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CABINET AGENDA

Date: Wednesday 15th November 2023

Time: 7pm NB Time

Venue: Council Chamber

This meeting will be webcast live on the internet.

Membership:

Councillor Blackwell	Chairman - Leader of the Council
Councillor W. Gibson	Strategic Planning (Deputy Leader of the Council)
Councillor Fuller	Environment
Councillor T . Gibson	Special Projects & Assets
Councillor Mountford	Resources
Councillor Palmer	Economic Growth & Climate Action
Councillor Mrs Sach	Health Wellbeing & Housing
Councillor Savage	People & Community

Cabinet Enquiries:	Ann Horgan ext. 2413 ahorgan@castlepoint.gov.uk
Reference:	3/2023/2024
Publication Date:	Tuesday 7th November 2023

AGENDA
PART I
(Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

To approve the Minutes of the Cabinet meeting held on 18th October 2023.

4. CIL Governance Arrangements

(Report of the Cabinet Member Strategic Planning)

5. Budget and Policy Framework for 2024/25

(Report of the Cabinet Member Resources)

6. Council Tax Reduction Scheme & Exceptional Hardship Fund Scheme 2024/25

(Report of the Cabinet Member Resources)

7. Financial Update Report

(Report of the Cabinet Member Resources)

8. Authority to Represent the Council

(Report of the Cabinet Member Resources)

9. LTA funding Offer to Improve Tennis Courts at King George V Recreation Ground – Request for Council Contribution

(Report of the Cabinet Member Special Projects and Assets)

10. Amendment to Fixed Penalty Notice Fine Levels for Fly Tipping, Littering, Graffiti etc.

(Report of the Cabinet Member Environment)

11. Disabled Facilities Grants Policy Amendment

(Report of the Cabinet Member Environment)

12. Matters to be referred from /to the Standing Committees

There are none.

13. Matters to be referred from /to Policy & Scrutiny Committees

PART 2
(Business to be taken in private)

(Item to be considered with the press and public excluded from the meeting)

There was none known at the time of publication of the agenda

INFORMATION

(which does not form part of the agenda but is published with the agenda)

November Forward Plan - Is attached, it does not form part of the agenda. The Forward Plan contains details of key decisions likely to be required in the next three months.



CABINET

18th OCTOBER 2023

PRESENT:

Councillor Blackwell	Chairman – Leader of the Council
Councillor Fuller	Environment
Councillor T. Gibson	Special Projects & Assets
Councillor Mountford	Resources
Councillor Palmer	Economic Growth & Climate Action
Councillor Sach	Health Wellbeing & Housing
Councillor Savage	People & Community

APOLOGIES: Councillor W. Gibson

ALSO PRESENT:

Councillors Isaacs and Walter

MEMBERS QUESTIONS

No notice had been given.

36. MEMBERS' INTERESTS:

Cllr Fuller and Cllr Palmer each declared a non-pecuniary interest in Minute 38 Item 4: Construction of new Local Authority Housing Developments, for openness and transparency as each of their homes was in close proximity to one of the schemes.

37. MINUTES

The Minutes of the Cabinet meeting held on 20th September 2023, were approved and signed as a correct record subject to corrections to show Councillor Palmer was present and Cllrs Palmer and Fuller had made declarations of interest in respect of Minute 27 Item 8 Construction of new Local Authority Housing Developments.

Under this item the Chairman passed to Councillor T Gibson the petition presented at Ordinary Council supporting an outdoor gym at Tarpots recreation ground as this was relevant to his portfolio and Minute 29 Public Spaces and Play Spaces Fund.

38. CONSTRUCTION OF NEW LOCAL AUTHORITY HOUSING DEVELOPMENTS

Cabinet considered a report to update Cabinet on the progress against previously approved housing development projects at Link Road, Linden Way and Cedar Road.

Castle Point has significant shortage of housing with 470 households on the housing waiting list for non-sheltered accommodation.

Cabinet authority was sought to progress schemes to redevelop garage sites in poor condition at Linden Way, Benderloch and Carlton Drive. An outline business case for each scheme was included with the Cabinet report. The timescale for delivery of the schemes was identified for December 2025.

The mix of bedroom numbers would go to meet the demand of those most in need on the Housing Needs Register.

The properties were to be built to meet not only current standards of thermal comfort but included high levels of energy efficiency including provision of air- source heating pumps ,underfloor heating, PV panels feeding power to the homes and EV charging units in parking places.

The viability of the schemes would be subject of review by Cabinet during the award of contracts. The Council's Section 151 Officer would make a final assessment of the most appropriate funding means at that time.

Cabinet had been reminded that the Council was in receipt of funds from right to buy sales which were time limited. The Council had some £2.1million to spend by March 2027 and a further £1million by March 2028. The Council could fund 40% of expenditure on new developments.

It was anticipated over 25 years the net income from the developments was in the region of £329,000 to the Council's Housing Revenue Account and the removal of 7 household from the temporary accommodation would generate around £70,000 a year in savings to the General Fund.

Cabinet was asked to note that further investigation was being undertaken of proposed schemes sites within the Borough.

Resolved:

1. To approve the following recommendations as shown in the attached outline business cases.
 - a. Construct three 1 bedroomed homes at a former Garage site in Linden Way Canvey Island with a budget of £50k allocated to fund initial professional fees and investigation works for the site.
 - b. Construct two 3 bedroomed homes at a former Garage site in Benderloch, Canvey Island with a budget of £50k allocated to fund initial professional fees and investigation works for the site.
 - c. Construct two 2-bedroom homes on a former garage site at Carlton Drive, Benfleet with a budget of £50k allocated to fund initial professional fees and investigation works for the site.
2. To note progress on schemes at Cedar Road, Linden Way and Link Road.

39. CASTLE POINT REGENERATION PARTNERSHIP

Cabinet considered a report to approve the proposals for the renewal of the Castle Point Regeneration Partnership as the Castle Point Place Partnership.

The report described the background and proposals for new governance arrangements which had been developed by the Partnership to strengthen the

partnership and improve the delivery of regeneration and investment in the Borough. These included a Place Delivery Board which was to be chaired by the Portfolio Holder for Strategic Planning and would have as its core membership the Council, Essex County Council and NHS, with other partners co-opted as required.

A vision or place narrative for the Borough was to be developed which would be brought back to Cabinet for approval.

Resolved:

1. To agree the renewal of the Castle Point Regeneration Partnership and rebranding to the Castle Point Place Partnership, and
2. To agree Cabinet, authorise the Chief Executive in consultation with the Partnership, to prepare a vision for the Borough for a report back to a future Cabinet.

40. TREASURY MANAGEMENT UPDATE

Cabinet considered a report providing Cabinet with an update on the Council's treasury management performance in respect of 2022/23 (full year) and 2023/24 as at the first quarter stage.

Resolved:

To note the content of the reports previously presented to Audit Committee as summarised in this report.

41. CORPORATE PERFORMANCE SCORECARD QUARTER 1 2023/24

Cabinet considered a report setting out the performance figures for the Corporate Performance Scorecard for Q1 2023/24

Resolved:

Cabinet to note the report and continues to monitor performance.

42. CORPORATE PERFORMANCE SCORECARD QUARTER 1 2023/24

Cabinet considered a report setting out the performance figures for the Corporate Performance Scorecard for Q1 2023/24

Resolved:

Cabinet to note the report and continues to monitor performance.

43. ASELA UPDATE AND CESSATION OF OPPORTUNITY SOUTH ESSEX (OSE)

Cabinet considered a report providing an update following the ASELA Joint Committee held on 28 September 2023. The agenda and reports of that meeting were circulated with the Cabinet agenda.

Cabinet was asked to recommend a decision regarding the Council's membership of Opportunity South Essex (OSE) given changes to the strategic business engagement arrangements with the ending of Government funding of Local Enterprise Partnerships (LEPs) next year.

The implications for the Council of cessation were set out in the report as the Council operates as the accountable body for OSE and the employment of the 1FTE. The OSE Board had agreed to underwrite the Council's costs of so doing to a cap of £85,000 which would be met from reserves held by OSE. It was not expected that

this cap would be exceeded but if an unforeseen cost materialised which would exceed the cap, it would be necessary to recover the excess pro rata from the constituent authorities and/or the OSE Board.

Resolved:

1. To note the contents of the report.
2. To agree to withdraw support and financial contributions to Opportunity South Essex with effect from 31 March 2024 with a view to establishing new business engagement arrangements in South Essex from April 2024 in line with the transfer of functions from LEPs to local government.

44. MATTERS TO BE REFERRED FROM/TO THE STANDING COMMITTEES

There were no matters.

45. MATTERS TO BE REFERRED FROM/TO POLICY & SCRUTINY COMMITTEES - REVIEW OF PUBLIC SPACE PROTECTION ORDER

There were no matters.

Chairman

CABINET

15th NOVEMBER 2023

Subject: Governance Arrangements for Spending Community Infrastructure Levy Receipts

Cabinet Member: Councillor Warren Gibson - Strategic Planning

1. Purpose of Report

To set out for agreement the governance arrangements for spending Community Infrastructure Levy (CIL) receipts in future years.

2. Links to Council's Priorities and Objectives

The spending of CIL will contribute to the Corporate Plan objectives of Economy and Growth, People, Place and Environment.

3. Recommendations

- 1) The Cabinet agrees the Governance Arrangements for the spending of CIL receipts as set out in Appendix 1 of this report.**
 - 2) If recommendation 1 is agreed, then the Cabinet authorises the establishment of the CIL Technical Advisory Group, for the purpose of providing a technical steer on the CIL Spending Plan.**
 - 3) If recommendation 1 is agreed, the Cabinet notes that initial engagement with infrastructure providers will occur at the beginning of 2024 to inform the CIL Spending Plan for 2025/26 – 2028/29.**
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4. Background

- 4.1 The Council commenced charging of CIL in May 2023. CIL is chargeable on developments approved since the 1 May 2023.
- 4.2 The liability to pay CIL is upon the commencement of development. At this time very few developments have been approved and commenced since the 1 May 2023. Therefore, we are only in receipt of around £900 of CIL income.
- 4.3 However, the Council has issued liability notices of the value of over £100,000. It is therefore necessary to put in place governance arrangements for the

spending of CIL to ensure that once sufficient receipts have built up, we are in the position to deliver infrastructure to the benefit of the local community as soon as possible.

- 4.4 When the Council agreed to the submission of CIL at its meeting in February 2022, it also agreed to convene a meeting of the Scrutiny Committee to inform the governance arrangements for the spending of CIL.
- 4.5 It should be noted that in putting in place governance arrangements, there are requirements in the CIL Regulations that indicate the types of infrastructure that CIL can be spent on and the requirement for CIL funding to be used on infrastructure projects that relate to growth. CIL income is therefore ringfenced from other sources of income, and any governance arrangements need to reflect these rules.

Development of Governance Arrangements

- 4.6 The Council has been working with consultants from a company called DAC Planning to implement CIL. They are supporting several local authorities across the country in the implementation of CIL and have brought necessary expertise to Castle Point. DAC Planning was funded to support the Council by Essex County Council for a fixed period.
- 4.7 In conjunction with officers of the Council the consultants from DAC Planning have prepared a draft report setting out proposed arrangements for establishing spend prioritisation and governance of CIL spending. This was presented to the Overview and Scrutiny Committee in September 2023.
- 4.8 The Overview and Scrutiny Committee were tasked with reviewing the proposals at that time and providing a steer as to whether they are appropriate, or if not, what amendments should be made to ensure that they are appropriate.
- 4.9 The proposed Governance Arrangements set out in Appendix 1 reflect the outcomes of the Overview and Scrutiny Committee.

Summary of the Proposed Governance Arrangements

- 4.9 An initial spending plan will be developed over the 2024/25 year which enables delivery of projects to commence in the 2025/26. It is expected that there will be sufficient CIL funding available by that time to deliver some initial smaller scale projects.
- 4.10 The plan will cover a 3-year period. It will be updated each year to reflect delivery progress, and to extend it by a further year reflecting on likely CIL income. Three years is required to allow for the collection of CIL and sufficient time for project planning and consents, procurement and mobilisation.
- 4.11 Infrastructure providers and partners will be invited to update their baseline in terms of infrastructure requirements each year, and to submit proposals for projects to be included in the CIL spending plan.

- 4.12 A framework for assessing these proposals has been set out in the method statement provided at Appendix 1, which will help to ensure that the proposed projects meet the legal requirements for being funded through CIL. It also enables the Council to identify and prioritise those projects which help to deliver the objectives of the Corporate Plan.
- 4.13 A Technical Advisory Group comprising officers from both the Council and other lead infrastructure delivery organisations representing the different infrastructure types that can be funded through CIL will be formed to review the proposed spending plan and the projects upon it to ensure that it is technically sound and deliverable.
- 4.14 Scrutiny Committee will also have a role to play in reviewing the draft spending plan and making observations and recommendations early in the process. Ultimately, in around September each year they will be asked to review the final spending plan and recommend it to Cabinet.
- 4.15 Assuming a positive recommendation from Scrutiny Committee, Cabinet will be asked to approve the spending plan in the Autumn, to allow for legal arrangements to be put in place for delivery to commence the following April onwards.

Overview and Scrutiny Recommendations

- 4.9 The minutes of the Overview and Scrutiny Committee meeting are attached as Appendix 2.
- 4.10 Whilst the general approach was welcomed, the Committee felt that it is necessary to ensure greater Member engagement in the process than was initially proposed. To this end, it is now proposed that a draft version of the CIL Spending Plan will be presented to Scrutiny in around April each year, so that early input can be captured. This will provide Scrutiny with two opportunities to input into the spending plan before it is presented to Cabinet for sign-off each Autumn.
- 4.11 The Committee also sought for a wider group of community organisations to be made aware of the potential for CIL funding as part of the development of the spending plan, such as groups serving the elderly and young people, and groups engaged in more niche activities. It was felt that this would enable the Council to support projects from a wider range of organisations. The proposals have been amended to enable this.
- 4.12 CIL income is split three ways: Borough-wide spend (80%); Neighbourhood spend (15% of CIL collected in the neighbourhood area); and Administration (5%). It was noted by the Committee that the proposals cover the Borough-wide spend only, and not the neighbourhood spend.
- 4.13 In relation to CIL collected on Canvey Island, the neighbourhood component of CIL must be transferred to the Canvey Island Town Council, and that will be a matter for them to establish their own arrangements for expending and

governance. However, it was agreed by the Committee that it is necessary in 2024/25 to also determine how local spend will be allocated in Benfleet, Hadleigh and Thundersley where there are no parish councils.

- 4.14 It should be noted that the 5% administration income will be used to fund a CIL Officer post, who will be responsible for the collection of CIL and monitoring expenditure.

5. Corporate Implications

(a) Financial Implications

- 5.1 Based on known urban capacity at the time CIL was examined, there is the potential to generate of the order of £5.75m in CIL income over the period to 2030. This is a conservative estimate that does not account for whatever proposals may arise from the Castle Point Plan, or any CIL income arising from appeals we unfortunately lose.
- 5.2 There are specific rules on what CIL can be spent on, and how CIL should be spent which means that it is ringfenced from the general fund.
- 5.3 However, where compliant with the CIL regulations, CIL funding may be used for Council capital projects, such as some open space and/or leisure facility projects. The proposed governance timetable would see decisions on CIL spend for subsequent years taken in November to allow for any Council projects to be added to the capital programme as part of budget setting.

(b) Legal Implications

- 5.4 As set out previously, CIL spending must occur in accordance with the CIL Regulations. The governance arrangements proposed provide the framework necessary to ensure that this occurs.
- 5.5 CIL income will be passed to partner organisations such as Essex County Council and the NHS to deliver projects in the local area related to their responsibilities. There is therefore a need for strong contract arrangements to be put in place with these external organisations to indemnify the Council against any misspend, overspend or legal challenges associated with monies transferred to these other organisations.

(c) Human Resources and Equality Implications

Human Resources

- 5.6 The Council has appointed a Senior Regeneration and Infrastructure Delivery Officer who will be responsible for managing the CIL Governance process on a day-to-day basis, amongst other things.

Equality Implications

- 5.7 The governance arrangements in themselves do not require an Equality Impact Assessment. However, it will be necessary to assess the equality implications of the individual projects being funded to ensure that they fulfil the public sector equality duty.

(d) IT and Asset Management Implications

- 5.8 There are not IT implications arising from these proposals.
- 5.9 CIL may be spent on Council assets in accordance with the spending rules set out in the CIL regulations. This will be determined when individual projects are identified for funding.

8. Background Papers

As highlighted in the report

Report Author:

Amanda Parrott – Planning Policy Manager

Castle Point CIL Spend Prioritisation and Governance Report

1. Background

1. The Castle Point Community Infrastructure Levy (CIL) Charging Schedule was published on 23 March 2023, and came into effect on 1 May 2023. From that point onwards, the Council became a 'CIL Charging Authority', and a 'CIL Collecting Authority'.
2. The Council now has the responsibility for the collection, monitoring and reporting of CIL receipts as well as the allocation of CIL income to infrastructure types and projects, via a CIL Spending Plan.
3. This report recommends governance arrangements for the prioritisation of infrastructure projects and for spending CIL; including the preparation of a CIL Spending Plan to cover a rolling three-year period.

2. S.106 and CIL Developer Contributions – how do they work differently?

4. The [Castle Point Borough Council's Developers Contributions Guidance Supplementary Planning Document \(SPD\) March 2023](#) explains that *CIL will be utilised by the Council to secure infrastructure projects which are necessary to support growth which cannot be secured through a Section 106 Agreement...Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area...*
5. In terms of the application of Section 106, the SPD states that *Section 106 Agreements will usually be used to secure developer contributions for residential developments of 10 units or more and other major development, therefore CIL will be the primary means by which the Council will seek contributions from developments below that threshold towards meeting the infrastructure demands of new growth.*
6. Given the threshold for the use of Section 106 developer contributions, CIL will be an important funding stream to deliver both mitigation from the impacts of small sites under 10 units, but also to 'top-up' funding for strategic infrastructure projects to mitigate the cumulative impacts of growth across the borough.

3. What can the Council Spend CIL on?

7. In accordance with the CIL Regulations 2010 (as amended), Part 7, CIL income must:
 - i. fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area;
 - ii. the provision, improvement, replacement, operation or maintenance of infrastructure outside its area where to do so would support the development of its area.
8. Given the strict requirements on spending CIL, it is important at this stage to emphasise that CIL can only be spent on projects that are shown to support the development of the

area. Therefore it is important to have a clear evidence base for CIL spend to support the prioritisation and reasons for spending of CIL of the project. Furthermore, it is also important that CIL spending decisions are considered against the Subsidy Control Act requirements, as set out in the update to the [Government's CIL Guidance in January 2023](#).

9. Appendix 1 of the above-mentioned Developer Contributions Guidance SPD provides an indicative split of developer contribution spending between Section 106 and CIL Contributions. This is an important starting point for understanding the Council's adopted approach to CIL spend, and covers the following:
 - Education contribution where not secured through S.106
 - Adult employment, skills and training facilities
 - Other Library provision and/or enhancements in Castle Point
 - NHS Estates Plan where not secured through S.106
 - Strategic level open space and enhancement
 - Green connectivity to and between open spaces
 - Playing Pitch Strategy – non football elements
 - Build Facilities Strategy where not secured through S106
 - South Essex Surface Water Management Plan Projects
 - Infrastructure projects in the Canvey Six Point Plan
 - Infrastructure projects in the Thames Estuary 2100 Plan
 - Strategic Transport Projects
 - Strategic Sustainable Transport Projects
 - Emergency Service Estate Improvements
10. In addition to the Council's SPD, it is importance to also consider the Council's Infrastructure Delivery Plan Addendum (April 2022) which was used to support the preparation of the Council's CIL Charging Schedule. In particular it explains that *the previous Infrastructure Delivery Plan (IDP) focused on the delivery of growth associated with the new Local Plan, and did not consider in detail potential development coming forward from other sources such as the Brownfield Land Review (BLR), Strategic Housing Land Availability Assessment (SHLAA) sites, and from windfall development. Following the Council's decision to not adopt the new Local Plan, this IDP Addendum will consider in greater detail other sources of growth where new housing may be delivered in the Borough.*
11. The IDP Addendum provides infrastructure requirements for all infrastructure providers against each development type (as listed above), that make up the Council's current housing trajectory. Therefore, this document is another piece of evidence to support the development of a CIL infrastructure spending programme.

4. What is the CIL income forecast and how will CIL be distributed between spending 'pots'?

12. The level of growth expected in the borough over the next fifteen years was set out at the examination for the CIL Charging Schedule within Appendix 1 of the [Infrastructure Delivery Plan Addendum \(May 2022\)](#). (The 'IDP Addendum'). For the purposes of further understanding the housing trajectory for CIL income and spend purposes, the trajectory has been adjusted due to the following factors:

- Removal of the New Local Plan Strategic Sites (due to the withdrawal of the Plan);
 - 1998 Local Plan allocation sites HO22 Land at Thames Loose Leaf (now used for industrial purposes); and HO30 Haystack (permission has now been implemented.
 - Although site HO25 remains in the trajectory, the allocation is for 230 new park homes, and therefore would not generate CIL or S 106; however, the site will result in growth which will impact infrastructure capacity, and therefore impact on existing infrastructure provision.
13. Considering these changes to the trajectory, it is expected that there will be an additional **1,646 new dwellings** built in the borough over the next 15 years. Importantly, a large portion of this growth will be from smaller sites, as set out in paragraph 10 above. This is an important factor in both understanding potential future CIL income and understanding the extent to which CIL is required to support the development of the area, by funding provision, improvement, replacement, operation or maintenance of infrastructure.
14. By understanding the housing trajectory over the next 15 years, it is possible to estimate, very roughly, the income that the Council may expect from CIL between 2023/24 to 2029/30. This is summarised in Table 1 below.

