concerns to be raised and dealt with.

6. An Assistant Director has been consulted whilst on maternity leave. The new post to which the AD assimilates will be covered in the interim by temporary agency and internal appointments- ensuring the AD's employment rights are protected in accordance with the law.

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Report to the Council

Committee: Licensing

Date: 17 December 2013

Subject: Street Trading - Markets

Chairman: Councillor K Angold-Stephens

Recommending:

- (1) That the established markets currently operating in Loughton (Sunday Market) , The Broadway, Loughton and High Street, Ongar be required to apply for consent in accordance with the Street Trading practice but that the fee of £355 and subsequent renewal fees be waived;**
 - (2) That each applicant be required to advertise their application in a local newspaper in accordance with the Street Trading practice; and**
 - (3) That for any application to operate a new market in the District, the Council's full requirements for issuing a licence be met.**
-

Background

1. There are several markets currently operating within the District sited at the following locations:

Epping High Street
Waltham Abbey Square
Ongar High Street
The Broadway, Loughton
Loughton (Sunday market)
North Weald Airfield.

2. Epping Market and Waltham Abbey Market operate under a Charter which means they do not require a street trading consent. The market at North Weald run by Hughmark Continental does not require a consent as it is not on a street or other area to which the public would usually have the right access without payment.

3. Previously, the remaining three markets have been treated as though operating under a Charter, however after some investigation it has been established that this is not the case. Having adopted the street trading legislation on 15 July 2002, these remaining markets technically require a street trading consent.

4. Although there is anecdotal evidence of some informal permissions being granted prior to this Council adopting the street trading legislation, neither the Council nor the market operators are able to trace tangible evidence of this by way of a letter or an agreement.

Licensing the Markets

5. In an attempt to regularize the position the Council's Licensing Officers wrote to the three market proprietors requiring applications for consent. The Council's procedure requires

an applicant to place a notice in a local newspaper and pay a fee of £355.

6. The size and days of operation of each market are set out below:

- (a) Ongar market operates on a Wednesday and has approximately four stalls;
- (b) The Broadway has between twenty and thirty stalls and operates on a Thursday; and
- (c) Loughton market operates on a Sunday and has approximately twenty two stalls.

7. We have been informed that in response to the approach from the Licensing Officers the market operators and some local councillors expressed concern that payment of the consent and advertising fee would impact on the operators' ability to trade. They also pointed out that payment had not been required for several years.

8. In considering the position for these three established markets we have taken account of the purpose of the consent regime. In addition to the generation of a fee it enables a local authority to attach standard conditions, allowing an element of control over the operation of the markets.

9. We are of the opinion that it is important to balance the need to apply the street trading policy fairly and to cover costs with the Council's aim to promote working in partnership with local councils and businesses.

10. The Council's Street Trading practice states that:

"10.1 The Council will consider each individual application for a street trading consent for a market on its merits and in particular shall consider whether: -

10.1.1 There is not enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street;

10.1.2. There are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;

10.1.3. The consent, if granted, will result in nuisance to members of the public, residents and local businesses due to likely noise, smell, litter, disturbance or other problems which will be caused by the granting of the licence. In addition the Council will consider:

10.1.4. Known previous convictions;

10.1.5. Failure on a previous occasion to pay Street Trading Consent fees within agreed timescales;

10.1.6. Any additional issues arising from consultations. "

11. Consent is given for one year and the same requirements also apply to renewals.

12 Having taken account of all the relevant factors we believe that the three historic markets currently operating in Loughton, The Broadway and Ongar should be required to seek consent and place the necessary notice in a local newspaper but that the fee of £355 and subsequent renewal fees should be waived.

13. Although the Council will forego income from the three applicants at a cost of £1065 per annum this must be weighed against the potential for one or more of the markets to cease trading in any event if the fee being levied.

Policy

14. We have agreed that that the Council's practice in granting street trading licenses should be formalised as a policy. We have issued a draft policy for consultation and will consider the responses at our next meeting.

Recommendation

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

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Report to the Council

Committee: Licensing

Date: 17 December 2013

Subject: Temporary Road Closure Orders

Chairman: Councillor K Angold-Stephens

Recommending:

- (1) That, subject to provision being made in the budget to employ an additional member of staff, the Council exercises its powers to make temporary road closure orders from 1 April 2014;**
- (2) That a fee of £170 be charged for a temporary road closure; and**
- (3) That the following delegated authorities be approved and appropriate changes made to the Constitution:**

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a Road Closure Order		If an objection	If no objection made
All policy matters except the formulation of the licensing policy	All cases		

Background

- 1 We received a report informing us that until recently temporary road closures for events such as street parties, processions and similar events were made by Essex County Council. However, the Network Operations Officer at Essex County Council has advised us that the County will no longer be undertaking the work and that the District Council should use its powers to undertake this work. Temporary Road Closures are already undertaken by most of the other district councils in Essex.
2. We have been advised that the Town Police Clauses Act 1847 gives local authorities powers for preventing obstruction of the streets in times of public procession, rejoicing, or illuminations, and in any case when the streets are thronged or liable to be obstructed by substantial numbers of people, on foot or in a vehicle, participating as spectators or otherwise in the occasion. These powers have been interpreted to include making a temporary road closure although not all orders under this power need take the form of a closure. This Act can be used for commercial and non-commercial events.

Procedure.

3. The Licensing Service has consulted with other authorities as to the procedure to be adopted, the time it takes officers to undertake the work associated with a road closure, and any disbursements that would be required e.g. road closure signs. The Licensing Manager has estimated that the cost to the Council would be £170.00 per application but this could be more costly for more complicated and lengthy events. Some district councils make no charges when road closures are being applied for by charities.
4. The procedure required to make a road closure requires officers to:
 - (a) set up a system for road closure, prepare forms and put the information on the website;. this will need to be monitored and updated periodically;
 - (b) provide applicants with the information pack; this pack would have to contain the names and addresses of the persons or bodies with whom the applicants will have to consult, provide sample letters, and guidance and undertake other correspondence to ensure that this process is followed correctly.
 - (c) ensure that the applicant had received the appropriate consents:
 - Essex County Council,
 - Fire Service,
 - Police
 - The bus company (if necessary)
 - The owners of neighbouring properties;
 - (d) where the road closure requires a main through road to be closed or one with a bus service it would be necessary to advertise the closure to give prior warning to other road users;
 - (e) check that the public liability insurance is acceptable and that a risk assessment has been provided;
 - (f) if there are any objections, to carry out further consultations and if necessary carry out an inspection;
 - (g) if the objections are not resolved to prepare a report for the Licensing Sub-Committee;
 - (h) if a Sub-Committee meeting is called there will be additional officers and members costs incurred;
 - (i) when a licence is granted there may be conditions imposed following consultations or the meeting of the Sub-Committee; the consent would have to be drafted to comply with these requirements.
 - (j) Inspections may be required to ensure that any conditions are complied with;
 - (k) there may be a requirement as to signage etc. required by the Highways Service which could be expensive if each applicant had to purchase their own and so the Council may consider purchasing these signs or the applicant could be required to hire them.
5. Some of the steps listed above will be unnecessary where applications are made in respect

of small roads.

