

**JOINT MEETING EXECUTIVE CABINET AND AUDIT PANEL**

**Day:** Wednesday  
**Date:** 12 December 2018  
**Time:** 2.00 pm (or on the rise of Strategic Commissioning Board, whichever is the later)  
**Place:** Lesser Hall 2 - Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b>  To receive any apologies for the meeting from Members of the Executive Cabinet.	
2.	<b>DECLARATIONS OF INTEREST</b>  To receive any declarations of interest from Members of Executive Cabinet.	
3.	<b>URGENT ITEMS OF BUSINESS</b>  To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.	
4.	<b>ITEMS FOR EXCLUSION OF PUBLIC AND PRESS</b>  To determine any items on the agenda, if any, where the public are to be excluded from the meeting	
5.	<b>MINUTES</b>	
a)	<b>EXECUTIVE CABINET</b>  To consider the minutes of the meeting of Executive Cabinet held on 28 November 2018.	1 - 8
b)	<b>STRATEGIC COMMISSIONING BOARD</b>  To receive the minutes of the Strategic Commissioning Board held on 28 November 2018.	9 - 16
c)	<b>STRATEGIC PLANNING AND CAPITAL MONITORING PANEL</b>  To consider the recommendation of the Strategic Planning and Capital Monitoring Panel meeting held on 26 November 2018.	17 - 22
d)	<b>CARBON AND WASTE REDUCTION PANEL</b>  To receive the minutes of the Carbon and Waste Reduction Panel meeting held on 29 November 2018.	23 - 26

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

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e)	<b>AGMA EXECUTIVE BOARD MEETINGS / GREATER MANCHESTER COMBINED AUTHORITY</b>	27 - 112
	To receive the minutes of the Greater Manchester Combined Authority.	
6.	<b>JOINT EXECUTIVE CABINET &amp; AUDIT PANEL ITEMS</b>	
a)	<b>ANNUAL AUDIT LETTER FOR 2017/18</b>	113 - 128
	To consider the attached report from the Director of Finance and Annual Audit Letter from the Council's External Auditor.	
7.	<b>CORPORATE RESOURCES ITEMS</b>	
a)	<b>MONTH 7 REVENUE MONITORING STATEMENT</b>	129 - 144
	To consider the attached report of the Deputy Executive Leader/Director of Finance.	
b)	<b>TREASURY MANAGEMENT MID YEAR REVIEW</b>	145 - 158
	To consider the attached report of the Deputy Executive Leader/Director of Finance.	
c)	<b>COUNCIL TAX SUPPORT SCHEME *</b>	159 - 318
	To consider the attached report of the Deputy Executive Leader/Assistant Director (Exchequer).	
d)	<b>WINTER MAINTENANCE RISK MANAGEMENT</b>	319 - 334
	To consider the attached report of the Executive Member for Neighbourhood Services/Director of Operations and Neighbourhoods.	
e)	<b>ASHTON OLD BATHS PHASE 3 - ANNEXE AND NEW DATA CENTRE (FULL BUSINESS CASE) *</b>	335 - 356
	To consider the attached report of the Deputy Executive Leader/Assistant Director of Digital.	
8.	<b>STRATEGIC / POLICY ITEMS</b>	
a)	<b>VISION TAMESIDE UPDATE</b>	357 - 360
	To consider the attached report of the Deputy Executive Leader/Director of Operations and Neighbourhoods/Assistant Director for Policy and Communications.	
b)	<b>MEDICAL REFEREE FEE</b>	361 - 364
	To consider the attached report of the Executive Member for Neighbourhoods/Assistant Director of Neighbourhoods and Operations.	
c)	<b>HOMELESSNESS PREVENTION STRATEGY *</b>	365 - 430
	To consider the attached report of the Executive Member for Economic Growth, Employment and Housing/Assistant Director of Operations and Neighbourhoods.	

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

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d) **SITES OF BIOLOGICAL IMPORTANCE AND REGIONALLY IMPORTANCE GEOLOGICAL AND GEOMORPHOLOGICAL SITES REVIEW UPDATE** 431 - 444

To consider the report of the Executive Member for Strategic Development and Transport/Head of Planning.

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

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**42 STRATEGIC COMMISSION AND NHS TAMESIDE & GLOSSOP INTEGRATED CARE FOUNDATION TRUST – CONSOLIDATED 2018/19 REVENUE MONITORING STATEMENT AT 30 SEPTEMBER 2018 AND FORECAST TO 31 MARCH 2019**

Consideration was given to a report of the Deputy Executive Leader / Director of Finance providing an overview on the financial position of the Tameside and Glossop economy in 2018/19. As at 30 September 2018, the Integrated Commissioning Fund was forecast to spend £583.1 million against an approved budget of £580.4 million, an overspend of £2.7 million.

The improved position was due mainly to the release of corporate contingency budgets, additional grant income in respect of business rate reliefs and underspends in Governance. Overspends remain in Continuing Healthcare, Operations and Neighbourhoods and Growth as highlighted in previous reports to the Strategic Commissioning Board. Further detailed analysis of budget performance and progress against savings was provided.

The Director of Finance emphasised that whilst this was a significantly improved position from the previous month there were significant and increased pressures in a number of areas including Children's Services which was now forecasting expenditure to be £6.7 million in excess of budget. This increase in the projected variation since the previous reporting period was primarily related to placements expenditure.

The Council's Collection Fund update was detailed in Appendix 5 of the submitted report, with a forecast position at month 6 for a £0.1 million deficit on Council Tax and £1.2 million surplus on Non-Domestic Rates. Appendices 6 and 7 of the submitted report detailed the Council's irrecoverable debts over £3,000 that had been written off.

**RESOLVED**

- i. That the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with related risks contributing to the overall adverse forecast be acknowledged.**
- ii. That the significant costs pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children's Social Care and Growth, be acknowledged.**
- iii. That the outcome of the PFI accounting review summarised in section 3 and Appendix 4 of the submitted report, be noted.**

**43 TAMESIDE EMPLOYMENT FUND**

Consideration was given to a report of the Executive Member for Economic Growth, Employment and Housing / Director of Children's Services, seeking a recommendation for an investment of £0.287 million to support continuation of the scheme over the 2 year period 1 April 2019 to 31 March 2021.

It was reported that Tameside MBC had been supporting local small to medium enterprises to grow and develop skilled trades, employment of young people aged 16 to 24 years old in apprenticeships and reduction of young residents aged 16 to 24 years who were not in employment, education or training. Reference was made to a summary evaluation and business case to continue the outcomes delivered by the grants in the form of re-branded Tameside Employment Fund beginning in April 2019.

Cabinet were advised that the case for continuing the grants was based on the benefits of cost avoidance by targeting outcomes on vulnerable and complex cohorts and supported the delivery of Corporate Parenting. A grant of £100,130 had been secured from the Greater Manchester

Combined Authority towards the programme and further details on this funding were outlined in section 6 of the submitted report.

#### **RESOLVED**

- i. That the significant benefits of the grants and schemes for Tameside businesses, providers and young people aged 16-24 years old; particularly looked after children and care leavers, be noted.**
- ii. That an investment of £0.287 million to support continuation of the scheme over the 2 year period 1 April 2019 to 31 March 2021, be approved for recommendation to Council within the budget setting process.**
- iii. That a celebration event and a marketing strategy be approved for those benefiting from the scheme to further build sustainable relationships, be approved.**

#### **44 HOUSING FINANCIAL ASSISTANCE POLICY 2018 - 2023**

Consideration was given to a report of the Executive Leader / Interim Director of Growth providing an updated Private Sector Housing Policy to enable a wider and more holistic approach to Housing Adaptation improvements due to increased Government Disabled Facilities Grant funding and continued repayments from previous housing improvement grants and loans. The revised Policy would replace Tameside's current Private Sector Housing Renewal Policy approved in 2003 and provided the means to allow vulnerable and disabled residents access to existing forms of financial assistance to assist them in maintaining independence, preventing further deterioration in their condition and reducing the need to call upon social care and health services.

In addition, and as part of the revised Policy, it was intended to introduce new forms of assistance to enable the offer to be increased to the elderly and the vulnerable home-owner, assisting those individuals who might not qualify for a Disabled Facilities Grant adaptation but need other assistance to prevent or deter the need for further and more expensive interventions at a later date. The proposed assistance would be offered in a number of ways and subject to financial considerations as detailed in Appendix 1 to the report

Reference was also made to an Equality Impact Assessment, attached to the report at Appendix 2 of the submitted report, drafted to address the impacts of this policy change and continuing to operate alongside the implementation of the revised policy for the purpose of monitoring. As part of the Equality Impact Assessment process and in order to seek wider support for the proposed Housing Financial Assistance Policy, it was intended to consult with a range of users. This would include Tameside MBC Adult, Social and Children's Services, disability user groups, registered providers (whom the Council had service level agreements with for adaptations) and through the facilities offered by the Council's Big Conversation initiative, as detailed in Appendix 3 of the submitted report.

#### **RESOLVED**

**That approval be given for a 6 week public consultation exercise in respect of the proposed amendments to current policy in connection with the Disabled Facilities Grant and other associated funding loans and grants as set out in the report, the outcome of which would be reported for final decision to the Strategic Commissioning Board and Executive Cabinet.**

#### **45 SOCIAL VALUE IN COMMISSIONED CONTRACTS GUIDANCE**

Consideration was given to a report of the Deputy Executive Leader / Interim Director of Growth providing a summary evaluation and business case for the implementation of a Tameside Social Value Guidance, to be adopted within all was commissioned contracts where appropriate.

The Tameside Social Value Guidance supports the Greater Manchester Combined Authority Social Value Policy, which had already been adopted by all GM boroughs, and should increase social value outcomes within Tameside if implemented effectively.

The Guidance had been developed in conjunction with STAR procurement and, if adopted, STAR and the Employment Skills Team would work with the relevant commissioners to ensure the Guidance was operationally implemented and continued to evolve through learning.

#### **RESOLVED**

**That the Tameside Social Value Guidance be approved and the potential significant benefits to the borough of the adherence to the Guidance in all contracts be noted.**

#### **46 CAPITAL MONITORING PERIOD 6 2018/19**

Consideration was given to a report of the Deputy Executive Leader / Assistant Director of Finance summarising the 2018/19 capital expenditure monitoring position at 30 September 2018. Members were informed there was a projected capital investment in 2018/19 of £69.582m by March 2019. This was significantly less than the original budgeted capital investment for 2018/19, and was in part due to project delays that are being experienced following the liquidation of Carillion.

There had been changes to the 2018/19 Capital Programme to the value of £15.835m since the Period 4 monitoring report. These were largely due to the re-profiling of £16.753m into 2019/20 approved in period 4. A Capital Programme Review outlined how the proposed programme, along with additional emerging pressures, needed to be reprioritised in line with current available resources. A reprioritisation exercise was ongoing which sought to determine which schemes that had been earmarked but not fully approved should proceed, and which should be temporarily placed on hold. It was proposed that the capital investment programme was re-profiled to reflect current information. Proposed re-profiling of £10.796m into the next financial year was identified in within the individual service area and detailed within Appendix 3 of the submitted report.

#### **RESOLVED**

- i. The reprofiling to reflect up to date investment profiles, be approved.**
- ii. The changes to the Capital Programme be approved.**
- iii. The updated Prudential Indicator position be approved.**
- iv. The current capital budget monitoring position be noted.**
- v. The resources currently available to fund the Capital Programme be noted.**
- vi. The updated capital receipts position be noted.**
- vii. The timescales for review of the Council's three year capital programme be noted.**

#### **47 COUNCIL TAX DISCOUNT FOR CARE LEAVERS AGED FROM 21 AND UP TO AGE 25 YEARS OLD**

Consideration was given to a report of the Deputy Executive Leader / Assistant Director Exchequer, which sought Cabinets recommendation to Council for the extension of the local Council Tax discount for care leavers aged between 18 and 21 years old, to care leavers from aged 21 to age 25 and who have a Council Tax liability.

It was reported that care leavers are a particularly vulnerable group for Council Tax debt. Care leavers represent 0.02% of all Council Tax payers in the Borough and the estimated cost of implementing the increase in eligible age would be an additional £24k per annum.

Member noted the Equality Impact Assessment in considering the submitted report.

**RECOMMENDED:**

**That Council agree to amend the Council Policy to reflect the AGMA protocols to:**

- i. Award a Council Tax discount of up to 100% of the Council Tax due up to a care leavers 25th birthday.**
- ii. If the care leaver is joint and severally liable for the Council Tax that is due or becomes a member of a household where a previous exemption or disregard is in place, such as a Single Person Discount or Student Exemption, the care leaver should be ignored for the purposes of retaining the Council Tax exemption/disregard.**
- iii. Care leavers up to aged 25 to be included as a specific vulnerable group in the Council's discretionary financial support policies including the Welfare Provision Scheme, the Discretionary Council Tax Support Scheme and the Discretionary Housing Payment scheme.**
- iv. For the purposes of this report a care leaver is defined as an individual whom a Council has Corporate Parent responsibilities for. This includes a person who is currently resident in the Greater Manchester area and has been in the care of a local authority (looked after) for at least 13 weeks since the age of 14 and who was in care on their 16th birthday.**
- v. If approved this decision would be effective from the beginning of the 2018/19 financial year and, as such, any awards would be backdated to 1 April 2018 where appropriate.**

**48 LOCAL GOVERNMENT PENSION SCHEME EMPLOYER DISCRETIONS**

Consideration was given to a report of the Deputy Executive Leader / Assistant Director People and Workforce Development that sought approval of the Council's Pension Scheme Policy Statement employer discretions in accordance with the Local Government Pension Regulations.

There is a statutory requirement for the Council to operate Local Government Pension Scheme (LGPS). As an employer, the Council is required to formulate, publish and keep under review a policy statement on how they will apply their discretionary powers in relation to certain provisions of the LGPS.

Local Government Pension Scheme (LGPS) is a statutory pension. The 1997 Regulations provided less central control of pension arrangements, increased the scope of local decision-making and offered improved flexibility in pension provision. This gave employers more scope to manage pension scheme benefits and referred to as discretions. Subsequent LGPS regulations, including the latest LGPS 2014 rules, require employers to formulate, publish and keep under review a policy statement in relation to the exercise of a number of discretions under the LGPS. The policy statement is required to show the basis on which the employer would make its decisions on the various discretions.

**RESOLVED**

**Council be recommended:**

- i. That the Pension Scheme Policy Statement as outlined in Appendix 1 of the submitted report, which sets out the required employer discretions under the Local Government Pension Regulations, be approved.**
- ii. That the Pension Scheme Policy Statement as outlined in Appendix 2 of the submitted report, which sets out the non-mandatory employer discretions under the Local Government Pension Regulations, be approved.**
- iii. That Cabinet the policy statement be reviewed in line with a proforma, to be produced by the Fund for the next Valuation and thereafter on a three yearly basis in accordance**

with the pension schemes valuation cycle, to ensure financial and operational viability.

#### **49 UPDATE TO HIGHWAYS RISK MANAGEMENT POLICY DOCUMENT**

Consideration was given to a report of the Executive Member for Neighbourhoods / Assistant Director for Operations & Neighbourhoods which sought approval of the Highways Risk Management Policy and that the budget requirements for Risk Management Repairs are allocated annually through the budget setting process.

The Code of Practice, *Well managed Highway Infrastructure* (WmHI), was published on 28 October 2016. The new WmHI Code of Practice recommended changing from reliance on specific guidance and recommendations in the previous codes, to a risk-based approach determined by each highway authority. Across Greater Manchester a framework had been produced giving due regard to all Council highway duties and adopted the guidance that reflects the recommendations from the new WmHI Code of Practice.

The expected impact on spend of changes to this policy was an additional £0.200m per annum, primarily as a result of an increase in inspections under the new risk based regime expected to result in considerably more defects being identified over the course of an inspection year. However, any pressure would be partially mitigated by the costs of any claims against the council that were avoided as a result of having a robust policy in place.

#### **RESOLVED**

- i. That the Risk Management Policy for the inspection and repair of Tameside's highway assets be approved.**
- ii. That the budget requirements for Risk Management Repairs, to ensure that repairs are completed in a timely basis, are allocated annually through the budget setting process.**

#### **50 REGIONAL ADOPTION AGENCY**

Consideration was given to a report of the Executive Member for Children's Services / Director of Children's Services, which detailed the work of the Regional Adoption Agency since its establishment in 2017; and the planned development work for 2018/19.

There has been a significant change in the way that adoption services were delivered as Adoption Now went live on 20 November 2018. Adoption Now is the Regional Adoption Agency providing adoption services on behalf of six Local Authorities – Bolton, Blackburn with Darwen, Bury, Rochdale, Oldham and Tameside.

During the year forty one children had been presented to the Agency Decision Maker (ADM) for a Should Be Placed for Adoption decision (SHOBPA). Of the children with SHOBPA decisions, twenty were part of a sibling group. Twenty one were single children. Twenty were male and twenty one female. Within the year nineteen children had been placed.

#### **RESOLVED**

**That the work of the Regional Adoption Agency be noted.**

#### **51 ANIMAL WELFARE REGULATION 2018**

Consideration was given to a report of the Executive Member for Neighbourhood Services, seeking approval for the increase in fees to the licensing of activities involving animals, as a result of the introduction of the Animal Welfare (Licensing of activities involving animals) Regulations 2018.

The fees had been calculated based upon time spent historically issuing and inspecting animal licensable activities and anticipated time to be spent based upon the requirements set out within the Regulations. They were broadly in line with other Authorities and were to be reviewed on an annual basis to ensure that the costs associated with these activities was recovered.

**RESOLVED**

**That the fees for the licensing of activities involving animals be approved as detailed in Appendix 1 and 2 of the submitted report.**

**52 CASH BOX CREDIT UNION - ANNUAL UPDATE**

Consideration was given to a report of the Deputy Executive Leader / Assistant Director for Digital Services, which provided an update on the current financial performance of the cash Box Credit Union.

It was reported that over the last three years Cash Box Credit Union, has transformed its operation from a loss making position in 2012 and 2013 into profit and able to pay a dividend to members for the last four years.

**RESOLVED**

**That the report be noted.**

**CHAIR**

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## STRATEGIC COMMISSIONING BOARD

28 November 2018

Commenced: 1.00 pm

Terminated: 2.35 pm

**Present:**

Dr Alan Dow (Chair) – NHS Tameside and Glossop CCG  
Councillor Brenda Warrington – Tameside MBC  
Councillor Bill Fairfoull – Tameside MBC  
Councillor Warren Bray – Tameside MBC  
Councillor Gerald Cooney – Tameside MBC  
Councillor Leanne Feeley – Tameside MBC  
Councillor Oliver Ryan – Tameside MBC  
Steven Pleasant – Tameside MBC Chief Executive and Accountable Officer for NHS Tameside and Glossop CCG  
Dr Ashwin Ramachandra - NHS Tameside and Glossop CCG  
Dr Vinny Khunger – NHS Tameside and Glossop CCG

**In Attendance:**

Richard Hancock – Director of Children’s Services  
Jeanelle De Gruchy – Director of Population Health  
Gill Gibson – Director of Quality and Safeguarding  
Stephanie Butterworth – Director of Adult Services  
Sandra Stewart – Director of Governance and Pensions  
Kathy Roe – Director of Finance  
Jessica Williams – Interim Director of Commissioning  
Pat McKelvey – Head of Mental Health & Learning Disabilities  
Nigel Gilmore – Head of Strategic Infrastructure  
David Berry – Head of Employment and Skills  
Lorraine Kitching – Performance, Intelligence & Scrutiny Manager

**Apologies for Absence:**

Councillor Allison Gwynne - Tameside MBC  
Dr Jamie Douglas - NHS Tameside and Glossop CCG  
Mrs Carole Prowse – NHS Tameside and Glossop CCG  
Councillor Jean Wharmby – Derbyshire CC

### 64 DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Board.

### 65 CHAIR'S OPENING REMARKS

The Chair was pleased to advise that Dr Ashwin Ramachandra had been appointed as the Clinical Vice Chair of the Tameside and Glossop CCG Governing Body.

### 66 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting held on 24 October 2018 were approved as a correct record.

### 67 STRATEGIC COMMISSION AND NHS TAMESIDE AND GLOSSOP INTEGRATED CARE FOUNDATION TRUST - CONSOLIDATED 2018/19 REVENUE MONITORING STATEMENT AT 30 SEPTEMBER 2018 AND FORECAST TO 31 MARCH 2019

The Director of Finance presented a report providing an overview on the financial position of the Tameside and Glossop economy in 2018/19. As at 30 September 2018, the Integrated Commissioning Fund was forecast to spend £583.1 million against an approved budget of £580.4

million, an overspend of £2.7 million. Further detail on the economy wide position was detailed in Appendix 1 to the report.

The improved position was due mainly to the release of corporate contingency budgets, additional grant income in respect of business rate reliefs and underspends in Governance. Overspends remain in Continuing Healthcare, Operations and Neighbourhoods and Growth as highlighted in previous reports to the Strategic Commissioning Board. Further detailed analysis of budget performance and progress against savings was provided.

The Director of Finance emphasised that whilst this was a significantly improved position from the previous month there were significant and increased pressures in a number of areas including Children's Services which was now forecasting expenditure to be £6.7 million in excess of budget. This increase in the projected variation since the previous reporting period was primarily related to placements expenditure.

The Director of Children's Services explained that the directorate had welcomed external scrutiny, support and challenge from the DfE, from Ofsted and from peer consultation with other local authorities who had driven successful improvement plans. This has provided assurance both in terms of setting the right priorities and the strategies focusing on improvement and in terms of the honesty and accuracy of self-assessment and quality assurance. Performance indicators were showing that the basics were improving. Partners were making fewer referrals, risk was being managed, however, more confidence was required to ensure referrals, children in need and child protection numbers also reduced.

Reference was also made to an update on the position regarding the Schools Private Finance Initiative (PFI) and positive steps that had been taken to address the excess PFI reserve held by the Council which, following an in depth independently verified review, could start to be distributed back to schools as outlined in Appendix 4.

The Council's Collection Fund update was detailed in Appendix 5 with a forecast position at month 6 for a £0.1 million deficit on Council Tax and £1.2 million surplus on Non-Domestic Rates. Appendices 6 and 7 detailed the Council's irrecoverable debts over £3,000 that had been written off.

## **RESOLVED**

- (i) That the content of the report be noted.**
- (ii) That the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with related risks contributing to the overall adverse forecast be acknowledged.**
- (iii) That the significant costs pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children's Social Care and Growth, be acknowledged.**

## **68 DELIVERING EXCELLENCE, COMPASSIONATE COST-EFFECTIVE CARE - IN-FOCUS REPORT: SUICIDE AND SELF HARM PREVENTION**

Consideration was given to a report of the Assistant Director (Policy, Performance and Communications) detailing the work being undertaken to understand the issues that lead to suicide and the preventative action being proposed or taken to address the problems. Suicide was often the end point of a complex history of risk factors and distressing events which prevention interventions needed to address. More than half of the people who died by suicide had a history of self-harm, an indication of the underlying mental wellbeing of a population.

Particular reference was made to the following statistics:

- In 2015-17, Tameside had the 16<sup>th</sup> highest suicide rate in England (out of 149 local authority areas).

- The suicide rate for men aged 35-64 years (2013-17) was 32.7 per 100,000, 3<sup>rd</sup> worst in England.
- Over half of suicides in Tameside (53%) were amongst those aged between 35 and 54 years.
- The highest proportion of suicides occurred in routine occupations which included roles such as factory workers, retail assistants, cleaners and labourers.
- In 2016-17 the rate of emergency hospital admissions for intentional self-harm was 230.48 per 100,000, higher than the England average at 185.27 per 100,000.
- In Tameside, emergency hospital admissions due to intentional self-harm was far more prevalent amongst females than males (272.82 per 100,000 compared to 189.39 per 100,000).
- Three quarters of all people who ended their own lives were not in contact with mental health services.

It was reported that in relation to national priorities, the Independent Mental Health Taskforce published its Five Year Forward View in February 2016 setting out the current state of mental health services and recommendations for specific services areas. To support this, the Government refreshed the National Suicide Prevention Strategy in January 2017 and in October 2018 the Government announced a £2 million in funding for Zero Suicide Alliance over the next two years.

In terms of a local response, a suicide audit for Tameside covering the period 2013-17 was undertaken in July 2018 and had been presented to the Health and Wellbeing Board. As a result of the audit, the key findings of which were attached to the report at Appendix 1, a draft Tameside Suicide and Self-Harm Prevention Strategy 2018-23 had been developed. The primary focus for the first two years of the Strategy was to reduce the suicide rate by 10% by 2020 with the ultimate long-term goal being to have non-one taking their own life.

In addition, a working group of the Integrated Care and Wellbeing Scrutiny Panel had been undertaking activity looking at suicide prevention in Tameside and their findings and recommendations would be presented to the joint meeting of the Executive Cabinet and Overview (Audit) Panel on 13 February 2019.

In 2018/19, £23.3 million was being spent on the mental health contract with NHS Pennine Care NHS Foundation Trust to provide mental health services in the area. Additional funding support had also been given to a number of targeted initiatives to tackle mental health issues of £2.4 million in 2018/19 set to rise to £4.2 million in 2019/20 and £5 million in 2020/21. Progress on some of these projects was detailed in the report.

Building on this work, Tameside and Glossop had been selected as one of four pilot areas for the Living Well UK programme areas helping to drive the mental health strategy forward.

The Board acknowledged that in-focus reports often looked at very challenging issues but provided the Board with valuable information to determine how best to allocate resources to deliver better outcomes for residents.

**RESOLVED**

**That the content of the in-focus report on suicide and self-harm prevention be noted.**

**69 101 DAYS FOR MENTAL HEALTH PROJECT: MENTAL HEALTH IN THE NEIGHBOURHOODS BUSINESS CASE**

Consideration was given to a report of Dr Khunger, CCG Governing Body GP Lead, and the Interim Director of Commissioning explaining that although there were a number of options to support people diagnosed with mental health needs in primary and secondary care, many people fell between the thresholds for these services and often presented to their GP, A&E and other settings looking for help.

Reference was made to the Strategic Commissioning Board's decision in January 2018 to commit to improving the mental health of the Tameside and Glossop population by agreeing to prioritise investment in mental health to improve parity of esteem. Investment to support establishing a new model of mental health support in the neighbourhoods and improving support to people with ADHD and autism were included.

Following an analysis of options by a multi-agency working group, the Strategic Commissioning Board agreed investment to establish the 101 Days for Mental Health Project in May 2018. This included investing in the support of an experienced consultancy partner, the Innovation Unit, to support bringing together a wide range of partners and people with lived experience to collaboratively co-produce a new model of care for mental health in the neighbourhoods.

The project had concluded in this proposal to establish an innovative model of mental health support in the Neighbourhoods, starting with a prototype in one neighbourhood prior to incrementally reaching the whole of Tameside and Glossop.

The business case described the new model and requested that £931,513 of existing resources were redesigned and £1,048,831 additional funding be committed recurrently for this development to establish a viable team with additional capacity in the health services, the Council services and the Voluntary and Community Sector as outlined in the report.

Members of the Board were supportive of the proposal and the benefits to patients of implementing the new model of care for mental health.

#### **RESOLVED**

**That the new model be supported and the investment required from existing resources and additional funding as detailed in the report be approved.**

#### **70    LOCALLY COMMISSIONED SERVICES REVIEW - 2019/20 COMMISSIONING INTENTIONS**

Consideration was given to a report of Dr Vinny Khunger, CCG Governing Body GP Lead, and the Interim Director of Commissioning presented explaining that the level of funding each General Practice received was based on the number of patients registered in each Practice. The amount of funding per registered patient was based on a nationally derived weighted formula for General practice and aimed to take into account levels of deprivation as well as other factors.

The majority of funding each year for Practices came from NHS England, to Greater Manchester Health and Social Care Partnership and then delegated to Clinical Commissioning Groups to distribute for what was defined as "core services", i.e. the minimum level of services a Practice had to offer its population. Clinical Commissioning Groups might also decide to invest additional revenue funds into primary medical services to incentivise the delivery of additional services, over and above the core contracted level of service, which were a local priority.

The Board was advised that NHS Tameside and Glossop Clinical Commissioning Group had always chosen to invest additional funds in General Practice to support local delivery of priorities, maintain or increase quality of services and reduce demand elsewhere within the health and social care system. Previous initiatives included Quality Outcomes Framework, Directed Enhanced Services and Locally Commissioned Services.

Locally Commissioned Services had been rolled over year on year since 2013/14 and the current contracts expired on 31 March 2019. The report set out a proposal for reviewing and streamlining the way Locally Commissioned Services funding streams, currently valued at £1.2 million per annum, were managed. The Locally Commissioned Services funding enabled those Practices that wished to participate, to deliver proactive and preventative services and / or alternative locations to an acute hospital location for treatments.

However, in recent years, Locally Commissioned Services payments had remained broadly static and it was possible that Practices would no longer be able to afford to offer these services. This could result in a reduction in local service provision or increased inequity. It was proposed to bring together specific funding streams to create a larger Locally Commissioned Services and pay Practices for “bundles” of care rather than individual treatments. With increased clarity of what aspects of care needed to be provided by a Practice or through collective working across a neighbourhood, the aim was to facilitate a cohesive, affordable and high quality population offer.

The long term vision for General Practice was to reduce variation in the provision of services provided locally, improve equity, broaden access to services and improve the quality of health outcomes across the population. The proposal set out in the report was the first step towards the delivery of the vision as it commenced development of a neighbourhood model of delivery.