Table 1 CIL Income Forecast 2023/4 – 2029/30	
CIL Income Period	Estimated Total Income per CIL Income Period
2023/24	£114,583
2024/25	£364, 583
2024/26	£625,000
2026/27	875,000
2027/28	£1,270,833
2028/29	£1,250,000
2029/30	£1,250,000

15. Overall, it is forecast that the cumulative amount of CIL could reach approximately £5,750,000 by 2030. However, it should be noted that not all of this income will be available to spend on borough-wide infrastructure. This is because in accordance with the CIL Regulations (as amended), all CIL received by the Council will be separated into three 'pots' as follows:
- i. **CIL Administration** – 5% of CIL received will be applied to CIL administrative expenses incurred by the Council in connection with CIL.
 - ii. **Neighbourhood Portion** – (15%) in accordance with the CIL regulations (as amended) where all or part of a chargeable development is within the area of a town council but there is neither a neighbourhood development plan or neighbourhood development order, up to 15% of CIL receipts, capped to £100/council tax dwelling in the area, must be passed to the town council (Canvey Islands Town Council) in which the development took place.

The CIL Guidance also states that *communities without a parish or town council can still benefit from the neighbourhood portion. If there is no parish or town council, the charging authority will retain the levy receipts but should engage with the*

communities where development has taken place and agree with them how best to spend the neighbourhood funding.

The CIL Regulations allow the neighbourhood portion to be spent in a way that supports the development of the local council's area, or any part of that area, by funding:

- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.

However, it must be noted that all CIL spend is limited within the statutory requirements of the Subsidy Control Act to ensure that public funding does not distort competition.

- iii. **Borough Portion** – (80%) to be spent in accordance with the CIL Regulations, as set out in paragraph 7 above.

5. Taking A CIL Spending Plan Approach for the Borough Portion

- 16. The purpose of the Council preparing a CIL Spending Plan is to ensure that all infrastructure projects identified are agreed by the council, in consultation, with the service providers who will be spending CIL to deliver projects. A spending plan approach provides certainty to infrastructure providers and spending managers, as well as a transparent approach for residents of the borough. A methodology for preparing the CIL Spending Plan can be found in Background Paper 1 and a summary of the method is provided in section 6 below.
- 17. Furthermore, a timeline and flow chart for the Governance process required to support the preparation of the plan is provided in Background Paper 2. It is proposed that due to the time it will take for the Council to raise a meaningful amount of CIL to spend, the Council's CIL Spending Plan will be prepared to commence from the financial year 2025/26. This timing will also allow infrastructure providers to give thought to the CIL regime, and consider developing feasible and costed infrastructure schemes to support growth.

6. The CIL Spending Plan Methodology

- 18. The overall preparation of the CIL Spending Plan will commence with officers opening a consultation/CIL bidding event. The event would first request that service and infrastructure providers comment on the original submission made to the Council as part of the development of the Infrastructure Delivery Plan, by providing additional supporting information such as costs and timescales for delivery; and also submit further applications for CIL funding to be considered as part of the CIL Spending Plan, as required.
- 19. Using the responses to this consultation, officers will consider the infrastructure projects against a series of assessment questions. The outputs of this initial assessment will then be reviewed and discussed by an informal cross organisation Castle Point CIL Spending Board which will include relevant Assistant Directors from the Council alongside representatives from Active Essex, the Education Authority, the Highway and Transport Authority, the Lead Local Flood Authority and from the NHS Mid and South Essex ICB

20. These meetings are useful for a number of reasons:
- It is important to discuss the proposed shortlist of CIL projects, in particular to confirm timings and schedule for the delivery of both CPBC and partner projects;
 - To achieve joint agreement that those projects will be prioritised for spending within that three year period;
 - To discuss 'query' schemes where there is a potential to save CIL money towards the next CIL Spending period, or to fund a scheme over a number of phases which overlap into the next plan period.
21. This report recommends that delegated decision is granted by Cabinet for this CIL Technical Advisory Group to be established which will report to and make recommendations to Scrutiny Committee regarding the preparation of the CIL Spending Plan.
22. This meeting of the CIL Technical Advisory Group will consider the outputs of the initial assessment, and discuss the list of projects identified as priority for the three year spend against the forecast CIL income for the Council. Proposed attendees of this meeting are listed below, and the group will meet in March and June each year (further meetings may be arranged, if required):
- Director of Place and Communities
 - Assistant Director of Climate and Growth
 - Assistant Director of Housing and Communities
 - Assistant Director of Environment
 - Assistant Director of leisure Services
 - Representative from the Education Authority
 - Representative from the Highway and Transport Authority
 - Representative from the Lead Local Flood Authority
 - Representative from Active Essex
 - Representative from the NHS Mid and South Essex ICB
23. Following the initial Castle Point CIL Spending Board, feedback will be provided to officers to inform the preparation of the final draft CIL Spending Plan and this will return to the Castle Point CIL Spending Board in June to secure agreement from the board to be recommended to Scrutiny Committee. A meeting of the Scrutiny Committee will be convened to review the recommendations, and make a final recommendation to Cabinet.
24. Subject to approval by Cabinet, the final CIL Spending Plan will establish which infrastructure projects will be delivered between 2025/26- 2028/29. The adoption of the CIL Spending Plan 2025/26 would trigger the preparation of master contracts with the service providers responsible for the projects listed on the plan. These will be drawn up between Castle Point Borough Council, and the infrastructure provider (including the Canvey Island Town Council) that has a project identified on the approved CIL Spending Plan. The contract will clearly set out that CIL money will be passed to them, upon receipt of a formal application with regard to the scheme that is listed in the CIL Spending Plan and, subject to them meeting certain conditions. The contract will indemnify the Council in the event that the money is not used correctly, any overspends by the infrastructure provider or any legal challenge to the infrastructure provider.

25. It is proposed that the Neighbourhood Portion of CIL is not included in the first CIL Spending Plan due to the slow nature of CIL funds to build up to a meaningful amount which would allow neighbourhoods to bid for funding. However, the Council will start to prepare a governance and spending approach for the Neighbourhood portion for the year 2026/27.
26. Nevertheless, it should be noted that Canvey Island Town Council will receive the neighbourhood portion twice per year (October and April) (unless an alternative schedule of payments is agreed between the Town Council and Borough Councils in the meantime) and will need to spend CIL within 5 years of receipt, and produce monitoring reports to show how CIL has been spent in accordance with the CIL Regulations 2010 (as amended).

7. How will CIL money be passed to service providers?

27. The method would require the infrastructure provider (representing a scheme listed on the approved CIL Spending Plan) to request the money for the CIL project. As set out above, the infrastructure provider will have entered into a CIL master-contract with the council already. Therefore, they would simply complete a proforma to request the CIL money, setting out the details of the project (including cost, project delivery timescales and evidence to show that a contract is in place/imminently in place for the works).
28. Once checked and approved, the proforma would be appended as a supporting document to the master-contract. Upon completion of the contract, the Assistant Director responsible for Strategic Planning would have authority to pass that CIL money to the service provider, in accordance with the CIL spending contract.
29. It is important to note that there is always a possibility that numerous requests for CIL money may be received at the same time for projects listed on the CIL Spending Plan. This highlights the importance of very careful preparation of the spending plan, including detailed consultation with service providers regarding timescales. Taking time to prepare the spending plan, will ensure that project delivery schedules align with CIL income, and do not overlap in a way that would make funding numerous projects simultaneously unachievable.
30. This spending process will require that the Assistant Director responsible for Strategic Planning, in consultation with the Assistant Director for Finance & Procurement, is granted authority to pass CIL to infrastructure providers where they have entered into a CIL spending contract (to include the master contract and appended proforma) with the council (the value would be unlimited, due to the fact that Full Council would have already approved the spend via the spending plan, and through the signing of master-contracts).

8. Next Steps

31. Subject to agreement of the proposals set out above, in sections 5 to 7 above, and supporting background documents, a number of actions will need to be taken:
 - Establish the CIL Technical Advisory Group
 - Undertake delegation, as necessary to the appropriate officers to approve the passing of CIL money to infrastructure providers upon completion of the required contractual paperwork.

- Prepare for initial consultation for the CIL Spending Plan to take place in early 2024.
 - Liaise with Legal on the preparation of a master contract template for CIL spending and CIL request proforma to append (this may take time to establish in terms of legal process).
32. Further reports may be brought before Scrutiny to consider further matters regarding CIL governance relating to more detailed processes.

Methodology for Preparing the CIL Spending Plan

1. The following document provides an overview of the methodology for preparing the CIL Spending Plan for Castle Point Borough Council. It is separated into key stages which are numbered 1 to 4.

1. Consultation on the baseline list and inviting CIL Spending Plan submissions

2. The starting point for preparing the CIL Spending Plan will be the identification of the baseline infrastructure list. This will be drawn from the Council's Developer Contributions SPD Appendix 1 infrastructure list and the Castle Point Borough Council's IDP Addendum.
3. As part of the development of this proposed CIL Spending Plan Method, officers have undertaken early engagement with infrastructure providers regarding CIL spend with the aim of updating infrastructure providers in the Borough on the future housing and growth trajectory for the borough for the next 15 years, and to signpost them to the latest evidence of infrastructure needs.
4. In addition, the engagement asked infrastructure providers to check that information and feedback on projects that they may wish to fund from CIL in the future. The infrastructure projects identified as part of that work is set out in the list below.
5. Understandably, as CIL is a new developer contributions regime, infrastructure providers have not prepared schemes to be funded by CIL therefore most projects on the list are uncoded and have no timescales at this time. However, it was a valuable exercise to develop a CIL spend indicative **baseline**, with alignment to growth in the borough. The baseline list is as follows:
 - Tennis facilities at John H Burrows
 - 3G Pitch at Waterside
 - Cricket facility improvements
 - Football facilities from the Football Facilities Plan
 - Open space improvements that arise through the Open Space Assessment underway
 - Surface Water Management improvements set out in the Canvey Six Point Plan and the South Essex SWMP 2020
 - Flood Defence Improvements at Bowers Marshes
 - Pre-school or nursery in the Benfleet, Hadleigh, Thundersley area
 - Library improvements amounting to about £120k
 - Local Cycling and Walking Improvement Plan
 - Integrated Care Board - funding towards extending the capacity of primary health care: approximately £850,000
6. In addition to this baseline list, the list of infrastructure, to be funded by CIL, as set out in Appendix 1 of the Castle Point Developer Contributions SPD will be added to this list, and covers the following (there is inevitably crossover with the infrastructure provider list due to the fact that the list in the SPD is a more generalised outline of types of infrastructure CIL might be spent on):

- Education contribution where not secured through S.106
- Adult employment, skills and training facilities
- Other Library provision and/or enhancements in Castle Point
- NHS Estates Plan where not secured through S.106
- Strategic level open space and enhancement
- Green connectivity to and between open spaces
- Playing Pitch Strategy – non football elements
- Build Facilities Strategy where not secured through S106
- South Essex Surface Water Management Plan Projects
- Infrastructure projects in the Canvey Six Point Plan
- Infrastructure projects in the Thames Estuary 2100 Plan
- Strategic Transport Projects
- Strategic Sustainable Transport Projects
- Emergency Service Estate Improvements

2. Consulting on the Infrastructure Baseline List and Inviting CIL Spending Plan Submissions

7. Infrastructure providers will be consulted on the baseline CIL infrastructure list, as shown above, and will be invited to respond by providing further information regarding those projects, if available. They will also be asked to include submissions for infrastructure projects to be included in the CIL Spending Plan, which were not identified through the baseline list.
8. The list below sets out who will be contacted:
 - CPBC Departments
 - Open spaces,
 - Leisure,
 - Public health,
 - Community safety and
 - Economic development
 - Neighbouring authorities – Southend City Council, Basildon, Thurrock
 - Canvey Island Town Council
 - ECC Key Infrastructure Contact
 - Highways and transport
 - Education including childcare and early years
 - Employment and skills development
 - Libraries
 - Waste Management
 - Local Lead Flood Authority
 - Child and Adult Social Services
 - Youth services
 - National Highways
 - NHS Mid and South Essex Integrated Care Board
 - Essex Police
 - Essex County Fire and Rescue

- East of England Ambulance Service
 - Environment Agency
 - Natural England
 - Active Essex and relevant sports governing body representatives for Essex
 - Local community organisations offering community infrastructure in Castle Point
9. The following questionnaire will be included in the infrastructure provider consultation. The information set out below will need to be provided for a project to be retained or added to the baseline infrastructure list for consideration for inclusion in the CIL Spending Plan.

Submission of Infrastructure Projects – Survey for Stakeholders
i. How does the scheme support the growth of the borough?
ii. What evidence do you have to show that the infrastructure will address impacts from development?
iii. How much will the scheme cost in total, and would you require CIL to pay for the scheme in whole or part? If in part, what other funding sources are available?
iv. Is the scheme identified on a forward planning document for the service provider?
v. Will the project require funding within this CIL Spending period? If yes, will funding be required in one year or phased across the plan period (or will it overlap into the next plan period?).
vi. If submitted by Canvey town council – will this funding assist with a Neighbourhood CIL project being delivered within the statutory five-year period (ie. through joint funding of Neighbourhood and Borough CIL)?

10. Upon receipt of consultation responses, the final baseline infrastructure list will be updated, and the infrastructure projects assessed. The assessment system is used to sort the long list into higher priority/deliverable projects and lower priority/undeliverable projects. Assessment will be carried out by officers, in discussion with service providers, where necessary (for example, there may be areas of clarification that require additional meetings/discussions), and accordance with the following assessment methodology.
11. Secondly, in preparing the CIL Spending Plan, it is important to identify projects that can be delivered within the timeframe covered by the plan (rolling three year period). The preparation of the IIP will therefore include CIL income trajectories which link up to service providers delivery timescales.

3. Assessment and Prioritisation Methodology

12. It is important to undertake an assessment of the baseline infrastructure list to ensure there is a clear evidence base to support the preparation of the three -year spending plan.
13. It is unlikely that in the first iteration of the CIL Spending Plan that many projects will be ready to be delivered within timeframe covered by the plan. This may lead to the decision

that CIL will not be spent during the first three year IIP period, but saved towards future projects on the long list of CIL projects. This requires officers and members to take a ‘long term’ view of CIL spending, and to ultimately decide whether CIL money should fund small, non-strategic projects, or larger, more costly projects. The assessment process will incorporate the following factors:

Assessment Approach for Infrastructure Projects Submitted for Consideration in the CIL Spending Plan:	
1.	<p>Does the scheme meet the requirements for spending CIL in the CIL Regulations (Regulation 59, paras 1, 3, 4 and 5 of the CIL Regulations 2010 (as amended):</p> <p><i>A charging authority must apply CIL to funding [the provision, improvement, replacement, operation or maintenance of] infrastructure to support the development of its area.</i></p> <p><i>A charging authority may apply CIL to funding [the provision, improvement, replacement, operation or maintenance of] infrastructure outside its area where to do so would support the development of its area.</i></p> <p><i>For the purposes of this regulation, any reference to applying CIL includes a reference to causing it to be applied, and includes passing CIL to another person for that person to apply to funding [the provision, improvement, replacement, operation or maintenance of] infrastructure.</i></p> <p><i>This regulation is subject to regulations [59A, 59E, 59F,]60 and 61.</i></p>
2.	Is the scheme fully deliverable within the CIL Spending Plan timeframe 2025/26 – 2028/29?
3.	To what extent does the infrastructure project align with the Council’s long term vision for the Borough, as set out in the Castle Point Corporate Plan
4.	<p>The Subsidy Control Act tests would be covered as the final assessment point. These include the following:</p> <ul style="list-style-type: none"> • Would the payment be defined as a subsidy? If ‘yes’ go to state 2: • Review the subsidy against Schedule 1 subsidy principles of the Subsidy Control Act.

4. Finalising the CIL Spending Plan – Governance and Decision Making

14. The results of the assessment process, set out above will result in a report setting out the shortlist of prioritised projects and the conclusions from the officer analysis of questionnaire responses.
15. This will be taken to a newly formed CIL Technical Advisory Group, attended by the following:
 - Director of Place and Communities
 - Assistant Director of Climate and Growth

- Assistant Director of Housing and Communities
 - Assistant Director of Environment
 - Assistant Director of leisure Services
 - Representative from the Education Authority
 - Representative from the Highway and Transport Authority
 - Representative from the Lead Local Flood Authority
 - Representative from Active Essex
 - Representative from the NHS Mid and South Essex ICB
16. The outcomes of this meeting will be noted and used by officers to prepare an update to the CIL Spending Plan which will then be circulated to stakeholders and infrastructure providers for final comment/feedback prior to the document being presented again in final form to the CIL Technical Advisory Group to secure agreement from the board to be recommended to Scrutiny Committee. A meeting of the Scrutiny Committee will be convened to review the recommendations, and make a final recommendation to Cabinet.
17. It is expected that the first CIL Spending Plan will be a short list. This is due to the significant costs of infrastructure projects and due to the time it takes for projects to undergo feasibility stages, quotations and contract arrangements. However, the plan to be reviewed each year in case timings change for schemes which mean they may be deliverable in the plan period.

Timeline and Governance Process for the CIL Spending Plan

(assuming first CIL Spending Plan will be for 2025/26 – 2028/29)

1. **January 2024** – undertake initial consultation on baseline and new infrastructure projects
2. **February 2024** – officers assess the consultation responses and prepare initial CIL Spending Plan report
3. **March 2024** – First meeting of the CIL Technical Advisory Group to review the consultation responses and initial CIL Spending Plan Report. Discussions regarding prioritisation and feedback on the CIL Spending Plan report
4. **April 2024** – Scrutiny Committee review the consultation responses and initial CIL Spending Plan Report, and any initial recommendations of the CIL Technical Advisory Group with regard to prioritisation.
5. **May 2024** – Final CIL Spending Plan and cover report prepared reflecting comments from the CIL Technical Advisory Group and Scrutiny Committee
6. **June 2024** – Second CIL Technical Advisory Group Meeting to review final CIL Spending Plan. Key Output: sign off from a technical perspective and a recommendation to Scrutiny Committee
7. **June/July 2024** – Officer preparation of report to Scrutiny Committee.
8. **September 2024** – Scrutiny Committee considers recommended final CIL Spending Plan. Key Output: Decision to recommend to Cabinet for approval.
9. **October 2024** – Cabinet. Key Output: Approval of CIL Spending Plan 2025/26 – 2028/29.
10. **November 2024 – March 2025** - Master Contracts issued to infrastructure providers with schemes listed in approved CIL Spending Plan.
11. **April 2026 onwards** – CIL Spending Plan implemented.



SCRUTINY COMMITTEE MINUTES

11th September 2023

PRESENT: Councillors Isaacs (Chair), Bowker, Edwards, Egan, Jones, J Thornton and Thomas.

Officers: Ms Amanda Parrott – Planning Policy Manager, Ann Horgan – Head of Governance.

APOLOGIES: Councillor Harvey.

1. MEMBERS' INTERESTS

There were no disclosures of interest.

2. COMMUNITY INFRASTRUCTURE LEVY(CIL) GOVERNANCE ARRANGEMENTS

The Committee had been tasked by Council, in approving CIL for submission in February 2023, to review the proposed governance arrangements before consideration and approval by Cabinet.

The Council commenced charging of CIL from 1st May 2023 on developments approved since that date. CIL was payable upon the commencement of development. At this time very few developments had been approved and commenced and only some £900 of CIL income had been received. There was therefore time to put in place governance arrangements for CIL whilst income grows to a level where infrastructure projects could be funded.

CIL income must be spent in accordance with the CIL Regulations and was ringfenced from other sources of income.

The Council had been working with consultants from DAC Planning to implement a company supporting several local authorities across the country in the implementation of CIL.

In conjunction with officers of the Council the consultants from DAC Planning had prepared a report setting out proposed arrangements for establishing spend prioritisation and governance of CIL spending. The report and supporting papers set out in Appendices 1,2 & 3 set out the proposed arrangements which were examined following a presentation from the Planning Policy Manager.

The Committee was reminded of the difference between Section 106 & CIL Developer contributions.

CIL could only be spent on the following:

- i. fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area;
- ii. the provision, improvement, replacement, operation or maintenance of infrastructure outside its area where to do so would support the development of its area.

The report at Appendix 1 recommended governance arrangements for the prioritisation of infrastructure projects and for the spending of CIL. This included the preparation of a CIL Spending Plan to cover a three-year period to be effective from 2025/2026.

The methodology for preparing the Spending Plan was dealt with in Appendix 2 and Appendix 3 set out the timeline and governance processes including consultation.

Members attention was drawn to the amount of CIL which could be available to support infrastructure projects. This would require monitoring. CIL funding was divided into three pots with 5% reserved for administration, 15% on Neighbourhood Portion under this pot 15% of CIL receipts capped at £100 per Council Tax dwelling on development on Canvey Island must be passed to Canvey Town Council.

For the remaining 80% guidance directed that the community be engaged in how to spend the remaining portion.

Members role in the governance processes was highlighted. The Scrutiny committee was to review the Spending Plan before approval by Cabinet in October.