6. It was reported to us that a neighbouring authority stated that they carried out 35 street closures in a year, it is estimated that we may receive 22 applications and this has been considered in the fees proposed to be charged.
7. We were informed that it will be necessary to employ a member of staff to undertake this work. The Cabinet on 2 December 2013 approved in principle the inclusion of a growth item in the Continuing Services budget of £28,810 per annum to enable the employment of a permanent member of staff who would carry out this work as part of their duties. This sum includes on-costs. This new post is required to carry out the increased workload arising from the introduction of wider consultation in respect of Premises licences, new statutory licensing regime for scrap metal dealers as well as the temporary road closures. The growth item will be considered by the Council in February 2014.
8. We recommend as set out at the commencement of this report. If the growth bid is not approved we will need to consider the matter further.

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Report to the Council

Committee: Licensing

Date: 17 December 2013

Subject: Hackney Carriage and Private Hire Licensing Policy – Taxi Meters

Chairman: Councillor K Angold-Stephens

Recommending:

- (1) That the Hackney Carriage and Private Hire Licensing Policy be amended to include provisions in relation to the installation of taxi meters; and**
- (2) That, if it is agreed to install meters in Hackney Carriages, the fares shown in the table attached to this report be put out to public consultation and if no replies are received the fares be adopted and come into effect on 2 June 2014.**

Background

- 1 We received a report which included a brief history of the proposal to set a fare tariff. The Epping Forest Taxi Association, which represents some of the independent taxi drivers in the district, requested the Council to set a fare tariff and install meters in Hackney Carriages. This matter first came before the Committee in April 2012. A consultation was held and the results reported back to us were generally supportive of this proposal.
2. Meetings were then held with the taxi trade to consult on the proposed tariffs and on 10 April 2013 we resolved that:
 - “(1) It was agreed that this Authority should set the fares charged for Hackney Carriages;
 - 2) That the charges as set out in Appendix 1 of the report be agreed and this tariff was to be advertised and if no objections received be agreed and recommended to full Council; and
 - 3) That the conditions of the vehicle licence be amended to include that meters must be installed in Hackney Carriages.”
3. At our meeting on 3 December 2013 we considered the proposed amendments to the Hackney Carriage and Licensing Policy and Conditions which are necessary if meters are to be installed in Hackney Carriages and the representations which were received following consultation on these provisions. We also considered the proposed tariff and the implementation date.
4. We had received a presentation earlier in the meeting from Inspector Andy Fusher who informed us that the Police were in favour of a fare tariff. After public houses and clubs close

at night, if there is a fixed fare, those leaving these establishments will get into the first taxi available which speeds up their departure from the area.

5. Our proposed fare tariff is set out in the table below.
6. If the tariff is agreed there is a statutory requirement to advertise it in the local papers circulating in the area and to state in the advert the date when it will come into effect if there is no objection. However, if there are objections these must be referred to the Council for consideration prior to implementation. If after consideration of any objections the Council decides to proceed then the tariff will come into effect on the date stated in the advertisement. We considered that the original timetable proposed for the introduction of the meters was too short and the amended implementation date of 2 June 2014 is recommended.
7. We agreed the amendments that are required to the Council's Hackney Carriage and Private Hire Licensing Policy and Licence Conditions which are shown in bold in the attached Appendix.
8. We recommend as set out at the commencement of this report.

**TABLE OF FARES FOR HACKNEY CARRIAGES
FROM**

Rates 1, 2 and 3 apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for Rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) part thereof 400 seconds	Each additional unit of 176 yds (160.9m) or part thereof or period of 40 seconds
Rate 1 For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive	£3.50	£0.20
Rate 2 For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays	£3.70	£0.30
Rate 3 For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve	£4.10	£0.40
Rate 4 For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve	£5.50	£0.50

Assistance Dogs – No Charge

All other dogs, carried at driver's discretion – No Charge

Fouling of the vehicle at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

Complaints should be made to the Taxi Licensing Officer (01992 564034)

Quoting the vehicle registration mark/licence number or the driver's badge number.

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter charged at a rate of £2.00 per mile in 20p increments. Waiting time is £18 per hour, in 20p increments
- Rate 2 Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime
- Rate 3 Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour.

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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

(Including Licence Conditions)

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1. INTRODUCTION

- 1.1 The purpose of licensing of the Hackney Carriage and Private Hire Vehicle ('PVH') trades is to protect the public. Epping Forest District Council ('the Council') is also aware that the public should have access to Hackney Carriages and PVH because of the part they play in local transport provision and the economy of the District.
- 1.2 In preparation of this policy the Council has had regard to:
- The Department of Transport Best Practice Guide, and
 - Existing legislation
 - The Provision of Services Regulations 2009 ,to ensure requirements are:
 - (i) non-discriminatory;
 - (ii) justified by an overriding reason relating to the public interest;
 - (iii) proportionate to that public interest objective;
 - (iv) clear and unambiguous;
 - (v) objective;
 - (vi) made public in advance, and
 - (vii) transparent and accessible

2. CONSULTATION

- 2.1 The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations who they consider may be interested in commenting on this policy before finalising and publishing this policy statement. The list of persons this Authority consulted is attached as appendix 1 to this statement.
- 2.2 The policy was approved at a meeting of the Full Council on 5th November 2013, details are available in the Civic Offices and on the website.
- 2.3 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:
- Name: Senior Licensing Officer
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ
E-mail: Licensing@eppingforestdc.gov.uk
- 2.4 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

3. LICENSING OBJECTIVES

- 3.1 The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to protecting the public by promoting the following objectives:
- To ensure that safe, comfortable, reliable and accessible Hackney Carriage and Private Hire Vehicles are available for all who require them

- To ensure that all licensed drivers and Private Hire Operators are fit and proper persons
 - To provide clarity for licensees with respect to the Council's requirements and the decision making process
 - To promote a professional and respected Hackney Carriage and Private Hire trade
- 3.2 These objectives will be taken into account by the Council when making decisions.