#### **RESOLVED**

- (i) To note the longer term vision of delivering services at a neighbourhood level and this proposal be accepted as a transition step on that journey.**
- (ii) To approve the continued use of the existing £1.2 million resource for the commissioning of Locally Commissioned Services with a two year contract from 2019/20.**
- (iii) To approve the addition of the £389,000 existing Primary Care Quality Scheme budget to the Locally Commissioned Services resource from 2019/20.**
- (iv) Support the inclusion of the £625,000 Invest to Save element of the current Commissioning Improvement Scheme, noting that this was a Primary Care Delegated Commissioning resource that had been approved by the Primary Care Committee with the requirement set out at 3.12 of the report.**
- (v) Approve the full review and refresh of the Locally Commissioned Services model (Option 2) through the existing working group, with oversight by the Health and Care Advisory Group.**

#### **71 HOUSING FINANCIAL ASSISTANCE POLICY 2018-23**

Consideration was given to a report of the Executive Leader and Interim Director of Growth providing an updated Private Sector Housing Policy to enable a wider and more holistic approach to Housing Adaptation improvements due to increased Government Disabled Facilities Grant funding and continued repayments from previous housing improvement grants and loans. The revised Policy would replace Tameside’s current Private Sector Housing Renewal Policy approved in 2003 and provided the means to allow vulnerable and disabled residents access to existing forms of financial assistance to assist them in maintaining independence, preventing further deterioration in their condition and reducing the need to call upon social care and health services.

In addition, and as part of the revised Policy, it was intended to introduce new forms of assistance to enable the offer to be increased to the elderly and the vulnerable home-owner, assisting those individuals who might not qualify for a Disabled Facilities Grant adaptation but need other assistance to prevent or deter the need for further and more expensive interventions at a later date. The proposed assistance would be offered in a number of ways and subject to financial considerations as detailed in Appendix 1 to the report

Reference was also made to an Equality Impact Assessment, attached to the report at Appendix 2, drafted to address the impacts of this policy change and continuing to operate alongside the implementation of the revised policy for the purpose of monitoring. As part of the Equality Impact Assessment process and in order to seek wider support for the proposed Housing Financial Assistance Policy, it was intended to consult with a range of users. This would include Tameside MBC Adult, Social and Children’s Services, disability user groups, registered providers (whom the Council had service level agreements with for adaptations) and through the facilities offered by the Council’s Big Conversation initiative, as detailed in Appendix 3.

## **RESOLVED**

**That approval be given for a 6 week public consultation exercise in respect of the proposed amendments to current policy in connection with the Disabled Facilities Grant and other associated funding loans and grants as set out in the report, the outcome of which would be reported for final decision to the Strategic Commissioning Board and Executive Cabinet.**

## **72 TAMESIDE EMPLOYMENT FUND**

Consideration was given to a report of the Executive Member (Economic Growth, Employment and Housing) and Director of Children's Services advising that the grants and scheme detailed in the report had been successfully implement and delivered sustainable outcomes for young people and businesses in Tameside.

It was reported that Tameside MBC had been supporting local small to medium enterprises to grow and develop skilled trades, employment of young people aged 16 to 24 years old in apprenticeships and reduction of young residents aged 16 to 24 years who were not in employment, education or training.

Reference was made to a summary evaluation and business case to continue the outcomes delivered by the grants in the form of re-branded Tameside Employment Fund beginning in April 2019.

The Strategic Commissioning Board was advised that the case for continuing the grants was based on the benefits of cost avoidance by targeting outcomes on vulnerable and complex cohorts and supported the delivery of Corporate Parenting. The Employment and Skills team had already secured £100,130 of Greater Manchester Combined Authority funding towards this programme and further details on this funding were outlined in section 6 of the report.

The Board welcomed the report and supported further investment to continue the scheme and noted the strong outcomes and positive impact for young people from complex groups.

## **RESOLVED**

- (i) That the significant benefits of the grants and schemes for Tameside businesses, providers and young people aged 16 to 24 years old, particularly looked after children and care leavers be noted.**
- (ii) RECOMMEND TO COUNCIL an investment of £0.297 million to support continuation of the scheme over the 2 year period 1 Aril 2019 to 31 March 2021. In addition, £0.100 million would be received from the Greater Manchester Combined Authority.**
- (iii) That a celebration event be arranged for those benefiting from the scheme to further build sustainable relationships.**

## **73 SOCIAL VALUE IN COMMISSIONED CONTRACTS GUIDANCE**

Consideration was given to a report of the Deputy Executive Leader and the Interim Director of Growth explaining that the draft Social Value Guidance detailed supported the Greater Manchester Combined Authority Social Value Policy. This had already been adopted by all Greater Manchester boroughs and should increase social value outcomes within Tameside if implemented effectively.

Reference was made to the summary evaluation and business case to implement a Tameside Social Value Guidance to ensure this was adopted within all commissioned contracts where appropriate. The case for this was based on the measureable benefits to the borough, supporting the outcomes detailed in 'Our People – Our Place – Our Plan'. It had been developed in conjunction with STAR procurement and, if adopted, STAR and the Employment Skills Team would

work with the relevant commissioners to ensure the Guidance was operationally implemented and continued to evolve through learning.

**RESOLVED**

**That the Tameside Social Value Guidance be agreed and the potential significant benefits to the borough of the adherence to the Guidance in all contracts be noted.**

**74 DATE OF NEXT MEETING**

To note that the next meeting of the Strategic Commissioning Board will take place on Wednesday 12 December 2018.

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## STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

26 November 2018

**Present:** Councillors Warrington (Chair), Cooney, Fairfoull, Gwynne and McNally

**In Attendance:**

Sandra Stewart	Director of Governance & Pensions
Tom Wilkinson	Assistant Director of Finance
David Moore	Interim Director of Growth
Ian Saxon	Director of Operations & Neighbourhoods
Tim Rainey	Assistant Director (Digital Tameside, Finance)
Emma Varnam	Assistant Director (Operations and Neighbourhoods)
Ian Saxon	Director of Operations & Neighbourhoods
Tim Rainey	Assistant Director (Digital Tameside, Finance)
Emma Varnam	Assistant Director (Operations and Neighbourhoods)
Peter Taylor	Head of Planning

**Apologies for Absence:** Councillors Dickinson, B. Holland and Newton

### 1 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 2 MINUTES

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 3 September 2018.

#### RESOLVED

**That the minutes of the Strategic Planning and Capital Monitoring Panel held on 3 September 2018 be agreed as a correct record and signed by the Chair.**

### 3 ASSET CONDITION MANAGEMENT

Consideration was given to a report of the Director of Operations and Neighbourhoods, which updated members of the Strategic Planning and Monitoring Capital Panel in regard to capital repair spend on the Council's property and sought recommendations to Executive Cabinet that expenditure associated with statutory compliance capital repairs for the period July to August 2018 of £133,405.85, be approved.

The Council has a duty to ensure that its buildings provide a safe and effective physical environment for staff and services to operate from. Monitoring and regulation is undertaken by a series of statutory checks across a range of requirements. Checks were carried out at fixed intervals reporting where remedial works were required to ensure statutory compliancy. Works to date in 2018-19 of £0.026m had been reported to the Strategic Planning and Capital Panel retrospectively as completed.

No alternatives were considered as to not undertake the required repairs and replacements could lead to a failure of Statutory Compliance.

## RESOLVED

That the Strategic Planning and Capital Monitoring Panel recommend that Executive Cabinet approve capital spend on statutory compliance repairs on the Councils buildings as follows, for the period of July – August 2018:

Building	Work Undertaken	Cost £
Tame Street Depot	Demolition of unsafe wall	33,665
Bowling Pavilion – Victoria Park	Demolition of unsafe buildings and installation of safe boundaries	11,148
Union Street	Making safe perimeter	11,780
Ryecroft Hall	Electrical safety remedial work	10,150
Ryecroft Hall	FRA remedial works	377
Stalybridge Library	Electrical safety remedial work	2,518
Tame Street Transport	Statutory heating remedial work	2,075
Tame Street Transport	Safety installation to salt store	3,516
Tame Street Transport	Electrical safety remedial work	18,174
Tame Street Transport	FRA remedial works	487
Denton Centre	Statutory heating remedial work	2,148
Denton Centre	FRA remedial works	347
Stalybridge Civic Hall	Remedial work to roof	8,300
Tame Street Engineering	Electrical safety remedial work	2,700
Hyde Market	Electrical safety remedial work	5,706
Hyde Market Hall	Drainage installation	1,021
Boyds Walk	FRA remedial works	16,370
Boyds Walk	Electrical safety remedial work	260
31 Clarence Arcade	FRA remedial works	1,327
31 Clarence Arcade	Statutory heating remedial work	1,029
Festival Hall	FRA remedial works	311
	<b>TOTAL</b>	<b>133,406</b>

## 4 CAPITAL MONITORING PERIOD 6 2018/19

Consideration was given to a report of the Assistant Director of Finance, summarising the 2018/19 capital expenditure monitoring position at 30 September 2018. There was a projected capital investment in 2018/19 of £69.582 million by March 2019. This is significantly less than the original budgeted capital investment for 2018/19 and is in part due to project delays that are being experienced following the liquidation of Carillion.

A reprioritisation exercise was ongoing in order to determine which schemes that had been earmarked but not fully approved should proceed, and which should be temporarily placed on hold. The report sought a recommendation to reprofile the Capital Investment Programme, leading to a re-profiling of £10.796 million into the next financial year.

The Strategic Planning and Capital Monitoring Panel were able to identify alternative schemes within the Capital Programme to reprofile. However these were discounted on the grounds that the Council was legally obliged to set a balanced Capital budget. The budget setting process is complex and must be undertaken in a planned way. Whilst budgets were prepared in accordance with the approved guidelines a number of alternative options relating to savings proposals and budget pressures were considered as part of the report.

## RESOLVED

- (i) That the Strategic Planning and Capital Monitoring Panel recommend Executive Cabinet be requested to recommend to Council:

- a. **The reprofiling as detailed within Appendix 3 of the submitted report to reflect up to date investment profiles.**
- b. **The changes to the Capital Programme as detailed in Appendix 1 of the submitted report.**
- c. **The updated Prudential Indicator position as detailed within Appendix 5 of the submitted report.**
- (ii) **The current Capital Budget monitoring position be noted**
- (iii) **The resources currently available to fund the Capital Programme be noted.**
- (iv) **The updated Capital receipts position be noted.**
- (v) **The timescales for review of the Council's three year Capital Programme be noted.**

## **5 LEISURE ASSETS CAPITAL INVESTMENT PROGRAMME UPDATE**

Consideration was given to a report of the Interim Director of Growth summarising progress in the delivery of the Council's capital investment programme to improve sports and leisure facilities; and seeking a recommendation to Executive Cabinet for the approval of a £1.5m grant award by Sport England be added to the Tameside Wellness Centre, project value in the Capital Programme.

The Strategic Planning and Capital Monitoring Panel were informed the Council's Capital Programme was currently under review in order to facilitate reprioritisation following pressures on the level of capital funding available. In addition, the Council was reviewing its leisure management options to ensure sustainability and improved health outcomes for residents. Consequently, the Hyde Pool Extension scheme had been temporarily on hold pending the outcome of these reviews. It was reported that a proposal has been submitted by a potential new contractor which, was being fully evaluated by the Local Enterprise Partnership.

### **RESOLVED**

**That the Strategic Planning and Capital Monitoring Panel recommend Executive Cabinet approve:**

- (i) **That the £1.5m grant award by Sport England be added to the Tameside Wellness Centre, project value in the Capital Programme.**
- (ii) **That a report be presented to a future meeting of Executive Cabinet on the funding shortfall for the Hyde Pool scheme and to consider the options available to the Council.**

## **6 EDUCATIONAL CAPITAL PROGRAMME 2018/19 UPDATE**

Consideration was given to a report of the Interim Director of Growth advising the Strategic Planning and Capital Monitoring Panel on the latest position with the delivery of the Council's Education Capital Programme and seeking the recommendation to Executive Cabinet of proposed changes to the Education Capital Programme.

The Strategic Planning and Capital Monitoring Panel were informed that work is currently on-going to ensure that sufficient places are available in both Primary and High Schools for September 2018 and September 2019 and whilst delays were experienced as a result of the liquidation of Carillion, contingency plans had been developed in partnership with schools to ensure there is minimal disruption to learning where it is evident that schemes could not be delivered within the timescales available.

The Council had £11,352,574 of Basic Need Funding available to spend in 2018/19. Notification had been received of an additional allocation of £4,800,000 for 2019/20 and nil for 2020/21.

In relation to the School Condition Allocation funded projects over £100k, it was reported the amounts earmarked against available funding currently exceed the funding available by £116,211, although it was anticipated that some of these schemes will need to slip into 2019/20 and will be funded from next year's allocation.

Alternative options were discounted as the proposals were put forward in line with priorities and commitments previously approved.

#### **RESOLVED**

- I. **That the contents of the report and the updates on the Basic Need Funding and School Condition Allocation Funding schemes be noted.**
- II. **That the proposed changes to the Education Capital Programme as outlined in Appendix 1 (Basic Need Funding Schemes) of the submitted report be recommended to Executive Cabinet for approval**
- III. **That the proposed changes to the School Condition Allocation Funding Schemes as detailed in Appendix 2 of the submitted report be recommended to Executive Cabinet for approval.**

### **7 ENGINEERING CAPITAL PROGRAMME 2018/19 UPDATE**

Consideration was given to a report of the Director of Operations and Neighbourhoods providing an update on schemes contained within the 2018/19 Engineering Capital Programme and sought approval of a £1.950m fully grant funded cycle scheme between Hyde town centre and Mottram and Hollingworth in the Council's capital programme.

The Director of Operations and Neighbourhoods advised Members that in May 2017 Highways England awarded Tameside Council £1.95 million to provide an improved safe cycle route running between Hyde town centre and Mottram / Hollingworth parallel to the M67 and A57(T). The scheme must be completed by March 2020

No alternatives were considered as the report was considered for information.

#### **RESOLVED**

- i. That the approval of schemes as per the Council's re-prioritisation of the capital programme and supporting business cases be noted.
- ii. Executive Cabinet be recommended to include the £1.950m fully grant funded cycle scheme between Hyde town centre and Mottram and Hollingworth in the Council's capital programme.

### **8 SECTION 106 AGREEMENTS AND DEVELOPER CONTRIBUTIONS**

Consideration was given to a report of the Interim Director of Growth summarising the current position with regard to receipts received from section 106 (s106) Agreements and Developer Contributions, new s106 Agreements made and sought approval of a s106 payment of a Green Space Contribution of £69,000 to fund enhancements to the facilities at Bennett Street Youth Centre including the provision of a cycle path. Members were informed as at 30 September 2018 there was £0.339m of unallocated funds for Community Services. Members were requested to recommend approval to drawdown £0.069m which would then reduce the balance to £0.270m for this area. As at 30 September 2018 the position for s106 Agreements was £1,203,000 in credit.

#### **RESOLVED**

**That Executive Cabinet be recommended to approve a s106 payment of a Green Space Contribution of £69,000 to fund enhancements to the facilities at Bennett Street Youth Centre including the provision of a cycle path.**

### **9 VISION TAMESIDE PHASE 2 UPDATE**

The Interim Development Growth submitted a report providing a progress update on project delivery, costs and funding, delivery timescales and risks associated with the Vision Tameside Phase 2 Programme and sought approval for the virements and revisions to the budget.

Following the liquidation of Carillion a revised funding envelope was agreed at Executive Cabinet in June 2018 for the overall Vision Tameside project. The revised budget approved was £62.792m, including remaining construction, original public realm and contingencies.

**RESOLVED**

**That Executive Cabinet be recommended to approve the virements and the revised budget as detailed within the submitted report.**

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## CARBON AND WASTE REDUCTION PANEL

29 November 2018

**Commenced:** 10.00 am

**Terminated:** 11.05 am

**Present:** Councillors Fowler (Chair), Cooper, Mills, Pearce, Peet, Taylor, Whitehead and Patrick

**In Attendance:** Alison Lloyd-Walsh                      Head of Environmental Development  
Shamshed Ali    Environmental Services Manager  
Christina Morton    Environmental Development Officer

**Apologies for Absence:** Councillor Buglass

### 17. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 18. MINUTES

The Minutes of the proceedings of the Carbon and Waste Reduction Panel held on 6 September 2018 were agreed and signed by the Chair as a correct record.

### 19. LOCAL GREEN SUMMIT - UPDATE AND NEXT STEPS

The Head of Environmental Development provided an update on the Local Green Summit and outlined the next steps.

She told the Panel that the Tameside Green Summit had been held on 6 November 2018 at Dukinfield Town Hall, which was attended by approximately 130 invited delegates. The Summit was a call to action for organisations and individuals from across a range of partners in Tameside including businesses, schools, public services, and voluntary and community groups. A webpage had been created [www.tameside.gov.uk/tamesidegreensummit](http://www.tameside.gov.uk/tamesidegreensummit) that contained useful information and various conference material.

The event included presentations from leading experts, debate on key topics and facilitated work streams. Speakers on the day included Councillor Warrington, Executive Leader of Tameside Council, Professor Anderson, a Climate Scientist from The University of Manchester, Councillor Ganotis, Leader of Stockport Council and Greater Manchester's Environment Portfolio Lead, Mr Deegan, advisor to Greater Manchester's Walking and Cycling Commissioner and representatives from IKEA, who advised on their corporate sustainability. Photographs from the Summit were shown to the Panel, which were available on the dedicated Green Summit website.

The day also consisted of a question and answer session, a speech by Tameside Youth Council representatives and a number of focus groups led by facilitators from Transport for Greater Manchester, GMCA, Tameside Council and the Environment Agency. The keys points of discussion were climate resilience, natural capital, buildings and energy, transport and sustainable waste and consumption. At the conclusion of the event delegates were invited to make pledges that would have a positive impact on the environment and climate change.

It was reported that the Chief Executive of Tameside Council pledged for Tameside Council and Tameside and Glossop CCG to seek accreditation as a Carbon Literate Organisation and Tameside Council made the following two pledges:-

1. To reduce the energy demand from heating, cooling, hot water and appliances across the corporate estate through better management and installation of appropriate retrofit measures.
2. To continue the programme of tree planting in Tameside by planting 3500 trees across green spaces in 2018/19. To continue the partnership with City of Trees and encourage all new developments to include high quality tree planting.

The next steps were outlined and it was explained that the Council would use its own resources effectively and undertake audits at its key sites with a view to installing appropriate retrofit measures, the results of which would be reported back to the Panel. With regards to the second pledge, Panel Members asked for their thanks to be extended to City of Trees for the work they were carrying out around the Borough. It was confirmed that the Head of Operations and Greenspace would attend a future meeting of the Panel to present the work that the Greenspace team were undertaking and a City of Trees representative would also be invited to present to the Panel.

The Panel were informed that the next Greater Manchester Mayoral Green Summit would take place on 29 March 2019 at The Lowry, Salford. A table, that detailed a set of Greater Manchester proposals for each district to consider undertaking, was explained to the Panel and focused on particular areas of concern such as reducing CO2, energy use, transport and buildings. The Head of Environmental Development asked Panel Members to feedback their views on the proposals.

A detailed discussion ensued and Members requested that invitations to future events be extended to more organisations and commented that a unified approach to carbon related planning matters was needed across Greater Manchester. Members also requested that the Panel be updated on the plastics motion that was carried at the October 2018 Council meeting and what action the Environment Agency was undertaking in relation to the problem with micro plastics in the River Tame. It was agreed that an update on plastics be brought to a future meeting of the Panel and a representative from the Environment Agency be invited to present to the Panel.

#### **RESOLVED:**

- (i) That the information provided be noted;
- (ii) That the results from the audits on key Council sites around installing retrofit measures be brought to a future meeting of the Panel;
- (iii) That the Head of Operations and Greenspace attend a future meeting of the Panel to present the work that is being undertaken by the Greenspace team;
- (iv) That a representative from City of Trees be invited to attend a future meeting of the Panel to present the work they are undertaking within Tameside;
- (v) That an update on the plastic motion that was carried at Council be brought to a future meeting of the Panel;
- (vi) That a representative from the Environment Agency be invited to attend a future meeting of the Panel to present the work they are undertaking with regards to micro plastics in the River Tame.

## **20. CURRENT FUEL POVERTY AND AFFORDABLE WARMTH SCHEMES**

The Environmental Development Officer delivered a presentation on three fuel poverty and affordable warmth schemes that were currently available to eligible Tameside residents, as follows:-

- Local Energy Advice Partnership
- Emergency Central Heating Offer
- Warm Homes Fund



With regards to the Local Energy Advice Partnership, Members were informed that the scheme helped households by providing help, advice and support around energy efficiency in the home. The Council and other partners could refer vulnerable residents into the scheme as well as self-referral by individuals. A Home Energy Advisor undertook a home visit to carry out a thorough assessment of the home, which included giving energy advice, switching utility provider, maximising income and reducing debt and installing small measures such as LED light fittings, radiator panels and power down devices. They could also refer onto larger energy efficient measures, such as a new boiler and cavity wall / loft insulation and any applicable local schemes that would benefit the resident. The eligibility criteria was outlined and the Panel was shown a flow diagram demonstrating the process and provided with details in order to make a referral.

Panel Members were provided with information on the Emergency Central Heating Offer, which was an emergency boiler repair and replacement scheme. The scheme offered fuel poor and vulnerable homeowners that had a broken gas boiler a replacement free of charge within ten working days. The eligibility criteria was outlined and included certain benefits and / or a local authority flexible eligibility declaration.

It was explained that the Warm Homes Fund was a Greater Manchester scheme that provided a full gas central heating system to certain households that had never had a system. The scheme had a value of £180 million over a three year period and operated on a first come first serve basis, which would close to new applications once all the funds had been allocated. The eligibility criteria was outlined and included Home Heating Cost Reduction Obligation benefits and / or a local authority flexible eligibility declaration.

**RESOLVED:**

**That the content of the presentation be noted.**

## **21. WASTE UPDATE**

The Environmental Services Manager provided an update on waste services.

The Panel were informed that the recycling rate for October 2018 was 56%, 22.9 tonnes of fly tipped waste had been collected and 26 Fixed Penalty Notices had been issued for littering offences. Contamination of co-mingled waste and paper and cardboard loads continued to be the biggest issue for the team and investigations were ongoing to discover the current confusion around recyclable plastics. Photographs and a table detailing the paper and cardboard contamination was shown to the Panel.

With regard to the Waste PFI it was reported that the deadline for companies to submit their tenders was 20 December 2018. The tenders would be checked for compliance and evaluated in January 2019, the winning tender would be announced by March 2019 and the new contract for waste disposal would commence in June 2019.

A discussion ensued and Members commented on the contamination problem and suggested that the rejection rate of contaminated loads be looked at as part of the new contract.



**RESOLVED:**

**That the information provided be noted.**

## **22. URGENT ITEMS**

There were no urgent items.

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<b>Report To:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/ Reporting Officer:</b>	Cllr Brenda Warrington, Executive Leader Steven Pleasant, Chief Executive
<b>Subject:</b>	<b>AGMA EXECUTIVE BOARD MEETINGS / GREATER MANCHESTER COMBINED AUTHORITY</b>
<b>Report Summary:</b>	To inform Members of the issues considered at the recent meetings of the AGMA Executive Board and Greater Manchester Combined Authority meeting. Under the GMCA Constitution there are provisions to ensure that GMCA Executive deliberations and decisions are reported to the ten Greater Manchester Councils. In order to meet this requirement the minutes of AGMA Executive Board/Greater Manchester Combined Authority meetings are reported to Executive Cabinet on a regular basis. The minutes of recent meetings of the AGMA Executive Board and the Greater Manchester Combined Authority are appended for Members information.
<b>Recommendations:</b>	That Members note and comment on the appended minutes.
<b>Links to Community Strategy:</b>	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
<b>Policy Implications:</b>	In line with council policies.
<b>Financial Implications: (Authorised by the Section 151 Officer)</b>	There are no budgetary implications other than any specific references made in the AGMA Executive Board/Greater Manchester Combined Authority minutes.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	Consideration of the AGMA Executive Board/Greater Manchester Combined Authority minutes helps meet the requirements of the AGMA Constitution and helps to keep Members informed on sub-regional issues and enables effective scrutiny.
<b>Risk Management:</b>	There are no specific risks associated with consideration of the minutes.
<b>Access to Information:</b>	The background papers relating to this report can be inspected by contacting Michael Garraway, Democratic Services Business Manager by:  phone: 0161 342 3178  e-mail: <a href="mailto:michael.garraway@tameside.gov.uk">michael.garraway@tameside.gov.uk</a>

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**MINUTES OF THE MEETING OF THE ANNUAL MEETING OF THE GREATER MANCHESTER  
COMBINED AUTHORITY HELD 29 JUNE 2018 AT TRAFFORD TOWN HALL**

**PRESENT:**

Greater Manchester Mayor	Andy Burnham
Bolton	Councillor Linda Thomas
Bury	Councillor Rishi Shori
Manchester	Councillor Richard Leese
Oldham	Councillor Sean Fielding
Rochdale	Councillor Allen Brett
Salford	City Mayor Paul Dennett
Stockport	Councillor Alex Ganotis
Tameside	Councillor Brenda Warrington
Trafford	Councillor Andrew Western
Wigan	Councillor Keith Cunliffe

**OTHER MEMBERS IN ATTENDANCE:**

TfGMC	Councillor Mark Aldred
Salford	Councillor Paula Boshell
Stockport	Councillor Wendy Wild
Wigan	Councillor Jenny Bullen

**OFFICERS IN ATTENDANCE:**

GMCA Chief Executive	Eamonn Boylan
GMCA Deputy Chief Executive	Andrew Lightfoot
GMCA Monitoring Officer	Liz Treacy
GMCA Treasurer	Richard Paver
Office of the Mayor of GM	Kevin Lee

Bolton	Gerry Brough
Bury	Paul Patterson
Oldham	Carolyn Wilkins
Manchester	Geoff Little
Rochdale	Steve Rumbelow
Salford	Jim Taylor
Stockport	Caroline Simpson
Tameside	Steven Pleasant
Trafford	Gill Colbert
Wigan	Donna Hall

Manchester Growth Company	Mark Hughes
TfGM	Jon Lamonte
GMP	Ian Pilling
GMFRS	Dawn Docx
GMCA	Julie Connor
GMCA	Sylvia Welsh
GMCA	Lindsay Dunn
GMCA	Nicola Ward

**GMCA 124/18            APOLOGIES**

Apologies were received from Councillor David Molyneux (Wigan), Tony Oakman (Bolton), Pat Jones-Greenhalgh (Bury), Joanne Roney (Manchester), Pam Smith (Stockport), Theresa Grant (Trafford), Jon Rouse (GMHSC Partnership) and Ian Hopkins (GMP).

**GMCA 125/18            CHAIRS ANNOUNCEMENTS**

The Mayor of GM, Andy Burnham welcomed attendees to the meeting and opened with some announcements.

**1. Recent Fires**

It had been widely reported that there have been a series of fires on moorland in Greater Manchester, including Saddleworth, Rochdale and Winter Hill. Tackling these had been a complex and difficult task for the Greater Manchester Fire Service. The Mayor thanked all staff involved in the incident for their skillful and dedicated response in extremely challenging conditions. Additional resources had been gratefully received from Derbyshire, Lancashire, West Yorkshire and Gloucestershire Fire and Rescue Services in addition to support from the armed forces from the Royal Regiment of Scotland.

The Mayor commented on the exemplary support from the surrounding communities, specifically those residents in Carrbrook who have been evacuated from their homes and continue to provide support to frontline responders. He also thanked the Leader of Tameside Council, Brenda Warrington and Chief Executive Steven Pleasant for their leadership in response to the incident.

Councillor Brenda Warrington added that there had been an amazing support from the community following the fires, which was much appreciated. She commended fire officers on their excellent response in getting the fire under control but a continued fire service presence was needed to maintain this control. The Council are continuing their monitoring of air quality to ensure that levels are safe, and local advice is provided where required. She further expressed her thanks to the staff at Tameside Council who have offered support above and beyond their normal duties to affected residents.

## **2. Councillor Cath Piddington**

The Mayor of GM informed the meeting of the recent sad passing of Councillor Cath Piddington who had been a Tameside Councillor for 28 years, and involved in GM governance through the GM Waste Committee for a number of years. He asked that the condolences of the GMCA be passed to her family, with thanks for her dedicated service to Greater Manchester.

Councillor Brenda Warrington thanked the Mayor for his comments and offered to pass these on to her family following her funeral which was taking place that afternoon.

### **RESOLVED /-**

1. That the thanks and appreciation, on behalf of the GMCA be recorded to the Interim Fire Officer, Dawn Docx and all staff at the Greater Manchester Fire and Rescue Service, particularly those working at the scene. The support of Fire and Rescue Services from Derbyshire, Lancashire, West Yorkshire and Gloucestershire and armed forces from the Royal Regiment of Scotland was recognised in helping continuously to control the fires on Saddleworth Moor, Winter Hill and in Rochdale.
2. That thanks are given to the community of Carrbrook and neighbouring communities of Tameside and Oldham for their support and generosity to frontline responders.
3. That Brenda Warrington and Steven Pleasant and all the staff at Tameside be thanked for the support provided to residents.
4. That the recent death of Councillor Cath Piddington (Tameside) and funeral arrangements be noted, recognising her record of services of 28 years as a local councillor and as a former Chair of the GM Waste Disposal Authority and that the sympathies of the GMCA be passed on to the family.

### **GMCA 126/18          ELECTION OF CHAIR 2018/19**

#### **RESOLVED /-**

That the appointment of Andy Burnham, as the Mayor of GM, under Part 5a, section 4 of the Constitution, as Chair of the GMCA (ex-officio) be noted.