The Committee suggested that the Scrutiny Committee should consider the initial proposals for the Spending Plan in April following the outcome of consultation. Members suggested that there should be member involvement in the officer working group.

With regard to community engagement, Members welcomed the opportunity and wished to see wide engagement suggesting that community organisations including youth and the elderly should be involved .

Resolved:

1. To recommend to Cabinet to support the proposed governance processes for the administration of CIL subject to the amendments identified at the meeting.

Chairman

CABINET

15th November 2023

Subject: Budget and Policy Framework for 2024/25

Cabinet Member: Councillor Mountford – Resources

1. Purpose of Report

- 1.1 This report sets out the proposed Budget and Policy Framework for 2024/25. It takes account of the requirements of the Constitution, the Financial Planning Strategy and statutory requirements for calculating the budget requirement and setting the Council Tax.

2. Links to Council's priorities and objectives

- 2.1 The agreement of the Budget and Policy Framework provides the Council with a robust framework to improve services to residents by directing resources towards the Council's priorities.

3. Recommendation

- 3.1 That the proposed Budget and Policy Framework for 2024/25 is approved.
-

4. The Budget and Policy Framework

- 4.1 The Council's business planning framework consists of a number of policies, plans and strategies. These provide the mechanism through which the Council establishes its aims and objectives. Each plan or strategy should identify how the aims and objectives will be achieved and delivery monitored, as well as provide the link between Council services and financial plans. A list of the Council's key policies, plans and strategies included in this framework is shown in Annexe B to this report.
- 4.2 The Council's budget framework is set out at Annexe A. It is based on the requirements of the Financial Planning Strategy. The key steps in the budget process can be summarised as follows:
- draft budgets prepared on a no growth basis;
 - identification of growth and efficiency savings (options) linked to Council priorities and plans
 - interpretation of government announcements in respect of acceptable council tax rises and provision of funding;
 - budget and Council Tax setting at Full Council.

5. Consultation

- 5.1 The Council will publish the Policy and Budget Framework for 2024/25 (by publishing this report and annexes as part of the papers for the November 2023 Cabinet).
- 5.2 The subsequent period up to the February 2024 Council meeting will be available for final policy considerations by Members.

6. Conclusion

- 6.1 Cabinet is requested to approve the proposed Budget and Policy Framework.

7. Corporate Implications

a. Financial implications

This report sets out the Budget and Policy Framework – financial implications as detailed in the report and annexes.

b. Legal implications

This report has been reviewed by the Assistant Director, Finance and Procurement in his capacity as the Council's Section 151 Officer – the officer appointed to have responsibility for the Council's financial administration.

c. Human resources and equality

There are no new human resource or equality implications arising from this report.

d. Timescale for implementation and risk factors

The Cabinet should approve the proposed Budget and Policy Framework so that it can be available for public consultation in accordance with the Council's constitution. The approval of the framework also ensures that there are clear accountabilities and timescales in place.

8. Background Papers:

Constitution

Policy Framework and Budget Setting for 2023/24

Report Author: Ben Brook, Strategy Policy & Performance Manager

bbrook@castlepoint.gov.uk

The Budget Framework for 2024/25

No.	Activity	Date
1.	Line by line budget reviews with budget holders, identifying savings and/or unavoidable pressures.	September 2023
2.	Draft budget prepared.	October 2023 - January 2024
3.	Consideration of government announcements in respect of acceptable levels of Council Tax increase and provision of grant funding to the Council.	October 2023 - January 2024
4.	Budget option appraisal with Cabinet members.	October 2023 - January 2024
5.	<p>Cabinet makes final recommendations to Council on:</p> <ul style="list-style-type: none"> • Corporate priorities and annual objectives • Capital Strategy • Treasury Management Strategy Statement • Investment Strategy • Prudential indicators • The robustness of budgets • Adequacy of reserves • The budget (revenue and capital) and Council Tax <p><i>The Cabinet will now make its recommendations on the allocation of financial resources to services</i></p>	February 2024
6.	<p>Cabinet agrees HRA budget and sets rent levels.</p> <p><i>Council to delegate full powers to the Cabinet. HRA budget subject to compliance with legal and prudential guidelines.</i></p>	February 2024
7.	<p>Council makes statutory budget calculations and sets Council Tax.</p> <p><i>Council will consider the recommendations from Cabinet and will make final decisions.</i></p>	February 2024

List of the Council's policies, plans and strategies included in this framework

Policy Title	Brief Description
Acquisition and Disposal of Council Owned Land	Sets the policies, principles and procedures to be followed when considering whether Council owned land should be disposed of or retained for service provision.
Asset Management Plan	Sets out plans and how the Council maintains its corporate assets (land and buildings) in a condition that is fit for the purpose of delivering services to the community and how it will respond to any changes in the way assets need to be used to provide services.
Budget and Policy Framework – see also Constitution	Describes the procedures and principles used by the Council to establish and/or vary a budget and policy framework.
Combined Safeguarding Policy and Strategy for Children Young People and Vulnerable Adults	The Children's Act 2004 Children and Learning Act 2009 The Counter Terrorism and Security Act 2015 The Care Act 2014
Communication Strategy	Shows how the Council will work closely with other organisations in the borough to achieve a free flow of appropriate information between the Council and its stakeholders, including staff, councillors, residents, businesses, partners and other service users. An appendix to the Customer First Strategy.
Community Safety Partnership Plan (Strategic Assessment)	<p>Achieving a sustainable reduction in crime within the Borough both by tackling crime and by identifying and addressing its causes.</p> <p>Ensuring crime and disorder does not have a disproportionate impact on vulnerable groups.</p> <p>Tackling specific crime and disorder problems and problem areas.</p>
Complaints Policy	Sets a clear framework so that complaints are dealt with efficiently and effectively to ensure that customers have confidence in the way that complaints will be handled. An appendix to the Customer First Strategy.
Constitution	Describes how the Council does business including procedural rules, delegations and codes of conduct amongst other areas.
Contract Procedural Rules – see also Constitution	Describes how the Council does business on matters relating to the placing and letting of contracts.

Policy Title	Brief Description
Corporate Business Continuity Plan	Generic guidance on how the Council may manage a major corporate incident which restricts the normal day-to-day running of its business.
Corporate Plan	Sets out the Council's Priorities, objectives, key milestones and targets. Includes an annual report on progress towards achieving aims.
Council Tax Reduction Scheme	Details how the scheme will operate for both pension credit age and working age applicants and, in accordance with S13A of the Local Government Finance Act 1992, specifies the classes of person who are to be entitled to a reduction under the scheme.
Combined Discretionary Hardship Payments (DHP) and Exceptional Hardship Fund (EHF)	<p>DHP Policy to specify how the scheme will be operated by the Council and to indicate the factors that will be considered when deciding if a DHP should be made.</p> <p>Policy about the Exceptional Hardship Fund to assist those claimants most at risk and considered to be the most vulnerable.</p>
Counter Fraud, Bribery & Corruption Policy Statement and Strategy	<p>Sets out how the Council will:</p> <ul style="list-style-type: none"> • acknowledge its responsibility for countering fraud and corruption • identify the fraud and corruption risks • develop an appropriate counter fraud and corruption strategy • provide resources to implement the strategy • take action in response to fraud and corruption.
Counter Money Laundering Policy and Strategy	Sets out the actions the Council will take to mitigate the risk that money could be laundered through its systems.
Cyber Security Strategy	Sets out the actions taken to safely and securely manage and store our data, systems and network.
Data Protection Policy	this document sets out Castle Point Borough Council's policy on the retention and process of personal information.
Documentation Retention Policy	This document states Castle Point Borough Council's criteria for the retention of documents containing personal information.
Emergency Planning & Business Continuity Framework	The EP/BC framework describes how the Council will go about its duty to be suitably prepared for dealing with emergencies, as well as disruptions to the organisation's ability to deliver its critical services to the public.

Policy Title	Brief Description
Emergency Planning & Business Continuity Policy	The EP/BC policy sets out the principles for the establishment and revision of Emergency Planning and Business Continuity Management.
Emergency Response Plan	The Emergency Response Plan outlines the Council's core response to emergencies and major incidents. It is supported by specific plans dealing with particular hazards, functions and statutory responsibilities.
Financial Procedure Rules and Detailed Financial Regulations – see also Constitution	Describes how the Council does business on financial matters.
Gambling Licensing Policy Statement	Statement of Licensing Policy produced by Castle Point Borough Council under the Gambling Act 2005 and it forms the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority.
Hackney Carriage & Private Hire Policy	This document contains guidance and information for the holders of and applicants for hackney carriage/private hire vehicles and driver's licences and the licences to operate private hire vehicles within the Castle Point Borough Council area.
Health & Safety Policy Statement and Strategy	This is a declaration of the Council's intent to establish a safe and healthy working environment for all of its undertakings.
Homelessness and Rough Sleeping Strategy	Sets out an analysis of issues regarding increasing homelessness in the Castle Point area and a range of actions to prevent and relieve homelessness.
Housing Asset Management Plan	Sets out the policy and plan for capital management of housing stock.
HR Strategy	<p>Establishes workforce planning to ensure adequate staff resources and succession planning.</p> <p>Aims to attract and retain high calibre candidates for employment.</p> <p>Train and develop staff to maximise their potential</p> <p>Offer equality of opportunity to all staff and recognise the benefits of diversity.</p>
Information and Communication Strategy (ICT)	This ensures that the IT systems and infrastructures support the business objectives.

Policy Title	Brief Description
	It covers the planning of new systems, their procurement, and the management and control of implemented systems. It sets out the organisation and management structures, and where responsibilities lie.
Information Security Policy	Sets out responsibilities in relation to Information Security.
Internal Audit Charter, Strategy and Audit Plan	<p>The Charter sets out the purpose, authority and responsibility of the Council's Internal Audit function, in accordance with the UK Public Sector Internal Audit Standards (the Standards) and the CIPFA Local Government Application Note.</p> <p>The Strategy sets out how the service will be delivered and developed in accordance with the Charter and how it links to the delivery of the Council's Aims, Targets and Objectives.</p> <p>The Audit Plan sets out the work to be delivered each year, that will inform the Annual Head of Internal Audit Opinion.</p>
Licensing & Gambling Enforcement Policy	The purpose of the enforcement policy is to ensure compliance with the Licensing Act 2003 and the Gambling Act 2005, and to ensure the promotion of the licensing objectives under these two acts.
Local Code of Governance	This statement explains how the Council has complied with the code and also meets the requirements of the Accounts and Audit (England) Regulations 2015, which requires all relevant bodies to prepare an annual governance statement.
Local Plan 1998	Sets out the policies for achieving a balance between appropriate development opportunities and the protection and enhancement of the built and natural environment.
Private Sector Housing Strategy	The Private Sector Housing Service Plan aims to present some of the key challenges facing the Council regarding maintaining and improving housing conditions in the Borough
Procurement & Commissioning Policy	Defines the Council's policy objectives, the strategy to deliver these and supporting principles. Procurement is defined as the acquisition of goods, services and construction projects from third parties.
RIPA Policy Statement	To reduce the risk of breaching human rights and to assist staff involved in interception and

Policy Title	Brief Description
	surveillance activity in complying with the requirements of the Regulation of Investigatory Powers Act (RIPA) 2000.
Risk Management (RM) Policy and Strategy	<p>Sets out how the Council will:</p> <p>maintain robust risk management arrangements that make a positive contribution towards the achievement of its corporate priorities and objectives and maximise the opportunities to achieve its vision</p> <p>proactively manages key external and internal risks, promoting the principles of effective risk management throughout the organisation.</p>
Scrap metal Dealers Act 2013 Policy	This document states Castle Point Borough Council's Policy on the regulation of Scrap Metal Dealers. The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and came into force on 1 October 2013.
Statement of Licensing Policy	The 2003 Act requires that the Council publishes a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
Treasury Management and Investment Strategies	Covers the management of the Council's cash flows, its banking, borrowing and investment activities; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
Whistleblowing Policy	Sets out the Council's arrangements whereby any serious concerns that employees, workers or contractors have about any aspect of service provision or the conduct of Officers or Members of the Council or others acting on behalf of the Council can be reported under the Whistleblowing Policy.

CABINET

15th November 2023

Subject: Council Tax Reduction Scheme & Exceptional Hardship Fund Scheme for 2024/25

Cabinet Member: Councillor Mountford - Resources

1. Purpose of Report

To provide Members with an update on the 2023/24 Council Tax Reduction (CTR) and Exceptional Hardship Fund (EHF) schemes, and to recommend the proposed CTR and EHF schemes for 2024/25.

2. Links to Council's priorities and objectives

Efficient and Effective Customer Focussed Services

3. Recommendations

1. That Members note the performance and spend information relating to the 2023/24 CTR scheme (at Appendix's A, B, and C).
2. That Members agree to make no changes to the CTR or EHF schemes for 2024/25 and recommend to Full Council approval for adoption from 1 April 2024.

4. Background Information

- 4.1 The CTR scheme is intended to provide support for "working age" Council Taxpayers of the Borough, based on a banded percentage reduction.
- 4.2 The Council is required to review the scheme every year and consider whether it wishes to change the scheme or not. Should it wish to consider implementing changes to the scheme it must undertake a 36-week public consultation.

5. Council Tax Reduction Scheme

- 5.1 Appendix A to this report provides data on the CTR scheme for 2023/24. It demonstrates that the forecast cost of the scheme is £1.5m which is consistent with prior years and in line with assumptions made in November 2022.

5.2 The maximum level of support available in 2023/24 is 70% of the annual Council Tax liability and details of the various the income bands and percentage reductions are in Appendix B.

5.3 There are no changes being proposed to the CTR scheme for 2024/25.

6. Transitional Protection Payments

6.1 When the current scheme was introduced in April 2023, Council agreed to make Transitional Protection (TP) payments for one year only to Council Taxpayers who, due to the introduction of CTR, no longer received support towards their Council Tax charge.

6.2 TP payments ensured that customers received the same level of support under the new CTR scheme in 2023/24 as they had under Local Council Tax Support during 2022/23.

6.3 Appendix C provides data on the number and value of TP payments so far in 2023/24. It shows that 28 awards have been made with a total value of £23,474.

7. Exceptional Hardship Fund

7.1 Council also agreed to enhance and promote the Exceptional Hardship Scheme to assist Council Taxpayers during 2023/24 where they were experiencing hardship due to the cost-of-living crisis and were unable to pay their Council Tax because of current and historic debt.

7.2 Appendix C of this report shows the levels of support paid out under the Exceptional Hardship scheme during 2023/24. It shows that 43 awards have been made with a total value of £27,000.

7.3 There are no changes being proposed to the EHF scheme for 2024/25.

8. Corporate Implications

a) Financial Implications

The overall cost of the CTR scheme – based on best estimate of 2023/24 current case load is £1.5m. Case load at present is 2,013 claims, with an average award per claim of £745 for the year.

Although this figure makes no assumptions regarding uplifts to Council Tax or caseload for the year 2024/25 and going forward.

The Transitional Protection Scheme for the year 2023/24 and the increased demand on the Exceptional Hardship Scheme for 2023/24 is shown in **Appendix C** of this report.

b) Legal Implications

The Council has a legal responsibility to create, maintain and renew its CTR scheme on an annual basis. These powers are contained in Section 13A of the Local Government Finance Act 1992, as amended.

c) Human resources/equality/human rights

Movement to the simpler, less admin heavy, CTR scheme has had an impact on the processing of claims and the speed in which the customer is advised of the outcome and the Council Tax due to be paid. The Benefit and Compliance team have been able to reduce agency costs, and within the transformation project, the aim is to reduce agency cost further and the dependency on agency staff going forward into the new financial year.

Over the past three years, the Benefits job sector has been under significant strain with specialist skills under increasing demand, and low supply resulting in higher costs.

The simplified nature of the CTR scheme was designed to require less specialist skills. However, considering the scheme has only been live for one year, the expected easing on resources has yet to be fully achieved. The signs are positive for 2024/25 with the scheme improving its relation to the customer and the ever changing financial and workplace needs.

9. Timescale for implementation

Key milestones are as follows:

Milestone	Timeframe	Purpose
Council approves 2024/25 scheme	29.11.23	Adoption and implementation
Set Council Tax for 2024/25	Feb 2024	CTR awarded for 2024/25
CTR scheme live for 2024/25	01/04/2024	CTR Live

Background Papers

Appendix A 2023/24 CTR Scheme – Key Data

Appendix B CTR Bands, Review Matrix

Appendix C Transitional Protection and EHF Awards

Appendix D CTR Scheme 2023/24

Report Author: Lance Wosko, Assistant Director, Finance & Procurement (s151 officer)

2023/24 CTR Scheme – Key Data

Estimated CTR spend for the year to 31/03/2024:

Council Tax Reduction Scheme Expenditure 2023/24

April	May	June	July	August	September
Total overall spend					
£1,570,681	£1,571,398	£1,537,807	£1,546,896	£1,502,596	£1,489,569
Average Spend for the year 2023/24 (estimated) £1.5 Million					

Council Tax Reduction Scheme case load = 2,013

Average award per claim for the year = £745

CTR Performance and Statistical Information - Up to 30/09/2023

CTR Claims Received, including migrated CTR claims. = 1,406

Migrated claims were cases that were receiving Local Council Tax Support as working age and were migrated over to the new CTR scheme from 01/04/2023, these cases will be reviewed during the year 2023/24.

Under the review matrix all CTR cases will be reviewed once during a 52-week cycle

Average time take to review claim = 2.3 days

CTR changes received = 240

Average time taken to determine change = 2.5 days

CTR cases cancelled = 496

Average time to cancel claim and issue revised Council Tax Bill = 1.5 days

Council Tax Reduction Scheme (CTR) 2023/24

CTR Income Bands & Percentage Reductions

The following table shows the household types and income bands used to calculate the percentage of reduction that is currently applied to each household.

Household	Passported	£0 to £150	£150.01 to £225	£225.01 to £300	£300.01 to £375	£375.01 to £450	£450.01 +
Single	70%	70%	40%	20%	0%	0%	0%
Couple with no Children	70%	70%	40%	20%	0%	0%	0%
Single with 1 child	70%	70%	40%	40%	20%	0%	0%
Couple with 1 child	70%	70%	40%	40%	20%	0%	0%
Single with 2 or more children	70%	70%	70%	40%	40%	20%	0%
Couple with 2 or more children	70%	70%	70%	40%	40%	20%	0%

Review Matrix

The following table shows the frequency with which claims falling into different income bands are currently reviewed;

	Income		Review Matrix
A	Passported		52 weeks
B	£0 to £150		52 weeks
C	£150.01 to £225		40 weeks
D	£225.01 to £300		40 weeks
E	£300.01 to £375		35 weeks
F	£375.01 to £450		26 weeks

Council Tax Reduction Scheme (CTR) 2024/25

Transitional CTR Protection spend as at 30/09/2023

CTR applicants given a Transitional Protection payment: -

28 Customers considered.

26 Awards made.

Total Value at 30/09/2023 = £23,474

Average award per customer = £902

Exceptional Hardship Fund Awards to 30/09/2023

Applications Received = 76

Awards made = 43

Total Value to 30/09/2023 = £27,000

Average award per customer = £630

Regarding the EHF budget for 2023/24, This has been enhanced following a Member's decision to use the underspend of the Central Government £25 per household award for Council Taxpayers who are in receipt of Local Council Tax Support and / or Council Tax Reduction from the 1st of April 2023. Therefore, the EHF budget for 2023/24 is £60k. Any underspend of this budget will need to be returned to Central Government when requested.

The need for an EHF scheme is imperative during the continued "cost of living crisis".