4. DECISION MAKING IN RESPECT OF APPLICATIONS

- 4.1 The decision making powers of the Council may be carried out either by the Licensing sub-committee or by one or more officers acting under delegated authority. An indication of which applications will be heard by the sub-committee is shown in Appendix 4. The Council will in deciding these cases give priority to the safety of the public and their property.
- 4.2 When making a decision in respect of an application for a licence to drive a Hackney Carriage and/or Private Hire vehicle or to operate a Private Hire Vehicle the Council will take account of its Criminal Records Policy set out in Appendix 8.
- 4.3 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

5. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

Legislative background

- 5.1 Section 47(2) of the Town Police Clauses Act 1847 permits a District Council to require that a Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a Private Hire Vehicle licence provided the Council is satisfied that the vehicle is

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and
- Comfortable;
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Licence Conditions

- 5.2 The conditions of the Hackney Carriage Proprietors licence is attached as appendix 2 and the Private Hire Vehicle licence as appendix 3. If there is a breach of these licence conditions the matter may be referred to the Council's Licensing sub-committee for consideration or in the case of a serious or urgent breach the appropriate officers have delegated authority to decide whether to suspend or revoke a licence.

Vehicle Testing

- 5.3 Prior to the grant of a new vehicle licence the vehicle must have been tested by the Council's authorised testing station.

Age Limits

- 5.4 Vehicles under the age of five years then will require six monthly testing at the Council's authorised testing station, whereas those over five years must be tested at four monthly intervals.
- 5.5 Failure to have interim tests carried out in accordance with this policy is likely to result in the suspension of the licence and repeated offenders may be prosecuted in the magistrates' court

Vehicle Identification

- 5.6 The requirement for roof and other signs are specified in the licensing conditions.

Insurance

- 5.7 The Council requires proof that the vehicle is insured prior to the issue of a new licence or on renewal and may require the Proprietor to provide it with details of insurance at any time whilst there is a current licence.

Duration

- 5.8 Licences for vehicles can be granted by the Authority for up to one year.

Executive Status – For Private Hire Vehicles only

- 5.9 The Authority has a duty of care to ensure that all residents, professional clients and general customers travelling in private hire vehicles are safe and secure at all times and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and forbid the use of tinted windows.
- 5.10 The Council is prepared to recognise a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be permitted.
- 5.11 The vehicle must be a high quality, executive or prestigious vehicle and must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

5.12 The applicant must satisfy the Council that they intend to operate the vehicle for work of an executive or corporate nature and that they are required not to display plates. Two letters of reference not more than one month old are required when making the application and on each renewal of the licence.

6. TAXI FARES (From and including 2nd June 2014)

6.1 All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company prior to the grant of the licence.

6.2 If a hackney carriage is used under a contract for private hire, the driver cannot charge more than the fixed rate in the authorised fare table. As a result the driver must have the meter running at the correct tariff whenever they have passengers in the vehicle. The produced tariffs are for maximum fares and drivers have the discretion to charge less than the displayed price.

7. DRIVERS

Legislative background

7.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”

Council’s requirements

7.2 Prior to issuing a new licence the Council requires:

- A Medical Certificate;
- A search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- The applicant must have passed the Council’s Knowledge Test;
- For those not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council’s website.

Driving Experience

7.3 The Council requires that an applicant must have passed his or her driving test at least three years prior to the application. This is to ensure that the driver has the necessary skills and experience to be a licensed driver.

7.4 If an applicant considers that an exception should be made then the sub-committee will consider the application taking account of the driving history of the applicant, whether the applicant has been employed as a driver, the type of work to be undertaken and any other matter which the applicant considers relevant to demonstrate his or her experience.

Duration

7.5 The Council usually issues a licence for a period of one year.

Renewals

7.6 When an application is made to renew the Council will require:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- a current doctor's certificate every five years for applicants of 45 years and over and every year at renewal for those applicants of 65 years and over;
- a copy of the driver's current driving licence;
- For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council's website.

7.7 Serious or frequent complaints about a driver will be taken into account when considering any renewal of a driver's licence.

8. PHV OPERATORS

Legislative Background

8.1 Section 55 of the Local Government (Miscellaneous) Provisions Act 1976 states that the Council shall grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

Application

8.2. In order for an operator to prove that they are fit and proper they must provide evidence of:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- references

8.3 Proof of Public Liability Insurance must also be provided.

Insurance

8.4 The Council may require the Proprietor to provide it with details of public liability insurance at any time whilst there is a current licence.

Premises

- 8.5 In order to ensure that accurate regulation and realistic enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or intended operating centre is outside of Epping Forest district unless that applicant is renewing a licence which was previously granted by the Council at a time when their operating centre was located outside the district. A landline telephone number will be required to which bookings can be made. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings

9. LICENSING CONDITIONS

- 9.1 All Hackney Carriage Vehicle licences will be issued subject to the conditions specified in Schedule 5, those for Private Hire Vehicle Drivers licences those set out in Schedule 6 and those for Private hire Vehicle Operators in Schedule 7.
- 9.2 The Council will take into account any failure to comply with these conditions when deciding whether a licence should be revoked, suspended or renewed.

10. ENFORCEMENT

- 10.1 Officers from the Licensing Service and Environment and Street Scene will aim to undertake enforcement fairly, providing advice where appropriate to ensure that drivers and proprietors fully understand the relevant legislation and conditions. Enforcement may be carried out in conjunction with other authorised bodies such as VOSA and police officers
- 10.2 Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Complaints received and warnings issued in relation to existing drivers and operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued or complaint received during this period, the original warning / complaint will be kept on file from the date of the most recent warning.

APPENDIX 1

LIST OF CONSULTEES

Solicitors	Ann Mitchell
Attwater & Liell Solicitors	Gagan Mohindra
Berwin Leighton Paisner Solicitors	Richard Morgan
Curwens Solicitors	Stephen Murray
Foskett Marr Gadsby & Head	John Philip
Whiskers LLP	Caroline Pond
Hammonds solicitors	Brian Rolfe
Jarmans Solicitors	Brian Sandler
	Mary Sartin
Breweries	Glynis Shiell
Mitchells & Butlers	Penny Smith
McMullen & Sons	Peter Spencer
Star pubs & bars (was Scottish & Newcastle retail)	David Stallan
Greene King	Syd Stavrou
Spirit group brewery	Tracey Thomas
	Haluk Ulkun
	Gary Waller
EFDC Councillors	Lesley Wagland
Kenneth Angold-Stephens	Sylvia Watson
Ken Avey	Antony Watts
Richard Bassett	Elizabeth Webster
Anthony Boyce	Chris Whitbread
Heather Brady	Janet H Whitehouse
Will Breare-Hall	Jon Whitehouse
Gavin Chambers	David Wixley
Kewal Chana	Neville Wright
Tony Church	John Wyatt
Tessa Cochrane	
Richard Cohen	Chief Executive/Deputy Executive
Colin Finn	Glen Chipp
Ricki Gadsby	Derek MacNab
Leon Girling	
Peter Gode	EDFC Senior Officers
Anne Grigg	Mike Tipping
James Hart	Nigel Richardson
Derek Jacobs	John Preston
Sue Jones	Kassandra Polyzoides
Helen Kane	Paul Pledger
Paul Keska	Bob Palmer
John Knapman	Coleen O'Boyle
Yolonda Knight	Jim Nolan
Jeane Lea	David Newton
Lance Leonard	Alison Mitchell
Alan Lion	Paula Maginnis
Harvey Mann	Peter Maddock
John Markham	Graham Lunnun
Maggie McEwen	