### **GMCA 127/18          APPOINTMENT OF VICE CHAIRS 2018/19**

#### **RESOLVED /-**

That Richard Leese and Brenda Warrington be appointed as Vice Chairs of the GMCA for 2018/19.

Liz Treacy, Monitoring Officer for the GMCA took members through her annual report which confirmed recent governance changes to the GMCA and its committees. It further reported on the decisions of the Corporate Issues and Reform Overview & Scrutiny Committee (19 June 2018) and sought approval to an amendment to its call-in arrangements in relation to its budget scrutiny role and finally, it gave details of the Monitoring Officer's review of Parts 1 to 5 of the GMCA's Constitution and recommended amendments.

The Mayor of GM welcomed Councillor Mark Aldred as the newly appointed Chair of the Transport for Greater Manchester Committee and confirmed that membership of this committee would be confirmed at a future meeting.

**RESOLVED /-****Transport**

1. That the size of TFGMC as 23 members be confirmed.
2. That it be agreed to amend the Operating Agreement to reflect these changes.
3. That it be noted that the Terms of Reference of TfGMC will be reviewed to ensure that they reflect the Mayor's current transport powers with a further review to be undertaken in 2019/20 to reflect proposed powers.
4. That each GM Local Authority be requested to:
  - Agree the size of TfGMC as 23 members
  - Appoint 1 member to TfGMC, save for Manchester City Council to appoint 2 members, and nominate 1 member to be appointed by GMCA to ensure political balance
  - Note that the remaining 2 appointments are 1 member appointed by GMCA and 1 member appointed by the Mayor
  - Agree to amend the Operating Agreement to reflect these changes
  - Note that the Terms of Reference will be reviewed to ensure that they reflect the Mayor's current transport powers with a further review in 2019/20 to reflect proposed powers.

**Waste**

5. That the name of the committee as the Waste and Recycling Committee be confirmed.
6. That it be agreed that the committee will comprise of 15 members.
7. That the purpose, role and function of the committee as set out in paragraph 3.1 of the report, be agreed.



8. That the delegations the Head of Paid Service, as set out in paragraph 3.7 of the report, be confirmed.

#### **Delegations to GMCA Resources Committee/ Head of Paid Service**

9. That the amendments to the GMCA Resources Committee and Head of Paid Service delegations in respect of severance payments be approved.

#### **Delegations on Investment Fund decisions**

10. That the delegations to the Head of Paid Service in consultation with the relevant Portfolio Leader in respect of Investment Fund decisions be approved.

#### **Delegations – Land and Property**

11. That the delegations to the Head of Paid Service in consultation with the relevant Portfolio Leader in respect of Land and Property matters be approved.

#### **Corporate Issues and Reform Overview & Scrutiny Committee**

12. That the decisions of the Corporate Issues and Reform Overview & Scrutiny Committee in relation to the operation of the 'Key Decision' process be noted.
13. That the proposed amendment to the committee's call-in arrangements in relation to its budget scrutiny function be approved.

#### **Audit Committee**

14. That the amendment to the composition of the Audit Committee to provide for the appointment of two substitute co-opted elected members who may be invited to attend as full members of the Audit Committee when apologies have been received be approved. Furthermore, that it be approved that substitute members to be appointed from the nominations received from constituent councils following their annual meetings ensuring politically inclusivity.

#### **General**

15. That the amendments to Parts 1 to 5 of the Constitution to give effect the above decisions, the Mayor's decision in relation to the Fire Committee and the Monitoring Officer's general review of the Constitution be approved.
16. That the Monitoring Officer be authorised to make any changes of a typographical nature to the Constitution.

Julie Connor, Assistant Director of Governance and Scrutiny took members through a report which requested approval of a series of nominations and appointments to the GMCA, GM statutory bodies and outside bodies.

**RESOLVED /-**

1. That the appointment of Eamonn Boylan, GMCA Head of Paid Service as the Secretary of the GMCA be noted.
2. That the portfolio leads for 2018/19 as allocated by the Mayor of GM and GMCA Head of Paid Service be noted.
3. That the following appointments by GM Local Authorities to the Greater Manchester Combined Authority for 2018/19 be noted:

<b>District</b>	<b>Member</b>	<b>Substitute Member</b>
<b>Bolton</b>	Linda Thomas (Lab)	Ebrahim Adia (Lab)
<b>Bury</b>	Rishi Shori (Lab)	Andrea Simpson (Lab)
<b>Manchester</b>	Richard Leese (Lab)	Sue Murphy (Lab)
<b>Oldham</b>	Sean Fielding (Lab)	Arooj Shah (Lab)
<b>Rochdale</b>	Allen Brett (Lab)	Sara Rowbotham (Lab)
<b>Salford</b>	Paul Dennett (Lab)	John Merry (Lab)
<b>Stockport</b>	Alex Ganotis (Lab)	Wendy Wild (Lab)
<b>Tameside</b>	Brenda Warrington (Lab)	Bill FairFoull (Lab)
<b>Trafford</b>	Andrew Western (Lab)	Cath Hynes (Lab)
<b>Wigan</b>	David Molyneux (Lab)	Keith Cuncliffe (Lab)

4. That the appointment of the following 5 GMCA members to the GMCA Standards Committee for 2018/19 be approved agreed:

Paul Dennett, Alex Ganotis, Andrew Western, Linda Thomas and Brenda Warrington.

5. That it be noted the GMCA, in December 2015 appointed 1 Co-opted Independent Member, Geoff Linnell, to act as the Chair of the Standards Committee and 1 Independent Person, Nicole Jackson, to assist the Monitoring Officer and Hearing Panel in dealing with allegations that members of the GMCA have acted in breach of the GMCA's Code of Conduct. The term of office of these appointment is for 4 years with effect from 18 December 2015.
6. That the appointment of the following 5 GMCA members to the GMCA Resources Committee for 2018/19 be approved agreed:

Mayor of GM Andy Burnham, Richard Leese, Paul Dennett, Allen Brett and David Molyneux.

7. That the following members from the nominations received from the GM Local Authorities be appointed to the Greater Manchester Waste & Recycling Committee (11 Labour, 3 Conservative and 1 Liberal Democrat) for 2018/19:

<b>District</b>	<b>Member</b>
<b>Bolton</b>	Mohammed Iqbal (Lab)
	Stuart Haslam (Con)
<b>Bury</b>	Allan Quinn (Lab)
	Tony Cummings (Lab)
<b>Manchester</b>	Rabnawaz Akbar (lab)
	Shaukat Ali (Lab)
<b>Oldham</b>	Stephen Hewitt (Lab)
<b>Rochdale</b>	Neil Emmott (Lab)
<b>Salford</b>	David Lancaster (Lab)
	Vacancy (Con)
<b>Stockport</b>	Roy Driver (Lab)
	Helen Foster-Grime (Lib Dem)
<b>Tameside</b>	Alison Gwynne (Lab)
<b>Trafford</b>	Judith Lloyd (Lab)
	Sean Anstee (Con)

8. That the GM Waste & Recycling Committee be requested to nominate a Chair of the Committee at the first meeting for consideration by the GMCA in July 2018.
9. That the following members from the nominations received from the GM Local Authorities be appointed to the Audit Committee for 2018/19:

<b>District</b>	<b>Member</b>
<b>Manchester</b>	Sarah Russell (Lab)
<b>Oldham</b>	Colin McLaren (Lab)
<b>Trafford</b>	Chris Boyes (Con)
<b>Wigan</b>	Joanne Marshall (Lab)

A further 2 substitute members to be confirmed from the pool of nominations received from the GM Local Authorities at the next meeting of the GMCA.

10. That the following appointments by the GM Local Authorities to the Health and Care Board be noted:

<b>District</b>	<b>Member</b>	<b>Substitute Member</b>
<b>Bolton</b>	Linda Thomas (Lab)	Debbie Newall (Lab)
<b>Bury</b>	Andrea Simpson (Lab)	Rishi Shori (Lab)
<b>Manchester</b>	Bev Craig (Lab)	Joanna Midgley (Lab)
<b>Oldham</b>	Sean Fielding (Lab)	Zahid Chauhan (Lab)
<b>Rochdale</b>	Sara Rowbotham (Lab)	Wendy Cocks (Lab)
<b>Salford</b>	Paul Dennett (Lab)	John Merry (Lab)
<b>Stockport</b>	Wendy Wild (Lab)	Alex Ganotis (Lab)
<b>Tameside</b>	Brenda Warrington (Lab)	Bill Fairfoull (Lab)
<b>Trafford</b>	Andrew Western (Lab)	Judith Lloyd(Lab)
<b>Wigan</b>	Peter Smith (Lab)	Keith Cunliffe (Lab)

11. That the appointment of the following four GMCA members to the GM Local Enterprise Partnership for 2018/19 be agreed: Mayor of GM Andy Burnham, Richard Leese, Sean Fielding and Councillor Linda Thomas.
12. That the appointment of the following 5 members to the Manchester Growth Company Board for 2018/19 be agreed:
- Richard Leese, Paul Dennett, Ebrahim Adia, Paula Boshell and Cath Hynes.
13. That the appointment of the Portfolio Lead for Skills, Employment and Work, Sean Fielding, plus two Portfolio Assistants be appointed to the Skills and Employment Partnership for 2018/19.
14. That Portfolio Lead for Green City Region, Alex Ganotis, be appointed to the GM Low Carbon Hub for 2018/19.
15. That the appointment of the Mayor of GM to the Greater Manchester Land Commission for 2018/19 be noted.
16. That the appointment of the following 3 GMCA members to the GM land Commission for 2018/19 be agreed:
- Richard Leese, Paul Dennett and David Molyneux.
17. That the appointment of the Mayor of GM to the Transport for the North Board be noted.
18. That the appointment of the Portfolio Assistant for Transport as the GMCA substitute member on the TfN Board be agreed.

19. That nominations be sought from the GM Local Authorities for 1 member and a substitute member act as the GMCA's representative on the TfN Scrutiny Committee.
20. That the following final appointments to the 3 Overview & Scrutiny Committees be agreed:

<b>ECONOMY, BUSINESS GROWTH &amp; SKILLS OVERVIEW &amp; SCRUTINY</b>			
1	Bolton	Susan Haworth	LAB
2	Bury	Mary Whitby	LAB
3	Manchester	Luke Raikes	LAB
4	Oldham	Valerie Leach	LAB
5	Rochdale	Daniel Meredith	LAB
6	Salford	Kate Lewis	LAB
7	Stockport	Jude Wells	LAB
8	Tameside	Yvonne Cartey	LAB
9	Trafford	Barry Brotherton	LAB
10	Wigan	Charles Rigby	LAB
11	Stockport	Mark Hunter	LIB DEM
12	Rochdale	Mike Holly	CON
13	Salford	Karen Garrido	CON
14	Bury	Robert Caserta	CON
15	Oldham	Chris Goodwin	LAB

<b>HOUSING, PLANNING &amp; ENVIRONMENT OVERVIEW &amp; SCRUTINY</b>			
1	Bolton	Shamim Abdullah	LAB
2	Bury	Catherine Preston	LAB
3	Manchester	James Wilson	LAB
4	Oldham	James Larkin	LAB
5	Rochdale	Linda Robinson	LAB
6	Salford	Stuart Dickman	LAB
7	Stockport	Laura Booth	LAB
8	Tameside	Mike Glover	LAB
9	Trafford	Graham Whitham	LAB
10	Wigan	Lynne Holland	LAB

11	Stockport	Lisa Smart	LIB DEM
12	Bolton	Andrew Morgan	CON
13	Wigan	Michael Winstanley	CON
14	Bury	Dorothy Gunther	CON
15	Manchester	Paula Sadler	LAB

<b>CORPORATE ISSUES &amp; REFORM OVERVIEW &amp; SCRUTINY</b>			
1	Bolton	Hamid Khurram	LAB
2	Bury	Stella Smith	LAB
3	Manchester	Mary Watson	LAB
4	Oldham	Colin McLaren	LAB
5	Rochdale	Peter Malcom	LAB
6	Salford	David Jolley	LAB
7	Stockport	Yvonne Guariento	LAB
8	Tameside	Gill Peet	LAB
9	Trafford	Anne Duffield	LAB
10	Wigan	Joanne Marshall	LAB
11	Bury	Tim Pickstone	LIB DEM
12	Trafford	Nathan Evans	CON
13	Stockport	Linda Holt	CON
14	Tameside	John Bell	CON
15	Manchester	Annette Wright	LAB

21. That the following final appointment of members to the GMCA Overview and Scrutiny Committee substitute's pool, be agreed:

	<b>LABOUR</b>	<b>CONSERVATIVE</b>	<b>LIBERAL DEMOCRAT</b>
Bolton	Kevin McKeon	David Greenhalgh	
Bury	Waiting for 1 further		

	nomination to be confirmed		
Manchester			John Leech (Sub)
Oldham	To be confirmed		Hazel Gloster, (Sub)
Rochdale	Ray Dutton	Ann Stott	
Salford	Tanya Burch	To be confirmed	
Stockport			
Tameside	Adrian Pearce	Ruth Welsh	
Trafford	Amy Whyte	Bernard Sharp	
Wigan	Fred Walker	James Grundy	

22. That the appointment of Susan Ford as the GMCA Designated Scrutiny Officer be noted.

23. That the following appointment to the Regional Leaders Board for 2018/19 be agreed:

Mayor of GM Andy Burnham, Deputy Mayor Beverley Hughes and Andrew Western

24. That the appointment of Paul Dennett to the Atlantic Gateway Board for 2018/19 be agreed.

25. That the following appointments to the NW European Programmes Local Management Committee for 2018/19 be agreed:

Paul Dennett as the Member and Sue Murphy as the substitute member.

26. That the appointment of the following GMCA members to the Greater Manchester European Structural Fund (European Programmes) Local Management Committee for 2018/19 be agreed:

Mayor of GM Andy Burnham, Sue Murphy, Alex Ganotis, David Molyneux and Keith Cunliffe.

27. That the following members from the nominations received GM Local Authorities to the North West Flood and Coastal Committee for 2018/19 be agreed:

District	Member
Bolton	Nicholas Peel (Lab)
Bury	Alan Quinn (Lab)
Rochdale	Neil Emmott (Lab)

Those members appointed to be requested to appoint their own substitute.

**GMCA 130/18            SCHEDULE OF MEETINGS 2018/19**

**RESOLVED /-**

That the schedule of meetings for 2018/19 be agreed:

Friday 27 July 2018	-	Rochdale
Friday 28 September 2018	-	Oldham
Friday 26 October 2018	-	Salford
Friday 30 November 2018	-	Bury
Friday 14 December 2018	-	Bolton
Friday 25 January 2019	-	Tameside
*Friday 15 February 2019	-	Wigan - Budget meeting
Friday 29 March 2019	-	Stockport
Friday 26 April 2019	-	Manchester
Friday 31 May 2019	-	Trafford
Friday 28 June 2019	-	Rochdale



**MINUTES OF THE MEETING OF THE GREATER MANCHESTER COMBINED AUTHORITY  
HELD 29 JUNE 2018 AT TRAFFORD TOWN HALL**

**PRESENT:**

Greater Manchester Mayor	Andy Burnham
Bolton	Councillor Linda Thomas
Bury	Councillor Rishi Shori
Manchester	Councillor Richard Leese
Oldham	Councillor Sean Fielding
Rochdale	Councillor Allen Brett
Salford	City Mayor Paul Dennett
Stockport	Councillor Alex Ganotis
Tameside	Councillor Brenda Warrington
Trafford	Councillor Andrew Western
Wigan	Councillor Keith Cunliffe

**OTHER MEMBERS IN ATTENDANCE:**

TfGMC	Councillor Mark Aldred
Salford	Councillor Paula Boshell
Stockport	Councillor Wendy Wild
Wigan	Councillor Jenny Bullen

**OFFICERS IN ATTENDANCE:**

GMCA Chief Executive	Eamonn Boylan
GMCA Deputy Chief Executive	Andrew Lightfoot
GMCA Monitoring Officer	Liz Treacy
GMCA Treasurer	Richard Paver
Office of the Mayor of GM	Kevin Lee
Bolton	Gerry Brough
Bury	Paul Patterson
Oldham	Carolyn Wilkins
Manchester	Geoff Little
Rochdale	Steve Rumbelow
Salford	Jim Taylor
Stockport	Caroline Simpson
Tameside	Steven Pleasant
Trafford	Gill Colbert
Wigan	Donna Hall
Manchester Growth Company	Mark Hughes

TfGM	Jon Lamonte
GMP	Ian Pilling
GMFRS	Dawn Docx
GMCA	Julie Connor
GMCA	Sylvia Welsh
GMCA	Lindsay Dunn
GMCA	Nicola Ward

### **GMCA 124/18            APOLOGIES**

Apologies were received from Councillor David Molyneux (Wigan), Tony Oakman (Bolton), Pat Jones-Greenhalgh (Bury), Joanne Roney (Manchester), Pam Smith (Stockport), Theresa Grant (Trafford), Jon Rouse (GMHSC Partnership) and Ian Hopkins (GMP).

### **GMCA 131/18            DECLARATIONS OF INTEREST**

There were no declarations of interest made in relation to any item on the agenda.

### **GMCA 132/18            MINUTES OF THE GMCA MEETING HELD ON 25 MAY 2018**

The minutes of the GMCA meeting held on the 25 May 2018 were submitted for approval.

City Mayor Paul Dennett, Portfolio Lead for Housing, Homelessness and Infrastructure gave an update on the Greater Manchester Spatial Framework (GMSF) in relation to minute GMCA 105/18.4 (CHAIR'S ANNOUNCEMENTS AND URGENT BUSINESS) as the anticipated date for consultation of June 2018 had now been delayed due to a recent announcement that sub-national populations predictions would be published by the Office of National Statistics in September which would include accurate sub-national housing predictions. This information would inform housing demand figures which would be crucial to the development of the GMSF, and therefore it was proposed that the consultation be delayed until after this announcement.

Councillor Alex Ganotis further added his support to this approach as a robust plan was needed prior to a consultation phase, which required the detailed data to support this in order to avoid creating unnecessary anxiety. He further suggested that there were 2-3 weeks given for analysis of this information with the consultation beginning in October 2018.

Councillor Rishi Shori commented that he would also be in support of these proposals as confidence was needed to go out to consultation with robust figures as previous consultations were challenged that predicted figures were too high.

Councillor Andrew Western added that the GMSF needed a plan which can stand up to scrutiny. City Mayor Paul Dennett thanked members for their support and agreed that the GMCA need to be prepared and ready for the consultation phase. He suggested that all elected members be briefed on the rationale for these discussions and the current status of the GMSF.

The Mayor of GM summarised that there was a high degree of public interest in this work, and that it needs to be done right with the correct data to back it up. He thanked City Mayor Paul Dennett for all his work to date and welcomed the proposals to begin public consultation in October 2018.

**RESOLVED/-**

1. That the minutes of the GMCA meeting held on 25 May 2018 be approved as a correct record.
2. That consultation on the next version of the Greater Manchester Spatial Framework (GMSF), commence following approval at the GMCA meeting in October, in order to enable consideration of the implications of the Office for National Statistics' (ONSs) 2016 Sub National Population Projections (SNPP) which were published on 24 May 2018.
3. That a briefing note be prepared on the current status of the Greater Manchester Spatial Framework and rationale for the decision to delay the consultation until October 2018 for GM Leaders to disseminate to their respective Local Authority elected members.

**GMCA 133/18                      MINUTES OF THE TRANSPORT FOR GREATER MANCHESTER COMMITTEE HELD ON 15 JUNE 2018**

**RESOLVED/-**

That the minutes of the Transport for Greater Manchester Committee held on the 15 June 2018 be noted.

**GMCA 134/18                      MINUTES OF THE GMCA AUDIT COMMITTEE HELD ON 12 JUNE 2018**

**RESOLVED /-**

That the minutes of the GMCA Audit Committee held 12 June be noted.

**GMCA 135/18                      GMCA OVERVIEW AND SCRUTINY COMMITTEE MINUTES – JUNE 2018**

**RESOLVED /-**

1. That the minutes of the Housing, Planning and Environment Overview and Scrutiny Committee held 5 June 2018 be noted.
2. That the minutes of the Economy, Business Growth and Skills Overview and Scrutiny Committee held 8 June 2018 be noted.
3. That the minutes of the Corporate Issues and Reform Overview and Scrutiny Committee held 19 June 2018 be noted.

**GMCA 136/18                      RAIL PERFORMANCE UPDATE**

The Mayor of GM, Andy Burnham reported on the levels of rail travel disruption that residents of Greater Manchester had experienced which should not be tolerated or deemed acceptable. GM demands a reliable rail service which allows people to commute and travel in a reasonable manner, and although the emergency timetable had given some stability to rail services, performance remains below standard with issues of late services and overcrowding still being reported.

The report detailed that Northern have failed to meet their public performance measure (PPM) since June 2016 and now need to be held to account. He reported that Transport for the North will support this but that a lot of work would be needed to address long standing issues across the network.

Jon Lamonte, Chief Executive of Transport for Greater Manchester added that these issues are not just with Northern, and that the standards of other rail operators such as Trans Pennine remain poor. However, reviews were underway on some of the key issues across the network. The emergency timetable was due to finish in early July, but this is also to be reviewed.

The Mayor of GM commented that he had led the request for a compensation package for travellers who have been adversely affected by insufficient rail services, however currently this was only a partial offer to compensate season ticket holders which was not felt sufficient due to the significant losses for all the travelling public. He vowed to keep the pressure on with Government, and also continue to review some of the major works which had not been completed in accordance with contracts, including the work on the Bolton line.

Members felt that railway management across the UK was below expected standards and contracts should not be awarded to operators who could not meet standards. Although the emergency timetable looked as though it was improving provision, the overall number of trains had reduced and therefore the non-performance data could not be accurately compared. There was a need for a completely integrated approach to transport in order to begin to tackle some of the cross-cutting issues of air quality and congestion. At present there were very few incentives for people not to use their own cars to travel across the conurbation and this could only be addressed through more active travel and better use of an integrated public transport system which would further improve our economy and the health and well being of residents across Greater Manchester.

#### **RESOLVED/-**

1. That the contents of the report be noted.
2. That the GMCA receive monthly updates on the performance of rail services for the next few months.

#### **GMCA 137/18      ROUGH SLEEPERS UPDATE**

The Mayor of GM gave a verbal update which suggested that a monthly item be brought to the GMCA on rough sleepers as this remains a serious issue for Greater Manchester. He reported

that the Social Impact Bond was a new approach to make more homes available to rough sleepers which had experienced an unexpected demand of over 500 referrals. The scheme has homed over 60 people since its launch but had now been temporarily closed as there are currently not enough properties to meet the demand.

The Housing First scheme further supports GM's efforts through the agreement with Government to host a pilot for an additional 500 homes, offering people another pathway from the streets.

There would also be a review of cold weather provision following revised protocols last year which brought emergency bed provision following one night of freezing conditions (below 0 degrees) rather than three nights of freezing conditions.

However the Mayor reflected that although these actions had improved the situation, there was still more that could be done and lessons to be learnt from the work undertaken to date. He suggested that homelessness data could be collected locally to give us a better understanding of the levels of rough sleeping, rather than rely on national data. He also reported on the Homelessness Reduction Act which would bring a shared pot of £30m of Government funding to support Local Authorities in tackling this issue, and the introduction of a GM Homelessness Trailblazer to address some of the wider determinants of homelessness including mental health services.

Members commented that they had been pleased by the progress in this area, particularly in relation to the removal of barriers to accessing health service provision, but despite these efforts there had been an increase in the number of people rough sleeping in all areas of Greater Manchester. There was some discussion that a monthly report to the GMCA on homelessness numbers would be useful, but that the collection of this data should not be onerous or take too much local authority resource, therefore precise quarterly data may be more achievable.

Manchester City Council reported that they already undertake a quarterly count of rough sleepers which does take a lot of resource and can be quite unreliable, and in fact these figures were actually just a small percentage of the actual figure, as there were many people sleeping in inadequate accommodation across GM. Members commented that homelessness should not be equated with the number of beggars in the city as these figures were not necessarily the same. There were many contributing factors to rough sleeping including the recent impact of Universal Credit and these issues need addressing with each individual.

Members shared concerns that homelessness was in fact a result of a failing system and the challenges associated with rising debt, regular evictions, welfare reform, and a lack of affordable housing. It was imperative that there is work undertaken to tackle the system to ensure an improved quality of life for all, where homelessness is merely a symptom.

The Mayor of GM noted that there was ongoing work on the impact of Universal Credit on Local Authorities which would be shared to inform a wider debate on this issue. He also offered to convene a meeting with Local Authority Cabinet Lead Members on Homelessness to discuss the most effective way to monitor the numbers of rough sleepers across GM.

**RESOLVED/-**

1. That the latest information on the work underway to address rough sleepers be noted and circulated to members of the GMCA and GM Local Authority Chief Executives.
2. That a report on the impact of the role out of Universal Credit be submitted to the GMCA in July 2018.
3. That the Mayor of GM convene a meeting of Local Authority Cabinet Lead Members on Homelessness to discuss and agree the most effective method of data collections and reporting going forward.

**GMCA 138/18 STOCKPORT INTERCHANGE MIXED USE APPROVAL**

Councillor Alex Ganotis, Portfolio Lead for the Green City Region introduced a report which detailed the mixed use development proposals being progressed regarding Stockport Interchange and the Stockport Town Centre Access Plan Local Growth Deal schemes. It sought in principle approval for a new interchange, a residential development and a public green space developing on the existing site adjacent to the A6. He expressed thanks to SMBC, the GMCA and TfGM for all their work to date on these proposals which were testament to an innovative use of transport funding as a catalyst for other development in a town centre. The project aspires to attract further private sector investment and use its leverage monies to widen further regeneration opportunities. It features 196 residential units, with 70 car parking spaces and a large commercial and amenity space below. The green public space will also further enhance the link from Stockport Town Centre to the River Mersey.

Stockport Council will now begin a public engagement period to ensure that residents and businesses are fully consulted before the planning application is submitted. It is hoped that the ambitions for this scheme will be shared as to revitalise a key urban area of the town and create better spaces for people to live and work in.

Members supported the proposals and recognised how the scheme will address a range of challenges for town centre living, including increasing the residential offer, upholding the heritage of a town, re-investing into wider regeneration projects and building a skilled workforce through creating urban density.

The Mayor of GM commented how Stockport have taken time to think creatively about this scheme and as a result it now offers high quality public realm and desirable city centre living as well as providing improved transport connectivity.

**RESOLVED/-**

1. That the current position in relation to the Mixed Use Development proposition that was being progressed for potential delivery in conjunction with the Stockport Interchange and Stockport Town Centre Access Plan (STCAP) Local Growth Deal schemes be noted.

2. That approval, in principle, be given for the Stockport Interchange / Town Centre Mixed Use scheme to proceed, subject to a further request for the granting of Full Approval and the associated release of Growth Deal funding being submitted to the Combined Authority in due course, in line with Growth Deal governance.
3. That it be noted that there was a requirement for the GMCA to underwrite up to £5m of the patient equity required for the residential element of the scheme, in the event that other options were not viable and a further report will be submitted to the GMCA once the appropriate due diligence and analysis has been completed.

**GMCA 139/18                    GREATER MANCHESTER GROWTH DEAL – MANCHESTER SALFORD  
INNER RELIEF ROUTE: REGENT ROAD/WATER STREET (KEY DECISION)**

The Mayor of GM, Andy Burnham introduced a report which sought approval and the release of the necessary funding to enable to delivery of the MSIRR Regent Road / Water Street Local Growth Deal scheme. He highlighted that this area suffered from significant levels of congestion and poor air quality, and this scheme would use £13.84m to deliver capacity improvements to junctions and reduce congestion which is crucial to traffic flows into the City Centre. Councillor Richard Leese added that the model of improvements would offer a 30% increase in network capacity and that Manchester City Council and Salford Council were working closely together to look at ways to mitigate the impact of the works.

Members urged that provision for cycling and walking should also be considered and that suitable drainage and enhanced public realm designs should be included in the final scheme designs. In addition, it was also vital to ensure that residents and commuters were informed about the works before they commence.

**RESOLVED / -**

1. That full approval for the Manchester Salford Inner Relief Route - Regent Road/Water Street scheme be granted.
2. That the associated release to Manchester City Council of the remaining £13.840 million of the total £15 million of funding from the Local Growth Deal budget be agreed.

**GMCA 140/18                    DISPOSAL OF FORMER ROCHDALE FIRE STATION**

Mayor of GM Andy Burnham reported that the former Rochdale Fire Station had been closed for some time, and that the local council have aspiration to expand the museum provision currently on this site with the help of the Heritage Lottery Fund. He commended the proposal and the cost savings associated with its development.

**RESOLVED /-**

That the disposal of the former Rochdale Fire Station be approved.

Councillor Richard Leese, Deputy Mayor and Portfolio Lead for the Economy shared the latest Brexit Monitor headlines which had showed no change from May due to delays in Government negotiations.

It was commented that despite the lack of progress by Central Government, the GMCA needed to be aware of the impact of change to European funding as the impact of these changes are already being seen across the sub region in the uncertainty of business growth and investment. Members of the GMCA are still concerned about the lack of a voice for GM in these negotiations.