**Castle Point Borough Council
Council Tax Reduction Scheme**

S13A and Schedule 1a of the Local Government Finance Act 1992

1.0	Introduction to the Council Tax Reduction Scheme.....	4
2.0	Interpretation – an explanation of the terms used within this scheme.....	9
3.0	Definition of non-dependant	16
4.0	Requirement to provide a National Insurance Number	17
5.0	Persons who have attained the qualifying age for state pension credit.....	18
6.0	Not Used.....	18
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control	18
7A.0	Transitional provision	20
8.0	Not Used.....	20
9.0	Membership of a family	20
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	21
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household	22
12.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage	22
13.0	Not used.....	23
14.0	Calculation of income on a weekly basis.....	23
15.0	Treatment of child care charges.....	24
16.0	Average weekly earnings of employed earners	27
17.0	Average weekly earnings of self-employed earners	27
18.0	Average weekly income other than earnings.....	27
19.0	Calculation of average weekly income from tax credits	28
20.0	Calculation of weekly income	28
21.0	Disregard of changes in tax, contributions etc.....	28
22.0	Earnings of employed earners.....	28
23.0	Calculation of net earnings of employed earners	29
24.0	Earnings of self-employed earners.....	30
25.0	Calculation of net profit of self-employed earners	31
26.0	Not used	32
27.0	Calculation of income other than earnings	32
28.0 – 29.0	Not used	33
30.0	Capital limit	33
31.0	Calculation of capital.....	33
32.0 - 38.0	Not used	33
39.0	Student related definitions	33
40.0	Treatment of students	36
41.0	Calculation of grant income	36
42.0	Treatment of payments from access funds.....	36
43.0	Maximum council tax reduction.....	36
44.0	Not Used	37
45.0	Non-dependant deductions	37
46.0	Extended reductions	37
47.0	Duration of extended reduction period	37
48.0	Amount of extended reduction.....	38
49.0	Extended reductions – movers.....	38
50.0	Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement.....	39
51.0	Extended reductions (qualifying contributory benefits)	39
52.0	Duration of extended reduction period (qualifying contributory benefits)	39
53.0	Amount of extended reduction (qualifying contributory benefits).....	40
54.0	Extended reductions (qualifying contributory benefits) – movers	40
55.0	Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement	40
56.0	Extended reductions: movers into the authority’s area	41
57.0	Date on which entitlement is to begin	41

58.0	Date on which change of circumstances is to take effect	41
59.0	Making an application	41
60.0	Procedure by which a person may apply for a reduction under the authority's scheme.....	42
61.0	Date on which an application is made	43
62.0	Submission of evidence electronically	45
63.0	Use of telephone provided evidence	45
64.0	Information and evidence.....	45
65.0	Amendment and withdrawal of application	46
66.0	Duty to notify changes of circumstances	47
67.0	Decisions by the authority.....	47
68.0	Notification of decision	48
69.0	Time and manner of granting council tax reduction	49
70.0	Persons to whom support is to be paid	49
71.0	Shortfall in support / reduction.....	50
72.0	Payment on the death of the person entitled.....	50
73.0	Offsetting	50
74.0	Payment where there is joint and several liability.....	50
75.0	Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)	50
76.0	Collection of information	51
77.0	Recording and holding information	51
78.0	Forwarding of information	51
79.0	Persons affected by Decisions.....	51
80.0	Revisions of Decisions	51
81.0	Written Statements.....	52
82.0	Terminations	52
83.0	Procedure by which a person may make an appeal against certain decisions of the authority.....	52
84.0	Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act	52
85.0	Electronic Communication.....	53
86.0	Conditions for the use of electronic communication.....	53
87.0	Use of intermediaries	54
88.0	Effect of delivering information by means of electronic communication.....	54
89.0	Proof of identity of sender or recipient of information	54
90.0	Proof of delivery of information.....	54
91.0	Proof of content of information	55
92.0	Counter Fraud and compliance	55
	Schedule 1	56
	Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme	56
	Schedule 2	58
	Sums to be disregarded in the calculation of income other than earnings.....	58
	Schedule 3	65
	Capital to be disregarded	65

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 from 1st April 2023.

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 2023 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

Class C: alternative maximum Council Tax Reduction

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

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5 of 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 an income banded / grid scheme means test, which compares income against a range of discounts available. 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 **one** class of persons who will receive a reduction in line with adopted scheme. The scheme has qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- (a) have not attained the qualifying age for state pension credit; 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) be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- (d) is not deemed to be absent from the dwelling;
- (e) not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (f) be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (g) not have capital savings above £6,000;
- (h) not have income above the levels specified within the scheme;
- (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* is within a range of incomes specified within Schedule 1; and
- (j) has made a valid application for reduction.

Council Tax Reduction Scheme

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

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

2.1 In this scheme–

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

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

‘the 1973 Act’ means 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 reduction – for the purposes of this scheme all references are in the masculine gender but apply equally to male and female;

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

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

‘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 (SSBA) and 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 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;

‘care home’ has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

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

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

‘child benefit’ has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

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

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

‘claim’ means a claim for council tax reduction;

‘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 reduction (Consequential Provisions) Regulations 2006;

‘contributory employment and support allowance’ means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

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

‘council tax reduction scheme’ has the same meaning as **‘council tax reduction 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 if they were a married couple or civil partners;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

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

‘designated authority’ means any of the following;

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

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

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; 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 Electronic Communications Act 2000 ;

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

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

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

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

‘extended reduction (qualifying contributory benefits)’ means a payment of council tax reduction 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 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

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

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

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

‘an income-based jobseeker’s allowance’ and **‘a joint-claim jobseeker’s allowance’** have the meanings given by section 1(4) of the Jobseekers Act 1995;

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

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

‘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 by section 10F of the National Health Service (Scotland) Act 1978;

‘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 2 refers;

‘mover’ means an 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 1996 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;

‘occasional assistance’ means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of:

(a) meeting, or helping to meet an immediate short-term need;

(i) arising out of an exceptional event or exceptional circumstances, or

(ii) that needs to be met to avoid a risk to the well-being of an individual, and—

(b) enabling qualifying individuals to establish or maintain a settled home, and—

(i) ‘local authority’ has the meaning given by section 270(1) of the Local Government Act 1972 ;and

(ii) ‘qualifying individuals’ means individuals who have been, or without the assistance might otherwise be:

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government

Act 1972;

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

‘occupational pension scheme’ has the same meaning as in section 1 of the Pension Schemes Act 1993

‘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’ in relation to a person, means

(a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

‘payment’ includes part of a payment;

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

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

‘pensioner’ a person who has attained the age at which pension credit can be claimed;

‘person affected’ shall be construed as a person to whom the authority decides is affected by any decision made by the council;

‘person from abroad’ means, subject to the following provisions of this regulation, a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland

‘person on income support’ means a person in receipt of income support;

personal independence payment’ has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013;

‘person treated as not being in Great Britain’ has the meaning given by section 7;

‘personal pension scheme’ means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

(b) an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

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

(a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and

(b) either party to the marriage has for the time being any spouse additional to the other party.

‘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 course’ means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker’s Allowance Regulations 1996

‘qualifying income-related benefit’ means

(a) income support;

(b) income-based 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 reduction;

‘relevant week’ In relation to any particular day, means the week within which the day in question falls;

‘remunerative work’ has the meaning prescribed in section 6;

‘rent’ means ‘eligible rent’ to which regulation 12 of the Housing Benefit Regulations refers less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;

‘resident’ has the meaning it has in Part 1 or 2 of the 1992 Act;

‘Scottish basic rate’ means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;

‘Scottish taxpayer’ has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998

‘second adult’ has the meaning given to it in Schedule 2;

‘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.);

(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.

‘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;

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

‘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;

‘the Tax Credits Act’ means the Tax Credits Act 2002;

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

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

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

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

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

‘Universal Credit’ means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

‘Uprating Act’ means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014 and the Welfare Benefits Up-rating Order 2015;

‘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;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹; and

‘young person’ has the meaning prescribed in section 9(1) and in section 142 of the SSCBA.

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be determined by the authority.

¹ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income- based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income- based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income- related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income- related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- 3.0 Definition of non-dependant**
- 3.1 In this scheme, 'non-dependant' means any person, except someone to whom 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 reduction 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 Number²

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 reduction is claimed;
- (b) to a person who;
 - (i) is a person in respect of whom a claim for council tax reduction is made;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
 - (iii) has not previously been allocated a national insurance number.

² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

5.1 This scheme applies to a person if:

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

6.0 Not Used

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

Persons treated as not being in Great Britain

7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations;
- (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
- (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
- (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.

7.4B Paragraph (4A)(b) does not apply to a person who—

- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)

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

- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
- (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a);
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

7.8 In this regulation—
“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
“Crown servant” means a person holding an office or employment under the Crown;
“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
“EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;
“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and
“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

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

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

7A.0 Transitional provision

7A.1 The above does not apply to a person who, on 31st March 2015—

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
- (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.

7A.2 The events are—

- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or
- (b) the person ceases to be entitled to an income-based jobseeker's allowance.

7A.3 In this section “the Act” means the Local Government Finance Act 1992.

8.0 Not Used

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 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 (exclusion from benefits) applies.

- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

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

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom 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 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.

- 10.4 In accordance with Schedule 1 of this scheme, the number of dependants determined to be within the household shall be limited to two.

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 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household 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.

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

- 12.1 The income and capital of:

- (a) an applicant; and
- (b) any partner of that applicant,

is to be calculated in accordance with the following provisions.

- 12.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this section any reference to the applicant applies equally to any partner of that applicant.
- 12.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions in like manner as for the applicant.
- 12.4 In determining the income and capital of a person who has an award of universal credit of an applicant
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit the authority may, 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.
- 12.5 The award of universal credit shall be the gross award **before** any deductions for loans, sanctions, advances, third party payments, payments to landlords or any other such deductions made by the Secretary of State.
- 12.6 The authority may adjust the amount referred to in sub-paragraph (4) to take account of
- (a) income consisting of the award of universal credit;
 - (b) the authority's determination of any housing element;
 - (c) a sum of £20 disregarded from the calculation of earnings;
 - (d) any sum to be disregarded under paragraphs of Schedule 2 to this scheme (sums to be disregarded in the calculation of income other than earnings);
 - (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)
- 12.7 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.
- 12.8 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award
- 13.0 Not used**
- 14.0 Calculation of income on a weekly basis**
- 14.1 For the purposes of this scheme, 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
 - (b) by then deducting any relevant child care charges to which section 15 (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 14.2 are met, from those earnings plus

whichever credit specified in sub- paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

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

- 14.3 The maximum deduction to which paragraph 14.1 b) 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.

15.0 Treatment of child care charges

- 15.1 This section applies where an applicant is incurring relevant child-care charges and;
- (a) is a lone parent and is engaged in work;
 - (b) is a member of a couple both of whom are engaged in work; or
 - (c) is a member of a couple where one member is engaged in 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).

- 15.2 For the purposes of paragraph 15.1 a person shall be treated as engaged in work if:
- (a) they are engaged in genuine and effective work; or
 - (b) was working but off work sick and getting Statutory Sick Pay from their employer; or
 - (c) Was working but on maternity and getting Statutory Maternity Pay from their employer

15.3 – 15.4 Not used

- 15.5 Relevant child care charges are those charges for care to which paragraphs 15.6 and 15.7 apply and shall be calculated on a weekly basis in accordance with paragraph 15.10.

- 15.6 The charges are paid by the applicant for care, which is provided
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

- 15.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 15.8 and are not paid–
- (a) in respect of the child's compulsory education;
 - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

- 15.8 The care to which paragraph 15.7 refers may be provided;
- (a) out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their 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 83(1) of that Act, where the care provided is child minding or day care within the meaning of that Act; or
- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
- (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- (k) by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- (l) by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- (m) by a person who is not a relative of the child wholly or mainly in the child's home.

15.9 In paragraphs 15.6 and 15.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

15.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

15.11 For the purposes of this scheme the other member of a couple is incapacitated where, **but for the implementation of this scheme:**

- (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 or 2013 as appropriate;
 - (d) the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - (e) the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (f) there is payable in respect of him one or more of the following pensions or allowances:
 - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - (ii) attendance allowance under section 64 of the Act;
 - (iii) severe disablement allowance under section 68 of the Act;
 - (iv) disability living allowance under section 71 of the Act;
 - (v) personal independence payment under the Welfare Reform Act 2012;
 - (vi) an AFIP;
 - (vii) increase of disablement pension under section 104 of the Act;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - (ix) main phase employment and support 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) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - (i) paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - (j) he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

15.12 For the purposes of paragraph 15.11, once paragraph 15.11 (e) 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.

- 15.13 For the purposes of paragraphs 15.6 and 15.8 a), a person is disabled if he is a person—
- (a) in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
 - (b) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - (c) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

15.14 - 15.16 Not used

15.17 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

16.0 Average weekly earnings of employed earners

16.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment based on the last weekly pay slip or monthly salary slip. Where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

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

16.3 For the purposes of this section the applicant's earnings shall be calculated in accordance with the following sections.

17.0 Average weekly earnings of self-employed earners

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

18.0 Average weekly income other than earnings

18.1 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 the authority to disregard any such income other than that specified in Schedule 2 of this scheme

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

19.0 Calculation of average weekly income from tax credits

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

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

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

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

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

20.0 Calculation of weekly income

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

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

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

21.0 Disregard of changes in tax, contributions etc.

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

- (a) in the basic or other rates of income tax;
- (b) in the amount of any personal tax relief;
- (c) in the rates of national insurance 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 profits threshold 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;

in the maximum rate of child tax credit or working tax credit,

22.0 Earnings of employed earners

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

- (a) any bonus or commission;

- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
- (g) (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (h) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- (i) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- (j) any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- (k) any statutory sick pay, statutory maternity pay, statutory paternity pay, shared parental 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, shared parental pay 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 amended³.

22.2 Earnings shall not include—

- (a) subject to paragraph 22.3, any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- (c) any occupational pension
- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group or an applicant participating as a service user

22.3 Paragraph 22.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 22.1)

23.0 Calculation of net earnings of employed earners

23.1 For the purposes of average weekly earnings of employed earners, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, be his net earnings.

23.2 There shall be disregarded from an applicant's net earnings, £20 per week. This disregard shall apply irrespective of the number of hours worked.

23.3 For the purposes of paragraph 23.1 net earnings shall, except where paragraph 23.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

³ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

- (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.

23.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.

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

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

23.6 Where the earnings of an applicant are estimated, 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 is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

24.0 Earnings of self-employed earners

24.1 Subject to paragraph 24.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment.

24.2 'Earnings' shall not include any payment 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.

24.3 This paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any—

- (i) book registered under the Public Lending Right Scheme 1982; or
- (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

- 24.4 Where the applicant's earnings consist of any items to which paragraph 24.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by
- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
 - (b) an amount of £20 per week. This disregard shall apply irrespective of the number of hours worked.

25.0 Calculation of net profit of self-employed earners

- 25.1 For the purposes of calculating the average weekly earnings of self-employed earners, the earnings of an applicant to be taken into account shall be in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment.
- 25.2 There shall be disregarded from an applicant's net profit, an amount of £20 per week. This disregard shall apply irrespective of the number of hours worked
- 25.3 The net profit of the employment shall be calculated by taking into account the earnings for the employment over the assessment period less
- (a) any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act; and
 - (c) one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.
- 25.4 The net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 25.5 No deduction shall be made in respect of–
- (a) any capital expenditure;
 - (b) the depreciation of any capital asset;
 - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
 - (d) any loss incurred before the beginning of the assessment period;
 - (e) the repayment of capital on any loan taken out for the purposes of the employment;
 - (f) any expenses incurred in providing business entertainment, and
 - (g) any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 25.6 A deduction shall be made in respect of the repayment of capital on any loan used for–
- (a) the replacement in the course of business of equipment or machinery; and
 - (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 25.7 The authority shall refuse to make deductions in respect of any expenses where it is not satisfied

given the nature and the amount of the expense that it has been reasonably incurred.

25.8 For the avoidance of doubt–

- (a) deductions shall not be made in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction shall be made thereunder in respect of–
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment

25.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of

- (a) income tax; and
- (b) national insurance contributions payable under the Act;; and
- (c) one-half of the amount calculated in respect of any qualifying contribution.

25.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

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

- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and 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.

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

26.0 Not used

27.0 Calculation of income other than earnings

27.1 The income of an applicant which does not consist of earnings to be taken into account shall, be his gross income and any capital treated as income.

27.2 There is to be disregarded from the calculation of an applicant’s gross income, any sum, where applicable, specified in Schedule 2.

27.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account shall be the gross amount payable.

27.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008 or 2013 as appropriate, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

27.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax

credit which arose in a previous tax year the amount to be taken into account shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

27.6 In paragraph 30.5 ‘tax year’ means a period beginning with 6th April in one year and ending with 5th April in the next.

27.7 For the avoidance of doubt there shall be included as income to be taken into account in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

28.0 – 29.0 Not used

30.0 Capital limit

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

31.0 Calculation of capital

31.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, be the whole of his capital calculated in accordance with this scheme.

32.0 - 38.0 Not used

39.0 Student related definitions

39.1 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;

‘**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 authority as defined in section 579 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 Islands, 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 2 or paragraph 53 of Schedule 3 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

39.2 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.

39.3 For the purposes of sub-paragraph (a) of paragraph 39.2, 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.

40.0 Treatment of students

40.1 The following sections relate to students who claim Council tax reduction

41.0 Calculation of grant income

41.1 The amount of a student's grant, covenant income or loan income to be taken into account shall, be the **whole** of his grant, covenant or loan income. No disregards shall be applied.

41.2 Any grant, covenant income or loan income shall be calculated at the level actually received or at the level that could be received if applied for.

41.3 In calculating the weekly income, the authority shall take the total grant, covenant income or loan income and apportion it equally between the period for which it is paid or for which it could be paid if applied for.

42.0 Treatment of payments from access funds

42.1 This paragraph applies to payments from access funds.

42.2 A payment from access funds, shall be calculated as income.

42.3 In calculating the weekly income from access funds, the authority shall take the total access fund payment or any amount that could be paid if applied for and apportion it equally between the period for which it is paid or for which it could be paid if applied for.

43.0 Maximum council tax reduction

43.1 Subject to paragraphs 43.2 to 43.4, 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 70 per cent, of the amount A/B where;

A is the **lower** of either;

the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and

B is the number of days in that financial year,

In this paragraph "relevant financial year" means, in relation to any particular day, financial year within which the day in question falls.

43.2 In calculating a person's maximum council tax reduction 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.

43.3 Subject to paragraph 43.4, 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, in determining the maximum council tax reduction in his case in accordance with paragraph 43.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

- 43.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 43.3 shall not apply in his case.

44.0 Not Used

45.0 Non-dependant deductions

- 45.1 There shall be no non-dependant deductions.

46.0 Extended reductions

- 46.1 An applicant who is entitled to council tax reduction (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.

- 46.2 For the purpose of paragraph 46.1(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.

- 46.3 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.

- 46.4 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to council tax reduction 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 46.1(b).

- 46.5 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.

47.0 Duration of extended reduction period

- 47.1 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.

47.2 For the purpose of paragraph (47.1), 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.

47.3 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.

48.0 Amount of extended reduction

48.1 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 reduction 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 reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 47 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax reduction to which the applicant's partner would be entitled under the general conditions of entitlement, if section 47 did not apply to the applicant.

48.2 Paragraph 48.1 does not apply in the case of a mover.

48.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

49.0 Extended reductions – movers

49.1 This section applies;

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

49.2 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 reduction 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.

49.3 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.

49.4 Where—

- (a) a mover, or the mover's partner, makes a claim for council tax reduction 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 reduction 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.

50.0 Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement

50.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 51.1(b), that award will not cease until the end of the extended reduction period.

51.0 Extended reductions (qualifying contributory benefits)

51.1 An applicant who is entitled to council tax reduction (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.

51.2 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where;

- (a) the applicant ceased to be entitled to council tax reduction 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 51.1(b).

52.0 Duration of extended reduction period (qualifying contributory benefits)

52.1 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.

52.2 For the purpose of this section, 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.

52.3 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.

53.0 Amount of extended reduction (qualifying contributory benefits)

53.1 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 reduction 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 reduction 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 reduction to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

53.2 Paragraph 53.1 does not apply in the case of a mover.

53.3 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 reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

54.0 Extended reductions (qualifying contributory benefits) – movers

54.1 This section applies;

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

54.2 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 reduction 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.

54.3 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.

54.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax reduction 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 reduction 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.

55.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement

55.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed, that award will not cease until the end of the extended reduction period.

55.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance amount of extended reduction— movers.

56.0 Extended reductions: movers into the authority's area⁴

56.1 Where;

- (a) an application is made to the authority for a reduction under its scheme, and
- (b) the applicant or the partner of the applicant, is in receipt of an extended reduction from;
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,

the current authority must reduce any reduction to which the applicant is entitled under its Council Tax Reduction scheme by the amount of that extended reduction.

57.0 Date on which entitlement is to begin

57.1 Any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that support shall be so entitled from the date on which that claim is made or is treated as made.

58.0 Date on which change of circumstances is to take effect

58.1 Where:

- (a) there is a change of circumstances which results in an **increase** in reduction for the applicant; **and**
- (b) the applicant has reported that change to the authority within 21 days of the happening of the event,
the change shall be effected from the actual date of the change.

58.2 Where:

- (a) there is a change of circumstances which results in an **increase** in reduction for the applicant; **and**
- (b) the applicant has failed to reported that change to the authority within 21 days of the happening of the event,
the change shall be effected from the date that the notification is received by the authority.

58.3 Where:

- (a) there is a change of circumstances which results in a **decrease** in reduction for the applicant the change shall be effected from the actual date of the change

59.0 Making an application⁵

59.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

59.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act

⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

2005 or otherwise,
that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

- 59.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 59.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- 59.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks' notice in writing to the authority of his intention to do so;
 - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 59.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 59.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

60.0 Procedure by which a person may apply for a reduction under the authority's scheme⁶

60.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme. 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. For the purposes of this scheme any Universal Credit claim, a Local Authority Information Document (LAID) or Local Authority Customer Information document (LACI) issued by the Department for Work and Pensions shall be treated as a valid claim

60.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication or by means of an electronic communication from either the DWP or HMRC; or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 60.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.
- (2) The form must be provided free of charge by the authority for the purpose.
- 60.4 (1) Where an application made in writing is defective because—
- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
- (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
- the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
- (2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 60.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
- 60.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- 60.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.
- 60.8 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.
- 60.9 The authority may determine that the date of application can be backdated. The backdating of applications will be at the authority's discretion but in any event would be no further than the start of the financial year in which the application is made.

61.0 Date on which an application is made

- 61.1 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 is made within one calendar month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,
- the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

- (b) in a case where;
 - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application is received at the designated office within one calendar month of the date of the change,
 the date on which the change takes place;
- (c) in a case where;
 - (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one calendar 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 calendar month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (e) in any other case, the date on which an application is received at the designated office.

- 61.2 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.
- 61.3 Where there is a defect in an application by telephone;
- (a) is corrected within one calendar month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
 - (b) is not corrected within one calendar month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- 61.4 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.
- 61.5 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 calendar 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 calendar 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 calendar 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 calendar month of the request or within such longer period as the authority considers reasonable.