John Kershaw
Alan Hall
John Gilbert
EFDC Senior Officers Cont.
Qasim Durrani
Mike Chapman
Janet Twinn
Roger Wilson
Julie Chandler
MP'S
MP- Eric Pickles
MP- Eleanor Laing
MP - Robert Halfon
Town Councils
Loughton - Mrs Enid Walsh -
Ongar - Aimi Middlehurst
Waltham Abbey - Kathryn Richmond
Epping - Ash Tadjrishi
Parish Councils
Abbess, Beauchamp and Berners Roding
Willingale - Mr E Fenwick
Theydon Mount - Anne Brewitt
Theydon Garnon - Mrs D Corsi
Theydon Bois - Sally Crone
Stapleford Tawney - Wendy Heard
Stapleford Abbots - Mr Jeffrey Blatt
Stanford Rivers - Mrs K Hayden
Sheering - Mr D Harris
Roydon - Mrs J Ballard
North Weald - Clerk
Nazeing - Mr B Blunden
Moreton, Bobbingworth & Lavers - L. Peters
Matching - Mr Ernie Fenwick
Lambourne - Mrs R Spiller
High Ongar - Deborah Tonkiss
Fyfield - Louise Vandermark
Epping Upland - Mrs V Evans
Chigwell - Kay Canning
Buckhurst Hill - Clerk
Town Centre Partnerships
Loughton High Road - Doreen Corsi
- Peter Sheen
Buckhurst Hill - Peter Angel
Epping - Barbara Ford
- Barry Seager
Loughton Broadway - Dave Stannard
Ongar Town Forum - Martyn Pattie
Waltham Abbey - Norma Green

Responsible Authorities
Epping Police Station - Peter Jones
Pollution & Public Health – Richard Gardiner
Public Health - Steven Harcher
Head of Child Protection ECC
Health and Safety Executive
Trading Standards
Essex Fire and Rescue
Planning - David Baker
Environment Agency
Licensing Administration, public health NHS
Taxi Operators
Ongar Cars
Sadlers Taxi's
Bassett Cars
VIP Cars
Abbey Cars
Elite cars
Chigwell Cars
Lawlor Cars Services
Mayflower Cars
Sadlers Taxi
Advance Cars
Olympic Taxis
EFTA
Churches
St Stephen's Church
St. Thomas More & St Edward Catholic Church
Church of the Immaculate Conception RC
Church Of The Assumption
St. Michael's Church
Epping Forest Youth for Christ
St. Nicholas Church
St. Thomas More Church
Harlow Magistrates Court
Trinity Church
Restore Community Church
St. John's Church
St. Edmund's Church
St. Mary's Church
Loughton Baptist Church
Holy Trinity Church
St John the Baptist Church, Epping
St Elizabeth Church, Buckhurst Hill
St. Winifreds Church of England
St. Mary's Church Chigwell
Restore Community Church
The Salvation Army

Lea Valley Church A.O.G
Life Church Epping - Pastor Lee Carmichael
Epping Forest Community Church
Churches Cont.
Chigwell & Hainault Synagogue
St Mary's Church
Waltham Abbey Church
St Mary the virgin
Holy Innocents
St Michael and All Angels
All Saints Church
Epping Elm Church
Buckhurst Hill Baptist Church
St James' Church
Fyfield Benefice Essex
St. James United Reformed Church
St. Mary the Virgin
St. Peters Church
The Forest Hill Evangelical Church
St. Helens Catholic Church
All Saints & St Giles Church
Loughton Synagogue
Theydon Bois Baptist Church
Epping Green Chapel
Epping District Team Ministry
Epping Methodist Church
St. Paul's Church
St. Johns Church
Waltham Abbey, Holy Cross and St Lawrence
St Thomas Upshire
All Saints
Federation of Synagogues
Chigwell & Hainault Synagogue
Kingdom Hall Of Jehovah's Witnesses
St Martin's Chipping Ongar & St Peter's Shelley
Greensted Church
St Martins C Of E Church
St Helens Catholic Church
The Parish Church of Saint Margaret
Other
Consumers association
Stephen Carpenter- McDonalds
Epping Voluntary Action
City of London
West Essex PCT
All Premises Licensed by EFDC
All Essex County Councillors
Local Strategic Partnership
Epping Forest Safety Strategy Panel
Union of Shop Distributive and Allied workers

Unison
Licensed Victuallers Association
Disabled Coalition Group
Transport and general workers union
Whipps Cross NHS Trust
Arriva Bus Company
Princess Alexandra NHS Trust
Rural Community Council of Essex
Transport and General Works Union
Equity
Environment Agency
Epping Forest Conservators
Epping Forest PCT
Essex Ambulance NHS Trust
Essex County Council
Essex Police Service
Essex Probation Service
(West Essex Local Delivery Unit)
Essex Tourist Bodies
General Municipal & Boilermakers union
Health & Safety Exec Essex
Lea Valley Park Authority
HM Revenues and Customs
Local Chambers of Commerce
Local Council Liaison Committee
Local Round Table
Loughton Residents Association
LUL Transport for London
Musicians Union
Citizens Advice Bureau
Campaign for the protection of rural England
Council for Voluntary Services
East Herts District Council (Licensing)
Association of Licensed Retailers
British Transport Police

APPENDIX 2

HACKNEY CARRIAGE VEHICLE LICENCE

CONDITIONS OF LICENCE

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. The Council considers that the following conditions are reasonably necessary for the regulation of hackney carriages in its district. These conditions may be amended or varied by the Council at any time.