Councillor Richard Leese added that there was a recent report on the impact of Brexit on the North West, but that Government had confirmed that it was not going to be released. It is estimated (based on the worst case scenario) that the North West could experience a minus 12% impact which equates to £6-7b loss of GVA per annum. In relation to the Shared Prosperity Fund there are ongoing conversations about the details of the fund, but it is envisaged that the fund would be closely aligned to the Local Industrial Strategy, potentially through a competitive approach and will be launched in 2021. He suggested that over the next couple of years the GMCA should begin to look at delivery plans for this fund in order to be prepared for the devolution of the Shared Prosperity Fund to support long term strategic investment.

The Mayor of GM summarised that from July, the GMCA would be having a focussed debate as the Government's White Paper (promised on the 9 July) including proposals on customs which will enable in some tangible analysis. Mayors from across the UK have asked for some clarity on the Shared Prosperity Fund, urged that this is kept at the same levels currently received from European funding sources and that it is devolved as far as possible.

**RESOLVED /-**

That the contents of the June Brexit Monitor be noted.

Councillor Sean Fielding, Portfolio Lead for Education, Skills and Apprenticeships took members through a report which set out the details of the available funds, associated grant conditions and proposed recommendations for future use of the funds. He commented that it had been agreed that GM could retain the underspend from youth employment and apprenticeship funding and that it was proposed that there would be further discussions with Leaders but that the oversight and final decision could be delegated to the Lead Chief Executive in consultation with the Portfolio Leader for Education, Skills and Apprenticeships.

**RESOLVED /-**



1. That the funding associated with previous projects and proposals for future spend to be developed in partnership with stakeholders including the GM Local Authorities be agreed and noted.
2. That the oversight and sign off of the final projects be delegated to the GMCA Chief Executive in consultation with the Portfolio Leader and Lead Chief Executive for Education, Skills and Apprenticeships.

**GMCA 143/18                    DEVOLUTION OF ADULT EDUCATION BUDGET**

Councillor Sean Fielding, Portfolio Lead for Education, Skills and Apprenticeships introduced a report which explained the current position regarding the devolution of the Adult Education budget. The Department for Education have agreed that Greater Manchester have met the requirements to begin the devolution of these functions and duties in preparation for the 2019/20 academic year. Locally there are steps that are needed to be taken to begin preparations and ensure outcomes for residents rather than the current national priorities for achieving qualifications.

The Mayor of GM commented that this was a significant step in the devolution journey which will lead the way for further areas. The current proposal from Government is to devolve the responsibility for Adult Education without the budget, so the Mayor will pursue further discussions to challenge this position.

**RESOLVED /-**

1. That the resolutions to the issues previously raised be noted.
2. That confirmation be sought that consent has been received within each LA to secure consent to the Order.

**GMCA 144/18                    GREATER MANCHESTER INVESTMENT FRAMEWORK PROJECTS UPDATE**

The Mayor of GM, Andy Burnham took members of the GMCA through the proposals within the report to support two loan agreements.

**RESOLVED /-**

1. That it be agreed that the funding applications by Ursa Finance Ltd (investment of up to £3m) and a newly created HII (loan of £3m) be given conditional approval and progress subject to due diligence.
2. That delegated authority be given to the Combined Authority Treasurer and Combined Authority Monitoring Officer to review the due diligence information and, subject to their satisfactory review and agreement of the due diligence information and the overall detailed commercial terms of the transactions, to sign off any outstanding conditions,

issue final approvals and complete any necessary related documentation in respect of the loans/investments.

3. That the changes to the terms of the EON Reality Limited agreement in line with the update provided in the confidential part of the agenda be agreed.
4. That it be noted that the Chair of Corporate Issues and Reform Scrutiny Committee has agreed that the decision in relation to the HII must be made urgently and cannot reasonably be deferred in accordance with Rule 17 of the Access to Information Procedure Rules.

#### **GMCA 145/18            GREATER MANCHESTER HOUSING INVESTMENT LOANS FUND**

City Mayor Paul Dennett, Portfolio Lead for Housing, Homelessness and Infrastructure introduced a report which sought approval of two loans to J Walker Homes LTD and The Northern Powerhouse Residential REIT LTD from the GM Housing Investment Loans Fund.

Councillor Alex Ganotis added that the building referred to in the loan agreement with The Northern Powerhouse Residential REIT LTD bid was a former postal sorting office which had been derelict for a long period, and was planned to be converted into crucial housing for the Stockport area which would have a significant impact on further regeneration aspirations.

#### **RESOLVED /-**

1. That the GM Housing Investment Loans Fund loans in the table below, as detailed further in the accompanying Part B report be approved.

BORROWER	SCHEME	DISTRICT	LOAN
J Walker Homes Ltd	Royley, Royton	Oldham	£1.543m
The Northern Powerhouse Residential REIT Ltd	Former Royal Mail Sorting Office	Stockport	£5.400m

2. That authority be delegated to the GMCA Treasurer acting in conjunction with the GMCA Monitoring Officer to prepare and effect the necessary legal agreements.

#### **GMCA 146/18            TRANSFORMING CITIES CHALLENGE FUND**

The Mayor of Greater Manchester, Andy Burnham introduced the report and informed the GMCA of the requirement to rescind a previous resolution from the meeting held on the 29 March.

He then welcomed Chris Boardman, Greater Manchester's Cycling and Walking Commissioner who had been invited to the meeting to share the new BeeLines concept. These proposals

brought together a detailed walking and cycling network which fully joined up all routes across the conurbation covering 1000 miles and introducing 104 new crossing points. For background, he explained that currently 2/3 of people in Greater Manchester use cars as their main mode of transport with 250 million car journeys being less than 1km. This highlighted a significant need to encourage other choices of transportation, through improved walking and cycling routes, easy crossing points and recognisable signage and guidance. Before consulting on the proposals, approval was being sought from the GMCA to progress with the initiative.

Members of the GMCA commented that the proposals were compelling and exciting, and would bring about a range of benefits for residents of GM. It was felt that this work was long overdue but would be crucial to align with the ambitions of the GMSF and further infrastructure development and therefore the timings were ideal.

Chris and the team were thanked for their engagement process which had included elected members and representative groups from all local authority areas and had created a real interest in how this project could help to tackle some of the wider issues of congestion, parking, obesity associated health problems and encouraging active lifestyles. However, members urged that this work also needs to be supported by behaviour change in order to see the public making best use of this investment.

The Mayor summarised that this concept fully supported the GMCAs ambition for vibrant towns with easy connectivity to a vibrant City Centre and would neatly embed into the forthcoming 'Streets for All' strategy from TfGM.

Chris added that there remained an opportunity for elected members and members of the public to engage with the proposals and urged leaders to encourage their planning officers to be as bold as possible in their designs and creativity for the network. He thanked the GMCA for their unanimous support and confirmed that work with schools and communities regarding behaviour change would be part of the second phase of the programme.

#### **RESOLVED /-**

1. That the notice to rescind the following resolution from the GMCA meeting held on 29 March 2018:

#### **GMCA 69/18 TRANSFORMING CITIES CHALLENGE FUND**

That the proposal to place an initial order for 24 vehicles prior to 30 June 2018, with an additional 3 trams (i.e. up to 27 trams) to be ordered pending approval of the Business Case and associated funding for the Metrolink (Airport line) T2 extension, and authorise TfGM to enter into contractual arrangements for the procurement thereof be approved.

2. That the report be noted.
3. That the Cycling and Walking Commissioner's Cycling and Walking Infrastructure Proposal be approved.

4. That the release of the £1.542 million DfT Cycle Safety Grant, currently held by GMCA, to Manchester City Council to deliver a cycle safety scheme at the junction of Alan Turing Way / Ashton New Road; and the addition of the scheme to the capital programme be approved.
5. That the proposal to procure 27 trams and associated infrastructure; including the additional 3 trams that were previously to be procured upon confirmation of the Metrolink (Airport Line) T2 extension funding decision by DfT and that are to form part of the local match funding for that scheme be approved.
6. That the offer of further engagement regarding the Beeline proposals be extended to all local authorities should it be requested.
7. That Leaders be requested to encourage their respective officers to be as bold as possible with their design and ideas for cycling and walking opportunities in their respective Local Authority areas.

**GMCA 147/18            EXCLUSION OF PRESS AND PUBLIC**

That, under section 100 (A) (4) of the Local Government Act 1972 the press and public should be excluded from the meeting for the following items on business on the grounds that this involves the likely disclosure of exempt information, as set out in paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**GMCA 148/18            GREATER MANCHESTER INVESTMENT FRAMEWORK PROJECT UPDATES**

**CLERK'S NOTE:** This item was considered in support of the Part A Greater Manchester Investment Framework Project Updates (minute 144/18 refers).

**RESOLVED /-**

That the report be noted.

**GMCA 149/18            GREATER MANCHESTER HOUSING INVESTMENT LOANS APPLICATIONS**

**CLERK'S NOTE:** This item was considered in support of the Part A Greater Manchester Housing Investment Loans Applications (minute 145/18 refers).

**RESOLVED /-**

That the report be noted.

**MINUTES OF THE MEETING OF THE GM COMBINED AUTHORITY  
HELD 27 JULY 2018 AT ROCHDALE COUNCIL OFFICES**

**PRESENT:**

GM Mayor	Andy Burnham
Bolton	Councillor Ebrahim Adia
Bury	Councillor Rishi Shori
Manchester	Councillor Richard Leese
Oldham	Councillor Sean Fielding
Rochdale	Councillor Allen Brett
Salford	City Mayor Paul Dennett
Stockport	Councillor Alex Ganotis
Tameside	Councillor Brenda Warrington
Trafford	Councillor Andrew Western
Wigan	Councillor David Molyneux

**OTHER MEMBERS IN ATTENDANCE:**

TfGMC	Councillor Mark Aldred
Bury	Councillor Andrea Simpson
Manchester	Councillor Angeliki Stogia
Rochdale	Councillor Sara Rowbotham
Rochdale	Councillor Michael Holly
Salford	Councillor Paula Boshell
Stockport	Councillor Wendy Wild
Wigan	Councillor Jenny Bullen
Wigan	Lord Peter Smith

**OFFICERS IN ATTENDANCE:**

GMCA Chief Executive	Eamonn Boylan
GMCA Deputy Chief Executive	Andrew Lightfoot
GMCA Monitoring Officer	Liz Treacy
GMCA Treasurer	Richard Paver
Office of the GM Mayor	Kevin Lee

Bolton	Sue Johnson
Bury	Geoff Little
Oldham	Carolyn Wilkins
Manchester	Joanne Roney
Rochdale	Steve Rumbelow
Salford	Ben Dolan
Stockport	Lauren Donnan

Tameside	Sandra Stewart
Trafford	Nickki Bishop
Wigan	Donna Hall
TfGM	Jon Lamonte
GMP	Ian Piling
GMFRS	Dawn Docx
GMCA	Sylvia Welsh
GMCA	Lindsay Dunn
GMCA	Nicola Ward
Cooperative Councils	Nicola Huckleby
Innovation Network	Councillor Sharon Taylor

### **GMCA 150/18            APOLOGIES**

Apologies were received from Tony Oakman (Bolton), Jim Taylor (Salford), Pam Smith (Stockport), Steve Pleasant (Tameside) and Ian Hopkins (GM Police).

### **GMCA 151/18            CHAIR’S ANNOUNCEMENTS AND URGENT BUSINESS**

The Mayor of GM made two announcements:

- i) GM has been shortlisted for the potential location for Channel 4 base, alongside Birmingham and Leeds and thanked the Channel 4 Board and congratulated GM team who have been working on the proposition.
- ii) His recent appointment as President of the Rugby Football League and will use the position to promote the sport in GM and welcomed the relocation of the Rugby Football League Head Quarters to GM. He also would ensure that GM would play a major role in hosting the Rugby League World Cup 2021.

### **GMCA 152/18            DECLARATIONS OF INTEREST**

1. Councillor Brenda Warrington declared a personal interest in Item 30 (Waste Disposal Contract & Pension Arrangements for Contractor Staff) as the Chair of the GM Pension Fund Board.
2. City Mayor Paul Dennett disclosed a personal interest in Item 23b (GMCA Revenue Budget) as a Director of the Growth Company.
3. Councillor Ebrahim Edia disclosed a personal interest in Item 23b (GMCA Revenue Budget) as a Director of the Growth Company.
4. Councillor Richard Leese disclosed a personal interest in Item 23b (GMCA Revenue Budget) as a Director of the Growth Company.

**GMCA 153/18**

**MINUTES OF GMCA ANNUAL AND ORDINARY MEETINGS  
HELD ON 29 JUNE 2018**

The minutes of the GMCA Annual and Ordinary meetings held on the 29 June 2018 were submitted for consideration.

**RESOLVED /-**

That the minutes of the GMCA Annual and Ordinary Meetings held on the 29 June 2018 be approved, subject to the addition of Councillor Andrea Simpson to the list of attendees.

**GMCA 154/18**

**GMCA APPOINTMENTS**

**RESOLVED /-**

**a) GMCA Waste & Recycling Committee**

- i. That the nomination of Councillor Alison Gwynne, Tameside (Labour), as the Chair of the Waste & Recycling Committee for 2018/19 be approved.
- ii. That the appointment of Councillor Robin Garrido, Salford (Conservative), as a member of the GMCA Waste & Recycling Committee be approved.

**b) GMCA Audit Committee**

That Councillors James Grundy (Wigan) (Conservative) and Susan Haworth (Bolton) (Labour) be appointed as substitute members to the GMCA Audit Committee.

**c) GMCA Overview & Scrutiny Committee substitutes Pool**

That the appointment of Councillors Clint Phythion (Oldham) (Labour) and Ari Leitner (Salford) (Conservative) to the GMCA Overview & Scrutiny Committee pool of substitute members be approved.

**GMCA 155/18**

**TRANSPORT FOR GM COMMITTEE MINUTES – 13 JULY 2018**

**RESOLVED /-**

That the minutes of the Transport for GM Committee held 13 July 2018 be noted.

**GMCA 156/18**

**GM LOCAL ENTERPRISE PARTNERSHIP – 16 JULY 2018**

**RESOLVED /-**

That the minutes of the GM Local Enterprise Partnership held 16 July 2018 be noted.

**GMCA 157/17**

**GMCA WASTE & RECYCLING COMMITTEE – 12 JULY 2018**

**RESOLVED /-**

That the minutes of the GM Waste and Recycling Committee held 12 July 2018 be noted.

**GMCA 158/18**

**GMCA OVERVIEW & SCRUTINY COMMITTEES – MINUTES: JULY 2018**

**a) Housing, Planning and Environment – 12 July 2018**

That the minutes of the Housing Planning and Environment Overview and Scrutiny Committee held on 12 July 2018 be noted.

**b) Economy, Business Growth & Skills – 13 July 2018**

That the minutes of the Economy, Business Growth and Skills Overview and Scrutiny Committee held on 13 July 2018 be noted.

**GMCA 159/18**

**FIRE SERVICE UPDATE**

The Mayor of GM prefaced the discussion of the report by informing the GMCA that he, and the Deputy Mayor, Beverley Hughes had recently visited GM Fire and Rescue Training Centre following the publication of the Kerslake report and the commissioned route and branch review of the GM Fire and Rescue Service. The Mayor and Deputy Mayor have also visited 37 fire stations across GM in order to have an open discussion with frontline staff, which was the beginning of a process of change of the service, recognising that the publication of the Kerslake report was difficult for service.

This week frontline staff and the supporting teams have been thanked for the outstanding work undertaken on Saddleworth Moor, Winter Hill, supporting Lancashire Fire and Rescue Service. The incidents have been handled with great skill, dedication and professionalism, bringing back to the public the strength and value of the frontline service provided by GMRFS, which can now provide the building blocks for a stronger future. He commented that the recent visits to engage with staff had been time well spent in beginning a process of change within the Fire Service.

Beverley Hughes, Deputy Mayor for Police, Crime and Fire introduced a report, tabled at the meeting, to reflect very late developments, including securing formal agreement from the Fire Brigade Union for some of the changes to be announced at this meeting.



The report confirmed the recent appointment of Jim Wallace, a the Chief Fire Officer of GM Fire and Rescue Service, bringing his experience of overseeing a similar transformation programme in Northern Ireland and previously worked in Scotland to bring together a range of separate fire services under a single service for Scotland.

The report summarised briefly the approach taken and the progress achieved so far. The Fire Station visits have provided insight into the issues in the Fire Service at a level of detail which was being fed into the work programme for the programme board, in addition it was building support for the process for change. There were some changes which could be implemented early quickly, rather than wait for the all the meetings to be held.

The report also included a governance structure, with the Programme Board chaired by the GMCA Chief Executive, which feeds into a Steering Group consists of the Mayor and Deputy Mayor, for Police, Crime and Fire.

There were six work streams to cover a range of issues, including;

- the operating model
- emergency and response
- prevention
- fire prevention
- protection
- business support
- organisation leadership and cultural

There were a number of welcomed changes which were already being implemented including the extension of the budget underspend to cover overtime costs, an accelerated recruitment programme to address current vacancies and a new shift pattern and annual leave policy.

The visits have also highlighted a number of serious and practical issues to be addressed, including conditions at a number of fire stations including the introduction of a programme of work to ensure there were facilities female staff and compliance with health and safety issues.

A staff reference group has been established to sit alongside the Programme Board to ensure the programme of change informs and reflects those officers on the front line and all staff.

Members were advised that Wigan Fire Service were an instrumental in the place based teams in Wigan and suggested consideration be given to place based working

as part of the organisation development programme so that all statins were connected into their respective place based teams.

On behalf of the GMCA, the Mayor thanked the Deputy Mayor for leading the work undertaken following the Kerslake report and reiterated the culture of frontline services first.

The Mayor welcomed the appointment of Jim Wallace, the new Chief Fire Officer and paid tribute to Dawn Docx, who served as Interim Chief Fire Officer in the period throughout the Kerslake report, recognising the difficult periods since her appointment.

**RESOLVED /-**

1. That the programme approach, scope and associated workstreams to the whole service review of GM Fire & Rescue Service be noted.
2. That it be noted that the appointment of the new Chief Fire Officer, Jim Wallace, was also confirmed this week at an organisational briefing on Tuesday 24<sup>th</sup> July 2018.
3. That Jim Wallace, as the incoming Chief Fire Officer be welcomed and that Dawn Docx, Interim Fire Officer, be thanked for her dedication and great leadership through a particularly difficult times for the Fire Service.

**GMCA 160/18            HEALTH & SOCIAL CARE – BI-MONTHLY UPDATE**

Councillor Peter Smith, Portfolio Lead for Healthy Lives & Quality Care, introduced a report which set out the key developments in GM health and social care over the last two months.

Members were reminded that the Health and Social Care Partnership was now in the 3rd year of the 5 year programme of devolution following Taking Charge, with the Autumn Comprehensive Spending Review providing an opportunity to re-examine the current operating model to ensure its robustness and its implementation across localities.

Some patients were still experiencing late cancer diagnosis, and the importance of a robust cancer strategy to reduce these numbers and drive the agenda forward.

Funding for digital solutions would be limited and there may be need to be consideration of innovative alternative funding support via local authorities going forward.

System performance has also been challenged through the winter pressures, and the hot weather had equally adversely affected the elderly population. The system focussed on treating people when they were ill rather than prevention.

Following the announcement of the successful bid for funding from Sport England, work was underway with the Cycling and Walking Team to increase and encourage population activity.

The Health and Care Partnership recently received a moving presentation on the Learning Disability Strategy, developed by individuals with learning disabilities which highlighted that only 3% of adults with learning disabilities in GM were in employment, compared to a national figure of 7%. This was an area that Councillor Peter Smith would be taking a personal interest in, to work alongside Councillor Sean Fielding as Portfolio Holder for Skills, Employment and Apprenticeships to bring about change.

Work on improving mental health services for young people remained a key priority, alongside developing joint strategies for adult social care. A meeting of portfolio leads for Adult Social Care from across GM was to be arranged in the near future.

Progress of the review of Theme 3, Acute Sector model was underway. There needs to be an improvement in hospital services across GM. It was proposed that the Joint Commissioning Board going forward would be more politically lead going forward.

The Mayor reminded members that the launch of National Health Service in 1948 was commemorated this month and highlighted the progress in moving forward the structural back office changes which will enable the health service to move forward in an integrated direction.

The Mayor drew members attention to the schools based pilot for children's mental health support and requested an update on the finding from the pilot to a future meeting of the GMCA.

He also highlighted the clear connection between housing and health, in particular the health implications, both physical and mental, for those sleeping rough on the streets.

**RESOLVED /-**

1. That the key developments in GM Health and Social Care over the last two months be noted.
2. That an update on the findings of the schools based pilot for the children's mental health support be submitted to a future meeting of the GMCA.

3. That the leadership of Lord Peter Smith, as GMCA Portfolio Holder for Healthy Lives & Quality Care, and Councillor Sean Fielding as GMCA Portfolio Holder for Skills, Employment and Apprenticeships, to ensure that adults with learning disabilities have the opportunity to access employment and improve the current levels of employment at only 3%, be welcomed.
4. That Councillor Peter Smith, Jon Rouse and the GM Health & Social Care Partnership Team be thanked for the progress of work to date.

## **GMCA 161/18            GM SPATIAL FRAMEWORK TIMETABLE**

City Mayor Paul Dennett, Portfolio Lead for Planning, Housing and Infrastructure, introduced a report providing members with an update on the proposed timetable for the GM Spatial Framework (GMSF) following the recent decision of the GMCA to delay the consultation until October 2018.

In response to the Mayor's comments it was confirmed that the role of supported housing/accommodation was critical to the work of the GMSF and the work of the Local Authorities in terms of the respective local plans and the forthcoming Housing Strategy for GM.

Members were reminded that the sub national population projections have predicted slower growth across GM, sub-national housing projections were still to be published in September 2018. This information would be vital to understand the housing need across GM, and for the methodology underpinning the GMSF and Local Plans.

Following approval of the draft consultation in October 2018, there will be a 12 weeks consultation between November-January 2019, with the draft Plan approved in July 2019, with further consultation/representation between August and October 2019. The submission plan was due to be approved in December 2019/January 2020, with examination in public over the Summer of 2020. Final publication was to be in Winter 2020/21.

In response to the issues raised during the first consultation, more emphasis was to be placed on engagement and communication with stakeholders and Citizen Space have been engaged to provide an online platform to enable this consultation to be more accessible across all mobile devices and an improved user experience.

Members of the GMCA welcomed this improved mechanisms for consultation and the opportunity to widen opportunities for conversations with stakeholders.

**RESOLVED /-**

That the move from the Joint Development Plan Process, (the current position) to a Spatial Development Strategy, subject to the relevant Regulations being in place, be agreed, in principle.

## **GMCA 162/18            GM LOCAL INDUSTRIAL STRATEGY UPDATE**

Councillor Richard Leese, Portfolio Lead for the Economy, introduced a report which provided members with an overview of the process to develop the GM Industrial Strategy and progress to date, including an update on the bidding process for the recently announced Strength in Places fund.

Members were reminded that Government agreed that GM would pilot a Local Industrial strategy to sit alongside the National Industrial Strategy, was based on the five foundations and four grand challenges which were mirrored in the Local Industrial Strategy. The four grand challenges were all important to GM and the five foundations were all contained within the GM Strategy. The Strategy was intended to be long term to 2030, to be reviewed regularly, providing the opportunity to set out how and what will be required to grow the economy. A joint statement, with Government, was due to be released imminently which sets out progress to date and identifies two of the grand challenges; Ageing Society and Clean Growth, particular energy related to clean growth where early progress can be made ahead of the final Local Industrial Strategy, which was due February 2019.

Major piece of work was underway to gather evidence for the Independent Advisory Panel to review.

On 25 July 2018, the University of Manchester submitted a bid to the Strength in Places Fund based on health innovation and advanced materials.

Members welcomed the report and the urged that engagement across all higher education institutions and relevant industries around health innovation and advanced materials and digital playing to GM's key assets.

Members were assured that the bid submitted by the University of Manchester was on behalf of a consortium, including Manchester Metropolitan University and a range of other key stakeholders.

In conclusion the Mayor confirmed that this was a good opportunity for GM to set a clear direction for the growth of the economy and industry over the next decade. GM was in a strong and unique position to progress the work on health and the green economy, notwithstanding that the strategy must start with the greatest asset of our people, and that the employment charter should be at the heart of the Local Industrial Strategy.

The Mayor thanked Councillor Richard Leese for the work undertaken to date and the work that Dame Nance Rothwell had undertaken to facilitate the collaborative work of the Manchester Universities.

## **RESOLVED /-**

1. That progress to date on developing the GM Local Industrial Strategy be noted.
2. That the approach and progress to date to develop the strong GM bid to the Strength in Places Fund, submitted on 25 July, on behalf of GM and its partners by the University of Manchester, based on health innovation and advanced materials be noted.
3. That thanks be recorded to Councillor Richard Leese, University of Manchester, Dame Nancy Rothwell in particular, for the work undertaken to date in bringing the Universities and business community together.

## **GMCA 163/18            BREXIT MONITOR MONTHLY UPDATE**

Councillor Richard Leese, Portfolio Lead for the Economy, introduced a report which updated members on the key economic and policy developments of relevance to GM in relation to the UK's decision to leave the European Union.

Members were reminded that since the last report the Government had produced a White Paper regarding the United Kingdom's relationship with the European Union which did not address detailed information on the free movement of people.

There was still some uncertainty regarding budgets post 2021 when the UK officially leaves the European Union although there would be some funding programmes which the UK will be able to opt in to should we desire. It is still not clear what will replace the European Structural Fund, although it was expected that GM would receive a significant amount of funding to replace the lost funding through the Shared Prosperity Fund. Details of the Shared Prosperity Fund were still awaited, although it was understood that Government were proposing to issue a consultation paper in September 2018. It was important that details of the proposals regarding the Shared Prosperity Fund were available as soon as possible. GM's aspiration was to access Shared Prosperity Funds based on the existing levels of European Structural Funding devolved to GM and needed to be long term funding, not short term challenge funds.

The other impact to be considered was the impact of 'No deal' on the ability to travel around the world, 'open sky' policy were dependent upon Europe, both 'open sky' policy within Europe and bi-lateral agreement with other parts of the world. There does need to be very clear agreement about how 'open sky' policy will operate to ensure there was no impact on the economy.

Members were reminded that it had been some time since the GMCA's policy on Brexit had been reviewed and it was suggested that the review, together with guidance and advice on resilience for all GM public bodies, in advance of the

Parliamentary Vote on Brexit, be undertaken with a view submitting a report to the GMCA on 28 September 2018.

The Mayor clarified that the level of funding for GM must reflect the level of European funding plus match funding from the UK Government and needed to be multi-year and flexible. The Mayor also assured members he would be more direct with Government around funding.

**RESOLVED /-**

1. That the report and the publication by the European Commission of their proposed EU Budget for 2021-27 be noted.
2. That a review of the GMCA's policy position on Brexit, together with guidance and advice for all GM public bodies in advance of the Parliamentary Vote on Brexit, be undertaken with a view submitting a report to the GMCA on 28 September 2018.
3. That it be noted that The Mayor of GM would be making representations to Government on behalf of the GMCA regarding the clear requirement for GM's Shared Prosperity Funding level to be retained at the current level of approximately £100M.

**GMCA 164/18 THE ROLE OF CO-OPERATIVES**

Councillor Allen Brett, Portfolio Lead for Community Cooperatives and Inclusion, introduced a report setting out the proposals for a range of actions intended to help promote the use of co-operative principles across GM, together with proposed membership of the Co-operative Councils Innovation Network and the establishment of a Co-operative Commission for GM.

Councillor Sharon Taylor, Chair of the Cooperative Councils Innovation Network, and Nicola Huckelby, Chief Executive, were welcomed to the meeting.

Councillor Sharon Taylor reported that the Innovation Network had gone from strength to strength and welcomed GM to the network.

The Mayor reminded the meeting that he was the Labour and Co-operative Mayor for GM added that he was pleased that the GMCA will be working with the Innovation Network.

The Mayor thanked Councillor Allen Brett for the leadership he and Rochdale Council, together with Oldham, Salford and reiterating that the agenda linked across many of the key priorities in the GM Strategy.

**RESOLVED /-**

1. That the proposal for GMCA to join the Co-operative Councils Innovation Network be approved.
2. That the proposal to establish a Co-operative Commission for GM be approved.

### **GMCA 165/18 GREEN SUMMIT SPRINGBOARD**

Councillor Alex Ganotis, Portfolio Lead for the Green City Region, introduced the springboard report arising from the successful delivery of the GM Green Summit, which summarised the work leading up to this event, reviewed the summit itself and the outcomes arising from it.

It was recognised that the target for GM to be carbon neutral by 2038 was ambitious, but achievable and was crucial to meet the aspirations of residents to ensure they remained healthy, protect jobs of the future.

A city wide model for GM has been developed for attaining carbon neutrality and the steps required.

Three broad policy areas have been identified in the Springboard document:

- The work currently underway to reduce carbon emissions
- The key announcements made at the Green Summit in terms of what the agenda will deliver over the next 12 months
- Further work to develop the remaining policies and initiatives to achieve the target

The next Green Summit will be held on 25 March 2019 at the Lowry. The event will formally set out the target for carbon neutrality and action plan to support the five year plan. The approach will be based on technology and evidenced to be reviewed every five years to take account of changes in technology.

Six key workstreams have been established:

- Energy
- Buildings
- Transport
- Sustainable consumptions
- Natural capital
- Education, skills & engagement

It was reiterated that this was a partnership approach, the GMCA would not be able to stand alone, business and individuals were paramount to delivery.



Members welcomed the report, and thanked officers for their work to date on this agenda, in particular the Green Summit Steering Group, and Mark Atherton, Assistant Director of Environment at the GMCA.