- 61.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

62.0 Submission of evidence electronically

- 62.1 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

63.0 Use of telephone provided evidence

- 63.1 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

64.0 Information and evidence⁷

- 64.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

- 64.2 This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
 - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

- 64.3 Sub-paragraph (2) does not apply;
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
 - (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

- 64.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one calendar month of the authority

⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

requiring him to do so or such longer period as the authority may consider reasonable.

64.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information, or evidence relating to a payment to which sub-paragraph (7) applies.

64.6 Where the authority makes a request under sub-paragraph (4), it must;
(a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

64.7 This sub-paragraph applies to any of the following payments;
(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
(b) a payment which is disregarded under paragraph 24 of Schedule 3, other than a payment under the Independent Living Fund (2006);

64.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
(a) the name and address of the pension fund holder;
(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

65.0 Amendment and withdrawal of application⁸

65.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

65.2 Where the application was made by telephone the amendment may also be made by telephone.

65.3 Any application amended is to be treated as if it had been amended in the first instance.

65.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

65.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

65.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

65.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

66.0 Duty to notify changes of circumstances⁹

- 66.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
(a) between the making of an application and a decision being made on it, or
(b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 66.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
(a) in writing; or
(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 using the on-line council tax reduction form available on the authority's website; or
(d) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 66.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
(a) changes in the amount of council tax payable to the authority;
(b) changes in the age of the applicant or that of any member of his family;
(c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 66.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 66.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

67.0 Decisions by the authority¹⁰

- 67.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.

⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

68.0 Notification of decision¹¹

- 68.1 The authority must notify in writing any person affected by a decision made by it under its scheme;
- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
 - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- 68.2 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 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;
 - (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.
- 68.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- 68.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.
- 68.5 A person affected to whom the authority sends or delivers a notification of decision may, within one calendar 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.
- 68.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- 68.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).
- 68.8 This sub-paragraph applies to—
- (a) the applicant;
 - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
 - (c) a person appointed by the authority to act for a person unable to act.

¹¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

69.0 Time and manner of granting council tax reduction¹²

69.1 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.

69.2 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).

69.3 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.

69.4 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).

70.0 Persons to whom support is to be paid¹³

70.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

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

¹² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

71.0 Shortfall in support / reduction¹⁴

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

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

72.0 Payment on the death of the person entitled¹⁵

72.1 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.

73.0 Offsetting

73.1 Where a person has been allowed or paid a sum of council tax reduction 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.

74.0 Payment where there is joint and several liability¹⁶

74.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
 - (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,
- it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

74.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

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

75.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

75.1 The authority may 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

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

¹⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁶ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

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

- 75.2 Where required by the relevant department and where required by law, the authority may share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements¹⁷.

76.0 Collection of information

- 76.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from—

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

- 76.2 The authority may verify relevant information supplied to, or obtained.

77.0 Recording and holding information

- 77.1 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 reduction.

78.0 Forwarding of information

- 78.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

- (a) a local authority;
- (b) a person providing services to a local authority; or
- (c) a person authorised to exercise any function of a local authority relating to council tax reduction.

79.0 Persons affected by Decisions

- 79.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- (a) an applicant;
- (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- (c) a person appointed by the authority under this scheme;

80.0 Revisions of Decisions

- 80.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be

¹⁷ Data Retention and Investigatory Powers Act 2014, Data Retention Regulations 2014 and The Regulation of Investigatory Powers (Acquisition and Disclosure of Communications Data: Code of Practice) Order 2015

revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one calendar month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

80.2 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 calendar month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

81.0 Written Statements

81.1 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 reduction. The request must be received within one calendar month of the date of the notification being issued by the authority.

82.0 Terminations

82.1 The authority may terminate support in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
- (b) a decision as to an award of such a support should be revised or superseded.

82.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council tax reduction 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

83.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁸

83.1 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.

83.2 The authority must

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing;
 - (i) that the grievance 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.

83.3 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 Act¹⁹.

84.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act²⁰

84.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

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

¹⁹ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014, The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2015 and The Tribunal Procedure (Amendment) Rules 2015

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

84.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

85.0 Electronic Communication

Interpretation

85.1 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.

86.0 Conditions for the use of electronic communication

86.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme including any or all information received via DWP or HMRC.

86.2 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.

86.3 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.

86.4 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.

86.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

86.6 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.

86.7 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.

86.8 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.

87.0 Use of intermediaries

- 87.1 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.

88.0 Effect of delivering information by means of electronic communication

- 88.1 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.
- 88.2 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).
- 88.3 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.

89.0 Proof of identity of sender or recipient of information

- 89.1 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.

90.0 Proof of delivery of information

- 90.1 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.
- 90.2 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.
- 90.3 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.

91.0 Proof of content of information

- 91.1 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.

92.0 Counter Fraud and compliance

- 92.1 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 reduction;
 - b. Carry out investigations fairly, professionally and in accordance with the law; and
 - c. Ensure that sanctions are applied in appropriate cases
- 92.2 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 reduction;
 - 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.
- 92.3 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

Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme

- 1 The authority's Council Tax Reduction scheme from 2023/24 shall be calculated on the basis of the following Banded Discount Scheme:

Household	Passported	£0 to £150	£150.01 to £225	£225.01 to £300	£300.01 to £375	£375.01 to £450	£450.01 +
Single	70%	70%	40%	20%	0%	0%	0%
Couple with no Children	70%	70%	40%	20%	0%	0%	0%
Single with 1 child	70%	70%	40%	40%	20%	0%	0%
Couple with 1 child	70%	70%	40%	40%	20%	0%	0%
Single with 2 or more children	70%	70%	70%	40%	40%	20%	0%
Couple with 2 or more children	70%	70%	70%	40%	40%	20%	0%

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme
 - The income of the applicant as defined within this scheme;
 - The capital of the applicant as defined within this scheme.
- 4 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions. Any applicant or partner who is in receipt of Income Support, Income Based Jobseeker's Allowance, Income-Related Employment and Support Allowance (passported benefit) will receive the maximum discount available.
- 5 Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity. It should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
- 6 Any applicant who capital is greater than £6,000 shall not be entitled to any Council Tax Reductions whatsoever.
- 7 The authority may increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 1st October preceding the effective financial year or such an amount as the Council feels is appropriate,
- 8 Where Government increase benefits or makes changes to the welfare benefit system generally to allow for additional monies to be paid to applicants generally, the authority may make changes to either the levels of discounts or to the income ranges within each discount band to ensure that applicants are not disadvantaged.
- 9 Where any scheme is implemented by the local authority or Government in response to any national crisis or situation, any amounts paid will be classified as a local welfare provision and may be disregarded by the Council in calculating the discount.

Schedule 2

Sums to be disregarded in the calculation of income other than earnings²¹

²¹ 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).
2. 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.
3. 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.
4. Any disability living allowance or personal independence payment or Armed Forces Independence Payments
5. 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.
6. Any attendance allowance.
7. (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.
8. 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.

- 9.** Any payment made to the applicant by a child or young person or a non- dependant.
- 10.** (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.
- 11.** 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).
- 12.** 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).
- 13.** (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.
- 14.** (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).

15. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare fund provision

16. Any payment under Part 10 of the Act (Christmas bonus for pensioners).

17. (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.

18. Any housing benefit or council tax benefit.

19. 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.

20. 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).

21. 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).

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

(2) In paragraph (1)

'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;

(a) the Child Support Act 1991;

(b) the Child Support (Northern Ireland) Order 1991;

(c) a court order;

(d) a consent order;

(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

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

23. (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.

- 24.** 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.
- 25.** 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 2 to that Scheme.
- 26** (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).
- 27.** Any council tax reduction or council tax benefit to which the applicant is entitled.
- 28.** 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.
- 29.** (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.
- 30.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017
- 31.** Any payments made by the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017 or the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017
- 32.** Any payment of child benefit.
- 33.** Any payment of Council Tax Rebate paid under the Government announcement on 3rd February 2022.
- 34.** The following elements of Universal Credit:
 - (a) Housing Element;

- (b) Carer's Element;
- (c) Limited Capability for Work Element

35. Provision for all applicants: Homes for Ukraine scheme

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

Schedule 3
Capital to be disregarded²²

²² 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, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. 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.
3. 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.
4. (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 reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

 - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
 - (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
5. (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 2;
 - (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 reduction, 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 reduction' 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.

6. 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.
7. 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 reduction or to increase the amount of that support.
8. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
9. 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.
10. (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).

11. The value of the right to receive any income under a life interest or from a life rent.
12. The surrender value of any policy of life insurance.
13. 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).
14. (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.
15. Any social fund payment made pursuant to Part 8 of the Act.
16. 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.
17. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
18. (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.

19. (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.

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

21. The value of the right to receive an occupational or personal pension.

22. The value of any funds held under a personal pension scheme

- 23.** 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).
- 24.** 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.
- 25.** 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.
- 26.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 2 (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.
- 27.** 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.
- 28.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 29.** 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.
- 30.** 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.
- 31.** 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.
- 32.** (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.
- 33.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules

- 1993 or under Rule 128 of those Rules, where such sum derives from
- (a) award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

34. Any payment to the applicant as holder of the Victoria Cross or George Cross.

35. (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.
- 36. 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.
- 37. (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.
- 38. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 39. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 40. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).
- 41. **Provision for all applicants: Homes for Ukraine scheme**
 - (1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
 - (c) an applicant’s entitlement to a reduction under the scheme; or
 - (d) the amount of any reduction to which the applicant is entitled.
 - (2) In this regulation—
 “the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

CABINET**15th November 2023****Subject: Financial Update****Cabinet Member: Councillor Mountford - Resources**

1. Purpose of Report

This report is intended to provide Cabinet with the 2023/24 forecast outturn position in respect of the General Fund (GF) and Housing Revenue Account (HRA) as at the second quarter stage.

2. Links to Council Priorities and Objectives

Finance and resources are considered an 'Enabler' within the Corporate Plan.

Sound and strategic financial management is essential to ensure that resources are available to support the Council's priorities and maintain or improve services.

3. Recommendations

1. That Cabinet note the GF Revenue 2023/24 forecast outturn position as at the second quarter stage, an underspend of £812k, as detailed in paragraph 5.
 2. That Cabinet note the GF Capital 2023/24 forecast outturn position as at the second quarter stage, an underspend of £395k, as detailed in paragraph 6.
 3. That Cabinet note the HRA Revenue 2023/24 forecast outturn position as at the second quarter stage, an overspend of £232k, as detailed in paragraph 7.
 4. That Cabinet note the HRA Capital 2023/24 forecast outturn position as at the second quarter stage, a balanced position, as detailed in paragraph 8.
 5. The Cabinet agree a new capital scheme for £81k in relation to pool hoists, with payments approval in the 2024/25 budget, as detailed in paragraphs 6.4 to 6.6.
-

4. Background & basis of the financial forecast

- 4.1. The forecast for 2023/24 as at the second quarter stage is only a best estimate at a moment in time. Most budgets were finalised based on the best information available at the end of December 2022 in preparation for Full Council in February 2023. Therefore, nine months or more have passed already since budgets were finalised and inevitably variances have materialised. It will be the case that figures will change as the year goes on and clarity is obtained on favourable and unfavourable items which can impact the position shown.

- 4.2 Whilst this report sets out the forecasts for each area and the material causes of any variance, it does not itemise every single variance from budget.

5. General Fund Revenue 2023/24 Forecast Outturn – Second Quarter Stage

- 5.1. As at the second quarter stage, the GF Revenue 2023/24 forecast outturn is an underspend of £812k, a favourable movement of £309k since the first quarter stage when a £503k underspend was forecast. The forecast variances by directorate are as follows:

Table 1 - Forecast Outturn	Budget	Forecast	Variance	Q1 Variance	Movement
	£000	£000	£000	£000	£000
Environment	8,327	8,625	298	112	186
Customer & Digital	1,645	1,516	(128)	-	(128)
Housing	1,035	1,238	203	-	203
Place and Policy	1,994	2,097	103	-	103
Corporate Services	526	508	(19)	14	(33)
Corporate & Democratic Core	2,494	2,472	(23)	-	(23)
Resources	(947)	(1,075)	(128)	-	(128)
Net Cost of Services	15,075	15,381	306	126	180
Non-Service & Financing	(14,591)	(15,358)	(767)	(629)	(138)
Income & Expenditure Total	484	23	(461)	(503)	42
Transfer to/(from) Earmarked Reserves	147	(204)	(351)	-	(351)
(Surplus)/Deficit	631	(181)	(812)	(503)	(309)

Whilst the Council moved to a new structure from 1st November, the figures reflect the structure in place at the end of the second quarter. The third quarter report will reflect the new structure.

- 5.2. Environment is forecasting an overspend of £298k, an increase of £112k since the first quarter. The significant causes of this overspend are:
- An overspend on staffing within waste and recycling of £185k being caused by the staff pay award being higher than budgeted and the continued use of agency staff.
 - Interim director costs of £68k, funded from transformation savings in other directorates.
 - A £125k pressure on car parks, with School Lane income being £173k lower than budgeted (as explained last quarter, the budget was held at the pre-pandemic level, with any variance to be funded from the Covid-19 reserve) and maintenance forecast to be £30k higher than budgeted. These pressures are offset by £73k of additional income across other car parks.
 - An underspend in Leisure services of £83k which reflects additional income of £212k due to increased memberships and sales, offset by additional purchases of goods for resale, additional marketing and publicity, maintenance cost pressures and staffing pressures.
- 5.3. Customer & Digital is forecasting an underspend of £128k (no variance at first quarter). The underspend is predominately caused by savings arising from the Council's transformation programme and other staff vacancies.

- 5.4. Housing is forecasting an overspend of £203k (no variance at first quarter). The main causes of this overspend are:
- a) Emerging demand pressures for temporary accommodation totalling £295k.
 - b) A key homelessness and housing needs system upgrade costing £28k is required due to changes in legislation.
 - c) The above pressures being offset by the receipt of an additional £103k homelessness prevention grant.
- 5.5. Place & Policy is forecasting an overspend of £103k (no variance at first quarter). The main causes of this overspend are cost of appeals totalling £38k, staffing pressures of £50k and reduced income by £17k in Building Control due to reduced activity in the house building sector.
- 5.6. Corporate Services is forecasting a £19k underspend, a favourable movement of £33k from the first quarter. This is being caused by an underspend of £87k on staffing due to transformation savings and a vacancy, offset by building maintenance and rates being £38k over budget and legal fees of £14k incurred in relation to the Boundary Commission review.
- 5.7. The Corporate and Democratic core has an underspend of £23k (no variance at first quarter). This is the result of the elections budget being overspent by £25k, offset by the forecast cost of a constitutional review being reduced by £30k and other individually minor variances totalling an £18k underspend.
- 5.8. Resources is forecasting a £128k underspend (no variance at first quarter). This is due to net savings of £148k arising from staff vacancies and the transformation programme, offset by £14k of one-off payroll system costs and other minor variances.
- 5.9. Within Non-Service and Financing, an underspend of £767k is forecast, a favourable movement of £138k from the first quarter. This forecast underspend continues to reflect interest receivable being higher than budgeted.
- 5.10. Currently, it is recommended that the £812k underspend is kept under review. As the year goes on, it is inevitable that other unavoidable overspends will arise particularly given the current inflationary and volatile climate.

6. General Fund Capital 2023/24 Forecast Outturn – Second Quarter Stage

- 6.1. At the second quarter stage, two schemes are forecasting a variance, giving a total underspend of £395k (no variance at first quarter).
- 6.2. The Warm Home Grants scheme has now reached its conclusion with an underspend of £278k. This underspend will be returned to the Department for Energy Security & Net Zero which provided the funding.
- 6.3. The Vehicle Replacement Programme is forecasting a £117k underspend, with no vehicles now expected this year. This underspend will be carried forward into 2024/25.
- 6.4. Cabinet is requested to approve a new capital scheme in relation to the replacement of the pool hoists at both leisure centres. The existing hoists have both reached end of life and been decommissioned. Whilst the centres have small

back-up hoists, these are uncomfortable for the disabled customers using them and they require additional manual handling from the centre staff.

- 6.5. The replacement hoists will significantly improve the customer experience and will also be able to assist those with a broader range of disabilities.
- 6.6. The estimated cost of the new hoists is £40,600 per site, a total of £81,200. This cost can be met from within Leisure's earmarked reserves. As it is expected the hoists will not be delivered until April or May 2024, it is requested that the payments approval for the scheme sits in 2024/25 rather than in the current year.

7. HRA Revenue 2023/24 Forecast Outturn – Second Quarter Stage

- 7.1. A overspend of £232k is forecast on HRA Revenue, predominately caused by repairs and maintenance costs being £250k higher than budgeted as a result of market conditions.

8. HRA Capital 2023/24 Forecast Outturn – Second Quarter Stage

- 8.1. Currently no overall variance is forecast, meaning a balanced outturn position is expected. Additional works have been required at Manor Road totalling £17k, but this cost is funded from within the unallocated capital provision.

9. Corporate implications

a) Legal implications

This report is presented on behalf of the Section 151 officer – the officer appointed to have responsibility for the Council's financial administration. It is their duty to ensure that Cabinet and Council are regularly updated on these matters.

b) Human Resources and equality implications

There are no Human Resource or equality implications arising directly from this report.

c) Timescale for implementation and risk factors

The position shown within this report is a forecast. Forecasts take into account the known information at any given time and estimates are made for the period to the end of the year. However, unexpected items can and will arise, whilst it is likely that actual experience between now and the end of the year will differ to the estimates made.

Report Author: Lance Wosko, Assistant Director, Finance & Procurement (s151 Officer)

Background Papers:

- Policy Framework & Budget Setting 2023/24, incorporating the Financial Planning Strategy. (February 2023)

CABINET

15th November 2023

Subject: Authority to Represent the Council

Cabinet Member: Councillor Mountford – Resources

1. Purpose of Report

The purpose of this report is to approve the authorisation to allow a member of the Council's Law Team employed by the Council to represent the Borough Council in proceedings before the Magistrates' Court and County Court.

2. Links to Council's Priorities and Objectives

This report is linked to the Council's priority as a Commercial and Democratically Accountable Council.

3. Recommendations

That the following member of the Law team be authorised to appear before the Magistrates' Court and County Courts to represent the Borough Council in legal proceedings pursuant to Section 223 Local Govt Act 1972 and Section 60(2) County Courts Act 1984: -

- Hannah Blainey – Trainee Solicitor
-

4. Background

Solicitors who are employed by the Council have automatic rights of audience to appear before the Courts to represent the Council and un-admitted legal staff who are undergoing training to obtain legal qualifications may also appear and represent the Council provided, they are specifically authorised to do so by the Council.

5. Proposals

It would be beneficial for the Council to allow its trainee solicitor to appear to represent the Council in legal proceedings before the Courts and the appropriate authorisation would also allow for the proper training and development of this staff member. Any advocacy undertaken will be under the

supervision of a qualified member of staff and would be appropriate to the skills and abilities of the trainee.

It is proposed that the Trainee Solicitor detailed below be authorised to appear to represent the Council in legal proceedings before the Courts pursuant to Section 223 Local Govt Act 1972 and Section 60(2) County Courts Act 1984.

- Hannah Blainey – Trainee Solicitor

6. Corporate Implications

(a) Financial Implications

In some circumstances where no other solicitor or legal officer employed by the Council is available it may be necessary to incur extra costs by instructing Counsel or a solicitor agent to represent the Council at Court.

(b) Legal Implications

Without authorisation from the Council this employee is unable to appear before the Courts to represent the Council in legal proceedings.

(c) Human Resources and Equality Implications

It would assist the management of the Council's legal services for this trainee to be authorised to represent the Council at Court.

(d) IT and Asset Management Implications

There are none to be addressed by this report.

7. Timescale for implementation and Risk Factors

The proposal will be implemented as soon as it is approved by the Cabinet.

8. Background Papers

None.

Report Author:

Jason Bishop – Solicitor to the Council

CABINET

15th November 2023

Subject: LTA funding offer to improve tennis courts at King George V Recreation Ground – Request for Council contribution towards the cost of the works.

Cabinet Member: Councillor T Gibson – Leisure Assets and Events

1. Purpose of Report

This report advises Cabinet of the request by the Lawn Tennis Association (LTA) for the Council to make a financial contribution towards the cost of refurbishing the tennis courts at King George V Recreation Ground so that the project can proceed.

2. Links to Council's Priorities and Objectives

This project links with the Council's people and environment priorities.

3. Recommendations

It is recommended that Cabinet approves a draw down from reserves so that the Council can make the necessary contribution of £15,277.42 towards the cost of refurbishing the tennis courts at King George V Recreation Ground.

4. Background

- 4.1 At the September 2023 Cabinet meeting it was resolved to accept the £79k grant funding being offered by the LTA to refurbish the tennis courts at King George V Recreation Ground.
- 4.2 The proposed refurbishment includes resurfacing/lining of the three courts and provision of new nets and posts, new perimeter fencing, and a new Smart access gate. The improvements would be delivered through the LTA procurement framework.

- 4.3 Following that meeting a site meeting was held with the LTA and its contractor Chiltern Sports who subsequently advised that the total cost for the works will now be £85,402.43.
- 4.4 The LTA were given a £30million funding package by the UK Government and LTA Tennis Foundation in 2021 to transform thousands of existing tennis facilities across Britain and to encourage more people to participate in tennis.
- 4.5 It is a once-in-a-generation investment in public facilities, and it is the LTA's priority to upgrade as many of courts as possible, and to increase digital accessibility by making it easier to people to find and book a court. Investing in park tennis facilities is a key to increasing participation and helping ensure tennis is accessible for underserved communities.
- 4.6 However with increased and variable costs emerging across projects nationally the LTA has needed to make challenging decisions on the allocations it is able to make to each project. As such it has advised that it needs to work closely with councils to secure additional funds and find the difference between its approved grant amount and the final total project cost. In this case it has advised that it is now able to offer a grant of £70,125 meaning that the Council will need to make a financial contribution of £15,277.42 if the project is to proceed.