The proprietor of the vehicle must ensure that the vehicle complies with the following conditions at all times:

VEHICLE LICENCE

Term of Licence

1. A Hackney Carriage Vehicle Licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned to the Council on termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. The licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Hackney Carriage plate. The plate must be kept clean.
5. A Hackney Carriage shall display a roof sign which shall be illuminated, and showing to the front and rear the word "TAXI", except when the vehicle is under hire.
6. The trade name, address and telephone number may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
7. Only licensing plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:
 - (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
 - (b) The centralised locking system should not be applied when carrying adult passengers.
 - (c) Seats with a minimum width of not less than 43cm per person.
 - (d) Accommodation for not less than four passengers.
 - (e) Be capable of carrying a wheelchair in a reasonable manner.
 - (f) The vehicle shall have minimum headroom of five feet.
 - (g) An adequate heating system for the passengers.
 - (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
 - (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
 - (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment which shall be kept in position at all times. This condition shall not apply to people carriers or multi purposes vehicles.
 - (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - (l) The vehicle should not be driven unless the driver's badge is clearly displayed.

Vehicle Inspections

9. The proprietor shall submit the vehicle for inspection on first application for a licence and for every renewal.
10. If the vehicle is less than five years old the proprietor of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date when the licence is issued at premises that are approved by the Council.
11. If the vehicle is over five years old at four monthly intervals.
12. The Council may require a vehicle to be inspected at any other time.
13. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Hackney Carriage, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

16. The inside and outside of a Hackney Carriage vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

17. A Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Taximeter

From and including 2nd June 2014

18. **The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council or (where lower) the table of fares charged by the driver.**
19. **The position of the taximeter shall be agreed by the Council's inspecting officer and shall be maintained at all times so that the fare displayed can readily be seen by passengers.**
20. **The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required.**

Convictions

21. The Proprietor shall notify the Senior Licensing Officer in writing of any conviction or police caution recorded against him or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Change of Address

22. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Failure to comply with any of the conditions will result in a referral to Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Knowledge of these conditions will form part of the Knowledge Test

APPENDIX 3

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles. The following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district will apply to all licences. These conditions may be amended or varied by the Council at any time.

The Proprietor of the Vehicle must ensure that the vehicle complies with the following conditions at all times.

VEHICLE LICENCE

Term of Licence

1. A Private Hire Vehicle licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned on the termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Private Hire Vehicle plate. The plate must be kept clean.
5. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
6. There shall be **no** display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or part of another word nor the word "FOR HIRE" in any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up passengers wishing to hire it or would be available if not already hired.
7. Only Licensing Plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:

- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) Centralised locking of the doors should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment shall be kept in position at all times. This condition shall not apply to people carriers or multi-purpose vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) Vehicles should not be driven unless the Driver's Badge is clearly displayed.

Vehicle Inspections

- 9. The licence holder shall submit their vehicle for inspection on first application and on every renewal.
- 10. If the vehicle is less than five years old the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date that the licence is issued at premises that are approved by the Council.
- 11. If the vehicle is over five years old it must be submitted for inspection at six monthly intervals.
- 12. The Council may require a vehicle to be inspected at any other time.
- 13. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

- 14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any

accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Private Hire Vehicle, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered to be offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

16. The inside and outside of a Private Hire Vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

17. A Non Halon Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Change of Address

18. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Convictions

19. The Proprietor must inform the Senior Licensing Officer in writing of any convictions or police caution recorded against him, or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 4

Exceptions to delegations to decide Driver's licences

In the following circumstances application for a Hackney Carriage or Private Hire Driver's Licence will be decided by the Licensing Sub-Committee:

1. If the application is contested
2. Where there are breaches of condition or related law in the preceding 12 months
3. An applicant fails to comply with the Council's licensing procedure, pass the Knowledge Test, or meet the age, experience, or medical fitness requirements
4. Where in the opinion of the Council's medical adviser (or a doctor nominated by him) an applicant is not medically fit to hold a licence to drive a Hackney Carriage or Private Hire Vehicle.
5. An applicant for a driver's licence has a criminal conviction relating to the following:
 - Any unspent conviction for theft or similar offence, or
 - A conviction for violence against the person,, or
 - Any unspent drug related offence, or
 - An offence relating to indecency or sexual offence, or
 - Any unspent conviction for drunkenness
6. An applicant has motoring convictions contained in the list below:
 - Disqualification for driving by a court for any reason within the preceding five years, or
 - An accumulation of 10 or more penalty points from endorsable motoring offences in the last five years, or
 - Any motoring offences that the Authority considers the sub-committee should consider.
7. Where the Director of Corporate Support Services considers it appropriate to exercise her discretion because of her concern about the suitability of the applicant which is the subject of the licensing application.

APPENDIX 5

HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;
 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles;
 - (d) not apply the centralised locking system when carrying adult passengers.
2. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
3. The driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
4. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
5. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
6. The driver shall not drive a vehicle that is a Hackney Carriage unless it is properly displaying the licence plate and it is clear and legible and all times.
7. The driver must not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

Badges

8. A driver shall, at all times, display his/her badge so that it is clearly visible.
9. The driver will return his/her badge to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.

Change of Address

10. A Licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Hackney Carriage shall produce his/her Licence on request for inspection by an authorised officer of the Council, or any police officer

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate.
15. Once a Hackney Carriage has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person;
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also to ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Hackney Carriage shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 24 hours, to his/her operator. If the driver has no operator then the matter must be reported to the nearest Police Station as soon as possible and in any case within 24 hours of the finding.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position.

Fares (From and including 2nd June 2014)

22. **The driver shall not demand from the hirer a fare in excess of that indicated on the taximeter**
23. **The taximeter must be used at all times for all journeys and must be visible to the hirer.**
24. **If requested, the driver shall provide the hirer with a written receipt for the fare paid.**

Use of Hackney Carriage

25. No driver licensed or otherwise, shall act as a Hackney Carriage driver without the consent of the owner of the Hackney Carriage.
26. A driver shall not leave his Hackney Carriage unattended in a public place, the Police being authorised to tow it away under such circumstances.
27. A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

Medical Conditions

28. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

29. In the event that a Licence holder is charged or summoned for any alleged criminal offence, then he/she shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority,

giving particulars of each alleged offence and in which court the proceedings are pending.

30. In the event that a licence holder is convicted of any criminal offence, or has an official caution administered, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
31. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the Licence holder's DVLA driving licence, that Licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 6

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles in the district. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of private hire drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The holder of a Private Hire Vehicle licence shall also produce his/her licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.
2. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.
 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles.
 - (d) not to apply the centralised locking system when carrying adult passengers.
3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
4. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
6. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
7. The driver shall not drive a vehicle that is a Private Hire Vehicle unless it is displaying a licence plate and it is clear and legible at all times.