Councillor Brenda Warrington, Leader of Tameside Council, welcomed the report and advised that Tameside Council would be holding their own mini green summit bringing together partners to discuss carbon issues at a local level.

As Chair of the GM Pension Fund, Councillor Brenda Warrington advised that following the Green Summit, the Pension Fund has been lobbied regarding the fund policy to ensure the Fund was a responsible investor. The meeting was also advised that the Fund had received a letter from Mary Creagh, MP, Chair of the Environmental Audit Committee, advising that she had published the Fund's response to the Committee regarding the steps the Pension Fund had undertaken to manage the risks that climate change posed to UK pension investments and recognised level of standard of engagement and commitment to report on climate change risks to the Fund. Climate risk have also been reflected in the latest Pension Fund Annual Report.

Councillor Alex Ganotis confirmed he would be speaking at the Tameside Green Summit and welcomed the approach of the Pension Fund to low carbon investment. He added that the agenda was about investing in growth sectors and energy networks of the future, new ways of construction, sustainable transport facilities, serving both the economic needs of GM and reducing the number of cars on the road.

Members also reiterated the need to ensure the work was not seen in isolation recognising that there were linkages across all the portfolios, drawing specific attention to clean growth and should be reflected in all aspirations to grow the economy. The development of the five year plan was welcomed, with one of the challenges was how to scale up the agenda. Changes in the construction industry, in particular the modular build construction and the role of the green agenda.

The Mayor of GM added that decarbonisation and digitalisation were two of the greatest forces for the 21<sup>st</sup> Century economy that GM should be a leader in those areas and was integral to all future policy development. He also encouraged other local authorities to hold their own individual Green Summits.

**RESOLVED /-**

1. That the draft Springboard Report be agreed for publication and launch at the rise of the GMCA meeting.

2. That the proposed next steps, and the date of the planned future Green Summit, to be held on 25 March 2019 at the Lowry, be noted.
3. That thanks be recorded to all GMCA officers and partners, Green Summit Steering Group and Mark Atherton be recorded.
4. That the letter Mary Creagh MP, from the Chair of the Environmental Audit Committee, to the GM Pension Fund regarding climate related financial disclosures be noted.

## **GMCA 166/18            FULL FIBRE PROGRAMME UPDATE**

Councillor Andrew Western, Portfolio Lead for Digital, introduced a report which set out the financial implications for the Full Fibre Programme including refined indicative capital funding requirements for Local Authorities and confirming both project and programme arrangements.

GM had been successful in securing £23.8m capital funding from the Local Full Fibre Network Challenge Fund. The plan was to connect up to 1500 public sector buildings across GM and hopefully act as a catalyst for other businesses to improve their broadband network. GM's ambition is to improve coverage from 2% to 25% by 2020 which would see GM moving towards coverage enjoyed by other European cities.

The Mayor added that the Digital Summit enabled GM to position itself in successfully bidding for capital funds. This also provided opportunities for the private sector in all ten local authorities to piggyback onto the investment going for full fibre into public premises and some thought needed to be given to maximising those opportunities.

Councillor Andrew Western thanked the previous portfolio holders and Phil Swan together with the GMCA team, for the work to date to progress the agenda.

### **RESOLVED /-**

1. That the indicative locality capital requirements required to maximise Government Local Full Fibre Network Funding, as set out in the report, be noted.
2. That it be confirmed that the indicative site numbers and local capital requirements would be presented to the Department of Digital, Culture, Media and Sport (DDCMS) to secure a conditional Grant offer letter by the end of July.
3. That the requirement to secure local agreement for budget approvals prior to entry into an agreement with the GMCA, to facilitate draw down of the grant, be noted.

4. That the release of £1.5m from the business rates reserve to fund programme management costs be agreed.
5. That it be noted that funding for Fire & Rescue elements would be presented for consideration once costs were finalised.
6. That it be noted that there were a number of finance considerations to be resolved with Health colleagues.
7. That thanks be recorded to the former portfolio leaders (Councillors Sean Anstee and Richard Farnell) and Phil Swan and the GMCA team for the work undertaken in progressing Full Fibre work programme.

#### **GMCA 167/18            NORTHERN & TRANSPENNINE RAIL PERFORMANCE UPDATE**

The Mayor of GM introduced a report which provided an update on the performance and the delivery of franchise commitments for train operating companies Arriva Rail North (trading as Northern) and TransPennine Express.

Members were advised that the emergency timetable had not improved service standards, with passenger across GM continuing to receive an unacceptably poor level of service; Northern performance recording a decline in performance down to 77% PPM (public performance measure) figure, with a growing trend towards an increase the short forming of trains. There have been reports of overcrowded platforms at stations across GM, with passenger unable to access overcrowded trains. TransPennine performance was recording a decline down to 71%, compared to 91% last year. The lack of improvement signified fundamental problems on the railways that was not just regarding timetables. National Rail have failed to diagnose or provide solutions to the issues. The Transport Secretary recently stated that rail services in the North was a top priority, yet there has been little evidence of any intervention that would help to address the issues.

It was confirmed that the issues had been discussed with operators at the Mayor Transport Board and operators were unable to provide any satisfactory response to the issues raised regarding the continued poor performance. It was evident that there were capacity issues on the rail network on the Castlefield, Oxford Road and Piccadilly area, with upgrades to the corridor postponed by the Transport Secretary a year ago. The travelling public deserve a reliable service that meets consistent standards and that he would continue to lobby for action on this matter through Transport for the North.

Councillor Richard Leese informed members that operators and Network Rail had provided vague responses to the performance issues raised. The Northern Hub comprised three main elements; Ordsall Chord, longer platforms at Oxford Road; and additional Platforms 15 and 16 at Piccadilly Rail Station. The results of the Public Enquiry for both Oxford Road and Piccadilly have still not been released from 2015/16. During discussions at the Mayoral Transport Board it was reported that operators had been attempting to operate 15 trains per hour as part of the May timetable through the Castlefield Corridor, which could only be accommodated if the necessary works at both Piccadilly and Oxford Road had been undertaken, demonstrating clearly that this work now needs to be progressed.

Members of the GMCA called for a letter, to be signed by all ten Leaders of the GM Local Authorities, to be sent to the Secretary of State for Transport reminding him that he had identified the necessary works at both Piccadilly and Oxford Road Rail Station were a priority a year ago and that a resolution was needed to address the current issues as soon as possible.

Members were reminded that funding had been made available for Cross Rail Services suggesting that there differential standards being applied to transport provision in the North.

Members highlighting the continued issues for rail passengers in and around GM, including the wider impact on air quality, congestion and access to work. Residents across GM were frustrated with the service provision which not meet 21<sup>st</sup> century standards in cleanliness, reliability and a seven day timetable that offers excellent commuting and leisure travel.

The meeting was advised that Stockport Council was currently consulting on a refresh of the South East Manchester Multi-Module Strategy to cover the next 20 years and residents have continually raised the issue of local rail services and their frustration regarding rail capacity and performance. The presence of good transport, and in particular, good reliable train services underpins a multitude of strategies, in encouraging people out of cars. It was also important to continue to pursue Sunday Services rail provision as a priority. Engagement with key stakeholders has been poor, and members expressed disappointment that rail operators had not briefed them earlier on the issues so that support could have been offered to mitigate the impact to rail users and engage and lobby Government at an earlier stage. Members urged that communication needs to be improved going forward.

The Mayor advised the meeting that he had just been informed that the office of the Rail Regulator had intervened with respect to Network Rail.

The report highlighted that since June 2016, Northern had failed to meet the standards set out in their franchise agreement since 2016. This had been attributed

to a number of factors including signalling problems and poor workforce planning. Members felt that immediate action was required to ensure that the impact on the economic growth of GM was minimised.

It was suggested that GM MPs should be included in making representations to the Transport Secretary demonstrating a unified GM approach.

**RESOLVED /-**

That the report be noted and that a letter be sent to the Secretary of State for Transport, to be circulated to all members of the GMCA for signature, reminding him of the priority works, he himself identified, required on the Castlefield Corridor, Oxford Road Rail Station platform extensions and platforms 15 & 16 at Piccadilly Rail Station to enable the May 2018 timetable to be delivered and seeking a resolution as soon as possible.

**GMCA 168/18            BUS REFORM**

The Mayor of GM, introduced a report with updated members on the procedural steps to developing an assessment of a proposed bus franchising scheme for GM pursuant to the Transport Act 2000 (as amended by the Bus Services Act 2017), its provisions and associated next steps for GM.

**RESOLVED /-**

1. That the procedural steps and requirements of the Act in so far as they relate to the Assessment be noted.
2. That TfGM be instructed to undertake the following actions in performance of the GMCA's functions under the Transport Act 2000:
  - a) to secure the conditional availability and preliminary briefing of a suitably qualified independent audit organisation ("Auditor") so that after having prepared the Assessment and should the GMCA wish to proceed with any proposed scheme, the Auditor may then be instructed to prepare a report in accordance with section 123D of the Act
  - b) determine, if required by the conclusions in the Assessment, when it considers that the Assessment is ready to be submitted for audit, whether in advance of such submission there are any matters arising from the disclosure of information by operators or the analysis in the Assessment that may impact the substantive nature of the proposed franchising scheme or any alternative proposals being considered under the Assessment that should be referred to the GMCA for consideration and further direction to TfGM before the Assessment is finalised and submitted for audit

- c) ahead of completion of the audit to take all appropriate steps to prepare the materials necessary to allow the GMCA to undertake the consultation process under section 123E of the Act, so that as soon as reasonably possible after obtaining a report in accordance with section 123D of the Act, TfGM may submit to the GMCA for consideration the Assessment and any report of the Auditor so that the GMCA may:
- i. Review the Assessment and audit report;
  - ii. Determine whether to proceed to consultation or to remit the Assessment for further consideration and audit;
  - iii. Subject to 2 above, instruct TfGM to undertake a consultation in accordance with section 123E of the Act on its behalf; and
  - iv. Issue further directions to TfGM as appropriate.

**GMCA 169/18                      MAYOR'S CYCLING & WALKING CHALLENGE FUND**

The Mayor of GM, presented a report to the GMCA which sought approval of the first tranche of schemes for programme entry into the Mayor's Cycling and Walking Challenge Fund and seeking approval of the associated programme management and delivery budgets.

He noted that more schemes than originally anticipated had come forward.

**RESOLVED /-**

1. That the first tranche of cycling and walking schemes, be approved and granted Programme Entry for inclusion in the Mayor's Cycling & walking Challenge Fund.
2. That it be noted that the schemes would be further developed and would be subject to subsequent approval by the GMCA, as appropriate.
3. That the release of up to £1.5 million funding to fund programme management and associated costs in 2018/19 be approved and the GMCA Treasurer be authorised to make the necessary capital-revenue 'switch'.
4. That the release of £1.5 million for scheme development and design in 2018/19 be approved and the GMCA Treasurer be authorised to make appropriate grants to GM District Councils to facilitate this.

The Mayor of GM introduced a report which detailed a proposal to introduce a zonal fare structure on the Metrolink network in early 2019. The report specifically included the results of the public engagement exercise, the subsequent changes to the proposal and requested approval of the final proposal. The proposal mirrored the system in place in London and was the foundation for building an integrated transport system, confirming that the proposals would not impact on the revised fares to be introduced in 2019.

He reminded members that this scheme would provide residents with increased freedom to travel across an entire zone, providing flexibility and value for money. The proposals had been subject to public consultation, with the results published in the report.

Further work to progress 'contactless' payments was underway with a view to making some headway early in the new year.

Members acknowledged that not all suggested changes could be accommodated and recognised that Metrolink went some way to addressing gaps in the network following the deregulation of bus services. The provision of cross-city connectivity was vital to ensuring people had access to the regional centre and the ability to access employment across GM.

**RESOLVED /-**

1. That the approach to the public engagement exercise that ran between 1 June and 17 June and the response rate and the wider engagement activity undertaken be noted.
2. That the results of the public engagement exercise be noted.
3. That the proposed change to the proposal which has arisen from the engagement activity be noted.
4. That the final proposal to introduce a zonal fare structure across the Metrolink network in early 2019 be approved.

The Mayor of GM introduced a report which outlined the progress in developing a more coordinated approach to standardising and creating higher regulatory standards for Taxis and Private Hire Vehicles licensed by GM Local Authorities.

It was clarified that this was not the establishment of GM taxi license, rather the 10 GM Local Authorities working voluntarily together to agree the same minimum standards. The scheme required legislative reform at a national level.

There had been some initial meetings with the representatives of taxi trade, with a trade reference group to be established to look at reform. The progress of work would be subject to Government agreeing the request to withdraw the planned de-regulation proposals for out of area working.

Members further recognised the role of taxis and private hire vehicles in the air quality agenda, with a request that officers working on the licence proposals work coordinating with officers working on the Air Quality Plan to ensure the work was fully aligned.

It was reiterated that the standards to be agreed at a GM level, would be minimum standards with Local Authorities free to raise standards further.

Members also reiterated the importance of the credentials of the driver licenses must also be of the highest standards, in recognition of the safety of all passengers.

**RESOLVED /-**

1. That the report and the proposal for informal engagement of the Taxi and Private Hire trade on the proposed approach to GM minimum standards be noted.
2. That the informal public engagement exercise being undertaken by TfGM on behalf of GM District Councils to secure a fuller understanding of the key concerns and issues of passengers and non- users be noted.

**GMCA 172/18**

**BUDGET MONITORING REPORTS**

**a) Capital Programme Approval**

Councillor David Molyneux, Portfolio Lead for Resources, introduced an update report in relation to the GMCA 2018/19 capital expenditure programme.

**RESOLVED /-**

1. That the current 2018/19 forecast compared to the 2018/19 capital budget be noted.



2. That the delivery of projects which were part of the Department for Transport Early Measures Fund of £3 million be approved and that the addition to the 2018/19 Capital Programme of this Scheme be noted.
3. That the addition to the Capital Programme of the Cycling and Walking Commissioner's Cycling and Walking Infrastructure Proposals and the proposal to procure 27 trams and associated infrastructure funding as part of the Transforming Cities Fund, as approved by GMCA in June be noted.
4. That the budget increase of £7.377 million for Capital Highways Maintenance in relation to additional Pot-Hole, National Productivity Fund and Congestion plan funding be approved.
5. That the addition to the 2018/19 Capital Programme for additional Investment activity of £8.1 million for GM Loans Fund to be funded from Prudential Borrowings be noted.

**b) Revenue Budget Approval**

Councillor David Molyneux, Portfolio Lead for Resources, introduced a report which informed members of the 2018/19 forecast revenue outturn position as at the end of June 2018.

**RESOLVED /-**

1. That the budget adjustments as detailed in paragraphs 3.1, 3.7 to 3.27 and 3.30 to 3.31 be approved.
2. That the grant of £0.513 million to the Business Growth Hub to deliver business support services funded by BEIS on behalf of GM LEP for 2018/19 be approved.
3. That the Mayoral General revenue outturn position for 2018/19 which was in line with budget be noted.
4. That the Mayoral General – Fire revenue outturn position for 2018/19 which was in line with budget be noted.
5. That the Economic Development and Regeneration revenue outturn position for 2018/19 which shows an underspend against budget of £0.1 million be noted.
6. That the transport revenue outturn position for 2018/19 which was in line with budget be noted.
7. That the GM Waste revenue outturn position for 2018/19 which was in line with budget be noted.

8. That the TfGM revenue outturn position for 2018/19 which was in line with budget be noted.

**GMCA 173/18                    GREATER MANCHESTER INVESTMENT FRAMEWORK PROJECTS  
UPDATE**

Eamonn Boylan, Chief Executive of the GMCA, introduced a report which sought approval from the GMCA for loans to Float Glass Industries Limited and The Black Dress Company Limited made from recycled funds. Both of the schemes protected existing jobs and previous investment.

Members commented on the success of recycling investment funds in GM, particularly those of the Regional Growth Fund which had spent 170% of the Fund. The Housing Investment Fund has also continued to recycle further monies that could be used for those schemes more difficult to finance.

**RESOLVED /-**

1. That the funding applications received from Float Glass Industries Limited (loan of £396k) and The Black Dress Company Limited (loan of £150k) be granted conditional approval to progress to due diligence.
2. That authority be delegated to the GMCA Treasurer and GMCA Monitoring Officer to review the due diligence information and, subject to their satisfactory review and agreement of the due diligence information and the overall detailed commercial terms of the transactions, to sign off any outstanding conditions, issue final approvals and complete any necessary related documentation in respect of the loans.
3. That authority be delegated to the GMCA Chief Executive and GMCA Treasurer for the period 30 July 2018 to 27 September 2018, in consultation with The Mayor of GM and the Deputy Mayor, to approve funding requests for projects in the absence of a GMCA meeting in August and to approve any urgent variations on amounts and terms for already approved loans.
4. That recommendations approved under the delegation would be subject to the usual due diligence processes and would be reported to the GMCA at the next available meeting.
5. That an update on the GM Investment Loans Fund and GM Housing Investment Loans Fund performance be submitted to a future meeting of the GMCA.

**GMCA 174/18                    GREATER MANCHESTR HOUSING INVESTMENT LOANS FUND**

City Mayor Paul Dennett, portfolio lead for housing, planning and infrastructure, introduced a report which sought approval from the GMCA for four applications to

the Housing Investment Loan Fund. He advised that the RP Joint Venture submission was to be withdrawn for consideration at a later date.

**RESOLVED /-**

1. That the requests to the GM Housing Investment Loans Fund loans be approved as contained within the table below:

BORROWER	SCHEME	DISTRICT	LOAN
Bowdon Homes Ltd	Carrhill, Mossley	Tameside	£5.410m
Brunswick Living Limited	Brunswick Street, Manchester	Manchester	£2.088m
Slateacre Partnership Limited	Slateacre Road	Tameside	£1.916m
HS Property Group	HSPG	GM region	£1.000m

2. That the consideration of the application for funding from RP Joint Venture be withdrawn for consideration at a future meeting of the GMCA.
3. That authority be delegated to the GMCA Treasurer and the GMCA Monitoring Officer to prepare and effect the necessary legal agreements.
4. That authority be delegated to the GMCA Chief Executive and GMCA Treasurer, for the period 30 July 2018 to 27 September 2018, in consultation with The Mayor of GM and the Portfolio Leader for Planning, Housing & Homelessness to approve funding requests for projects in the absence of a GMCA meeting in August and approve any urgent variations on amounts and terms for already approved loans.
5. That recommendations approved under the delegation would be subject to the usual due diligence processes and would be reported to the GMCA at the next available meeting.

**GMCA 175/18            EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED /-**

That, under section 100 (A)(4) of the Local Government Act 1972 the press and public should be excluded from the meeting for the following items on business on the grounds that this involves the likely disclosure of exempt information, as set out in paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 and that the

public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**GMCA 176/18            FULL FIBRE PROGRAMME UPDATE**

**CLERK'S NOTE:** This item was considered in support of the Part A Full Fibre Programme Update (minute 166/18 refers).

**RESOLVED /-**

That the report be noted.

**GMCA 177/18            GREATER MANCHESTER INVESTMENT FRAMEWORK AND  
CONDITIONAL PROJECT APPROVALS**

**CLERK'S NOTE:** This item was considered in support of the Part A GM Investment Framework Project Updates (minute 173/18 refers).

**RESOLVED /-**

That the report be noted.

**GMCA 178/18            GREATER MANCHESTER HOUSING INVESTMENT FUND –  
INVESTMENT APPROVAL RECOMMENDATIONS**

**CLERK'S NOTE:** This item was considered in support of the Part A GM Housing Investment Loans Applications (minute 174/18 refers).

**RESOLVED /-**

That the report be noted.

**GMCA 179/18            WASTE DISPOSAL CONTRACT & PENSION ARRANGEMENTS  
FOR CONTRACTOR STAFF**

Councillor David Molyneux introduced a report regarding the pension arrangements for employees currently employed in the Greater Manchester Waste Disposal contract and who will be providing similar services post the current procurement exercise. In particular, agreeing the transfer of employees currently participating in private sector Defined Benefits (DB) schemes to the Greater Manchester Local Government Pension scheme run through Tameside Council.

**RESOLVED /-**

1. That the steps being undertaken to simplify the pension arrangements of current waste contract employees be noted as follows:
  - a) Active Defined Benefit members currently in the Citrus sections of the Viridor scheme are provided with access to the GMPF;
  - b) Members past service liabilities in the Citrus schemes are bulk transferred into the GMPF, (either with or without member consent). The GMCA would meet the associated legal and advisory costs of this process (with VWGM retaining its obligation to make good deficits on the existing schemes in respect of active DB members), and that that process is expedited so as to allow for the process to be completed before April 2019
  - c) That successful bidders become admitted bodies of the GMPF, under a formal GMCA guarantee;
  - d) That bidders be required to price on the basis of a separate Waste and Resources sub scheme with employer contribution rates for the contract period being set in bidder instructions (with any adjustment to costs being a pass through);
  - e) That bidders be required to assume the full risks associated
    - with early retirement costs on redundancy;
    - any other additional benefits awarded at the employer's discretion; and;
    - costs of ill health retirements on a fixed fee basis with residual costs as a risk to the future waste contractors.
2. That it be agreed that the GMCA would be prepared to give the appropriate guarantees to the GM Pension Fund in request of Admissions agreement with the current interim contract and the three contract lots post 1 April 2019. The precise details of the contractors and the detail of their Admission Agreements would become clear through the procurement process and be included in the report to GMCA on the contract award later in the year.



**MINUTES OF THE MEETING OF THE GM COMBINED AUTHORITY  
HELD 28 SEPTEMBER 2018 AT OLDHAM CIVIC CENTRE**

**PRESENT:**

Greater Manchester Mayor	Andy Burnham (In the Chair)
Greater Manchester Deputy Mayor	Baroness Bev Hughes
Bolton	Councillor Linda Thomas
Bury	Councillor Rishi Shori
Manchester - Greater Manchester Deputy Mayor	Councillor Richard Leese
Oldham	Councillor Sean Fielding
Rochdale	Councillor Allen Brett
Salford	City Mayor Paul Dennett
Stockport	Councillor Alex Ganotis
Tameside	Councillor Brenda Warrington
Trafford	Councillor Andrew Western
Wigan	Councillor David Molyneux

**OTHER MEMBERS IN ATTENDANCE:**

TfGMC	Councillor Mark Aldred
Bolton	Councillor Ebrahim Adia
Bury	Councillor Andrea Simpson
Manchester	Councillor Angeliki Stogia
Rochdale	Councillor Sara Rowbotham
	Councillor Janet Emsley
Salford	Councillor Paula Boshell
Tameside	Councillor Leanne Feeley

**OFFICERS IN ATTENDANCE:**

GMCA Chief Executive	Eamonn Boylan
GMCA –Deputy Chief Executive	Andrew Lightfoot
GMCA – Monitoring Officer	Liz Treacy
GMCA – Treasurer	Richard Paver
Office of the GM Mayor	Kevin Lee

Bolton	Sue Johnson
Bury	Geoff Little
Oldham	Carolyn Wilkins
Manchester	Joanne Roney
Rochdale	Steve Rumbelow
Salford	Jim Taylor

Stockport	Caroline Simpson
Tameside	Steven Pleasant
Wigan	Donna Hall
TfGM	Jon Lamonte
GMP	Ian Pilling
GMFRS	Jim Wallace
GMCA	Julie Connor
GMCA	Sylvia Welsh
GMCA	Nicola Ward

#### **APOLOGIES:**

Bolton	Tony Oakman
Bury	Councillor Sharon Briggs
Stockport	Pam Smith
Wigan	Councillor Jenny Bullen
GM Police	Ian Hopkins

#### **GMCA 180/18            APOLOGIES**

Apologies were received from Councillor Sharon Briggs (Bury) and Jenny Bullen (Wigan). Apologies were also received from Pam Smith (Stockport) and Tony Oakman (Bolton).

#### **GMCA 181/18            CHAIR'S ANNOUNCEMENTS AND URGENT BUSINESS**

The GM Mayor extended a warm welcome to Jim Wallace, Chief Fire Officer and updated the GMCA on the introduction of the new shift system for fire fighters.

The Mayor expressed his thanks to Jon Lamonte, Chief Executive, TfGM and Deputy Lieutenant for Greater Manchester, for the work done under his leadership and wished him success in his new role.

#### **GMCA 182/18            DECLARATIONS OF INTEREST**

City Mayor, Paul Dennett and Councillors Richard Leese and Paula Boshell declared disclosable pecuniary interests in Item 19 - North West Made Smarter Pilot, as Directors of the Growth Company Board and left the meeting during consideration of the report.

#### **GMCA 183/18            MINUTES OF GMCA MEETING HELD ON 27 JULY 2018**

The minutes of the GMCA meeting held on the 27 July 2018 were submitted for consideration.



**RESOLVED /-**

That the minutes of the GMCA Meeting held on the 27 July 2018 be approved, subject to the addition of the Deputy Mayor to the list of attendees.

**GMCA 184/18            GMCA APPOINTMENTS**

**RESOLVED /-**

**a) GMCA Waste & Recycling Committee**

That the appointment of Councillor Susan Emmott to replace Councillor Neil Emmott as the Rochdale representative on the Waste and Recycling Committee for 2018/19 be approved.

**b) GMCA Audit Committee**

That the appointment of Councillor Mary Whitby as a substitute member to the GMCA Audit Committee to replace Councillor Susan Haworth (Bolton) be approved.

**c) GMCA Housing Planning and Environment Overview & Scrutiny Committee**

That the appointment of Councillor Steven Bashforth to replace Councillor James Larkin (Oldham) be approved.

**d) Overview and Scrutiny Committees Substitute Pool**

That the appointment of Councillor Peter Davis to replace Councillor Clint Phythian (Oldham) be approved.

**e) Transport for GM Culture & Social Impact Fund & AGMA Statutory Functions Committee**

That the appointment of Councillor John Byrne (Bolton) to replace Councillor Mohammed Zamen (Rochdale) be approved.

**f) Greater Manchester Local Enterprise Partnership**

That the appointment of Councillor Andrew Western (Trafford) to replace Councillor Sean Fielding (Oldham) be approved.

**g) Growth Company Board**

That the appointment of Councillor Arooj Shah (Oldham) to replace Councillor Cath Hynes (Trafford) be noted.

**h) European Social Investment Fund Sub Committee**

That the appointment of Councillor Sean Fielding (Oldham) to replace Andy Burnham (GM Mayor) be approved.

**i) Transport for the North Scrutiny Committee**

That the appointment of Councillor Rachel Skillen (Bury) to the TfN Scrutiny Committee be approved.

**j) Halle Board**

That the appointment of Councillor Janet Emsley (Rochdale) to replace Councillor Linda Thomas and the appointment of Eamonn Boylan (GMCA Chief Executive) to replace Donna Hall (Wigan Chief Executive) be approved.

**GMCA 185/18                      TRANSPORT FOR GM COMMITTEE MINUTES – 14 SEPTEMBER 2018**

**RESOLVED /-**

That the minutes of the Transport for GM Committee held 14 September 2018 be noted.

**GMCA 186/18                      GM LOCAL ENTERPRISE PARTNERSHIP – 17 SEPTEMBER 2018**

**RESOLVED /-**

That the minutes of the GM Local Enterprise Partnership held 17 September 2018 be noted.

**GMCA 187/18                      GMCA RESOURCES COMMITTEE – 27 JULY 2018**

**RESOLVED /-**

1. That the minutes of the GMCA Resources Committee held 27 July 2018 be noted.
2. That it be noted that the membership of the Committee will be reviewed to ensure gender balance and proposals will be submitted to the GMCA in October 2018.

**GMCA 188/18                    GMCA WASTE & RECYCLING COMMITTEE – 13 SEPTEMBER 2018**

**RESOLVED /-**

That the minutes of the GM Waste and Recycling Committee held 13 September 2018 be noted.

**GMCA 189/18                    GMCA AUDIT COMMITTEE – 26 JULY 2018**

**RESOLVED /-**

- i) That the minutes of the GMCA Audit Committee meeting held 26 July 2018 be noted.
- ii) That the following recommendation of the Audit Committee held 26 September 2018 regarding the Treasury Management Report be approved:

The Treasurer, in conjunction with the Monitoring Officer, be authorised to enter into a £165m loan facility with the European Investment Bank and to subsequently draw down loans in line with the longer term funding requirements of the GMCA.

**GMCA 190/18                    GMCA OVERVIEW & SCRUTINY COMMITTEES – MINUTES: AUGUST AND SEPTEMBER 2018**

**RESOLVED /-**

**a) Housing, Planning and Environment – 16 August & 13 September 2018**

That the minutes of the Housing Planning and Environment Overview and Scrutiny Committee held 16 August and 13 September 2018 be noted.

**b) Economy, Business Growth & Skills – 17 August & 21 September 2018**

That the minutes of the Economy, Business Growth and Skills Overview and Scrutiny Committee held 17 August & 21 September 2018 be noted.

**c) Corporate Issues and Reform – 21 August & 18 September 2018**

That the minutes of the Corporate Issues and Reform Overview and Scrutiny Committee held 21 August and 18 September 2018 be noted.

**GMCA 191/18                    BREXIT UPDATE AND CONSIDERING GREATER MANCHESTER'S  
PREPAREDNESS FOR THE UK'S EXIT FROM THE EU**

Councillor Richard Leese, Portfolio Lead for Business and Economy, introduced a report that outlined the actions that GMCA should take to ensure GM was ready for the UK's departure from the EU in both the short and longer term.

Members were reminded that the Brexit Summit had been held the previous week, and there was still some uncertainty on the level of progress that could be made by March 2019 and whether there was going to be an agreed deal that could pass the test of a meaningful vote in Parliament or whether it would be a no deal Brexit.