5. Corporate Implications

(a) Financial Implications

The LTAs revised grant funding offer means that the Council will need to draw down the shortfall of £15,277.42 from reserves if it wishes the refurbishment works to proceed.

The Section 151 Officer is satisfied that despite the need for the Council to now make a financial contribution towards the works, the LTA offer still represents good value for money given the cost and quality of the proposed refurbishment of the courts.

(b) Legal Implications

The terms and conditions of the LTA funding require the Council to meet specified maintenance and renovation requirements, have a gate access system, on-line booking system and sustainability plan in place to ensure the long-term sustainability of the courts. They also require the provision of free sessions and activities and an operating model which increases court usage.

(c) Human Resources and Equality Implications

There are no human resources or equality implications associated with this report.

6. Timescale for implementation and Risk Factors

It is a requirement of the grant funding that the improvement works to the tennis courts are completed by the 31 March 2024. Failure to adhere to the terms and

conditions of the grant funding could result in the LTA recovering the grant funding from the Council.

Background papers – Cabinet Report 20 September 2023 - LTA funding offer to improve Council owned tennis courts.

Report Author – Trudie Bragg, Head of Environment

CABINET

15th November 2023

Subject: Amendments to Fixed Penalty Notice Fine levels for Fly Tipping, Littering, Graffiti & Fly Posting and Waste Disposal Duty of Care offences
Cabinet Member: Councillor Fuller – Environment

1. Purpose of Report

To report on amendments to the level of Fixed Penalty fines the Council can set for:-

- **Fly Tipping - 33ZA(9)(a) of the Environmental Protection Act 1990**
- **Waste Disposal Duty of Care - 34ZA(8) of the Environmental Protection Act 1990**
- **Littering - 88(6A)(a) of the Environmental Protection Act 1990**
- **Graffiti and Fly Posting - 43A(1)(a) of the Anti-Social Behaviour Act 2003**

The purpose of this report is to seek approval for the level of penalty fine to be applied for the above offences.

2. Links to Council Priorities

Environment – Reducing Waste

3. Recommendation

It is recommended that the following Fixed Penalty Notice fines are approved:

- (1) The fixed penalty notice fine served for the offence of Fly Tipping under section 33ZA(9)(a) of the Environmental Protection Act 1990 be raised from the current level of £400 to £1000, reducing to £600 if paid within 10 days.**
- (2) The fixed penalty notice fine served for the offence of Waste Disposal Duty of Care 34ZA(8) of the Environmental Protection Act 1990 be raised from the current level of £300 to £600, reducing to £400 if paid within 10 days.**
- (3) The fixed penalty notice fine served for the offence of Littering under section 88(6A)(a) of the Environmental Protection Act 1990 be raised from the current level of £150 to £500, reducing to £200 if paid within 10 days.**

(4) The fixed penalty notice fine served for the offence of Graffiti and Fly Posting under section 43A(1)(a) of the Anti-Social Behaviour Act 2003 be raised from the current level of £100 to £500, reducing to £200 if paid within 10 days.

4. Background

The Environmental Protection Act 1990 and the Anti-Social Behaviour Act 2003 provide powers to serve Fixed Penalty Notices for the offences of Fly Tipping, Waste Disposal Duty of Care, Littering, Graffiti and Fly Posting.

The Environment Offences (Fixed Penalties) (Amendments) (England) Regulations 2023 came into force on the 31st July 2023 and increase the level of Fixed Penalty Notice fine an enforcement authority can set for Littering, Graffiti & Fly Posting, Fly Tipping and Waste Disposal Duty of Care offences to deter these types of crimes.

These amendments allow Local Authorities to set a level of fine between specified monetary values, as follows: -

- Fly Tipping – not less than £150 and not more than £1000, and £200 if no amount is specified by the Authority.
- Waste Disposal Duty of Care – not less than £150 and not more than £600, and £200 if no amount is specified by the Authority.
- Littering – not less than £65 and not more than £500, and £100 if no amount is specified by the Authority.
- Graffiti and Fly Posting - not less than £65 and not more than £500, and £100 if no amount is specified by the Authority.

Fixed Penalty Notices offer an offender the opportunity to discharge the offence and avoid a criminal record by payment of the fixed penalty fine within the prescribed period, i.e. within 14 days of service of the notice.

The Council can choose not to serve a fixed penalty notice for the most serious offences or for serial offenders and instead to pursue a prosecution in the Magistrate's court.

Any fixed penalty notice that is not paid within the prescribed period will result in the case being referred to Court for prosecution.

It is the Council's policy to always look for evidence in fly tips which could identify the offender. Of the 163 fly tipping incidents since November 2021 where evidence was found in the fly tip, 91 of these had evidence with addresses in the Borough, and 72 had evidence with addresses outside the Borough.

In 2016 and 2019 respectively the ability to serve FPNs for the offences of Fly Tipping and Waste Disposal Duty of Care was introduced. The reason for this was to enable Local Authorities to serve Fixed Penalty Notices on offenders and in so doing reduce the number of low-level prosecutions taking up valuable time in the

Country's courts. It also helps to reduce the burden on Local Authority Legal and Enforcement Teams by reducing the number enforcement actions requiring the production of prosecution files.

The new fine levels introduced on the 31st July 2023 have significantly increased the maximum fine levels allowed, and whilst this sends out a strong message that persons can receive a not insignificant fine for committing offences, there is a concern that if maximum fine levels are put in place this may result in more fines being unpaid and more cases progressing to court to deal with the original offence.

To counter the possibility of increased cases proceeding to Court a discounted rate can be applied to the fixed penalty notice if paid within 10 days of serving of the FPN.

It is proposed to set the level of fine for each of the offences at the maximum permissible level but to offer a discounted rate for fines paid within ten days of the service of the notice as detailed below to encourage quick payment and to reduce the number of cases which need to be progressed to Court.

- (1) The fixed penalty notice fine served for the offence of Fly Tipping under section 33ZA(9)(a) of the Environmental Protection Act 1990 be raised from the current level of £400 to £1000, reducing to £600 if paid within 10 days .
- (2) The fixed penalty notice fine served for the offence of Waste Disposal Duty of Care 34ZA(8) of the Environmental Protection Act 1990 be raised from the current level of £300 to £600, reducing to £400 if paid within 10 days.
- (3) The fixed penalty notice fine served for the offence of Littering under section 88(6A)(a) of the Environmental Protection Act 1990 be raised from the current level of £150 to £500, reducing to £200 if paid within 10 days.
- (4) The fixed penalty notice fine served for the offence of Graffiti and Fly Posting under section 43A(1)(a) of the Anti-Social Behaviour Act 2003 be raised from the current level of £100 to £500, reducing to £200 if paid within 10 days.

7. Corporate Implications

(a) Financial Implications

Any income from fixed penalty fines will help to offset the cost of enforcement and cleansing activities.

(b) Legal Implications

The Council's powers and duties are set out in the body of this report. FPNs are designed to deter would be offenders and to reduce the burden of taking smaller scale offences to court. They can only be served where there is sufficient evidence to have a realistic chance of a successful prosecution.

Any fixed penalty fines not paid within the prescribed period will be referred to the Legal department for prosecution.

(c) Human resources and equality

None associated with this report. Existing field staff are already trained to issue Fixed Penalty Notices.

(d) IT and Asset Management Implications

None associated with this report.

9. Timescale for implementation and risk factors

Suitably trained staff will be able to issue FPNs with immediate effect.

Background documents: None

Report Authors: Stuart Jarvis, Street Scene and Contracts Manager/Trudie Bragg,
Head of Environment

CABINET

15th November 2023

Subject: Disabled Facilities Grants policy amendment.

Cabinet Member: Councillor Fuller - Environment

1. Purpose of Report

To seek the approval of Cabinet to amend the current Council Disabled Facility Grant (DFG) policy, to include the introduction of a 'fast track' process making use of discretionary powers provided to the Council under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to allow cases to be processed with the maximum efficiency, for the benefit of Castle Point residents requiring disabled adaptations to their homes.

2. Links to Council's Priorities and Objectives

The policy links with the Council's People and Place priorities.

3. Recommendations

That the Cabinet approve the amended Disabled Facilities Grant Policy v2.3 (Nov 2023) attached in Appendix 1.

4. Background

4.1) Introduction

A suitable, well adapted home can be the defining factor in enabling a disabled person to live well and independently. At a time of financial constraints and policy change, delivering help with home adaptations in the most efficient and effective ways and making use of scarce resources is more important than ever.

The legislative framework governing Disabled Facilities Grants (DFGs) is provided by the Housing Grants, Construction and Regeneration Act 1996. Since 1990, local authorities have been under a statutory duty to provide grant aid to disabled people for a range of adaptations to their homes.

The purposes for which such a grant must be approved, subject to the eligibility of the test of resources are defined in section 23 of the Act (as amended.) These criteria are largely around facilitating access (including to a garden) to, from and around the home of the disabled person. Other specified purposes relate to making the dwelling / building safe, providing or improving heating systems, facilitating the preparation and cooking of food, facilitating the use of a source of power, light or heat and facilitating caring responsibilities of a disabled person.

The maximum amount of a mandatory DFG is currently £30,000 in England. The amount payable may also be subject to a deduction derived from a test of the financial resources of the disabled person and their partner. Where the application is for a disabled child or qualifying young person, there is no means test.

Under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) local authorities have discretionary powers to provide financial assistance for housing adaptations in any form (i.e. grant, loan or equity release) for adaptations. From 2008, DFG funding could also be put towards this purpose, where it would ultimately benefit the disabled person, subject to a Cabinet approved RRO Policy being devised. Castle Point currently offers various types of 'top-up' financial assistance where the full mandatory grant award is not able to cover the full cost of the recommended adaptation or if other financial assistance is required.

4.2) Current Castle Point arrangements

Environmental Health (EH) deliver DFG grant funding to customers in partnership with Essex County Council (ECC) Occupational Therapists and Basildon Council who also offer our customers the services of a Home Improvement Agency (HIA.)

Customers requiring a disabled adaptation are initially referred to the ECC Occupational Therapy Team for an assessment of their needs. A report is produced and forwarded to Environmental Health Services at Castle Point (EH.) EH contact the customer to ask whether they wish to use the services of a home improvement agency (HIA) to assist them in their application, survey, and subsequent management of building works. Most customers choose this option, with their fee being added to the final grant.

Cases are then referred to the HIA who will fully project manage the process for the customer including preparing an application for funding, drawing up plans, obtaining quotations from builders and supervising works right through to completion.

Castle Point are consulted at various stages in the process and are ultimately responsible for approval of an application, deciding on the level of funding / contribution via means testing, approval of plans and funding and ensuring works have been completed before finance is finally released.

4.3) Capital Grant funding - The Better Care Fund

The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join up health and care services, so people can manage their own health and wellbeing and live independently in their communities for as long as possible.

The BCF encourages integration by requiring Clinical Commissioning Groups (CCG's) and local authorities to enter pooled budget arrangements and agree an integrated spending plan.

Capital grant funding previously provided to the Council directly from the Department for Communities and Local Government (DCLG) is now pooled into a joint Essex budget, which is then distributed to each second-tier authority responsible for the provision of Disabled Facility Grants.

Since this arrangement came into being, DFG capital grant funding to Castle Point Council has steadily increased over the past few years from approx. £300k to currently stand at around £800k.

Funding for DFGs at Castle Point is primarily from the BCF capital grant and occasional additional contributions are received directly from the Government.

5. Proposed Policy Amendments

Like many authorities Environmental Health Services have been seeking ways to speed up the overall DFG process and have recently been working with Essex County Council, our delivery partners at Basildon Council and other local authorities in Essex to share best practice.

The following amendments are proposed, with the aim of speeding up the delivery of DFG grants in the Borough:

- a) We seek to match other Councils in Essex, including our delivery partners at Basildon Council, by using our discretionary powers to reduce the need for means testing of grant applications. It is proposed that any application for works at £15,000 or below are no longer subject to means testing, by introducing a 'fast track' discretionary grant, to be used as the default in place of the mandatory DFG grant, where funding is available to do so. It is envisaged that this amendment will allow cases to be processed more quickly for the benefit of customers.
- b) We currently use Basildon Council as our sole HIA delivery partner, to act as an agent dealing with DFG applications, engage contractors and supervising works on behalf of customers. We now also intend to partner with Epping Forest District Council to improve capacity and to allow for additional cases to be dealt with more quickly.
- c) All works above £10,000 currently require 3 quotations from building contractors, we wish to minimise delays by reducing this requirement to 2,

to mirror several other Essex Councils including our delivery partners at Basildon Council and potentially Epping Forest District Council.

- d) Other minor amendments in the policy include the renaming of job titles and relevant permissions to reflect the new corporate structure of Castle Point Borough Council from November 2023 and a small increase in the fee chargeable by our delivery partners for the work that they do on behalf of customers.

6. Corporate Implications

(a) Financial Implications

Central Government provides annual capital grant funding towards the provision of DFGs, which is administered via the Essex Better Care Fund. The amount of grant awarded each year is normally confirmed early in the year in question and historically the amount awarded has been around £250k, but by 2022/23 this had increased to approx. £800k per annum.

Notification of future grants is not provided in advance for future years, so this impacts on the ability to make forward financial plans. However, additional amounts of grant are sometimes also awarded late into each financial year, although this is not always guaranteed every year.

All Councils are required to submit to Central Government an annual declaration that grant conditions have been complied with as well as a return detailing amounts spent on DFGs and other supporting information, such as age of the grant recipient. In practice it has been Council policy for many years that the total grant received from central Government is fully allocated to mandatory DFG spend.

Reallocation of capital budget to discretionary grants will reduce the amount available for other mandatory grants by the same amount, as it is taken from the same account. As such, it will be important to ensure that any discretionary award is only considered having regard to the resources the Council has available at that time.

(b) Legal Implications

Following the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) it is a requirement for any new policies or significant revisions to be formally adopted.

(c) Human Resources and Equality Implications

There is a potential for a positive impact on the following groups of people: - Adults and Children with Disabilities.

6. Timescale for implementation and Risk Factors

It is recommended that if approved by Cabinet, the revised policy is implemented with immediate effect.

Background Papers – CPBC Disabled Facilities Grants Policy v2.3 Nov 2023
(proposed)

Report Author – Simon Llewellyn, Environmental Health Operational Manager



Disabled Facilities Grants Policy & Guidance

Version 2.3

**Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex
SS7 1TF**

- **Strategy or policy:** Disabled Facilities Grants Policy
- **Date adopted:** X November 2023 (CPBC Cabinet Approved.)
- **Date last revised and reasons for revision:** Original Policy approved by Cabinet April 2014. Revision 2.0 contains significant expansion of guidance for customers and other stakeholders, expansion of the ability to approve discretionary works and various amendments to reflect changes in practice and procedure since 2014.
Revision 2.1 – April 2019 for addition of amendment allowing means tests and property charging to be waived for trial period of OT in Housing Scheme. (CPBC Cabinet approved)
Revision 2.2 – November 2021 to amend document to allow for discretionary grants to be paid towards means tested contributions, where this would cause difficulty /hardship for the customer (section 4.5.10) (CPBC Cabinet approved)
Revision 2.3 – November 2023, amendment to allow ‘fast track’ discretionary grants to be paid without a means test and be considered the ‘default option’ (subject to available funding,) where it has been assessed as necessary and appropriate by an Occupational Therapist and covers eligible works defined in this policy. General reduction in quotes required from 3 to 2 to speed up processes. Job title amendments to reflect new structure, other minor changes.

- **Links to Council priorities:**

Council priority	Linked?
Economy and Growth	No
People	Yes
Place	Yes
Environment	No

- **Links to other strategies and policies:**
- **Name of lead officer responsible for implementing the action plan:**

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1 Introduction

- 1.1) Perfectly good homes can be quite unsuitable for occupants with mobility needs, to the extent that they can actually be dangerous and isolating. Adaptations are needed by many disabled people so that they can remain safe and independent in their own home. They can be needed by people of all ages, but as our population ages and life expectancy increases, the number of people needing assistance to adapt their homes is expected to grow.
- 1.2) Castle Point Borough Council is committed to helping disabled residents and will administer Disabled Facilities Grants (DFGs) (and other forms of assistance such as discretionary grants, where available) to help them achieve a home which meets their needs.
- 1.3) The Council has only finite resources and as the number of people seeking adaptations and the cost of providing them grows, its finite resources are likely to mean that it cannot provide immediate help to all those needing assistance.
- 1.4) Following the regulatory reform (Housing Assistance) (England and Wales) Order 2002 it is a requirement for any updates or revisions of the Council's policies in respect of the allocation of housing grants to be formally adopted.
- 1.5) This policy document sets out how the Council will use its resources to help those who need disabled adaptations and how decisions will be made about the help that it gives and to provide guidance for applicants, stakeholders, and other users of our services.

2 DFG Summary

- 2.1) Disabled Facilities Grants (DFGs) were introduced in 1990 but the principle legal provisions are now contained in the Housing Grants, Construction and Regeneration Act 1996 (HGCRA) and regulations made there under.
- 2.2) DFGs are mandatory grants available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building. Occupational Therapists working with Essex County Council assess whether any works are necessary and discuss the best available options with the Environmental Health Service at Castle Point Borough Council.
- 2.3) DFGs are generally subject to a means test (with the exception of discretionary grants) which means that the applicant's income and savings have to be assessed to determine whether any contributions are required to be made by them towards the costs of the required work. The way in which the means test is carried out is governed by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are "passport" through the means testing process and children are exempt from the means test.
- 2.4) Subject to all the eligibility criteria being met, the Council must 'determine' (i.e. approve) properly made applications 'as soon as reasonably practicable' but no later than 6 months from the application date.

- 2.5) The maximum amount of DFG is currently set by statute at £30,000. However, the Council will consider payment of an additional discretionary grant in some circumstances.
- 2.6) The DFG grant will be recovered following the sale of the property within ten years of payment of the grant, provided the Council “is satisfied that it is reasonable in all the circumstances to require the repayment”. Grants below £5,000 are excluded from repayment, and the maximum amount recoverable in any one case is limited to £10,000. Where the grant is more than £5000, only the amount in excess of £5000 is recoverable up to the maximum of £10,000.

In the case of discretionary grants, the Council will seek to recover the value of the grant in full following the sale or transfer of the property, with the exception of ‘fast track’ assistance which shall be repayable on terms equivalent to mandatory grants.

- 2.7) In the event of an applicant’s death before works are complete, the Council has the discretion to pay a grant towards any fees incurred, any works already carried out or any ‘other relevant works.’

3 Regulatory Framework

There are a number of legal provisions governing DFGs and the application process including:

- Housing Grants, Construction and Regeneration Act 1996 (“The Act”) (as amended)
- Housing Renewal Grants (Services and Charges) order 1996
- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to Approval or payment of Grant) General Consent 2008
- The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 (“The Order”)
- The Housing Renewals Grants (Amendment)(England) Regulations 2008
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008
- Delivering Housing Adaptations for Disabled People – A good practice guide (June 2006)
- The Equalities Act 2010

4 Definition of a Disabled Person

- 4.1) For the purposes of the legislation relating to DFG’s a person is defined as being disabled if:

- Their sight, hearing or speech is substantially impaired;
- They have a mental disorder to impairment of any kind; or
- They are physically disabled by illness or impairment present since birth or otherwise

- 4.1.2) A person aged 18 or over is considered disabled if:

- They are registered as a result of arrangements made under section 29(1) of the National Assistance Act 1948; or
- They are a person for whom welfare arrangements have been made under that section

or might be made under it.

4.1.3) A person aged under 18 is considered disabled if:

- They are registered in a register of disabled children maintained under the Children Act 1989; or
- In the opinion of the Social Services Authority (Essex County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

4.2 Responsibility

4.2.1 The Housing Grants, Construction and Regeneration Act 1996 gives the statutory duty to Castle Point Borough Council as a local housing authority, responsibility for providing DFGs. The Council cannot, by law, refuse to process a properly made DFG application that it receives from an owner-occupier or tenant. If the eligibility criteria and proper process are satisfied, the Council must approve the appropriate grant.

4.2.2 The Council is given a sum of money each year by the government, via the Better Care Fund, which is specifically used for providing grants to help disabled people adapt their home.

4.3 Eligibility and Amount of DFG grant assistance available to applicant

4.3.1) DFGs are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of Housing Associations. Grants are available for adaptations to the common parts of buildings containing one or more flats.

4.3.2) Registered Social Housing Providers (RSHP) are also eligible to apply for a mandatory DFG, but in these situations the Council will firstly investigate the RSHP's ability to carry out and fund the adaptation work themselves and the individual merits of the case. In all such cases, the Council will request that the RSHP contributes towards the cost of the adaptation works before processing the application, which may be in the form of an upfront or deferred payment.

4.3.3) Each case must be supported by a recommendation from an occupational therapist working with Essex County Council Social Services. Should an applicant provide an independent Occupational Therapists recommendation, the Council will consult with the Occupational Therapy Service at Essex County Council, before processing the application.