Badges

8. A driver shall, at all times, display his badge so that it is clearly visible.
9. The driver will return their badges to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.
10. A licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Private Hire Vehicle.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Private Hire Vehicle shall produce his/her licence on request for inspection by an authorised officer of the Council, or any police officer.

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his/her vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate
15. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person.
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Private Hire Vehicle shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 48 hours, to his/her operator.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity or has some other form.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position

Fares

22. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.
23. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as is plainly visible to persons travelling in the vehicle.
24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Private Hire Vehicle

25. No driver, licensed or otherwise, shall act as a Private Hire Vehicle driver without the consent of the owner of the Private Hire Vehicle.
26. A driver shall not leave his Private Hire Vehicle unattended in a public place, the Police being authorised to tow it away under such circumstances.
27. A driver shall not obstruct or hinder another Private Hire Vehicle driver in any way.
28. Private Hire Vehicles may not wait on any stand designated for the use of Hackney Carriages.

Medical Conditions

29. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

30. In the event that a licence holder is charged or summoned for any alleged criminal offence, then he shall within seven days of being charged or on receipt of the

summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

31. In the event that a licence holder is convicted of any criminal offence or has an official caution administered to them, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
32. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, that licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Enforcement

33. The Council may suspend, revoke or refuse to renew on application a driver's licence if any of the above conditions are not complied with.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 7

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Epping Forest District Council ('the Council') is the licensing authority in respect of Private Hire Operator Licences. The following conditions are reasonably necessary for the regulation of Private Hire Operators in its district. These conditions may be amended or varied by the Council at any time.

The operator of the private hire vehicle must ensure that he or she complies with the following conditions at all times.

Records

1. The operator must keep records of private hire bookings and of drivers and vehicles available to the operator and these shall be kept as follows:-
 - (a) Records must be kept in a form which gives easy access for inspection, e.g., in a bound book or if a booking is made by computer, a print out of each day's bookings, or bookings kept in computerised form so that the records can easily be made available for inspection by an authorised officer of the Council or Police Officer. Records must be kept for at least one year;
 - (b) The operator shall keep at each Operating Centre, records of the Private Hire Vehicle drivers and vehicles (including a copy of their licence) available to the operator for carrying out bookings accepted at that centre.
 - (c) All records must be made and retained in written or electronic form and securely stored.
 - (d) Records of each hiring must contain the following details:
 - Date and time booking made
 - Name of hirer
 - Name of principal passenger (if different from above)
 - Agreed time of pick-up
 - Agreed place of pick up
 - Destination(s) specified at time of hiring by the hirer(s)
 - Identity of vehicle undertaking the hiring (vehicle registration or Private Hire Vehicle licence number)
 - Name and licence number of the driver undertaking the hiring
 - Fare quoted to hirer (if requested when hired)
 - Time and date of journey (if different from date of booking)
 - Whether the booking was sub-contracted; if so, the name of the sub-contractor, the Licensing Authority and the operator licence number.
 - (e) Records of the Private Hire Vehicle driver(s) used by the operator must contain the following details:
 - Full name of driver
 - Date of birth

- Address (normal place of residence)
 - Date driver became available to operator
 - Category of vehicle for which eligible to drive
 - Private Hire Drivers licence number
 - Date driver ceased to be available to the operator
- (f) Records of the Private Hire Vehicle used by the operator must contain the following details:
- Manufacturer, model and colour
 - Registration number
 - Private Hire licence/plate number
 - Registered owner name and address (on registration document)
 - Date when vehicle became available to operator
 - Copy of current valid certificate of insurance
 - Date vehicle ceased to be available to the operator.
 - Service history of each vehicle including details of any modifications thereto and details of all accident repairs.

Operation Centre

2. The operator shall notify the Council of any changes to the information supplied on the application form, e.g., change of address or telephone number, must be notified to the Council within two weeks of the change.
3. Operators will be required to notify the Council of the name of the person responsible for the day-to-day running of each Operating Centre named on the licence, and of any changes.
4. Operators shall display a copy of their licence at the Operating Centre in a position that is accessible to members of the public
5. Operators must display on public view, at Operating Centres with public access, evidence of their public liability insurance and must provide the Council with copies on request.
6. Operators must indicate clearly at the Operating Centre or within any letter head, advertising or promotion of their service, that the service provided is in respect of pre-booked journeys only.
7. Operators must ensure that any telephone facilities and radio equipment provided are maintained in sound condition and that any defects are repaired promptly.

Waiting Areas

8. To ensure that any waiting area for members of the public is kept clean, adequately heated, ventilated and lit.
9. To ensure that there is public liability insurance for any area open to the public for at least 2 million pound and the Operator shall produce evidence of insurance to the Council when requested.

Fares

10. Details of fare tariffs should be available to members of the public and displayed on public view at the Operating Centre or made available upon request.
11. Fares will be in accordance with the operator's advertised table of fares, unless otherwise agreed with the hirer at the time of booking.
12. The operator should give details of the fare for a particular hiring to the hirer when the booking is being made, if requested by the hirer.

General

13. Operators shall not employ or otherwise engage, whether directly or indirectly, any vehicle that has not been licensed by the Council or a driver who does not have a valid licence, for any bookings.
14. Operators shall only accept booking at an authorised Operating Centre.
15. Operators shall only sub-contract bookings to a licensed operator.
16. Operators must establish a complaints procedure, ensuring that all complaint records include the driver's name, nature of complaint, details of complainant and action taken.
17. Operators must establish a procedure for dealing with client's property lost or found in a Private Hire Vehicle operated by them or under contract to them. This should include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing lost property.
18. Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to a breach of the licence conditions.
19. Details of any conviction incurred by the licensee during the currency of the licence must be reported in writing to the Council within two weeks of the date of the conviction.
20. Lost property should be returned to the operator, then at the earliest convenience given to the customer. If this is not possible it shall be handed into the nearest police station

Failure to comply with the conditions will result in a referral to the appropriate officer of the Council or the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 8

CRIMINAL RECORDS POLICY GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

Introduction

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle or to operate a private hire vehicle the applicant is requested to declare any pending prosecutions, cautions or convictions you may have, even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974. Failure to declare such information or giving false information to obtain a licence is an offence and will be treated very seriously. The information that is given is treated in the strictest confidence and will only be taken into consideration in relation to the application.

The applicant is required to consent to the Council carrying out a check with the Disclosure and Barring Service, which will disclose any cautions or convictions that he or she may have. Information received from the Disclosure and Barring is treated in the strictest confidence while the application is processed, and will be retained on manual and computer records for no longer than is deemed necessary.