The report provided an update on the progress of a number of areas, including:

- GM's lobbying position in terms of ongoing negotiations and the relationship with the 'White Paper' issued by Government
- Informs the public of GM of the current position and the risks to GM, with work underway on the detail of those risks, which has been inhibited by the absence of Government's assessment of the likely impact of the different scenarios on GM

A 'No Deal' Brexit, was likely to be in line with a minus 12% loss in GVA as projected in the Government's 'hard Brexit' analysis.

It was suggested that those impacted the most would be those that were always doing least well, with those areas in GM that were behind the curve economically would be the most likely to suffer the most from a 'No Deal' Brexit.

Government has started to issue advice notes around the risks of 'No deal' Brexit and it was suggested the time was now right to ask the Civil Contingencies organisation to start planning on a GM level. There were some clear day 1 risks identified in the report that had would have immediate consequences on the availability of food, energy and medicines / medical devices, or other products / services which operate a 'just in time' supply chain. GM does need to look at mitigating against those day 1 risks, immediate problems and scenarios.

GM also needs to consider its position in respect of the collapse of negotiations and the potential 'No deal' outcome for leaving the EU and that a further Referendum should be a last resort.

The GM Mayor confirmed that a 'No Deal' Brexit was fundamentally unacceptable to GM and all means necessary should be used to stop it and to call, as a last resort, for 2<sup>nd</sup> Referendum vote.

Members drew attention to the uncertainty of the status of EU nationals, and the potential for labour shortages, especially in industries such Health and Social Care, which could result in the collapse of a very essential public service. The Government 'Green Paper' has not yet been published, to which Local Authorities have provided input.

Members noted the importance for Government to share the GM impact paper for GM and for clarifying the status of EU nationals in the UK so that necessary arrangements/plans could be implemented to support the local economy.

Members were made aware that Trafford Council had passed a 'peoples vote' motion at its last meeting and it was reiterated that Government should be pressured to avoid a 'No deal' Brexit.

Members were also advised that the impact would be wider than just economic, with implications for policing, security, intelligence, counter-terrorism activity. Government has been continually pressed about the important role of working collaboratively with EU partners to bring criminals to justice.

The impact on Manchester Airport, as a major employer and the contribution to the local economy, does need to be assessed, particularly the impact on 'open skies'.

The GM Mayor highlighted that it was crucial that GM begins contingency planning across sectors at both GM and Local Authority level to ensure GM remains resilient in the face of any immediate challenges. He further added that further devolution was the answer to Brexit.

#### **RESOLVED /-**

1. That the updated principles for the UK's exit from the EU, including those regarding full flexibility and freedom of the UK Shared Prosperity Fund be agreed.
2. That Government be pressed to release the GM Impact Assessment that has been undertaken, to enable GM to prepare a response to mitigate the impact of Brexit.
3. That further clarity be sought from Government regarding the terms on which EU nationals could remain in Britain post March 2019 and their status, recognising that these EU nationals fulfil an important role in the health and social care sector.

4. That the actions required, both of Government and the GMCA, as outlined in section 5.4 of the report, with the addition of an assessment of the impact on Manchester Airport and GMP and security cooperation, in order to ensure GM was as ready as possible for the transition out of the EU, whatever deal was agreed with the EU (including a 'no deal' scenario) be agreed.
5. That it be agreed that a 'No Deal' Brexit be opposed outright and where all other options have been exhausted, the GMCA would support a peoples vote.
6. That the content of the September Brexit Monitor (Appendix 1 to the report) be noted.

### **GMCA 192/18            HOMELESSNESS AND ROUGH SLEEPING UPDATE**

Paul Dennett, Portfolio Lead for Housing, Homelessness and Infrastructure, introduced a report providing members with an update on the current position in terms of progress in tackling homelessness and rough sleeping. The report also included updates on the main homelessness programmes being undertaken through GMCA.

It was reported that over the past 18 months, GMCA had been developing a range of programmes to support local authorities' work in tackling homelessness and to support the Mayor in his commitments on rough sleeping. These programmes have been jointly developed through a joint bidding and negotiation process with central government and supported by every local authority.

The three main programmes of work are as follows:

- Social Impact Bond for Entrenched Rough Sleepers
- Homelessness Prevention Trailblazer
- Housing First Programme

It was further reported that to ensure effective engagement through the Social Impact Bond, a bid for additional funding has been made and in late August, it was confirmed that an additional £829,000 would be committed to the GM SIB by Central Government.

Members were also reminded that the public needed to be aware that not all rough sleepers were begging and that not all those begging on the streets of Manchester were sleeping rough. The public need to be encouraged to donate to organisations rather than to individuals. Manchester City Council were in the process of reviewing temporary and immediate accommodation measures for families who have been evicted by private housing landlords.

Work was also progressing to identify support across the piece as a priority, with mental health a particular priority.

In discussing the winter provisions for 2018, the Mayor highlighted the importance of further improving GM's approach to rough sleeping and supporting individual's under respite. He further highlighted the importance of supporting individuals through reconnection, to help them live normal lives by supporting individuals off the street and into jobs.

The Mayor further conveyed thanks to Tim Heatley, Capital Centric, for bringing businesses together to provide financial support to the campaign and highlighted the importance of supporting individuals through reconnection.

The meeting viewed the Mayor's video in support of 'A Bed Every Night'.

**RESOLVED /-**

1. That the report and the continuing progress made on securing resources and tackling homelessness and rough sleeping in GM be noted.
2. That the award of £829k to support the GM Social Impact Bond for Entrenched Rough Sleepers be noted.
3. That it be noted that the GMCA has secured a total of £8m to deliver a GM-wide Housing First Programme.
4. That the proposal to split the Programme funding over 3 years be approved as follows: £7.6m direct contract costs; £157k for a Housing First Innovation Fund; and £243k for additional administration costs.
5. That authority be delegated to the GMCA Treasurer, in consultation with the Mayor and Portfolio Leader for Housing, Homelessness and Infrastructure, to award the contract to be entered into between the GMCA and the successful tenderer for the delivery of the GM Housing First Programme.
6. That authority be delegated to the GMCA's Monitoring Officer to enter into the legal contract between the GMCA and the successful provider who has been procured to deliver the GM Housing First Programme.
7. That authority be delegated to the GMCA Treasurer in consultation with the Mayor and Portfolio Leader for Housing, Homelessness and Infrastructure, to determine the detailed allocation of Trailblazer funding in line with the

indicative funding for each of the 6 Trailblazer themes, including making grants to district councils where this is appropriate.

8. That it be agreed that the GMCA continues to receive regular updates on progress in tackling homelessness and rough sleeping on a bi-monthly basis.
9. That it be agreed that the GMCA supports the Mayor's intention to bring forward proposals to fund a campaign of winter homelessness provision under the title of "A Bed Every Night", based on those whose last address was within GM.
10. That other City Regions be requested to establish similar campaigns to ensure that homelessness can be tackled collectively across the City Regions.
11. That members be thanked for their support in bringing the homelessness strategy together and that the progress in individual local authorities be acknowledged and recognised.
12. That the business sector be thanked for their support and job opportunities to address homelessness.
13. That Vincent Kompany be thanked for the donation of the proceeds from his football testimonial to the Mayor's Homelessness Fund and 'a bed every night' campaign.
14. That the GMCA Communications Team be thanked for producing the 'A bed every night' campaign.

**GMCA 193/18                      WELFARE REFORM AND UNIVERSAL CREDIT IN GREATER MANCHESTER**

Cllr Sean Fielding, Portfolio Lead for Education, Skills, Work & Apprenticeships introduced a report that updated the GMCA on the welfare reform and the roll out of Universal Credit in GM, the latest monitoring of the impacts of these changes, and proposed activity to be undertaken to ensure the successful delivery of the Greater Manchester Strategy.

It was reported that evidence from frontline services in GM and nationally, suggested that there would be a negative impact for GM residents as a result of these reforms, but there was also an opportunity to identify where we can engage and support more residents and enhance their employment and skills offer.



Members noted the work that had been carried out and considered the priorities outlined under Appendix 4 of the report.

It was agreed that members comments on the proposed actions and requests of Government, as contained with Appendix 4 of the report submitted, be sent direct to Councillor Sean Fielding within the next week, for further consideration.

The GM Mayor further added that some of the actions listed under Appendix 4 could be taken forward without any additional ask of Government. He also suggested that GM should also be making the case for further devolved powers from the Department of Works & Pensions, in a similar way to the health and social care agreement.

**RESOLVED /-**

1. That the scale of welfare reform undertaken since 2012 be noted.
2. That the GM Welfare Reform dashboard and the case studies of individual residents affected by reforms and the Universal Credit roll out be noted.
3. That the proposed areas of focus and suggested actions to be undertaken by the GMCA and partners be noted.
4. That any further comments on the proposed actions and requests of Government, as contained with Appendix 4 of the report submitted, be sent direct to Councillor Sean Fielding within the next week, for further consideration.
5. That Councillor Sean Fielding and GMCA officers be thanked for the work undertaken.

**GMCA 194/18            UPDATE ON GM SKILLS CAPITAL 2017-2020 PROGRAMME**

Councillor Sean Fielding, portfolio Lead for Education, Skills, Work & Apprenticeships, introduced a report that outlined the Skills Capital 2017 – 2020 Programme updated and sought approval from the Combined Authority on the procurement process for Round 2.

**RESOLVED /-**

That progress on evaluating the next round of bids received be noted.

**GMCA 195/18            TOWN CENTRE CHALLENGE AND MAYORAL DEVELOPMENT CORPORATIONS**

The GM Mayor introduced a report that updated the GMCA on the Mayor's Town Centre Challenge and on proposals to develop a Greater Manchester Mayoral Development Corporation 'model' to facilitate delivery of complex town centre regeneration schemes.

Councillor Alex Ganotis, Portfolio Lead for the Green City Region, welcomed the report, and thanked all those involved for their work to date. He further commented that Stockport Council had undertaken a detailed analysis of the different delivery vehicles that could be established to lead the regeneration of the Town Centre West area and had come to the conclusion that the Mayoral Development Corporation model was the most appropriate way to achieve sustained success and focus. It was suggested that the work carried out under the Town Centre West area could be used as a model for the whole of GM.

Members noted the importance of having a unified urban cities agenda as this would strengthen GM's city centres.

**RESOLVED /-**

1. That the report be noted.
2. That the designation of a Mayoral Development Corporation in Stockport, be agreed in principle, subject to further work, with a further report to be submitted to the GMCA in December 2018, in advance of any final decision.
3. That it be noted that the proposed principles, as outlined in paragraph 4.1 of the report submitted, would be subject to further consultation, with the outcome submitted to a future meeting of the GMCA.
4. That officers in both Stockport and the GMCA be thanked for the work undertaken to date.

**GMCA 196/18                    USE OF PLANNING DELIVERY FUND RESOURCES**

Paul Dennett, Portfolio Lead for Housing, Homelessness and Infrastructure, introduced a report that updated members on Local Authority priorities and sought approval on the funding requests for the available Planning Delivery Fund (PDF) resources following consultation with Place Directors.

Members were made aware that Government had acknowledged the requirement for revenue funding to establish a Place Based Team to support GM Local Authorities to deliver housing across GM, although disappointingly the funds had not been forthcoming.

**RESOLVED /-**

1. That the approach to prioritisation, as set out in the report, be agreed.
2. That the £950,000 Planning Delivery Fund allocation as indicated in the report at paragraph 2.7, be approved.
3. That the consequent transfers of funding to relevant GM districts be agreed.
4. That authority be delegated to the GMCA Chief Executive, in consultation with the Portfolio Leader for Housing, Homelessness and Infrastructure, to allocate the identified contingency amounts.
5. That authority be delegated to the GMCA Treasurer to adjust allocations of grants to districts as work proceeds to maximise the positive impact of the available funding be approved.
6. That it be noted that although Government had acknowledged the requirement for revenue funding to establish a Place Based Team to support GM Local Authorities to deliver housing across GM, the GM Housing Package has not yet been confirmed.

**GMCA 197/18                      GREATER MANCHESTER INTERNATIONALISATION STRATEGY –  
MIDTERM REVIEW**

Sir Richard Leese, Portfolio Lead for Business and Economy, introduced a report that set out the progress of the implementation of the GM Internationalisation Strategy since it was agreed in 2016 and sought agreement of the key actions proposed for the next 18 months and noting the key issues arising, including Brexit, that impact on its delivery.

The GM Mayor commented on the importance of building on international relationships with growing economies to further investment. He further added that HS2 was an essential investment for GM and that he would continue to exert pressure on Government to ensure support was received to make Manchester Airport one of the best connected airports.

**RESOLVED /-**

1. That the issues identified, within the report submitted, in the delivery of the GM Internationalisation Strategy be noted.
2. That the key activities, as contained with paragraph 6 of the report submitted, within the next 18 months proposed, within the report be submitted, be agreed.

3. That the infrastructure risks, not related to Brexit, including High Speed 2 and Northern Powerhouse Rail be noted and the Government be continued to be pressured to deliver the required funding.

**GMCA 198/18                      NORTH WEST MADE SMARTER PILOT**

*City Mayor, Paul Dennett and Councillors Richard Leese and Paula Boshell declared disclosable pecuniary interests in Item 19 - North West Made Smarter Pilot, as Directors of the Growth Company Board and left the meeting during consideration of the report.*

Jim Taylor, Portfolio Lead Chief Executive for Economy, introduced a report that sought approval for the GMCA to act as the accountable body for the Made Smarter National Adoption Pilot that will be led by the Growth Company on behalf of the North West Local Enterprise Partnerships.

The GM Mayor asked that thanks be recorded to Juergen Maier, CEO of Siemens UK for his contribution and positive work on driving productivity through the adoption of industrial digital technology (IDT) in the UK manufacturing sector.

**RESOLVED /-**

1. That it be agreed to support the Made Smarter National Adoption Pilot.
2. That it be agreed to act as the accountable body for the £20million Made Smarter National Adoption Pilot.
3. That it be agreed that the GMCA grant the Section 31 funding for the Made Smarter National Adoption Pilot, made as a grant from Department for Business, Enterprise and Industrial Strategy (BEIS), to the Growth Company to deliver the Made Smarter National Adoption Pilot, retaining a small amount to cover the cost of undertaking accountable body functions as required by BEIS be agreed.
4. That Juregen Maier, CEO of Siemens UK Ltd be thanked for the Made Smarter Review published in 2017.

**GMCA 199/18                      NORTHERN & TRANSPENNINE EXPRESS RAIL PERFORMANCE UPDATE**

The GM Mayor introduced a report that provided an overview of performance and update on the delivery of franchise commitments for Arriva Rail North (Trading as Northern) and TransPennine Express since the commencement of their franchises.

Members were advised that passengers across GM continued to receive an unacceptably poor level of service; Northern performance recording a decline in performance down to 77% PPM (public performance measure) figure, with a growing trend towards an increase the short forming of trains. There have been reports of overcrowded platforms at stations across GM, with passenger unable to access overcrowded trains. TransPennine performance was recording a decline down to 71%, compared to 91% last year. The lack of improvement signified fundamental problems on the railways that was not just regarding timetables. National Rail have failed to diagnose or provide solutions to the issues.

He further added that as a member of the TfN Board he had repeatedly raised concerns over the performance of Rail operators. At the previous TfN meeting, in conjunction with other Northern Leaders it was proposed that a trouble-shooter be appointed. The Mayor then informed the members that this proposition was agreed by Government and that Richard George had been appointed to undertake this position.

It was reiterated that rail users continued to face issues, in particular residents of Bolton and Wigan have significantly been affected, with no alternative Metrolink for residents to access.

Concerns were raised over the continued contractual issues around Sunday services with priority being given to regional and national services over Local services.

Members noted that it in order to improve air quality, reduce congestion and to support a multitude of GM strategies, it was important to have a well-functioning rail network.

The GM Mayor assured members that he would continue to engage with stakeholders to ensure contractual issues around Sunday services were resolved alongside performance improvement. He further added that he would urge the GMCA to apply for the removal of the franchise if no improvement was seen once the electrification of the Bolton corridor had been completed, before the roll out of the May 2019 timetable.

**RESOLVED /-**

1. That the report be noted.
2. That it be noted that the non-operation of Sunday Services was as a result of the contractual issues Northern Rail was experiencing with staff, with the intervention the Department for Transport required to resolve with Northern

Rail. The Mayor would continue to raise the issue at meetings of Transport for the North.

3. That the Department for Transport and rail operators be requested to respond to the need to prioritise local rail services over national rail services.
4. That it be noted in response to the pressure from Transport for the North, Government had agreed to appoint Richard George to oversee both Network Rail and Train Operating Companies, to deliver the service improvements promised in the May timetable.
5. That dependent upon the delivery of a much improved service by December and the delivery of the new timetable by May 2019, the GMCA should demand the removal of the franchise from current train operators.

**GMCA 200/18                      MAYORS CYCLING & WALKING CHALLENGE FUND**

The GM Mayor presented a report that sought the approval of the second tranche of schemes for Programme Entry for the Mayor's Cycling and Walking Challenge Fund (MCF); and to approve the associated delivery budgets.

**RESOLVED /-**

1. That the second tranche of cycling and walking schemes be approved and granted Programme Entry for inclusion in the MCF.
2. That it be noted that the schemes would be further developed and subject to subsequent approval by the GMCA, as appropriate.
3. That the release of £0.5 million, of the previously agreed budget for scheme development and design in 2018/19 be approved and that authority be delegated to the GMCA Treasurer to make appropriate grants to District Councils to facilitate this.

**GMCA 201/18                      GREATER MANCHESTER LOCAL GROWTH DEAL – 6 MONTHLY  
TRANSPORT PROGRESS UPDATE**

The GM Mayor introduced a report which provided members with the latest position in relation to the Local Growth Deal Transport Programme (Tranches 1,2 and 3) following on from the last update in March 2018.

**RESOLVED /-**

1. That the current position in relation to the current Growth Deal Major Schemes programme be noted.

2. That the current position in relation to the Growth Deal Minor Works and Additional Priorities programmes be noted and that the decision to proceed with expenditure of £2.2 million on Key Route Network traffic control systems (SCOOT), £3.4 million on Key Route Network traffic control systems (MOVA) to upgrade traffic signal locations, £3.4 million of Bus Passenger Access Enhancements and £1.1 million of Rail Station Enhancements (all of which have been subject to the agreed Growth Deal Minor Works Governance arrangements and previously approved for inclusion in the Capital Programme) be approved.

**GMCA 202/18            TFGM NON-EXECUTIVE APPOINTMENTS**

**RESOLVED /-**

That the report be withdrawn for consideration at a future GMCA meeting.

**GMCA 203/18            LOCAL ENTERPRISE PARTNERSHIP REVIEW**

Sir Richard Leese, Portfolio Lead for Business and Economy, introduced a report that sets out the background and recommendations of the recent Local Enterprise Partnership Review and the key implications for Greater Manchester.

It was reported that GM already complied with the majority of the review recommendations which reflected current GM policy and practice, particularly in regard to geography, representation and transparency. However, there are a few recommendations to be addressed and members were advised that Government has committed to provide additional funding to support the process.

**RESOLVED /-**

That the report be noted.

**GMCA 204/18            GREATER MANCHESTER INVESTMENT FRAMEWORK  
PROJECTS UPDATE – PART A AND B REPORTS**

**RESOLVED /-**

That the reports be withdrawn pending further work on the proposal, with a view to submitting reports to the GMCA meeting in October 2018.

**GMCA 205/18            GREATER MANCHESTER HOUSING INVESTMENT LOANS FUND  
– INVESTMENT APPROVALS RECOMMENDATION**

Paul Dennett, Portfolio Holder for Planning, Housing & Homelessness, presented a report to the GMCA which sought approval of the GM Housing Investment Loans Fund.

**RESOLVED /-**

1. That the GM Housing Investment Loans Fund loan in the table below, as detailed further in this and the accompanying Part B report be approved:

BORROWER	SCHEME	DISTRICT	LOAN
Olive Property Construction North Ltd	Vernon Street, Ashton Under Lyne	Tameside	£1.366m

2. That authority be delegated to the GMCA Treasurer acting in conjunction with the GMCA Monitoring Officer to prepare and effect the necessary legal agreements

**GMCA 206/18 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED /-**

That, under section 100 (A)(4) of the Local Government Act 1972 the press and public should be excluded from the meeting for the following items on business on the grounds that this involves the likely disclosure of exempt information, as set out in paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**GMCA 207/18 GREATER MANCHESTER HOUSING INVESTMENT FUND – INVESTMENT APPROVAL RECOMMENDATIONS**

**CLERK'S NOTE:** This item was considered in support of the Part A report Greater Manchester Housing Investment Fund – Investment Approval Recommendation (Minutes 2015/18 refers)

**RESOLVED /-**

That the report be noted.



**MINUTES OF THE MEETING OF THE GREATER MANCHESTER COMBINED AUTHORITY  
HELD 26 OCTOBER 2018 AT AJ BELL STADIUM, SALFORD**

**PRESENT:**

GM Mayor	Andy Burnham (In the Chair)
GM Deputy Mayor	Baroness Bev Hughes
Bolton	Councillor Linda Thomas
Bury	Councillor Rishi Shori
Manchester – GM Deputy Mayor	Councillor Richard Leese
Oldham	Councillor Sean Fielding
Rochdale	Councillor Allen Brett
Salford	City Mayor Paul Dennett
Stockport	Councillor Alex Ganotis
Tameside	Councillor Brenda Warrington
Trafford	Councillor Andrew Western
Wigan	Councillor David Molyneux

**OTHER MEMBERS IN ATTENDANCE:**

TfGMC	Councillor Mark Aldred
Bury	Councillor Andrea Simpson
Manchester	Councillor Angeliki Stogia
Rochdale	Councillor Sara Rowbotham
	Councillor Janet Emsley
Salford	Councillor Paula Boshell
Tameside	Councillor Leanne Feeley
Wigan	Councillor Jenny Bullen

**OFFICERS IN ATTENDANCE:**

GMCA Chief Executive	Eamonn Boylan
GMCA –Deputy Chief Executive	Andrew Lightfoot
GMCA – Monitoring Officer	Liz Treacy
GMCA – Treasurer	Richard Paver
Office of the GM Mayor	Kevin Lee
Bolton	Donna Ball
Bury	Geoff Little
Oldham	Ray Ward
Manchester	Joanne Roney
Rochdale	Steve Rumbelow

Salford	Ben Dolan
Stockport	Caroline Simpson
Tameside	Steven Pleasant
Trafford	Nikki Bishop
Wigan	Alison McKenzie-Folan
TfGM	Steve Warrener
	Simon Warburton
	Kate Brown
GMFRS	Jim Wallace
GMCA	Julie Connor
GMCA	Sylvia Welsh
GMCA	Nicola Ward
GM Health	Nicky O'Connor

**GMCA 208/18            APOLOGIES**

Apologies were received from Councillor Sharon Briggs (Bury). Further apologies were received from Donna Hall – Alison McKenzie-Folan attending (Wigan), Tony Oakman – Donna Ball attending (Bolton), Carolyn Wilkins – Ray Ward attending (Oldham), Jim Taylor (Salford and Trafford) – Ben Dolan attending for Salford and Nikki Bishop attending for Trafford, Pam Smith – Caroline Simpson attending (Stockport) and Ian Hopkins (GM Police).

**GMCA 209/18            CHAIR’S ANNOUNCEMENTS AND URGENT BUSINESS**

The GM Mayor reminded the meeting of the recent deaths of two people in Manchester City Centre over the weekend, now confirmed as rough sleepers. This emphasised the need to address homelessness as a priority, with the ‘Bed Every Night’ project providing enhanced provision over the winter months. He expressed his thanks to each Local Authority Housing and Homelessness teams from across GM and Mike Wright and officers at the GMCA for their ongoing support and commitment in identifying an additional 130 beds which was the first step in getting people off the streets to an improved quality of living, together with a wrap-around of supporting services.

Councillor Richard Leese, Deputy Mayor of the GM added that the deaths in question were tragic and emphasised the need to ensure that such instances are avoided going forward. Based on the limited amount of information available, the individuals concerned did have permanent accommodation available to them, evidencing that there were other factors to be considered in relation to why they were rough sleeping, including mental health issues and substance abuse. Further work was required to tackle the wider determinants of homelessness and there should be a continued focus on preventative and support services for mental health, substance abuse etc.

GM Mayor confirmed that tackling homelessness would be a continual challenge as often people’s problems were very complex. The work underway within GM was

providing more evidence to the contributing factors to rough sleeping, with GM's response being adjusted to help address those wider determinants.

**GMCA 210/18            DECLARATIONS OF INTEREST**

There were no declarations of interest made in relation to any item on the agenda.

**GMCA 211/18            MINUTES OF GMCA MEETING HELD ON 28 SEPTEMBER 2018**

The minutes of the GMCA meeting held on the 28 September 2018 were submitted for consideration.

**RESOLVED /-**

That the minutes of the GMCA Meeting held on the 28 September 2018 be approved.

**GMCA 212/18            GMCA AUDIT COMMITTEE – 25 SEPTEMBER 2018**

**RESOLVED/-**

1. That the minutes of the meeting held on 25 September 2018 be noted.
2. That the Corporate Risk Register and Risk Management Strategy as recommended by the Audit Committee on 25 September (Minute AC/18/67) be approved.

**GMCA 213/18            GMCA OVERVIEW & SCRUTINY COMMITTEES – MINUTES:  
OCTOBER 2018**

**RESOLVED/-**

**a) Housing, Planning and Environment – 11 October 2018**

That the minutes of the Housing, Planning and Environment Overview and Scrutiny Committee held 11 October 2018 be noted.

**b) Economy, Business Growth & Skills – 12 October 2018**

That the minutes of the Economy, Business Growth & Skills Overview and Scrutiny Committee held 12 October 2018 be noted.

**GMCA 214/18            MEMBERSHIP OF THE GMCA RESOURCES COMMITTEE**

**RESOLVED /-**

1. That the membership of the GMCA Resources Committee be increased to 7 members of the GMCA.
2. That Councillors Linda Thomas (Bolton) and Brenda Warrington (Tameside) be appointed to the GMCA Resources Committee for the remainder of the municipal year 2018/19.

## **GMCA 215/18            HEALTH AND CARE UPDATE**

In welcoming Lord Peter Smith and Nicky O'Connor to the meeting, the GM Mayor advised members that there would be a standing item on the GMCA agenda every 2 months to ensure there is close integration between the work of the GMCA and the Health and Social Care Partnership. There was also a proposal to hold meetings of the Health and Care Partnership Board on the same day as the GMCA on a quarterly basis with effect from January 2019.

Lord Peter Smith, Portfolio Lead for Health and Social Care took members through a report which provided an update on some of the key developments within the health and social care sector over the past two months including:

- Significant progress was being made on Theme 3 (the reorganisation of acute care) and the Future Operating Model, with a request for Leaders direct engagement in the developing work. With a suggestion that meeting of the Health & Care Board be co-ordinated to meet on the same day as the GMCA on a quarterly basis with effect from January 2019
- Progress was being made to improve mental health services for students in GM
- Work was also underway to begin to address the workforce challenges across the health and social care sector with a reminder that there would a guaranteed position within the NHS for those who study in GM
- Planning for the winter provision had already commenced, and had highlighted the critical points in the system where demand had been significant in previous years.
- The increase in acute care provision had also proved helpful in addressing gaps in services, and would further support the envisaged increased winter demands

GM Mayor commented on this comprehensive report, and specifically drew reference to the ground breaking work of the place based integrated teams which were recognised across the UK for their innovative approach. He advised that the place-based model would be detailed in a document, in support of the Spending Review package of proposals, to illustrate how devolution has provided the opportunity to do things differently and would be circulated once available.

Members urged that the learning from this approach was shared across all GM Local Authorities to ensure that the most effective delivery of integrated neighbourhood working was available in all communities across GM.

Members were invited to share the learning of Tameside's neighbourhood working model which was particularly innovative due to its use of assistive technology.

His thanks were expressed to the work of the Health & Care Partnership in ensuring enhanced health provision was available to those who were homeless, including ensuring access to GPs and flu vaccinations for those with no fixed address. Members of the GMCA recognised the progress which had been made in relation to mental health and hospital discharge provision for those with no fixed address. However, it was recognised that homelessness was often a symptom of a failing system caused by unaffordable housing, a turbulent labour market, a flawed benefit system, cuts in Local Authority budgets and the loss of supported housing facilities.

Members recognised that many of the wider determinants of health were supported by the Local Authority services under increasing pressures, reduced budgets and without the support of a public health grant.

However, schemes such as mental health professionals in emergency services control rooms were already showing benefits to the outcome for callers, rapid entry to the system and avoidance of impact on A&E and other services.

Members were informed that the Health & Care Partnership were producing a prospectus to highlight the work undertaken to date, but also focusing on aspirations for the future. Learning was being shared across Local Authorities demonstrating the benefits of place-based model approach in reducing demand and costs to public services.

The GM Mayor added that there was a lot of work being undertaken across all of GM Local Authorities which should be recognised for its potential to effectively deliver public service reform through ground breaking models of care. The work of Health Innovation Manchester and the potential of the Local Industrial Strategy provided further opportunities for the use of technology in supporting these models for health and social care.

He further recognised the links between good health begins and good housing, and that GM has the ability to pioneer this through ensuring better quality of housing in all sectors. He gave assurance that whatever the outcome of the forthcoming Government's Budget announcement, GM would continue to ensure the best outcomes for people with the resources available.