4.3.4) The Council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable, practicable, are excessively expensive and/or where the property is not suitable for adaptation. The Council may offer a discretionary DFG, in the form of a relocation grant to help the disabled person move to a more suitable dwelling.

4.3.5) There is no restriction on multiple DFG's for the same property and depending on the time lapse between applications, there is provision for any means tested contribution made on the first grant not to be considered on subsequent application. This is five years for a tenant's application and 10 years for an owner occupier's application.

4.3.6) The maximum amount of grant is set by statutory instrument. The current statutory limit

on the maximum amount of mandatory DFG is £30,000.

4.4 Discretionary Disabled Facilities Grant assistance – General

4.4.1) There are a number of circumstances where it may be appropriate to offer help by way of a discretionary grant. For instance a discretionary grant may be considered where:

- The existing home is unsuitable for adaptations and the grant will enable the occupant to relocate to a more suitable property and this is a more cost-effective solution.
- The grant awarded to an applicant is insufficient to carry out the works recommended by the Occupational Therapist i.e. the required works are in excess of £30,000 and the applicant is unable to raise the money required. For instance, where a property extension is required and relocation is not a suitable or cost effective option.
- It has been decided that a fast track approach is to be taken, by the use of discretionary grants in preference to mandatory grants as preferred approach.

4.4.2) Five types of discretionary assistance are available from Castle Point Council

- a) Top up assistance
- b) Special assistance
- c) Relocation assistance
- d) Means test contribution assistance.
- e) 'Fast track' assistance

4.4.3) Whilst the Council do not have to provide discretionary assistance it will consider applications on a case-by-case basis, or on a more general basis where appropriate for fast track assistance.

4.4.4) Any discretionary award will only be considered having regard to the amount of resources the Council has available at the time. If the Council does not have sufficient resources to deal with other mandatory referrals, the Council reserves the right not to approve any discretionary assistance.

4.4.6) All discretionary grants to homeowners (excluding owners of park homes, where sited on a plot owned by a third party and located on a site licensed by Castle Point Borough Council,) will be recorded as a charge on the land registry and will remain indefinitely. The grant will be repayable in full where a dwelling is disposed of whether by sale, assignment, and transfer of the title or otherwise for any reason. The exception to this will be for those benefiting from 'fast track assistance' where the amount repayable will be equivalent to that demanded under the mandatory grant system (see section 25 for further details.)

4.4.7) (a) Discretionary Disabled Facilities Grants Assistance – “Top Up Assistance”

4.4.7.1) The maximum amount of mandatory DFG was set by statute in 2008 at £30000. Since this time there has been a general increase in build costs for major adaptations such that in some instances £30000 is insufficient to provide adaptations to meet the needs of the disabled person and their family.

- 4.4.7.2) To be eligible for consideration of a discretionary top up grant in cases where the cost of the proposed adaptation works exceed the maximum mandatory DFG limit of £30000, the grant applicant must meet the criteria for a mandatory DFG.
- 4.4.7.3) The discretionary DFG top-up grant will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child, in which case no such test will be applied.
- 4.4.7.4) The Environmental Health Operational Manager (or other suitably delegated officer) in consultation with one of Assistant Director (EH) & Licensing), Director (Place and Communities) or the S151 Officer, is authorised to agree a discretionary grant of up to £15,000, subject to budget availability. Discretionary top-up grants more than £15,000 up to a maximum of £30,000 will be determined by Cabinet.
- 4.4.7.5) Before approving a top-up grant, the Council will have expected the applicant to have exhausted other reasonable options with which to raise the required funds for any works over and above the £30000 mandatory limit. This is to ensure a fair allocation of funding between the many applications received by the Council every year. Examples of these include, but are not restricted to:
- Equity release for owner occupied property
 - Bank loans
 - Charity Grants / Contributions
 - Sale of certain discretionary assets, i.e. if multiple vehicles are owned by the applicant, above and beyond those required for normal day-to-day activities.
- 4.4.7.6) The Council reserves the right to decline any request for top up assistance if sufficient written evidence of the above is not provided.
- 4.4.8) (b) Discretionary Disabled Facilities Grants Assistance – Special assistance**
- 4.4.8.1) The purpose of a Discretionary Disabled Facilities “Special assistance” grant is to help applicants to pay for the cost of adapting their home to meet the needs of the disabled person where they are not covered by the mandatory DFG.
- 4.4.8.2) In order to be eligible for Discretionary Disabled Facilities Special Assistance Grant, an applicant must meet the qualifying criteria for a mandatory DFG.
- 4.5.8.3) Each case must be supported by a recommendation from an Occupational Therapist working with Essex County Council. The Council reserves the right to refuse grant assistance where the works are not necessary, reasonable, practicable, or are excessively expensive or where the property is not suitable for adaptation.
- 4.5.8.4) Discretionary Disabled Facilities Grants Assistance is available to fund the following adaptations to enable a disabled person to remain living in their own homes:

- a) To make the dwelling suitable for the disabled person. Examples include:
 - The provision of a safe play space for a disabled child
 - The provision of more satisfactory internal arrangements which would directly benefit the disabled person.
- b) To make the dwelling suitable for the employment of the disabled person within the existing footprint of the dwelling (examples include the provision or adaptation of a room for the disabled person to use as a work area). Any such assistance would be subject to the applicant obtaining any relevant planning permission that may be required for working/running a business from the dwelling.
- c) To provide an area for specialist care of treatment (e.g. provision of a dialysis room).
- d) The provision and installation of ceiling track hoists.
- e) The provision and installation of a dropped kerb to facilitate access to a hard standing located within the curtilage of the disabled person's dwelling.
- f) The provision and installation of an appropriate storage facility for a mobility scooter with a fixed charging point.
- g) Provision of facilities for a child in foster care, where the likely length of care at a dwelling is likely to be years, rather than months.
- h) Provision of additional facilities in a second property in circumstances where a disabled child is living under a dual residency arrangement, where residency is split between the parents (or another designated guardian.)
- This list is not exhaustive and other works may be considered subject to an Occupational Therapists recommendation being received by the Council.

4.5.8.5) Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

4.5.8.6) A Discretionary Disabled Facilities "Special Assistance" grant, may be authorised by the Environmental Health Operational Manager (or other suitably delegated officer) in consultation with one of Assistant Director (EH & Licensing), Director (Place and Communities) or the S151 Officer.

4.5.9) (c) Discretionary Disabled Facilities Grants Assistance – Relocation Grant

- 4.5.9.1) A discretionary relocation grant may be available to an applicant who owns or privately rents their dwelling if adaptation of their current home through a mandatory DFG is determined not to be a feasible or reasonable option and they are considering relocating to a suitable property they intend to purchase.
- 4.5.9.2) Applicants must be aged 18 or over on the date that the application is made and in the case of a disabled child, the parents would make the application.
- 4.5.9.3) Any such application must be supported by a recommendation from the Occupational Therapy Service at Essex County Council.
- 4.5.9.4) The Council and the Occupational Therapist must both be satisfied that the proposed dwelling already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.
- 4.5.9.5) Applicants must be relocating within the Castle Point Borough. Consideration may be given to a move in Essex but this would require:
- a) The approval of the relevant district/borough council
 - b) Whether or not adaptations are required to the new dwelling
 - c) The scale of any adaptations before a relocation grant can be considered
- 4.5.9.6) A discretionary relocation grant of up to £10000 may be made available towards specific relocation expenses which includes estate agent fees, legal costs and removal costs.
- 4.5.9.7) The cost of the discretionary relocation grant together with the cost of any adaptations required to the new dwelling must demonstrate value for money, whether the move is within the Castle Point Borough or another district / borough within Essex.
- 4.5.9.8) Applications must be submitted prior to relocation, grants cannot be paid retrospectively.
- 4.5.9.9) Assistance will not be made available towards the purchase price of a new dwelling.
- 4.5.9.10) The Council will normally require two quotations from independent contractors that realistically reflect the cost of the works / service being provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.
- 4.5.9.11) All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either directly to the service / work provider, or to the grant applicant. In either case, valid invoices or receipts must be provided prior to the payment.
- 4.5.9.12) If on sale of the applicants existing dwelling, a net equity of more than £10000 is released, the discretionary relocation grant will only fund the physical removal costs.
- 4.5.9.13) Net equity refers to any equity released when the purchase price of the new

dwelling is less than the existing dwellings selling price.

- 4.5.9.14) If the move is aborted through the fault of the applicant, then the grant will not be paid and any monies already paid will be reclaimed from the applicant. If the reason for the move falling through is, in the opinion of the Council, not the fault of the applicant, then the Council will cover the full costs.
- 4.5.9.15) The new dwelling must be the disabled person's main residence and no applicant will be awarded a discretionary relocation grant on more than one occasion.
- 4.5.9.16) If the disabled occupant moves from the new dwelling within 5 years or if the dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise, for any reason within a period of 5 years, the grant must be paid back in full to the Council unless there are exceptional circumstances. The discretionary relocation grant will be recorded on the Local Land Charges Register for a period of 5 years from the date that the new dwelling is occupied by the disabled occupant.
- 4.5.9.17) The discretionary relocation grant will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no means test will be applied.
- 4.5.9.18) Any discretionary award will only be considered having regards to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the OT service, the Council reserves the right not to approve any discretionary assistance.
- 4.5.9.19) A discretionary disabled facility "relocation assistance" grant may be authorised by the Environmental Health Operational Manager (or other suitably delegated officer) in consultation with one of Assistant Director (EH & Licensing), Director (Place and Communities) or the S151 Officer.

4.5.10.1) (d) Discretionary Disabled Facilities Grants Assistance – Means Test Contribution Assistance

- 4.5.10.2) The purpose of a discretionary 'Means Test Contribution Assistance' grant is to aid customers who have difficulty in meeting the means tested contribution which forms a standard part of the DFG application process.
- 4.5.10.3) While under most circumstances, the means tested contribution is seen as a fair way for those with the ability to pay, to contribute towards the cost of their adaptation and to reduce the burden on the limited grants budget, the one size fits all equation does on occasion, result in a contribution figure that would cause some difficulties or hardship for the customer.
- 4.5.10.3 The Environmental Health Operational Manager (or other suitably delegated officer) in consultation with one of Assistant Director (EH & Licensing), Director (Place and Communities) or the S151 Officer subject to budget availability.
- 4.5.10.4 The Council will have expected the applicant to have exhausted other reasonable options with which to raise the means tested contribution for any works. This is to

ensure a fair allocation of funding between the many applications received by the Council every year.

Examples of these include, but are not restricted to:

- Equity release for owner occupied property
- Bank loans
- Charity Grants / Contributions
- Sale of certain discretionary assets, i.e. if multiple vehicles are owned by the applicant, above and beyond those required for normal day-to-day activities.

- 4.5.10.5) The Council reserves the right to decline any request for top up assistance if sufficient written evidence of the above is not provided.

4.5.11.1) Discretionary Disabled Facilities Grant Assistance – ‘Fast Track’

- 4.5.11.2) A discretionary grant enabling any adaptation works costing £15000 or less (excluding HIA fees, which can be added on / paid in addition this total) to be provided without means test if it has been assessed as necessary and appropriate by an Occupational Therapist, subject to sufficient funds being available to the Council.

- 4.5.11.3) To ensure that cases are processed with minimum delay, ‘fast track’ grants shall be considered the ‘default’ option for adaptations costing less than £15,000, in preference to a mandatory DFG, where funding allows.

- 4.5.11.4) The amount repayable from ‘fast track’ grants will be equivalent to that demanded under the mandatory grant system (see section 25 for further details) to ensure that the customer is not financially disadvantaged.

- 4.5.11.5) ‘Fast Track’ grants can be approved by any officer with delegated budgetary responsibility for approval of mandatory Disabled Facilities Grants.

5 Use of Home Improvement Agencies (HIA’s)

- 5.1) Castle Point Borough Council offers customers the option of using a Home Improvement Agency (HIA) to provide services as part of the grants process. Basildon Borough Council and Epping Forest District Council (or an HIA of the customers choosing) are able to act on behalf of the applicants in all administrative and legal respects for the provision of the disabled facilities grant. The HIA is also able to act as the Council’s agent in certain aspects of the DFG process, described later in this document.

- 5.2) The Services provided by the HIA to the applicant include: completing the application form with the client; preparing any plans which need to be submitted with the application; confirming the work specifications; seeking tenders; obtaining any specific permissions to undertake works, supervising the works and liaising with all parties in respect of completion and payment of the grant. For these Services, the HIA will charge no more than 17.5% of the costs of the tendered works, which is added to the grant amount.

- 5.3) The applicant is not required to use the services of a HIA to apply for a Disabled

Facilities Grant, and may choose to administer the process themselves. However, all applicants are advised of the complexity of the grant process at the outset and this course of action would only be recommended for those persons confident with this type of role.

5.4) Provision of stairlifts under Procurement for Housing Framework agreement

- 5.4.1) A Procurement for Housing Framework with Stannah Lift Services Ltd (Stannah.) Applicants who choose to use the services of a HIA will have the option of utilising this agreement for the procurement a stairlift.
- 5.4.2) Users of the agreement will benefit from an expedited installation process and a 5 year warranty provided on the equipment.
- 5.4.3) The arrangement allows for the provision and installation of straight flight and curved track stairlifts which are installed and maintained for a period of 5 years by Stannah. The stairlifts remain the property of the Council during this 5 year warranty and maintenance period.
- 5.4.4) Should circumstances arise within this period where the stairlift is no longer required, Stannah will remove the lift and store it on behalf of the Council until such time that it can be re-used by another applicant.
- 5.4.5) Re-cycled stairlifts will be provided and installed at a reduced cost to the Council but will be installed in the new dwelling with the same 5 year warranty and maintenance period for the new DFG applicant.
- 5.4.6) At the end of the 5 year period, the Council will gift the stairlift to the DFG applicant who will then be responsible for all future servicing and maintenance of their stairlift. Stannah will contact the DFG applicant towards the end of the 5 year period regarding the future servicing and maintenance of the stairlift.
- 5.4.7) NOTE: This PFH arrangement enables the Council to re-cycle perfectly good stairlifts at a reduced cost, thus making better use of DFG funding and will provide value for money.
- 5.4.8) The DFG applicant is under no obligation to use Stannah; all applicants are free to obtain quotations for the supply, installation, and maintenance of their stairlift from any other provider who can meet the specification provided by the Occupational Therapist. However, in these instances only the manufacturer's standard warranty and maintenance terms (usually 12 months) will be provided, as it will fall outside of the provisions of the framework agreement.

6 The Mandatory Disabled Facilities Grant Eligibility Criteria

- 6.1) DFGs are available to fund adaptations to the homes of elderly or disabled residents to enable them to live independently at home or be cared for at home. Grants are dependent on;
 - The works being necessary and appropriate;
 - The works being reasonable and practicable; and
 - A financial assessment of the applicant's ability to fund the work themselves.

- 6.2) Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (As Amended) Act 1996 and primarily relate to accessing principal rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.
- 6.3) The Occupational Therapists working with Essex County Council and Environmental Health Officers at Castle Point Borough Council seek to support all applicants but by the nature of grant funding this process.

6.4) Works that are eligible for a mandatory disabled facility grant

6.4.1) Facilitating Access

- a) A grant may be given for works to remove or help overcome any obstacles that prevent the disabled person from moving freely into and around the dwelling.
- b) Access to the garden or yard (front, side or rear) means immediate access from the dwelling and does not include landscaping. This would be fulfilled by either improving existing access or by providing a suitable outdoor space that can be accessed safely from inside the dwelling to allow appreciation of the outdoor area by the disabled person.

6.4.2) Making a Dwelling or Building Safe

- a) A grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons living with them. This may include the provision of lighting where safety is an issue, or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems.

6.4.3) Access to a Family Room

- a) A grant may be given to ensure the disabled person has access to a room used for or usable as the principal family room (i.e. living room or lounge).

6.4.4) Access to a Room usable for Sleeping

- a) A grant may be given for the provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled person shares a room with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.

6.4.5) Access to a Bathroom

- a) A grant may be given for the provision of, or access to, a WC, washing, bathing and/or showering facilities.

6.4.6) Facilitating Preparation of and Cooking of Food

- a) A grant may be given to re-arrange or enlarge a kitchen to improve the access for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household

member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.

6.4.7) Heating, Light and Power

- a) A grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.
- b) Provision is also made under this category for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.

6.4.8) Dependent Residents

- a) A grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. Importantly, the dependent being cared for need not be disabled.
- b) Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care and therefore it is reasonable for such works to be carried out.

6.4.9) Common Parts

- a) A grant may be given for works to facilitate access to a dwelling through the common parts of a building.

6.5 Deciding on the suitability and feasibility of an adaptation for a customer

Necessary and Appropriate

- 6.5.1) Necessary and Appropriate works are determined through an assessment of the client and their home environment by an Occupational Therapist from Essex County Council. This concentrates on the client's ability to remain living independently in their own home and must distinguish between works which are desirable, and those, which are necessary and appropriate.
- 6.5.2) Occupational Therapists from Essex County Council and Environmental Health Officers from Castle Point Borough Council liaise to:
 - a) Discuss proposed applications;
 - b) Determine whether applications meet the necessary and appropriate criteria with reference to the legislation;
 - c) Determine if the works are likely to be reasonable and practicable.

6.5.3) When identifying and agreeing adaptations we will ensure that:

- They are the simplest, least disruptive and most cost-effective adaptation to meet the needs;
- They are designed to fit within the existing structure of the home; this may involve using the home in a different way i.e. sleeping in a ground floor room or sub dividing space and that;
- Providing additional space within a home is only considered if all other options have been fully exhausted and if it is practicable to provide additional space.

6.6 Reasonable and Practicable

6.6.1) There are times when it is simply not reasonable and practicable to adapt a property, for instance where there are excessive changes in level; where there are space constraints; or where moving existing services is prohibitively expensive. Rather than investing funding to poorly adapt a property, grants may be declined because the works are not reasonable and practicable.

6.6.2) If works are not considered reasonable and practicable within the home this will involve asking clients to seriously consider if they are currently in the most appropriate housing or if moving to more readily adaptable level access accommodation would be a better option.

6.6.3) In owner occupied premises where work is not considered reasonable and practicable, Disabled Facility Grant aid may be available to help with some of the basic costs of moving home. This would be dependent on the Means Test and each case would be judged individually on its merits.

6.6.4) In registered social housing provider (RSHP) accommodation (for instance homes provided via housing associations,) they are often happy to work with clients to identify alternative suitable housing. Where clients may be under occupying a home this has an added advantage of freeing up much needed family housing and there are monetary incentives available from the housing association for this.

7 The Disabled Facilities Grant Process.

Occupational Therapist Referrals and prioritisation

- 7.1) The Occupational Therapy Service at Essex County Council submits recommendations for Disabled Facilities adaptations to the Council for all tenures.
- 7.2) All recommendations received from the Occupational Therapists at Essex County Council are no longer ranked according to priority on a routine basis.
- 7.3) Prioritisation of cases is most often based on date of receipt of referral of a report from the Occupational Therapist. Where an Occupational Therapist makes additional requests for urgent / emergency assistance, this additional information will usually be taken into account, when deciding on a prioritisation for an individual case. Referred cases will be held on a priority-based list until such time as the Council is able to begin working on a case.
- 7.4) All appropriate steps will be taken to minimise the waiting time before a grant case can be worked on and approved. The prioritisation mechanism is kept under review to ensure it is operating as intended and as circumstances require.
- 7.5) The length of time someone has to wait on the priority list will depend on the size of the grant budget available to the Council, staff workload and the number of cases with a higher priority. Applicants will be notified in writing if there is likely to be a prolonged delay in progressing their case.
- 7.6) The Council however reserves the right to start processing some cases out of strict priority order in exceptional cases (as determined by the Head of Environment or Environmental Health Operational Manager) for instance, where it is determined that it is necessary to ensure efficient allocation of staff resources, or budget allocation and spend.
- 7.7) In the event that changes are required to the prioritisation mechanism, they will be determined by the Environmental Health Operational Manager in consultation with the Head of Environment.

Application

- 7.8) Should the proposed recommendations require a pre application feasibility study this will involve the Occupational Therapists at Essex County Council and Environmental Health Officers from the Council meeting to discuss this matter. The Council, as a Statutory Regulator of the Housing Act 2004 is unable to allow works to take place which will result in the creation of Housing Health and Safety Rating System Hazards.
- 7.9) When sufficient financial resources are available to the Council to pay for these works, the applicant is informed by letter and asked whether they would like to use a HIA partner to act on their behalf in all administrative and legal respects for the provision of the disabled facilities grant, or whether they want to administer and make arrangements for the preparation of an application for a Disabled Facilities Grant themselves.
- 7.10) If the disabled person is the tenant of a private landlord or Housing Association, the landlord/owner must give permission for the work to be carried out. Fixed items such as level access showers will usually become the property of the owner.

7.11) Should the applicant choose to use our HIA partner, the customer will be referred to Basildon Borough Council Building Consultancy, who will get in touch with the customer directly.

7.12) Section left intentionally blank.

7.13) Section left intentionally blank.

7.14) Financial Assessment (The Means Test)

7.14.1) Applications for mandatory Disabled Facilities Grants are generally subject to a Means Test.

7.14.2) The way in which the Council carries out the Means Test is governed by regulations and the Council does not have any discretion in applying it. Once the applicant's income and savings have been recorded on the application form, this information is used to calculate whether any contributions are required to be made by them towards the costs of the required work.