The existence of a criminal record or disclosure of other information will not necessarily preclude the applicant from gaining a licence unless the Council considers that any conviction or convictions renders him or her unfit to hold such a position of trust. In making this decision the Council will take into consideration the nature of the offence, the time period since it was committed, what age the applicant was when the offence was committed, and any other factors the applicant brings to the Council's attention or the Council feel are relevant.

Any applicant refused a licence on the grounds that they are not a fit and proper person to hold a licence has a statutory right of appeal to a magistrates' court.

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for a serious crime need not necessarily be permanently barred from obtaining a licence, but should be expected to remain free from conviction for a period of three to five years, depending on the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, although persons with convictions for offences of a violent, sexual, child-related nature, a racially aggravated offence or other very serious crime will not normally be issued with a licence. The overriding consideration will always be the protection of the public.
3. In this policy, the time periods mentioned in each case refer to the time that has elapsed since the date of conviction. Where a custodial sentence has been imposed, however, the time period runs from the date of release from prison. Where several offences are being considered together, the pattern of offending will be taken into consideration and the Council will normally expect a person to have been free from conviction for a period of three to five years from the last conviction.

4. The Council reserves its right to take into consideration spent convictions and relevant cautions.
5. The Council reserves its right to require an applicant to undergo a substance abuse (illegal drugs) test where there is evidence to suggest that the applicant may have a drugs problem or there is a history of drug use. This would be at the expense of the applicant and would normally be required where two or more convictions or cautions under the Misuse of Drugs Act within the last ten years have been revealed.
6. Should the Council be minded to refuse an application or have concerns over convictions or driving endorsements the applicant will be invited to attend the Licensing Sub-Committee before making a determination. If an applicant does not attend, a decision will be made based on the information available.

The following examples afford a general, but not exhaustive indication as to the action likely to be taken where convictions are declared and/or revealed.

Types of Convictions

(a) Minor traffic offences

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have accrued the applicant should be warned as to future conduct and the warning recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his or her DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification

Minor Traffic offences not declared by driver

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the Council shall determine whether to issue the licence subject to a warning regarding future conduct or to refuse to grant the licence. A key consideration in reaching this determination will be whether there was a premeditated intent to deceive.

Existing drivers are under a legal obligation to declare to the Council all offences committed. Failure to do so may result in the revocation of the licence.

(b) Major traffic offences

An isolated, spent conviction for offences including dangerous driving or driving without due care and attention should normally merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

More than one conviction for this type of offence or a combination with other convictions within the last two years should merit refusal and no further application will then be considered until a period of at least five years free from conviction has elapsed.

(c) Drunkenness - With a motor vehicle

A serious view should be taken of convictions for driving or being in charge of a vehicle under the influence of drink.

An isolated incident in the past should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least five years should elapse after the restoration of the DVLA driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic then a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(d) Drugs

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions. If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

(e) Indecency offences

Hackney carriage and Private Hire Vehicle drivers often carry unaccompanied and/or vulnerable passengers. If an applicant has a conviction for any sexual offence the application will be refused.

(f) Violence

As Hackney Carriage and/or Private Hire Vehicle drivers and operators are in close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 should be used to justify the issue or refusal of a licence.

(g) Dishonesty

Hackney Carriage and/or Private Hire Vehicle drivers and operators are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.

Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any property left in the vehicle being kept by unscrupulous drivers.

For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least three to five years free from conviction should be demonstrated before an application is considered.

If an applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

(h) Insurance offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance.

An isolated incident in the past will not necessarily debar an applicant but the sub-committee will require evidence as to the facts of the case.

More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Licence, unless there are exceptional circumstances. A driver found guilty of driving passengers for hire and reward whilst without valid insurance will have their Hackney Carriage and/or Private Hire Driver's Licence revoked immediately and no further application for such a licence will be considered by the Council for a minimum period of five years.

A Private Hire operator similarly convicted of operating a vehicle without valid insurance will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of five years

(i) Use of Hackney Carriage or Private Hire Vehicles

Unlicensed drivers who have convictions for any offences relating to the use of a licensed vehicle will not be considered for a licence by the Council for a minimum period of three years. More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Hackney Carriage and/or Private Hire Driver's licence, unless there are exceptional circumstances.

Licensed drivers who are convicted of plying for hire (or touting) or other offences relating to the use of licensed vehicles will have their licence revoked and will not normally be considered for a licence by the Council for a minimum period of three years from the date of conviction. Private Hire Operators found guilty of operating a vehicle where no private hire vehicle Licence is in place will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of three years.

(k) Failure to respond to interview request

The Council considers failure to respond to officer's request for an interview whether formal or informal to be serious as it prevents the Council from investigating issues and complaints and shows a disregard for the safety of the travelling public. In these circumstances the Council shall consider suspension of a driver's licence pending the outcome of the investigation.

(l) Failure to report an accident

A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning. Subsequent offences may be dealt with by way of revocation of the licence and/or prosecution

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Report to the Council

Committee: Cabinet

Date: 17 December 2013

Subject: Call-In and Urgency – North Weald Master Plan – Appointment of Consultants

Portfolio Holder: Councillor C Whitbread (Leader of the Council)

Recommending:

To note that the Chairman of the Council agreed that the decisions of the Leader of the Council, (a) to waive the requirements of Contract Standing Orders C5 (Contracts exceeding £50,000 etc), C15 (Receipt and Custody of Quotations and Tenders) and C16 (Opening of Tenders and Quotations - Contracts in Excess of £25,000 and (b) to appoint Savills as consultants to advise on the Council's interests within the North Weald Master Plan should be treated as a matter of urgency and should not be subject to call-in.

1. Representations on the North Weald Master Plan being prepared by the Council's Planning Officers as part of the Local Plan have to be made by 31 December 2013.
2. The Council holds land assets in North Weald and it has a duty to obtain best value and is looking to increase revenue generation from property assets. Accordingly, it is necessary for the Council to obtain specialist advice regarding its land holdings independent of advice being received from the consultants advising the Council on the Local Plan process.
3. In view of the time restraint decisions have been taken to waive Contract Standing Orders and appoint Savills who have specialist knowledge of property and aviation and will be able to advise the Council on both of these aspects. Savills also have local knowledge as they have advised the Council on the St John's Road, Epping area proposals.
4. Savills will be paid a fixed fee of £17,000 for a report and up to £8,000 for the preparation of marketing material for soft market testing of aviation.
5. The Leader of the Council took the decision as the Asset Management and Economic Development Portfolio Holder disclosed an interest.
5. The Chairman of the Council agreed to waive the call-in procedure as any delay in appointing consultants caused by the call-in process would have seriously prejudiced the Council's interests.