**RESOLVED /-**

1. That the report be noted.

2. That the proposal for meetings of the GMCA and GM Health and Care Board to meet on the same day on a quarterly basis, with effect from January 2019 be welcomed.
3. That Tameside Council be invited to share a presentation on their integrated neighbourhood working model at the Health & Care Board in January 2019.
4. That Councillor Linda Thomas be appointed as GMCA Deputy Chair to the Health & Care Board.
5. That the GMCA records it's thanks to Donna Hall, Chief Executive at Wigan Council for her work in developing our reform and place based working models.

#### **GMCA 216/18            BREXIT MONITOR MONTHLY UPDATE**

Councillor Richard Leese, Portfolio Lead for Business and Economy, updated members on the key economic and policy developments of relevance to GM in relation to the UK's decision to leave the European Union. He specifically drew reference to the work that had begun at both a GMCA and Local Authority level to make preparations for a potential no-deal scenario.

GM Mayor agreed that a no-deal outcome would be very difficult for GM, and therefore early planning was essential.

#### **RESOLVED /-**

That the Brexit Monitor for October be noted.

#### **GMCA 217/18            CLEAN AIR PLAN: TARGET DETERMINATION**

Councillor Alex Ganotis, Portfolio Lead for the Green City Region, introduced a report which set out the requirement by Government for the GMCA to develop a Clean Air Plan by January 2019. He reported that the survey research undertaken to date had begun to convey the scale of the challenge, especially in regards to the impact on public health.

Air Quality had been a long term issue for GM, which had seen notable improvements in recent years but that interventions had not been significant enough to reduce levels to legal exceedances in Nitrogen Dioxide and particular matter and further work was needed to have the required impact.

The Government's national plan had identified eleven areas of road across GM with high levels of exceedances, however GM's new modelling had highlighted 152

stretches of road exceeding the legal limits, and further identification of roads within 10% of reaching these limits and could be a potential issue in future years. Our own research had further linked poor air quality as a major contributing factor to over 1200 deaths per year in GM, most often affecting the most vulnerable in society including the elderly, children and people with long term health issues.

The recent campaign to highlight the scale of the issue was launched this week (cleanairgm.com) and built upon the current GM strategies and evidence base. A business case was due to be shared with Government in January 2019, and would potentially follow with a public consultation period.

The report suggested that there were some short term measures which could begin to make a difference to air quality in GM, including the introduction of electric vehicles, work around the 'beeline' walking and cycling provision and improved traffic management. This work could also be targeted to particular hot spot areas such as around schools etc. However, many of the interventions require support from Government to ensure they were embraced by significant numbers of the population, for example, a private vehicle scrappage scheme to ensure all engines on the road are compliant with emission standards.

Members urged for a review of the Clean Air Fund in light of the increased scale of the issue to ensure that there is sufficient funding to retrofit buses etc. It was important to see the approach to air quality as a partnership with Government rather than just a local issue.

In relation to the exceedance on motorways, the GMCA were informed that the M60 and wider motorway network had been included. However, it was widely recognised that many of the hotspot areas were on motorway junctions, and that it was also impacting on the air quality of link roads etc. The role of Highways England in addressing and supporting the Clean Air Plan was imperative.

Members supported the ambitions to move to electric vehicles, where possible, and highlighted the difficulties of purchasing large vehicles, such as refuse trucks for Local Authority fleets. The challenges of finding the right vehicles was a significant barrier to this ambition and would not incentivise the private fleet companies to help contribute to improved air quality.

It was noted that GM were in a strong position to continue working towards carbon neutrality and should look to increase the pace specifically given that those who would suffer the most impact would be the most deprived communities in GM. Members attention was drawn to solutions which could have a detrimental effect, such as planting more trees along the carriageway, which could create a tunnelling effect which traps emissions and results in higher levels of chemicals.

It was felt that an integrated public transport network was key to allowing ambitions to be achieved, but that these were not deliverable within the Government's timescale for the plan. However, members were reminded that long term ambitions

for GM's public transport network needed to be progressed in parallel to this work, and the GMCA would be requested to approve the 2040 Transport Strategy at their meeting in November.

Members also commented that poorer air quality in the most deprived neighbourhoods was resulting in a significant social justice issue that Government needed to address. Any response or planned approach should not be of further detriment to those communities who are already negatively affected, i.e. scrappage schemes resulting in high costs or the necessity to purchase new cars without any support.

Retrofitting of ageing buses was also crucial to improved air quality, as the engine efficiency of older vehicles was a contributing factor to higher levels of particulates in GM. Those vehicles more often than not also served the most deprived members of the community and bus operators should be challenged on their operational practices. Other areas of the UK had introduced a maximum age limited for bus fleets, and it was felt that there should be some challenge to bus operators in GM to ensure their buses have low emissions.

GM Mayor summarised that ensuring improved air quality required significant behaviour change, supported by a strong integrated public transport system that was managed by GM to ensure it meets the needs of our communities. He added that it was also vital that Government work in partnership with the GMCA on this agenda as it demanded a joint approach to ensure its success.

#### **RESOLVED /-**

1. That the outcomes of the local NO<sub>2</sub> modelling, in particular the prediction of exceedances in all ten GM Local Authority areas beyond 2020, be noted.
2. That TfGM be requested to continue to undertake further analysis of measures for reducing NO<sub>2</sub> across GM to legal Limit Values in the "shortest possible time", as part of preparing the Outline Business Case for submission to Government.
3. That the GM Mayor be requested to take forward GM's 'asks' with Government, particularly noting the need for Government to issue clear instruction to Highways England to implement measures which deliver compliance on the Strategic Road Network.
4. That the proposed submission of the Transport for GM 2040 Strategy to the November meeting of the GMCA be noted.
5. That monthly updates on the progress of work be submitted to the GMCA leading up to the submission of the final GM Air Quality Plan for approval at the January 2019 GMCA meeting.



6. That the GMCA records it's thanks to Councillor Alex Ganotis for the work undertaken to date and going forward.

**GMCA 218/18                    GREATER MANCHESTER CONGESTION DEAL – CORRIDOR MANAGEMENT**

The GM Mayor, Andy Burnham introduced a report which sought approval from the GMCA for the Corridor Management proposals contained within the GM Congestion Deal and associated expenditure of £1.35m. He added that the current necessary roadworks and rail issues had created unprecedented pressure on GM's road network that needed addressing.

Members of the GMCA welcomed the report, and commented that regular evaluation of the expenditure was essential to measure the effectiveness of this work, ensuring that investment was fairly shared across all GM districts.

GM Mayor added that through strengthening the central function, the GMCA would be able to have greater control of transport management and that benefits would be seen across each Local Authority.

**RESOLVED/-**

1. That, subject to the successful trial of the service disruption tool, the revised Corridor Management proposals contained within the GM Congestion Deal be approved.
2. That the proposed TfGM expenditure of £0.85 million for highways and network monitoring enabling infrastructure and £0.35 million for staff costs in relation to the GM Congestion Deal be approved.
3. That the proposed funding arrangements of Congestion Deal expenditure which were to fund grants to GM Local Authorities for implementation of Traffic Measures, from Mayoral Priority funding, and to fund all other costs from Earnback Revenues, be approved.
4. That the addition of £0.44 million into the GMCA Capital programme for the element of expenditure on highways monitoring enabling infrastructure which related to capital expenditure be approved.
5. That authority be delegated to the GMCA Treasurer, in consultation with the TfGM Director of Finance and Corporate Services, for the allocation of the remaining £0.15 million, as grants to GM Local Authorities for expenditure on traffic management measures that would deliver the optimal benefits for the GM highway network as issues and measures are identified and that the funding for these works be approved.

6. That TfGM be requested to prepare a more detailed breakdown of the proposed expenditure on traffic managements measures for individual GM Local Authorities.
7. That a process of evaluation of expenditure linked to the congestion deal to ensure delivery of real results be submitted to the GMCA on a quarterly basis, together with an annual evaluation.
8. That the need for provision to be included as part of budget setting for 2019/20 in relation to the GM Congestion Deal of at least £0.5 million to facilitate the ongoing delivery of Congestion Deal commitments in 2019/20, be noted.
9. That future meetings of the GMCA should, wherever possible, be held in venues with access to good public transport links.

**GMCA 219/18                      NORTHERN      AND      TRANSPENNINE      EXPRESS      RAIL  
PERFORMANCE UPDATE**

The GM Mayor, Andy Burnham took members through a report which provided an update on the performance and delivery of franchise commitments for Arriva Rail North (Northern) and TransPennine Express rail services.

He reported that recent figures had shown a decline in the punctuality of TransPennine services over the last period, indicating a continued unacceptable level of service for passengers in GM. He urged that the Transport Secretary issue a franchise warning to operators in the North, akin to the action he has taken in the South, to ensure they were aware of their accountability to Government.

It was hoped the re-opening of the Bolton line in December, would impact wider improvements across the network, however he vowed to continue lobbying Government for an increased focus on the rail network in the North.

Brenda Warrington, Leader of Tameside Council, commented specifically about the reduced rail service to Mosley, with many trains now not stopping at this station, which previously was well used.

In relation to issues with the Bolton line closure, Councillor Linda Thomas, Leader of Bolton Council, added that the current provision of train services in Bolton had resulted in residents of Bolton being forced to use their cars, given there were few alternative public transport options. She further urged for more involvement from the Transport Secretary to ensure equal and fair rail provision.

**RESOLVED /-**

1. That the report be noted.

2. That it be noted that the GM Mayor would seek the support from Transport for the North to reinstate stopping services at Mossley Rail Station at the earliest opportunity.
3. That the intention of the GM Mayor to agree a forward plan of investment for rail with the Secretary of State be noted.

**GMCA 220/18            GMCA CAPITAL UPDATE 2018/19**

Councillor David Molyneux, Portfolio Lead for Resources, presented a report which provided an update in relation to the GMCA 2018/19 capital expenditure programme.

**RESOLVED /-**

That the current 2018/19 forecast compared to the previous 2018/19 capital forecast approved at the July 2018 GMCA meeting be noted.

**GMCA/221/18            GMCA REVENUE UPDATE 2018/19**

Councillor David Molyneux, Portfolio Lead for Resources, introduced a report which informed members of the 2018/19 forecast revenue outturn position as at the end of September 2018.

**RESOLVED /-**

1. That the GM Mayoral General revenue outturn position for 2018/19, which was in line with budget, be noted.
2. That GM Mayoral General – Fire revenue outturn position for 2018/19, which showed a budget pressure of £0.3 million, be noted.
3. That the Economic Development and Regeneration revenue outturn position for 2018/19, which showed an underspend against budget of £0.7 million, be noted and that the proposal to set aside the underspend to meet furniture and fit out costs of the new accommodation be agreed.
4. That the transport revenue outturn position for 2018/19, which showed an underspend against budget of £8.2 million be noted.
5. That the TfGM revenue outturn position for 2018/19 be noted.
6. That the GM Waste revenue outturn position for 2018/19, which was in line with budget be noted.
7. That the increase to GM Mayoral General budget of £1 million, following formal confirmation of GM Mayoral Capacity Grant be approved.

8. That the increase and utilisation to the Economic Development and Regeneration budget of £0.519 million, following confirmation of additional grant funding be approved.
9. That authority be delegated to the GMCA Monitoring Officer to enter into a lease for additional space for Churchgate House to run con-currently to the existing lease as described in paragraphs 3.10 – 3.13 of the report.
10. That grants to Stockport and Oldham Councils, totalling £0.097 million, from the Elena Grants be agreed as detailed on paragraph 3.14 of the report.

### **GMCA 222/18**

### **DEVOLUTION OF THE ADULT EDUCATION BUDGET**

Councillor Sean Fielding, Portfolio Lead for Education, Skills, Employment and Apprenticeships, introduced a report which provided an update on progress relating to the devolution of the Adult Education Budget (AEB) from 1 August 2019 for the 2019/20 academic year onwards and set out the proposed approach to commissioning AEB funded provision for GM residents including procurement activity.

Members were reminded that £65m will remain with providers, and £20m will be available to procure from other organisations to help deliver the ambitions of the GM Strategy especially in relation to the core skills, access to digital courses, and ensuring life skills are available to all residents of GM. The associated administration budget had not been devolved with this funding, therefore up to 3% of the budget would be retained by the GMCA to support the programme.

GM Mayor further emphasised how the planned tiered approach to this allocation of funding would ensure that those organisations not eligible to apply directly, could have access to other funding streams. He added that this was an example of how devolution was giving GM the ability to look at using the available budget from a grass roots level to meet the identified need and funding gaps.

### **RESOLVED /-**

1. That the report be noted.
2. That the proposed commissioning approach for GM's Adult Education Budget be approved, which encompassed:
  - establishing plan-led grant funding agreements for the providers identified as being in-scope for block grants, namely further education institutions based within GM and those GM local authorities which currently deliver AEB funded provision

- procurement of contracts for services for all other providers, including independent training providers, FE institutions based outside of GM, and other organisations (which may include the voluntary and community sector)
  - establishing appropriate and proportionate arrangements with other Mayoral Combined Authorities and ESFA to manage cross-border arrangements to take account of residents' travel to learn patterns
3. That the retention of an element of funding to support GMCA's local strategic planning, operational management and assurance of the AEB in line with the Memorandum of Understanding which would be in place between DfE and GMCA be approved.
  4. That it be noted that the value attached to local strategic planning, operational management and assurance would be based on actual costs, envisaged to be no more than 3% of the total AEB (to be reviewed on an annual basis and any unspent funding to go back into the learner allocation).
  5. That authority be delegated to the GMCA Chief Executive and GMCA Treasurer, in consultation with the Lead Member and Lead Chief Executive for Education, Skills, Work and Apprenticeships (and subject to considerations around any conflicts of interest which might arise), to take forward AEB commissioning, including the procured element, to contract award.
  6. That thanks be recorded to all those involved in the work surrounding the devolution of the Adult Education budget, specifically Councillor Sean Fielding, Joanne Roney and Gemma Marsh.

**GMCA 223/18                    GREATER MANCHESTER WORK & SKILLS AVAILABLE FUNDING  
– DETAILED PROPOSALS**

Councillor Sean Fielding, Portfolio Lead for Education, Skills, Employment and Apprenticeships, presented a report which outlined detailed proposals for the delivery of activity in the key areas of GM AGE, Youth Contract Expansion and City Deal Legacy Funds and the strategic use of funds to support these.

GM Mayor commented on the positive news that these monies were to be re-directed for the benefit of young people in GM.

**RESOLVED /-**

That the activity and use of the funding that had been identified, as contained with the financial summary of propositions at paragraph 3, to support the stimulating demand & improving quality in apprenticeships, and life readiness agendas, be approved.

Councillor Richard Leese, Portfolio Lead for Business and Economy, presented a report which detailed draft Heads of Term should Channel 4 make a decision to relocate its headquarters to GM, and also requested members to agree to consider investment in the digital and creative sector as part of a wider approach to supporting sectoral development in GM.

He reported that GM had submitted a bid to become the location of the Channel 4 headquarters and that the outcome should be known on 30 October. There would be further considerations in relation to how to grow the industry and skill requirements going forward irrespective of the Channel 4 outcome.

GM Mayor supported the ambitions to become the location of Channel 4 and felt that there was a strong case to move to GM based on our skills offer to the sector, and thanked those involved for their work on the bid to date.

**RESOLVED /-**

1. That it be noted that a bid had been submitted in respect of the Channel 4 relocation bidding process, for Channel 4 to relocate its Headquarters or Creative Hub to GM, the terms of which are set out in a Part B report on this agenda.
2. That it be agreed that, should the bid be successful, the investment and support package, as set out in the Part B report be approved.
3. That authority be delegated to the GMCA Chief Executive, in consultation with the GM Mayor, to finalise the detailed commercial and any ancillary arrangements required.
4. That authority be delegated to the GMCA Monitoring Officer to complete all documentation to give effect to the recommendations in this report and the Part B report.
5. That it be noted that, should the Channel 4 bid not be successful, a further report would be submitted to GMCA to still consider such investments as part of a potential new sectoral approach to investment, as part of the Local Industrial Strategy, to support GM's key strengths in the Digital & Creative sector, particularly TV, Film and Drama Content production.
6. That it be noted that the decisions were exempted from call in as the making of the decisions was urgent and could not reasonably be deferred in accordance with Clause 16 of the CA Scrutiny Procedure Rules.

7. That thanks be recorded to Councillor Richard Leese for his work to progress the bid and that an update on the outcome of the Channel 4 bid be submitted to the November meeting of the GMCA.

**GMCA 225/18            EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED /-**

That, under section 100 (A)(4) of the Local Government Act 1972 the press and public should be excluded from the meeting for the following items on business on the grounds that this involves the likely disclosure of exempt information, as set out in paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**GMCA 226/18            DIGITAL & CREATIVE INVESTMENT – TV AND FILM CONTENT  
PRODUCTION SECTOR**

**CLERK’S NOTE:** This item was considered in support of the Part A report Digital & Creative Investment – TV and film content production sector (Minute 223/18 refers)

**RESOLVED /-**

That the report be noted.






<b>Report to:</b>	<b>EXECUTIVE CABINET / AUDIT PANEL</b>
<b>Date:</b>	12 December 2018
<b>Executive Member / Reporting Officer:</b>	Cllr Fairfoull – Deputy Executive Member Kathy Roe – Director of Finance Tom Wilkinson – Assistant Director of Finance
<b>Subject:</b>	<b>ANNUAL AUDIT LETTER FOR 2017/18</b>
<b>Report Summary:</b>	<p>To present to Members the annual audit letter for Tameside Metropolitan Borough Council and Greater Manchester Pension Fund from Grant Thornton for the external audit 2017/18.</p> <p>External Audit issued an unqualified opinion on the Council's financial statements and the financial statements of the Greater Manchester Pension Fund on 30 July 2018, in advance of the national deadline and almost two months earlier than in 2017.</p> <p>In August 2018, an assurance statement on the Whole of Government Accounts was issued, in advance of the national deadline. External Audit also issued the certificate confirming conclusion of the audit for 2017/18.</p> <p>External Audit provided an unqualified value for money conclusion in 2017/18, stating that in all significant respects, the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, except that the Council cannot yet demonstrate sufficient improvement in Children's Services.</p>
<b>Recommendations:</b>	To note the Annual Audit letter.
<b>Links to Community Strategy:</b>	The Community Strategy helps determine priorities for Council spending; the spending is subject to external audit by Grant Thornton.
<b>Policy Implications:</b>	There are no direct policy implications.
<b>Financial Implications: (Authorised by the Section 151 Officer)</b>	These are the subject of the report. The Council's external auditors gave an unqualified opinion on the Council's 2017/18 financial statements, including the financial statements of the Greater Manchester Pension Fund.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	This is the annual audit letter prepared by our external auditors summarising the key findings arising for the work that they have carried out at Tameside Metropolitan Borough Council for the year ending 31 March 2018. It is a key tool in assessing how well the Council is performing in respect of its finance and governance.
<b>Risk Management:</b>	The external auditor provides an opinion on the financial statements of the Council, including the Greater Manchester Pension Fund, and an assessment of the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources (the value for money conclusion).

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer, Heather Green (Finance Business Partner):

 Telephone: 0161 342 2929

 e-mail: [heather.green@tameside.gov.uk](mailto:heather.green@tameside.gov.uk)

# Annual Audit Letter

*Year ending 31 March 2018*

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Tameside Metropolitan Borough Council including Greater Manchester Pension Fund

14 August 2018

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## Section

1. Executive Summary
2. Audit of the Accounts
3. Value for Money conclusion

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# Executive Summary

### Purpose

Our Annual Audit Letter (Letter) summarises the key findings arising from the work that we have carried out at Tameside Metropolitan Borough Council (the Council) including the Greater Manchester Pension Fund for the year ended 31 March 2018.

This Letter is intended to provide a commentary on the results of our work to the Council and external stakeholders, and to highlight issues that we wish to draw to the attention of the public. In preparing this Letter, we have followed the National Audit Office (NAO)'s Code of Audit Practice and Auditor Guidance Note (AGN) 07 – 'Auditor Reporting'. We reported the detailed findings from our audit work to the Council's Overview (Audit) Panel as those charged with governance in our Audit Findings Report on 30 July 2018.

### Respective responsibilities

We have carried out our audit in accordance with the NAO's Code of Audit Practice, which reflects the requirements of the Local Audit and Accountability Act 2014 (the Act). Our key responsibilities are to:

- give an opinion on the Council's, including Greater Manchester Pension Fund, financial statements (section two)
- assess the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources (the value for money conclusion) (section three).

In our audit of the Council's financial statements, we comply with International Standards on Auditing (UK) (ISAs) and other guidance issued by the NAO.

### Our work

<b>Materiality</b>	We determined materiality for the audit of the Council's financial statements to be £9,500,000, which is 2% of the Council's gross revenue expenditure. We determined materiality for the audit of the pension fund accounts administered by the Council to be £212,711,000, which is 1% of the pension fund's net assets.
<b>Financial Statements opinion</b>	We gave an unqualified opinion on the Council's financial statements on 30 July 2018. We gave an unqualified opinion on the pension fund accounts of Greater Manchester Pension Fund on 30 July 2018.
<b>Whole of Government Accounts (WGA)</b>	We completed work on the Council's consolidation return following guidance issued by the NAO.
<b>Use of statutory powers</b>	We did not identify any matters which required us to exercise our additional statutory powers.

# Executive Summary

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<b>Value for Money arrangements</b>	We were satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use of resources except for the concerns raised by Ofsted published in their inspection report on Children's Services in Tameside in December 2016, which judged the service to be inadequate. We therefore qualified our value for money conclusion in our audit report to the Council on 30 July 2018.
<b>Certification of Grants</b>	We also carry out work to certify the Council's Housing Benefit subsidy claim on behalf of the Department for Work and Pensions. Our work on this claim is not yet complete and will be finalised by 30 November 2018. We will report the results of this work to the Overview (Audit) Panel in our Annual Certification Letter.
<b>Certificate</b>	We certify that we have completed the audit of the accounts of Tameside Metropolitan Borough Council in accordance with the requirements of the Code of Audit Practice.

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## Working with the Council

During the year we have delivered a number of successful outcomes with you:

- An efficient audit – we delivered an efficient audit with you in July, delivering the accounts before the deadline, releasing your finance team for other work.
- Sharing our insight – during the year we met regularly with the senior leadership team we have continued to share the firm's national publications and provided thought leadership on emerging issues that impact on the public sector

We would like to record our appreciation for the assistance and co-operation provided to us during our audit by the Council's staff.

**Grant Thornton UK LLP**  
**August 2018**

# Audit of the Accounts

## Our audit approach

### Materiality

In our audit of the Council's financial statements, we use the concept of materiality to determine the nature, timing and extent of our work, and in evaluating the results of our work. We define materiality as the size of the misstatement in the financial statements that would lead a reasonably knowledgeable person to change or influence their economic decisions.

We determined materiality for the audit of the Council's accounts to be £9,500,000, which is 2% of the Council's gross revenue expenditure. We used this benchmark as, in our view, users of the Council's financial statements are most interested in where the Council has spent its revenue in the year.

We also set a lower level of specific materiality for remuneration- £100,000 and related parties – 2% of spend with unusual related parties.

We set a lower threshold of £478,000, above which we reported errors to the Overview (Audit) Panel in our Audit Findings Report.

### Pension Fund Materiality

For the audit of the Greater Manchester Pension Fund accounts, we determined materiality to be £212 million, which is 1% of the Fund's net assets. We used this benchmark, as in our view, users of the Pension Fund accounts are most interested in the value of assets available to fund pension benefits.

We set a lower level of specific materiality for certain areas such as related party transactions - £20,000.

We set a threshold of £10,635,000 above which we reported errors to the Overview (Audit) Panel.

### The scope of our audit

Our audit involves obtaining sufficient evidence about the amounts and disclosures in the financial statements to give reasonable assurance that they are free from material misstatement, whether caused by fraud or error. This includes assessing whether:

- the accounting policies are appropriate, have been consistently applied and adequately disclosed;
- the significant accounting estimates made by management are reasonable; and
- the overall presentation of the financial statements gives a true and fair view.

We also read the remainder of the Statement of Accounts and the narrative report, and annual governance statement published alongside the Statement of Accounts to check they are consistent with our understanding of the Council and with the financial statements included in the Statement of Accounts on which we gave our opinion.

We carry out our audit in accordance with ISAs (UK) and the NAO Code of Audit Practice. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Our audit approach is based on a thorough understanding of the Council's business and is risk based.

We identified key risks and set out overleaf the work we performed in response to these risks and the results of this work.

# Audit of the Accounts

## Significant Audit Risks

These are the significant risks which had the greatest impact on our overall strategy and where we focused more of our work.

Risks identified in our audit plan	How we responded to the risk	Findings and conclusions
<p><b>Management override of controls</b></p> <p>Under ISA (UK) 240 there is a non-rebuttable presumed risk that the risk of management over-ride of controls is present in all entities. The Council faces external scrutiny of its spending, and this could potentially place management under undue pressure in terms of how they report performance.</p> <p>We identified management override of controls as a risk requiring special audit consideration.</p>	<p>As part of our audit work we have:</p> <ul style="list-style-type: none"> <li>• reviewed entity controls</li> <li>• reviewed journal entry process and selection of unusual journal entries for testing back to supporting documentation</li> <li>• reviewed accounting estimates, judgements and decisions made by management</li> <li>• reviewed unusual significant transactions</li> <li>• reviewed significant related party transactions outside the normal course of business</li> </ul>	<p>Our audit work did not identify any evidence of management over-ride of controls. In particular the findings of our review of journal controls and testing of journal controls and testing of journal entries did not identify any significant issues.</p>
<p><b>Valuation of pension fund net liability</b></p> <p>The Council's pension fund asset and liability as reflected in its balance sheet represent a significant estimate in the financial statements.</p> <p>We identified the valuation of the pension fund net liability as a risk requiring special audit consideration</p>	<p>As part of our audit work we have:</p> <ul style="list-style-type: none"> <li>• identified the controls put in place by management to ensure that the pension fund net liability is not materially misstated and assessed whether those controls were implemented as expected and whether they were sufficient to mitigate the risk of material misstatement.</li> <li>• reviewed the competence, expertise and objectivity of the actuary who carried out the Council's pension fund valuation.</li> <li>• gained an understanding of the basis on which the IAS 19 valuation was carried out, undertaking procedures to confirm the reasonableness of the actuarial assumptions made and challenging the use of those assumptions.</li> <li>• reviewed the consistency of the pension fund net liability disclosures in notes to the financial statements with the actuarial report from your actuary</li> </ul>	<p>Our audit work did not identify any issues in respect of the valuation of the pension fund net liability</p>



# Audit of the Accounts

## Significant Audit Risks

These are the significant risks which had the greatest impact on our overall strategy and where we focused more of our work.

Risks identified in our audit plan	How we responded to the risk	Findings and conclusions
<p><b>Valuation of property, plant and equipment</b>            The Council revalues its land and buildings on an quinquennial basis to ensure that carrying value is not materially different from fair value. This represents a significant estimate by management in the financial statements.</p> <p>We identified the valuation of land and buildings revaluations and impairments as a risk requiring special audit consideration</p>	<p>As part of our audit work we have;</p> <ul style="list-style-type: none"> <li>• reviewed management's processes and assumptions for the calculation of the estimate.</li> <li>• reviewed the competence, expertise and objectivity of any management experts used.</li> <li>• reviewed the instructions issued to valuation experts and the scope of their work</li> <li>• discussed with the Council's valuer about the basis on which the valuation was carried out, challenging the key assumptions.</li> <li>• reviewed and challenged the information used by the valuer to ensure it was robust and consistent with our understanding.</li> <li>• tested revaluations made during the year to ensure they were input correctly into the Council's asset register</li> <li>• evaluated the assumptions made by management for those assets not revalued during the year and how management satisfied themselves that these were not materially different to current value.</li> <li>• tested material additions and disposals and reviewed the depreciation calculation</li> <li>• reviewed the Councils consideration of asset impairment</li> </ul>	<p>Our audit work identified 2 schools that had converted to Academy status during the year but had not been removed from the fixed asset register. This error was noted by the finance team post draft publication. This had the effect of reducing the assets held on the balance sheet by £3.5m</p>

# Audit of the Accounts

## Pension Fund Significant Audit Risks

These are the risks which had the greatest impact on our overall strategy and where we focused more of our work on the pension fund.

Risks identified in our audit plan	How we responded to the risk	Findings and conclusions
<p><b>Management override of controls</b></p> <p>Under ISA (UK) 240 there is a non-rebuttable presumed risk that the risk of management override of controls is present in all entities.</p> <p>We identified management override of controls as a risk requiring special audit consideration.</p>	<p>As part of our audit work we have:</p> <ul style="list-style-type: none"> <li>gained an understanding of the accounting estimates, judgements applied and decisions made by management and considered their reasonableness</li> <li>obtained a full list of journal entries, identified and tested unusual journal entries for appropriateness</li> <li>evaluated the rationale for any changes in accounting policies or significant unusual transactions</li> </ul>	<p>Our audit work did not identify any evidence of management over-ride of controls. In particular the findings of our review of journal controls and testing of journal controls and testing of journal entries did not identify any significant issues.</p>
<p><b>The valuation of Level 3 investments is incorrect</b></p> <p>Under ISA 315 significant risks often relate to non-routine transactions and judgemental matters. Level 3 investments by their very nature require a significant degree of judgement to reach an appropriate valuation at year end.</p> <p>We identified the valuation of level 3 investments as a risk requiring special audit consideration.</p>	<p>As part of our audit work we have:</p> <ul style="list-style-type: none"> <li>gained an understanding of the Pension Funds' process for valuing level 3 investments and evaluated the design of the associated controls</li> <li>reviewed the nature and basis of estimated values and considered what assurance management has over the year end valuations provided for these type of investments</li> <li>considered the competence, expertise and objectivity of any management experts used</li> <li>reviewed the qualifications of the experts used to value level 3 investments at year end and gained an understanding of how the valuation of these investments had been reached</li> <li>for a sample of investments, tested the valuation by obtaining and reviewing the audited accounts (where available) at the latest date for individual investments and agreeing these to the fund manager reports at that date. Reconciled those values to the values at 31 March 2018 with reference to known movements in the intervening period.</li> </ul>	<p>Our audit work did not identify any issues in respect of the risks relating to the valuation of Level 3 investments at year end.</p>

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# Audit of the Accounts

## **Audit opinion**

We gave an unqualified opinion on the Council's financial statements on 30 July 2018, in advance of the national deadline.