7.14.3) As part of an application for a mandatory DFG, a test of resources (financial means test) must be carried out in order to assess the amount, if any, that the applicant must contribute towards the cost of the proposed adaptation works.

7.14.4) The means test applies to the disabled applicant and any spouse or partner. The applicant is required to provide information about all sources of income and all savings to provide evidence to support information given in the application form.

7.14.5) Specifically, the Council will require the disabled applicant to provide the following:

- a) 3 months' payslips (where monthly paid) or 6 weeks' payslips (where weekly paid)
- b) Copies of most recent state pension letters
- c) Copies of most recent private/occupational/other pensions in payment
- d) Copies of any disability benefit letters (attendance allowance, Disabled Living Allowance, Personal Independence Payments, and Employment Support Allowance etc.) where in payment
- e) 3 months bank statements (immediately prior to the application date)
- f) Up to date statements/balances of all savings accounts and ISA's
- g) Copy of a recent utility bill (dated within 6 months of the DFG application)
- h) Up to date statements/balances of all other savings and investments such as premium bonds, stocks and shares
- i) Details of any other capital and property owned

7.14.6) Applicants who are in receipt of one of the following types of income will be "passported" through the means testing process and will not be required to make a contribution towards the cost of the proposed adaptation works:

- a) Income Support
- b) Income Based Job Seekers Allowance

- c) Guarantee Pension Credit
 - d) Housing Benefit
 - e) Working/Child Tax Credit (if income for tax credit is below a specified amount)
- This list is prescribed by central government and may be amended from time to time.

- 7.14.7) Where the result of the means test is a 'nil' contribution, it is accepted that the applicant will automatically wish to proceed with the application. Where the result of the means test is such that the clients contribution is likely to be less than the total cost of the works the client will be required to confirm in writing their intention to proceed with their application on this basis.
- 7.14.8) Where the result of the means test is such that the clients contribution is equal to or likely to exceed the cost of the works the client can request the Council to approve a 'nil' grant. This will enable the cost of these works to be deducted from any future application for a DFG so long as any subsequent OT recommendation is received within 10 years from the approval of the 'nil' grant (5 years for a tenant's application).
- 7.14.9) Where an applicant is unable to meet their assessed financial contribution under the means-test for a mandatory DFG and in the absence of any suitable affordable alternative, the Council may in exceptional circumstances provide the applicant with Discretionary Disabled Facilities Grant Assistance to enable the works to proceed, subject to the exhaustion of alternative funding options.
- 7.14.10) Any Discretionary DFG Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.
- 7.14.11) All Discretionary DFG Assistance will be recorded on the Local Land Charges Register indefinitely. The assistance will be repayable in full where the applicant disposes of the dwelling whether by sale, assignment, transfer of the title or otherwise for any reason. 'Fast track' discretionary assistance will be repaid and recorded using the equivalent rules as the mandatory DFG (s25) to ensure that those on 'fast track' are not financially disadvantaged.

8. DFG Application Conditions

- 8.1) All applications for assistance must be made on the appropriate Council application forms and shall be accompanied by all relevant supporting documents. The minimum age for applicants is 18 years of age at the date of application and in the case of joint applications, at least one person must be over 18 years of age at the date of the application.
- 8.2) In making an application the applicant shall give the Council permission to share such given information with other Council services and departments or other statutory agencies.

- 8.3) Private sector tenants may make applications where they are eligible for assistance, but the Council will require written consent from the owner of the property before approving the DFG. Tenants of a Registered Social Housing Provider (RSHP) may make applications where they are eligible for assistance, but the Council will require written consent from the relevant RSHP, will make an assessment of the RSHP's ability to pay for the works in full and will in all cases, seek a financial contribution from them towards the cost of the works before approving the DFG.
- 8.4) CPBC tenants in all cases should approach CPBC Housing in the first instance as the Council has funds set aside for disabled facility adaptation works in their own properties.
- 8.5) The adaptation works must be carried out in accordance with any plans, specifications and schedules provided by the Council.
- 8.6) Quotations for adaptation works must be provided on the specifications and schedules provided by the Council for this purpose and must be itemised and totalled on each page. Provisional sums are not acceptable except in cases where for example scaffolding *may* be required or where exploratory works *may* be required. Works covered by insurance claims or work that should have been covered by such, will not be eligible for DFG assistance of any kind.
- 8.7) The following number of quotations will be required by the Council when procuring adaptation works:

Works	Number of quotations required*
Stairlifts procured under the PFH Stannah agreement.	1
All other works*	2

*The Council reserves the right to request additional quotations as necessary if it considers predicted costs to be excessive or inadequate, or at its discretion.

- 8.8) The Council will not normally approve any DFG application if the relevant works have started before the application is approved. One exception to this rule is where an authorised officer has already carried out an inspection of the dwelling and has agreed in writing that the works may commence, due to particular risks to the health and safety of the disabled applicant.
- 8.9) DFG assistance will only be approved for the benefit of the disabled applicant where they are able to provide evidence of a valid National Insurance Number.

9. Decision Making Criteria

- 9.1) Once the Council is satisfied that the proposed adaptation works are necessary and appropriate, reasonable and practicable, the following specific expectations and presumptions are taken into account:
- a) The DFG works should fully and properly meet the applicants assessed needs. DFGs that only partially meet those needs will only be considered in exceptional cases (e.g. where the disabled person's condition is deteriorating and independent living is unlikely to be sustained for very much longer).
 - b) The works funded by the DFG will be the simplest and most cost-effective adaptations that will meet the need of the applicant's assessed needs (this includes any equipment provided).
 - c) Wherever practicable and realistic, the change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of specialist equipment.
 - d) Generally, the DFG will only fund one facility to a dwelling e.g. only one external door will be provided with a ramped access to the outdoors.

10. Alternative Scheme of Works

- 10.1) In certain circumstances a grant up to the value of the estimated cost of providing an adaptation can be used to contribute towards an alternative scheme. For example, where a through-floor lift would meet the needs of the disabled person but the preference of that person is for the construction of a ground floor extension, a DFG equal to the cost of the lift could be approved. In any such case the following criteria must be met:
- a) The proposed alternative scheme shall meet the applicant's needs as assessed by the Occupational Therapist and put forward in the original recommendation.
 - b) The Council must be satisfied that the applicant has sufficient financial resources to complete the alternative scheme, including a contingency sum of 10% of the total cost of works to account for any unforeseen works.
 - c) The applicant must provide the Council with a minimum number of estimates listed in table 8.8 from competent contractors for the proposed works. The Council reserves the right to seek an alternative estimate where those provided by the applicant seem either excessive or inadequate.

- d) An experienced agent shall design/control the works and shall certify their satisfactory completion. The applicant is responsible for any additional costs of designing the alternative scheme and for obtaining building regulation approval and/or planning permission where necessary.
- e) The Council will only pay an amount equal to the cost of the works originally recommended by the Occupational Therapist. The Council will not pay for the DFG approved works until all works have been completed and certified as satisfactory by the Council or its agent.
- f) The Council's payment shall be the final part payment made towards completion of the alternative scheme and will not be paid until the Council receives confirmation from the contractor that all other monies owing have been paid in full by the applicant. Payment will be subject to the Council or its agent inspecting the works and certifying the scheme as fully completed to its satisfaction (inside and out).
- g) The alternative scheme must be completed within 12 months of the DFG being approved, unless a written request for an extension to the time limit is received within 6 weeks of the 12 month period expiring. Extension to the mandatory time limit for completion of the works will be at the discretion of the Council and the applicant should not assume that such a request will be agreed.
- h) Where the alternative works are not completed within the 12 month time period allowed and where the Council has not received a written request to extend this period, the DFG will be void.
- i) No variation of the approved DFG will be made for any additional unforeseen works; all such costs are to be borne by the applicant.
- j) If, for whatever reason, during the course of the works, the need for them ceases, the DFG will not be paid in full.

11. Two Disabled Occupiers in the same Household

- 11.1) Where two disabled people occupy the same dwelling as their main residence and both have individually assessed needs by an Occupational Therapist, depending on the adaptations, there may be a case for considering two separate DFG applications (for example, this is more likely to affect families with more than one disabled child.)

12. Approval of a DFG

- 12.1) Although the Council is statutorily obliged to approve valid applications within 6 months, where possible, the Council will aim to approve applications within 30 days of them being determined as complete and valid. If information is missing from the application, the applicant will be contacted and notified as to what they need to provide before the application can be considered complete.

- 12.2) Though the Council aim to approve all grants in less than 30 days in some cases and at certain times it may take longer to determine an application. This is particularly relevant where discretionary cases are concerned as the Council must make the best use of its financial resources. It is important to note that where mandatory Disabled Facilities Grants are concerned, the Council must determine applications within 6 months of receiving a complete and valid application so these cases may take priority over discretionary DFG assistance.
- 12.3) The DFG approval notice will set out:
- a) The amount of assistance approved and the name of the successful contractor upon whose estimate the grant has been calculated.
 - b) The applicants contribution (where relevant) towards the cost of the works as determined by the financial means test.
 - c) The conditions applied to the approval of the grant.
- 12.4) The Council or its agent will notify the winning contractor that the grant has been approved and will forward them a contract that is to be signed by the applicant and the contractor and returned to the Council prior to the commencement of the adaptation works.
- 12.5) The Council will not normally approve a Disabled Facilities Grant application where the relevant work has already begun. However, in exceptional circumstances it can approve such a grant if it is satisfied that there were good reasons for beginning the works before the application was approved. Any such grant approval may be reduced to reflect the works undertaken prior to approval of the DFG.
- 12.6) The Council will not approve an application for a Disabled Facilities Grant if the relevant works have already been completed.

13. Works on Site

- 13.1) Though the DFG is an agreement made between the grant applicant and the Council, all works relating to the Disabled Facilities Grant are a contractual agreement made between the grant applicant and the contractor. The contractor is working for the grant applicant and not the Council.
- 13.2) The Council will not be responsible for supervising the work or the contractor. The grant applicant and/or the contractor must notify the Council or its agent of the date that they agree the works shall commence.
- 13.3) The applicant must ensure that they receive from the contractor any instruction manuals for equipment that they have installed; this includes warranties for any specialist equipment, such as a stairlift, through floor lift, ceiling track hoist and wash/dry toilets.
- 13.4) Once the adaptation works are complete applicants will need to arrange and pay for any future repairs or maintenance of their adaptation and equipment when

any warranty periods have expired or where warranties paid by the Council as part of the DFG have expired as these future costs cannot be paid by the Council.

14. Unforeseen Works

- 14.1) Additional DFG funding will only be provided above the original grant approval in the event that unforeseen works are required in order to allow the completion of the eligible works, or associated works, and where these works are of a nature to protect the health and safety of the applicant, and where these works could not have reasonably been foreseen at the time of the contractor pricing for the contract.
- 14.2) The following points must be observed in all cases of a request for additional unforeseen works:
- a) Note: A HIA acting on behalf of a customer / the Council may authorise up to £2000 of unforeseen works without needing to gain prior approval from the Council to avoid 'tools down' on-site delays.
 - b) As soon as it becomes apparent that unforeseen works are necessary the applicant or the contractor must notify the Council or its agent;
 - c) The Council or its agent must be able to independently verify any such works as being necessary and this may involve a site inspection;
 - d) The contractor must provide a written quotation to the Council or its agent for the cost of completing the unforeseen works;
 - e) No unforeseen works can commence until written confirmation from the Council or its agent has been received as to whether these works are reasonable in terms of cost, are truly unforeseen and whether the works are necessary.
 - f) In exceptional circumstances, these terms can be waived where the authorised Officer dealing with the DFG agrees either verbally, or in writing, without necessarily carrying out an inspection that the works may commence, due to risks to the health and safety of the grant applicant.
 - g) Where unforeseen works are agreed by the Council or its agent the grant will be re-calculated when all works have been completed and a revised approval notice will be issued when the grant is paid.

15. Abortive Works

- 15.1 This term relates to situations where a DFG application has been aborted before all works have been completed, e.g. where the applicant has died.
- 15.2 In such circumstances, consideration will be given to payment of a proportion of the grant assistance in line with current legislation and guidance and at the discretion of the Environmental Health Operational Manager, Assistant Director (EH and Licensing) or other delegated officer.

16. Completion of Works

- 16.1 The grant applicant and/or the contractor shall notify the Council on the day that the adaptation works are completed. This will enable the authorised officer to schedule an appointment to inspect the works at the earliest opportunity, thus expediting payment to the contractor.
- 16.2 The authorised officer will inspect the works and:
- a) Verify that all works are complete;
 - b) Verify that the works have been completed in accordance with the OT's recommendation, the Councils' schedule of works and the surveyor's plan;
 - c) Note any snagging items and contact the contractor to resolve prior to arranging payment;
 - d) Ensure that the applicant signs a completion form to confirm that they are satisfied with the works and to authorise the Council to release payment to the contractor;
 - e) Ensure that the applicant is in receipt of all relevant guarantees and warranties;
 - f) Collect any invoices which the contractor has left with the applicant;
- 16.3 Where an approved HIA is acting as an agent of a customer completion of works may be certified in accordance with their own processes.

17. Payment of Grant

- 17.1) The Act allows the Council to pay the grant directly to the contractor on satisfactory completion of the works. Most applicants prefer the Council act in this manner. Therefore, the Council will pay the contractor following the final inspection visit so long as the works has been carried out to its satisfaction and in accordance with the Occupational Therapist's recommendation, the Councils schedule of works and the surveyor's plan.
- 17.2) Payment will only be made on production of a final invoice.
- 17.3) Where the applicant chooses to take responsibility for paying the contractor direct, then on production of a receipt confirming that payment has already been made to the contractor, the Council will make the payment to the applicant.
- 17.4) Payment of grant will be subject to the satisfactory receipt of all certificates relevant to the adaptation works carried out e.g. a Gas Safe Certificates, Electrical Installation Certificates and Building Control Completion Certificates etc.
- 17.5) The Council will consider requests for interim payments if they are requested before works commence but usually this will only apply to DFG's approved at the maximum mandatory grant amount of £30,000. The Council will not normally approve an interim payment of more than 90% of the cost of the completed works

and, in aggregate no more than 90% of the total approved cost of the work will be paid before the final completion of the adaptation works.

18. Changes in Circumstances

- 18.1) Applicants (or their representative/parent/guardian) must inform the Council or its agent of all relevant changes in their circumstances from the date of making their enquiry through to approval and payment of their grant assistance.
- 18.2) Applicants are encouraged to contact the Council or its agent in advance if they believe that their circumstances may change in order that they can be given advice on the options available to them.
- 18.3) Certain changes in the applicants' circumstances may affect the payment of the Disabled Facilities Grant. Such changes, prescribed by legislation, are:
 - a) Where the works cease to be necessary or appropriate to meet the needs of the disabled person;
 - b) The disabled person ceases to occupy the dwelling; and
 - c) The disabled applicant dies.

In such circumstances the Council can decide:

- d) Not to pay the grant, or pay not to pay any further instalments;
 - e) That some or all of the works should be completed and the grant or a partial grant will be paid; or
 - f) That the grant application should be re-determined.
- 18.4) Under the Act, the Council has the right to demand the repayment of the grant that had already been paid, together with any interest in the circumstances outlined above. However, such cases will be considered on their own merit.
- 18.5) The right to demand repayment also applies where the applicant ceases to be entitled to a grant before completion of the works. An example of where this may apply would be if the applicant ceases to own the dwelling or does not have a tenancy agreement for the dwelling to be adapted.

19. Cases in which a DFG may be re-calculated, withheld or repaid

- 19.1) The Council is entitled to refuse to pay a grant, to refuse to pay further instalments on a grant or may recalculate the grant in circumstances such as:
 - a) The grant was approved on the basis of inaccurate, incomplete or false information;
 - b) The cost of the works is less than/more than the original estimates.

20. Disputes with Workmanship

- 20.1) Where a dispute arises regarding the standard of a contractor's workmanship the Council will withhold payment to the contractor until the works have been completed satisfactorily in the professional opinion of the Council or its agent.
- 20.2) Where works are deemed to meet the Council's or its agent's approval but the grant applicant is not satisfied the Council will not unreasonably withhold payment to the contractor.

21. Maintenance and Warranties (General)

- 21.1) When equipment is installed under a Disabled Facilities Grant, the grant applicant becomes the owner of the equipment and is therefore responsible for maintenance and repairs or for removing equipment once it is no longer required beyond any warranty and maintenance periods already paid for, and included in the grant, by the Council.
- 21.2) Therefore, once the DFG works are completed the Council will not finance or organise servicing, repairs or maintenance after the expiry of any applicable warranty period, which is usually 12 months, with the exception of stairlifts provided through the PFH framework agreement, where the warranty will be 5 years. Applicants are therefore encouraged to consider a longer warranty at the time of the installation as subsequent and future repairs can be expensive.

22. Removal of Adaptations and Reinstatement Works

- 22.1) Generally, the Council do not and will not remove adaptations if and when they are no longer required. Neither are any reinstatement works carried out.
- 22.2) If an applicant changes their mind about an adaptation once the OT assessment has been carried out and the works have been completed, unless there has been a significant change in the applicant's medical condition the Council will not remove or carry out further adaptation works.

23. Replacement of Facilities & Specialist Equipment

- 23.1) The Council will give consideration to the replacement of damaged, broken or worn out facilities and/or equipment under a further DFG providing it:
 - a) Cannot be repaired;
 - b) Has not been wilfully damaged;
 - c) Still meets the needs of the applicant;
 - d) Has been annually serviced and/or maintained, where applicable, and the warranty period has expired.

- 23.2) A further DFG will not be considered where a facility or equipment that was present in the dwelling previously has been removed by, or under the instruction of, the applicant unless there is a proven good reason for the removal.

24. Registered Social Housing Providers

- 24.1) RSHP's have a prescriptive duty of care to their tenants and have to meet certain standards and targets relating to the condition of their dwellings such as The Decent Homes Standard, and they are able to access other sources of funding due to their status.
- 24.2) The Council therefore expects RSHP's to conform to these duties on behalf of their tenants, which in the opinion of the Council, would include the provision of disabled facilities adaptations for their own tenants.
- 24.3) In all cases where the Council receives a DFG recommendation for a tenant of a RSHP, they will be issued with a formal written request for a financial contribution towards the cost of the adaptation works. The DFG may not proceed until a response has been received. In normal circumstances, the general expectation of the Council is that a minimum of 50% contribution is provided by the RSHP.
- 24.4) CPBC tenants in all cases should approach CPBC Housing as the Council has funds set aside for disabled facility adaptation works in their own properties.

25 Grant Repayment Conditions (Mandatory Grants)

- 25.1 In order to make the most of limited funding, the Property Charges introduced under The Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, provide a method for Castle Point Borough Council to reclaim a proportion of the Disabled Facilities Grants monies it paid in certain circumstances.
- 25.2 In accordance with this General Consent, repayment requirements will apply where the applicant disposes of the premises (whether by sale, assignment, transfer, or otherwise), in respect of which a Disabled Facilities Grant was paid, within 10 years of the certified date of completion. This will apply to grants over £5000 with a maximum repayment condition of £10,000. Grants below £5,000 will be exempt from repayment.
- 25.3 Repayment will also be required if a property is transferred from one person to another, whether or not this involves members of the same family, including cases where no monies are involved in the transaction.
- 25.4 The amount that is required to be repaid (if any,) will be recorded as a charge against the relevant property. Applicants who do not wish a charge to be placed against their property and have the resources to do so, may pay this amount to the Council prior to the charge being placed, or may repay the charge at any stage afterwards, by contacting the Council and asking for a settlement figure.

25.5 Table 1 provides examples of how this will work.

Table 1 – Repayment Calculations

Grant £	Repayment Requirement £
30,000	10,000
25,000	10,000
20,000	10,000
15,000	10,000
10,000	5,000
5,500	500

25.6 Where a premises for which Castle Point Borough Council has approved a Disabled Facilities Grant is disposed of, the Council will normally seek to recover the value of the grant that it is legally entitled to recover. However, before requiring repayment the Council will take into account the following:

- Whether the recipient will suffer financial hardship where he/she be required to repay all or any of the grant;
 - Whether the disposal of the premises is to enable the recipient of the grant to take up employment or to change the location of his/ her employment;
 - Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises; and
 - Whether the disposal is made to enable the recipient of the grant to live with or near any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

26 Performance and Review

26.1 Overall responsibility for the grants process rests with the Assistant Director (EH and Licensing) assisted by Environmental Health Officers.

26.2 Regular meetings and reviews of the activity of the Home Improvement Agencies will take place to ensure that grants and works are carried out in accordance with the policy and to ensure excellent customer satisfaction and value for money.

26.3 Regular meetings are held between the Council and Occupational Therapists to discuss progress with cases and feedback any matters of concern.

26.4 The status of applications will be reviewed on a regular basis and queries will be raised with the appropriate organisation or officer in the case of unexplained delays at any stage of the process.

26.5 Regular information reports are submitted to the Council's Financial Services department which allows for the monitoring of expenditure on grants throughout the year.

27 Appeals, complaints and compliments

- 27.1) In the first instance any issues should be brought to the attention of the authorised officer or agent dealing with the application.
- 27.2) If you remain dissatisfied, to escalate any matter of concern, please contact the Assistant Director (EH and Licensing) on info@castlepoint.gov.uk or 01268 882200.

28 Amendments to Policy

- 28.1) Minor amendments to the DFG policy and guidance may be made by the Assistant Director (EH and Licensing.) Significant changes must be formally approved by the Council Cabinet.