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Report on the Waltham Abbey Town Partnership

Waltham Abbey Town Partnership (WATP) is a voluntary organization, set up by Epping Forest District Council, which works in partnership with business, residents and local government to improve the economy and prosperity of Waltham Abbey.

There are 6 independent town centre partnerships operate within Epping Forest District covering the following locations:

1. Buckhurst Hill
2. Epping
3. Loughton Broadway
4. Loughton High Road
5. Ongar
6. Waltham Abbey

Membership is open to all residents and business people who are interested in the promotion of the town's economy and all are invited to the AGM in September each year.

A Steering Committee administers the day to day business of WATP and special projects are considered, separately, in sub-committees. These include "Tourism" and "Events" sub-committees.

Further to the scheduled AGM on the 17th of September 2013 at 7.30pm at the Marriott Hotel in Waltham Abbey, The Chairman, Mrs Norma Green, decided not to stand for a further year and she proposed Helen Kane as her successor.

Helen Kane was elected and thanked Norma Green and everyone for the nomination and the trust. She said it will be very hard to match someone with so much experience and she will work hard to continue the success of the WATP. She also promised to continue the Business Breakfasts and honour any pre-arranged events for 2014 i.e. The Cucumber festival, as the negotiations and meetings for this event started the previous year.

Chris Hamer was re-elected to be the Treasurer.

Anthony O'Connor was re-elected to be the Deputy Chairman.

The appointment of nominated representatives to the steering committee is as follows:

Chamber of Commerce	John Price
Copped Hall	Margaret Gervis
EFDC (2 members)	1. Jeane Lea 2. Helen Kane
EFDC (officer Museum)	Tony O'Connor
EFDC Economic Development Officer	Vicki Willis
Gilwell Park	Paul Andrews
Link4Growth	Paul Violet
LVRPA (officer)	Naomi Chant

Royal Gunpowder Mills
WA Church (2)
LV Church
WA Historical Society
WATC (member)
WATC (officer)
Marriott Hotel

Andrew Coates
1. Peter Smith
Mick Fitch
Olive Schwenk
Richard James
Kathryn Richmond
Caroline Jenkins

2. Richard Walters

On the 15th of October 2013 the first meeting took place under the new Chairman – and was decided to make a press release with the changes emphasizing Norma Green's contribution to the Town Partnership throughout the years as the Chairman of the organisation.

The two WATP subcommittees' members were appointed at this October meeting. All members were re-elected with the addition of Cllr Glynis Shieff to the Events Group Subcommittee.

Each organisation's representative present, gave a full report regarding news, and future events. Next meeting date agreed the 12th of November at 9.15am in the Waltham Abbey Town Hall Chambers.

Helen Kane

Report of Councillor H Kane on the Waltham Abbey Town Partnership Steering Committee meeting held at Waltham Abbey Town Hall on Tuesday, 12th of November 2013 at 9.15am in the Council Chamber.

The Chairman, Helen Kane read District Councillor Anne Grigg's letter confirming that the Partnership has been awarded with £4,500 grant for organising the Cucumber Festival in 2014, to help with the costs involved.

There were reports from the tourist attractions as follows:

Naomi Chant from LVPA sent her report that The Lea Valley Water Centre will host the 2014 World Cup event between 6-8 of June 2014, which will include approximately 350 international athletes.

Lance Bourne sent his report from the Royal Gunpowder Mills, saying that the RGM is closed now to the public until February, all educational visits and pre-booked group visits are going very well.

Richard Walters gave a report on the events in the Abbey Church:

Friday 29 November - Church open for Cavalcade of Light, from 6pm:tea/coffee/mulled wine served

Sunday 1 December - Christingle service, 2 pm,

Thursday 5 December - "Light Up a Life" for St Clare Hospice, 7pm, followed by refreshments.

Saturday 7 December - Waltham Abbey Choir Christmas Concert, 7.30pm .

Tuesday 10 December - Town Carols, 7pm .

Saturday 14 December - Abbey Church Christmas Bazaar, Town Hall, 11am – pm .

Saturday 14 December - Concert – Felicitas "A boy is born", 7.30 pm. Tickets £10 (children and full-time students free) from 020 8925 4000

Sunday 15 December - Nativity Service, 10.30am.

Sunday 22 December - Children's Carol Service, 3pm Service of Nine Lessons and Carols, 6.30pm,

Christmas Eve - Crib Service, 2 and 4pm, Midnight Mass, 11pm,

Christmas Day - Christmas Day Holy Communion, 10.30am

The Festival Committee report (WATC):

Kathryn Richmond mentioned the Cavalcade of Lights on the 29th of November which attracts a lot visitors followed by the Christmas Market on the 30th of November which will include a lot of new stalls.

Gavin Ward, local business owner, had a very interesting idea regarding the progress of the Museum – a log of events and progress – perhaps with pictures as it used to be and pictures of different stages of the expansion. The members thought that it was an excellent idea and will be passed on to Tony O'Connor as Gavin Ward volunteered to take upon this task.

The members agreed the date of the next meeting to be the 10th of December at 9.15 am

The meeting closed at 10.15am.

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Report of Councillor H Kane on the Waltham Abbey Royal Gunpowder Mills Company Directors meeting held on the 16th of November 2013 at 11.00am

The Chairman, Mr John Bowles started the meeting with the news that the CEO, Mr Andrew Coates has renewed his contract.

There were no major problems from the storm – they only closed for one day in order to evaluate any damage.

The Foundation Trust came to visit the site to see any building repairs in progress, the railway etc; the Foundation Trust subsidises heavily the Waltham Abbey RGM.

The Chief Executive went through his report announcing that the amount of visitors for October were according to projections, a constant flow, although always aiming for a higher number.

At present a lot of the tickets are sold online, so the admin office will monitor through the postcode information where the visitors come from.

The café is still working very well attracting more visitors, although the gift shop is still under-performing.

Birthday parties are very popular in this site, especially as the educational visits have been so successful.

There is a lot of research for additional funding through different ways of fundraising.

The CEO also mentioned that the W/Abbey RGM have joined forces with CITEC – engaging long term unemployed people with voluntary work i.e. sweeping paths and generally keeping the place tidy, with some more important projects in mind for the near future.

The Royal Gunpowder Mills rely and are grateful for the amount of volunteers who help with the keep of the site.

This Christmas the only attraction will be the Christmas Pantomime organised by the Dance Group that occupy one of the buildings.

The attractions for the New Year 2014 will be announced in the February meeting.

Next Meeting is scheduled for Saturday the 21st of February 2014 at 11.00am

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