## **Preparation of the accounts**

The Council presented us with draft accounts in accordance with the national deadline, and provided a good set of working papers to support them. The finance team responded promptly and efficiently to our queries during the course of the audit.

## **Issues arising from the audit of the accounts**

We reported the key issues from our audit to the Council's Overview (Audit) Panel on 30 July 2018.

No other recommendations were made for the next financial year.

## **Annual Governance Statement and Narrative Report**

We are required to review the Council's Annual Governance Statement and Narrative Report. It published them on its website in and alongside the Statement of Accounts in line with the national deadlines.

Both documents were prepared in line with the CIPFA Code and relevant supporting guidance. We confirmed that both documents were consistent with the financial statements prepared by the Council and with our knowledge of the Council.

## **Whole of Government Accounts (WGA)**

We carried out work on the Council's Data Collection Tool in line with instructions provided by the NAO . We issued an assurance statement which did not identify any issues for the group auditor to consider on 16 August 2018.

## **Pension fund accounts**

We gave an unqualified opinion on the pension fund accounts of Greater Manchester Pension Fund on 30 July 2018.

We also reported the key issues from our audit of the pension fund accounts to the Council's Overview (Audit) Panel on 30 July 2018.

## **Certificate of closure of the audit**

We are also required to certify that we have completed the audit of the accounts of Tameside Metropolitan Borough Council in accordance with the requirements of the Code of Audit Practice.

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# Value for Money conclusion

## Background

We carried out our review in accordance with the NAO Code of Audit Practice, following the guidance issued by the NAO in November 2017 which specified the criterion for auditors to evaluate:

*In all significant respects, the audited body takes properly informed decisions and deploys resources to achieve planned and sustainable outcomes for taxpayers and local people.*

## Key findings

Our first step in carrying out our work was to perform a risk assessment and identify the key risks where we concentrated our work.

The key risks we identified and the work we performed are set out overleaf.

## Overall Value for Money conclusion

We are satisfied that, in all significant respects, except for the matter we identified below (page 11), the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2018.

# Value for Money conclusion

## Key Value for Money Risks

Risks identified in our audit plan	How we responded to the risk	Findings and conclusions
<p><b>Ofsted inspection of children's services</b> OFSTED rated the Council's Children's Services as inadequate in December 2016 and the safeguarding board as requires improvement.</p> <p>The Council is currently subject to follow up review. Key areas of concern included the backlog of cases, leadership, management and governance.</p> <p>Although the Council established an Improvement Board with an external independent Chair to co-ordinate actions, there has been limited improvement and a recent inspection stated that the pace of change was to slow. A new Interim Director has recently been appointed and a new plan has been implemented.</p>	<p>As part of our work we have:</p> <p>Reviewed the arrangements the Council has in place to respond to the Ofsted concerns. This has included a review of the revised improvement plan.</p> <p>We have reviewed updated reports from Ofsted as they became available and have taken these into account in forming our conclusion. There have been 3 monitoring visits during the 2017/18</p> <p>We have met with the Interim Director of Children's Services who has outlined the plans for improvement going forward.</p> <p>The 1<sup>st</sup> monitoring visit in June concluded that the Council had made limited progress.</p> <p>The 2<sup>nd</sup> monitoring visit in September was still reporting that the Council were making slow progress and also suggested that there was a lack of a clear plan.</p> <p>An interim Director of Children's Services was appointed in November and a complete overall of the improvement plan was implemented.</p> <p>The new improvement plan was agreed by the Improvement Board in December 2017. This has a clearer focus on the basics that need improvement. It also focusses on a clearer reporting framework and leadership roles.</p>	<p>It has been recognised by the Council that there is increasing pressure on children's services. In March 2017 the council were supporting 584 looked after children, 456 children on child protection plans and there were a further 1,433 children in need. Nationally the pressure on children's services is increasing.</p> <p>The Council have significantly increased resources with an extra £8m being invested in 2017/18 and a further £18m budgeted for future years.</p> <p>The 3<sup>rd</sup> monitoring visit by Ofsted undertaken in January 2018 recognised the changes that had been made by the Council and commented that action had been taken to address the previously slow pace of improvement.</p> <p>As well as the development of a social work recruitment and retention plan there has been a change in the terms of reference governing the Improvement Board. Revisions have been made to the size of the board and the frequency of meetings, to better focus on effective participation and drive forward improvement at both pace and scale. Core membership will still embrace full partnership working with partnership agencies being represented by a senior member.</p> <p>However these changes need longer to embed before they will have an impact on the services that children receive.</p> <p>Responses to the Ofsted monitoring visits have shown that the Council have supported children's services both financially and with improved oversight by both senior leadership and members.</p> <p><b>In our view from the work we have undertaken, the Council cannot yet demonstrate sufficient improvement in the delivery of Children's Services to negate the "inadequate" Ofsted rating awarded in December 2016.</b></p>

# A. Reports issued and fees

We confirm below our final reports issued and fees charged for the audit and provision of non-audit services.

## Reports issued

Report	Date issued
Audit Plan	March 2017
Audit Findings Report	July 2018
Annual Audit Letter	August 2018

## Fees

	Planned £	Actual fees £	2016/17 fees £
Statutory Council audit	105,017	105,017	105,017
Statutory Audit of Pension Fund	56,341	56,341	56,341
IAS 19 Assurance for admitted bodies within PSAA	5,995	5,995	5,995
IAS19 Assurance for admitted bodies outside the PSAA regime	TBC	TBC	0
Housing Benefit Grant Certification	30,273	TBC	34,323*
<b>Total fees</b>	<b>197,626</b>	<b>TBC</b>	<b>201,676</b>

The planned fees for the year were in line with the scale fee set by Public Sector Audit Appointments Ltd (PSAA)

\* £10,200 in relation to 2015/16 fees was rebated against this fee

Fee variations are subject to approval by Public Sector Audit Appointments Ltd.

## Fees for non-audit services

Service	Fees £
<b>Audit related services</b>	
- Teachers Pension Return	4,200
- George Frederick Byrom Trust Independent Examination	1,000
<b>Non-Audit related services</b>	
- CFO Insights software provision	10,000

## Non-audit services

- For the purposes of our audit we have made enquiries of all Grant Thornton UK LLP teams providing services to the Council. The table above summarises all non-audit services which were identified.
- We have considered whether non-audit services might be perceived as a threat to our independence as the Council's auditor and have ensured that appropriate safeguards are put in place.

The above non-audit services are consistent with the Council's policy on the allotment of non-audit work to your auditor.



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<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/Reporting Officer:</b>	Councillor Bill Fairfoull – Deputy Executive Leader Kathy Roe – Director of Finance
<b>Subject:</b>	<b>STRATEGIC COMMISSION AND NHS TAMESIDE AND GLOSSOP INTEGRATED CARE FOUNDATION TRUST – CONSOLIDATED 2018/19 REVENUE MONITORING STATEMENT</b>
<b>Report Summary:</b>	<p>As at 31 October 2018 the Integrated Commissioning Fund is forecasting to spend £582.3m against an approved budget of £580.4m, an overspend of £1.9m, but an improvement on the position reported at month 6. This forecast masks significant risks and pressures in a number of areas, including Continuing Care, Children’s Services and Operations and Neighbourhoods.</p> <p>The improved position from month 6 is due to a combination of improved savings delivery and the release of corporate contingency budgets.</p>
<b>Recommendations:</b>	<p>Members are recommended to :</p> <ol style="list-style-type: none"><li>1. Acknowledge the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with the related risks which are contributing to the overall adverse forecast.</li><li>2. Acknowledge the significant cost pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children’s Social Care and Operations &amp; Neighbourhoods, and Growth.</li><li>3. Approve the allocation of additional capital funding and an increase in the Capital Programme for Hyde Leisure Pool Extension (£0.280m) and remedial slope stability works required at Fairlea Denton and Greenside Lane Droylsden (£0.650m), as set out in section 4.</li></ol>
<b>Corporate Plan:</b>	Budget is allocated in accordance with the Corporate Plan priorities.
<b>Policy Implications:</b>	Budget is allocated in accordance with the Corporate Plan
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	<p>This report provides the 2018/19 consolidated financial position statement at 31 October 2018 for the Strategic Commission and ICFT partner organisations. For the year to 31 March 2019 the report forecasts that service expenditure will exceed the approved budget in a number of areas, due to a combination of cost pressures and non-delivery of savings. These pressures are being partially offset by additional income in corporate and contingency which may not be available in future years.</p> <p>The report emphasises that there is a clear urgency to implement associated strategies to ensure the projected funding gap in the current financial year is addressed and closed on a recurrent basis across the whole economy. The Medium Term Financial Plan for the period 2019/20 to 2023/24 identifies significant savings requirements for future years. If budget pressures in</p>

service areas in 2018/19 are sustained, this will inevitably lead to an increase in the level of savings required in future years to balance the budget.

It should be noted that the Integrated Commissioning Fund (ICF) for the Strategic Commission is bound by the terms within the Section 75 and associated Financial Framework agreements.

In July 2018, the Council's Capital Programme was placed on pause due to cost pressures and a reduction in forecast capital receipts. The earmarked capital schemes will need to be reviewed and reprioritised as the level of capital receipts available to fund new schemes is now less than originally forecast. Approval of additional capital budget for increased costs and unforeseen expenditure will reduce the level of resources available to fund the remaining earmarked schemes.

**Legal Implications:  
(Authorised by the Borough  
Solicitor)**

There is a statutory duty to ensure the Council sets a balanced budget and that it is monitored to ensure statutory commitments are met. There are a number of areas that require a clear strategy to ensure in the face of demand they achieve this.

**Risk Management:**

Associated details are specified within the presentation.

Failure to properly manage and monitor the Strategic Commission's budgets will lead to service failure and a loss of public confidence. Expenditure in excess of budgeted resources is likely to result in a call on Council reserves, which will reduce the resources available for future investment. The use and reliance on one off measures to balance the budget is not sustainable and makes it more difficult in future years to recover the budget position.

**Access to Information:**

The background papers relating to this report can be inspected by contacting

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## **1. INTRODUCTION**

- 1.1 This report aims to provide an overview on the financial position of the Tameside and Glossop economy in 2018/19 at the 31 October 2018 with a forecast projection to 31 March 2019. Supporting details for the whole economy are provided in **Appendix 1**.
- 1.2 The report includes the details of the Integrated Commissioning Fund (ICF) for all Council services and the Clinical Commissioning Group. The total net revenue budget value of the ICF for 2018/19 is currently £580.4 million.
- 1.3 It should be noted that the report also includes details of the financial position of the Tameside and Glossop Integrated Care NHS Foundation Trust. This is to ensure members have an awareness of the overall Tameside and Glossop economy position. Reference to Glossop solely relates to health service expenditure as Council services for Glossop are the responsibility of Derbyshire County Council and High Peak Borough Council.
- 1.4 Please note that any reference throughout this report to the Tameside and Glossop economy refers to the three partner organisations namely:
  - Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT)
  - NHS Tameside and Glossop CCG (CCG)
  - Tameside Metropolitan Borough Council (TMBC)

## **2. FINANCIAL SUMMARY**

- 2.1 As at 31 October 2018 the Integrated Commissioning Fund is forecasting to spend £582.3m against an approved budget of £580.4m, an overspend of £1.9m, but an improvement on the position reported at month 6. This forecast masks significant risks and pressures in a number of areas, including forecast overspend on Continuing Care (£2.8m), Children's Services (£6.6m) and Operations and Neighbourhoods (£2.4m).
- 2.2 The forecast position for the Strategic Commission has improved by £0.8m from month 6, due mainly to further delivery of savings on CCG budgets and the release of Council corporate contingency budgets.

## **3. TARGETED EFFICIENCY PLAN (TEP) SAVINGS**

- 3.1 The opening economy wide savings target for 2018/19 is £35.920m, consisting of:
  - CCG £19.8m
  - TMBC £3.1m
  - ICFT £13.0m
- 3.2 Against this target, £18.9m of savings have been realised in the first seven months, 53% of the required savings.
- 3.3 Expected savings by the end of the year are £32.8m, a shortfall of £3.1m against target and a small improvement on the position reported last month.
- 3.4 The scale of the financial gap in future years mean there must be a continued focus on identifying schemes for 2019/20 and beyond. The Medium Term Financial Plan for the period 2019/20 to 2023/24 identifies significant savings requirements for future years. If budget pressures in service areas in 2018/19 are sustained, this will inevitably lead to an increase in the level of savings required in future years to balance the budget.

## 4. CAPITAL PROGRAMME

4.1 The detailed period 6 Capital Monitoring report was presented to Executive Cabinet on 28 November 2018. This report provided a summary of the forecast outturn for 2018/19, which is expected to be £64.838m compared to a revised budget of £76.229m. The report then provided further detail on the different schemes within the programme, approved budgets and forecast outturn. Since this report was written, some additional cost pressures have emerged relating to both an existing scheme and new capital works.

### **Hyde Leisure Pool**

4.2 Included within the Capital Programme is a remaining budget of £3.088m for Hyde Leisure Pool extension and wave machine, after initial expenditure of £97k in previous years. A revised budget of £3.096m for the extension of Active Hyde was recommended for approval by Strategic Planning and Capital Monitoring Panel on 10 July 2017. In addition, a further £88k was approved by Executive Cabinet on 21 March 2018 to increase the overall capital allocation to £3,185k over the life of the project. It was envisaged that the additional capital would enable work to start on site in May 2018 subject to contract.

4.3 The Hyde Pool Extension scheme had initially been delayed due to technical issues that required approval for additional funding. This delay has been compounded by the late withdrawal of the main contractor from the scheme earlier this year. Since the withdrawal, the day before the anticipated contract signing, the LEP has been working to secure a new contractor.

4.4 A proposal has been submitted by a potential new contractor which has been fully evaluated by the LEP. The outcome of the evaluation has led to the need for additional capital funding of £0.280m. The cost of the scheme has increased for the following reasons:

- The company that came second in the tender process was significantly more expensive than the company that came first.
- The cost of works packages has increased since the original tender exercise due to inflation and full order books particularly for ground works, steel and brickwork labour.
- Additional LEP fees attributed to the remobilisation of the scheme.

4.5 A value engineering assessment has been undertaken to mitigate the cost increases. This has resulted in cost mitigation of £0.050m. It should be noted that the scheme has been value engineered since its inception. Any further Value Engineering will negatively impact on the quality for the facility leading to increased life-cycle costs.

### **Slope Stability at Fairlea Denton and Greenside Lane Droylsden**

4.6 Included on the agenda of Executive Cabinet for 12 December 2018 is a report relating to works at Fairlea Denton and Greenside Lane, Droylsden. The Council, as landowner, is responsible for these two plots of land which are showing signs of land failure. Both plots of land form similar land masses, they are embankments behind residential properties and the land slopes down from the residential gardens, therefore these embankments offer support to the gardens.

4.7 Over a period of 18 months the council's engineers have been assessing the stability of these embankments. It has been determined that the land masses are still moving with evidence at the surface in both the slope and some residential gardens. Site investigations and modelling by specialist Geotechnical Engineers has proven that unless remedial works are undertaken the embankments will continue to deteriorate. Eventually the residential gardens will become unusable by the occupants.

4.8 The cost of the proposed making safe works set out in the report total £650k. There is no earmarked funding for this proposed investment in the Council's Capital Programme.

Members should be aware that if approved, there may be an impact on the capital project prioritisation exercise. Given the nature and circumstances of these works, with them being unforeseen and one off it may be appropriate to fund the works from the general fund reserve, which the Council holds for risk mitigation and management purposes.

## **5. RECOMMENDATIONS**

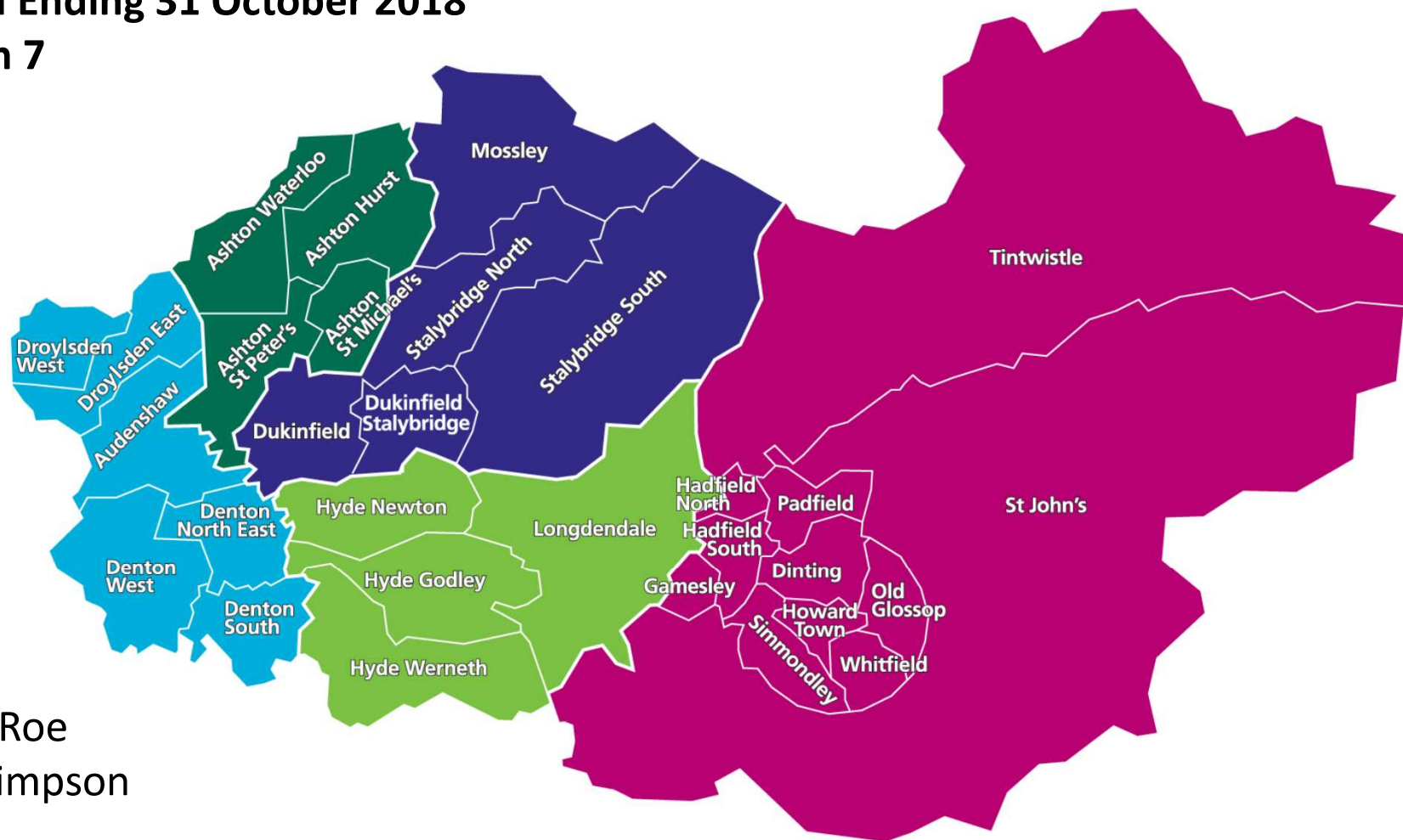
- 5.1 As set out at the front of the report.

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# Tameside and Glossop Integrated Financial Position

*financial monitoring statements*

Period Ending 31 October 2018  
Month 7



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Kathy Roe  
Sam Simpson

## Integrated Financial Position Summary Report

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Targeted/Trust Efficiency Plan	8



# Tameside & Glossop Integrated Economy Wide Financial Position

**£6.6m**

## Children's Services

Unprecedented levels of demand in Children's Social Care continue and place significant pressures on staff and resources.

**Placement costs are the main driver of the forecast £6.6m in excess of approved budget.**

## Message from the DOFs

The economy wide financial position has continued to improve but the overall picture remains mixed with significant challenges and risks in some areas.

Delivery of further savings and the release of contingencies has resulted in an improvement in the forecast outturn position. However, this improved overall position masks continuing pressures across a number of areas, including significant overspends on Children's Services, Continuing Healthcare and Operations and Neighbourhoods.

TEP performance has improved for both the CCG and the Trust, but further improvement is required for the CCG and Council to deliver a balanced position, and the Trust to meet its deficit control total, by 31 March 2019. Savings delivery for 2018/19 and future years remains a key priority. Financial plans for 2019/20 and beyond are now being refined and savings required next year remain significant.

**£0.8m**

## Strategic Commission Forecast

Overall forecast outturn for the Strategic Commission has improved by £0.8m due mainly to the delivery of further savings. The forecast is now for an overspend of £1.8m.

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*This report covers all spend at Tameside & Glossop Clinical Commissioning Group (CCG), Tameside Metropolitan Borough Council (TMBC) and Tameside & Glossop Integrated Care Foundation Trust (ICFT). It does not capture any Local Authority spend from Derbyshire County Council or High Peak Borough Council for the residents of Glossop.*

Forecast Position £000's	Forecast Position			Variance	
	Budget	Forecast	Variance	Previous Month	Movement in Month
CCG Expenditure	393,929	394,855	-926	-1,370	445
TMBC Expenditure	186,514	187,481	-967	-1,320	353
<b>Integrated Commissioning Fund</b>	<b>580,443</b>	<b>582,336</b>	<b>-1,893</b>	<b>-2,691</b>	<b>798</b>
ICFT - post PSF Agreed Deficit	-19,149	-19,149	0	0	0
<b>Economy Wide Position</b>	<b>561,294</b>	<b>563,187</b>	<b>-1,893</b>	<b>-2,691</b>	<b>798</b>

# Tameside & Glossop Integrated Commissioning Fund

As at 31 October 2018 the Integrated Commissioning Fund is forecasting to spend £582.3m against an approved budget of £580.4m, an **overspend of £1.9m**, but an improvement on the position reported at month 6. This forecast masks significant risks and pressures in a number of areas, including Continuing Care, Children's Services and Operations and Neighbourhoods.

The improved position from month 6 is due to a combination of improved savings delivery and the release of corporate contingency budgets.

Forecast Position £000's	Forecast Position					Net Variance	
	Expenditure Budget	Income Budget	Net Budget	Net Forecast	Net Variance	Previous Month	Movement in Month
Acute	204,347	0	204,347	204,348	-1	116	-117
Mental Health	32,343	0	32,343	33,015	-672	-633	-40
Primary Care	83,791	0	83,791	83,504	286	221	65
Continuing Care	14,330	0	14,330	17,096	-2,766	-2,767	1
Community	29,912	0	29,912	30,239	-327	-305	-22
Other CCG	23,997	0	23,997	20,517	3,481	3,367	113
CCG TEP Shortfall (QIPP)	0	0	0	926	-926	-1,370	445
CCG Running Costs	5,209	0	5,209	5,209	-0	-0	0
Adults	82,653	-42,172	40,480	40,267	213	174	39
Children's Services	78,200	-28,871	49,330	55,905	-6,575	-6,733	158
Individual Schools Budgets	127,944	-127,944	0	0	0	0	0
Population Health	16,912	-680	16,232	16,171	61	61	0
Operations and Neighbourhoods	88,802	-31,990	56,811	59,250	-2,439	-2,146	-293
Growth	30,095	-28,669	1,426	2,153	-727	-894	167
Governance	88,643	-79,889	8,754	7,711	1,043	1,043	0
Finance & IT	6,103	-1,550	4,553	4,322	231	248	-16
Quality and Safeguarding	367	-288	79	79	-0	6	-6
Capital and Financing	10,998	-1,360	9,638	8,058	1,580	1,580	0
Contingency	4,163	-6,823	-2,660	-7,018	4,358	4,054	304
Corporate Costs	8,726	-6,857	1,870	583	1,287	1,287	0
<b>Integrated Commissioning Fund</b>	<b>937,534</b>	<b>-357,092</b>	<b>580,443</b>	<b>582,336</b>	<b>-1,893</b>	<b>-2,691</b>	<b>798</b>

# Integrated Commissioning Fund – Movements since month 6

## £117k Acute

Forecast costs on the Stockport Foundation Trust contract have increased by £101k due to an increase in elective activity and a forecast of further increased activity before year end to clear a back log on waiting lists. The forecast is based on trends and judgement on the likely increase in activity, although there is the potential for further pressures in excess of this forecast.

Increased costs are also being seen on all other NHS provider contracts, in line with previously reported trends. Whilst overall activity has increased slightly, the high levels of increased activity at Manchester Foundation Trust appear to have stabilised. Demand pressures are also resulting in increased activity on independent sector contracts.

**The overall forecast outturn for the Integrated Commissioning Fund has improved by £0.8m since period 6.**

## £445k CCG TEP

The improved position includes continued success on the QIPP programme for prescribing, in particular savings on repeat ordering.

Additional non-recurrent benefit is due to changes to category M prices, which will reduce by £50m nationally over the next five months to compensate for excess margins earned by pharmacies in previous years. A separate deep dive analysis on Prescribing is included on the agenda for the Finance and QIPP assurance group.

## £304k Contingency

Year end projections for the use of contingency budgets are reviewed and updated each month. The revised forecast at month 7 has released further contingency budget which offsets forecast overspends in other areas.

## £293k Operations and Neighbourhoods

The change in forecast outturn reflects a reduction in the level of underspends forecast against pay budgets, following further review of projections for the rest of the year.

# Tameside & Glossop Integrated Commissioning Fund

Forecast Position £000's	YTD Position			Forecast Position			Variance	
	Budget	Actual	Variance	Budget	Forecast	Variance	Previous Month	Movement in Month
Acute	117,746	118,328	-582	204,347	204,348	-1	116	-117
Mental Health	18,798	19,298	-499	32,343	33,015	-672	-633	-40
Primary Care	48,079	47,897	183	83,791	83,504	286	221	65
Continuing Care	8,069	9,246	-1,177	14,330	17,096	-2,766	-2,767	1
Community	17,448	17,482	-33	29,912	30,239	-327	-305	-22
Other CCG	18,037	15,935	2,102	23,997	20,517	3,481	3,367	113
CCG TEP Shortfall (QIPP)	0	0	0	0	926	-926	-1,370	445
CCG Running Costs	2,313	2,305	7	5,209	5,209	-0	-0	0
Adults	21,013	20,932	82	40,480	40,267	213	174	39
Children's Services	36,276	39,940	-3,664	49,330	55,905	-6,575	-6,733	158
Population Health	9,469	11,287	-1,818	16,232	16,171	61	61	0
Operations and Neighbourhoods	33,140	35,484	-2,345	56,811	59,250	-2,439	-2,146	-293
Growth	832	-1,174	2,006	1,426	2,153	-727	-894	167
Governance	5,107	8,204	-3,097	8,754	7,711	1,043	1,043	0
Finance & IT	2,656	2,499	157	4,553	4,322	231	248	-16
Quality and Safeguarding	46	-37	82	79	79	-0	6	-6
Capital and Financing	5,622	1	5,621	9,638	8,058	1,580	1,580	0
Contingency	-1,552	-872	-680	-2,660	-7,018	4,358	4,054	304
Corporate Costs	1,091	-694	1,785	1,870	583	1,287	1,287	0
<b>Integrated Commissioning Fund</b>	<b>344,190</b>	<b>346,061</b>	<b>-1,871</b>	<b>580,443</b>	<b>582,336</b>	<b>-1,893</b>	<b>-2,691</b>	<b>798</b>
CCG Expenditure	230,490	230,490	-0	393,929	394,855	-926	-1,370	445
TMBC Expenditure	113,700	115,570	-1,871	186,514	187,481	-967	-1,320	353
<b>Integrated Commissioning Fund</b>	<b>344,190</b>	<b>346,061</b>	<b>-1,871</b>	<b>580,443</b>	<b>582,336</b>	<b>-1,893</b>	<b>-2,691</b>	<b>798</b>
ICFT - post PSF Agreed Deficit	-19,149	-19,149	0	-19,149	-19,149	0	0	0
<b>Economy Wide Position</b>	<b>-19,149</b>	<b>-21,020</b>	<b>-7,890</b>	<b>561,294</b>	<b>563,187</b>	<b>-1,893</b>	<b>-2,691</b>	<b>798</b>

The CCG surplus has increased from £9.3m to 12.3m as approved by the Strategic Commissioning Board in September 2018. This will enable draw down of £6m of cumulative surplus in 2019/20, Improving the economy wide financial position in future years

# Tameside Integrated Care Foundation Trust Financial Position



Tameside and Glossop  
Integrated Care  
NHS Foundation Trust

## SUMMARY

- For the financial period to the **31st October 2018**, the Trust has reported a net deficit of c.£13.4m (Post PSF), which is c.£208k better than plan. The in month position for October reported a £1.5m net deficit, £46k better than plan.
- The Trust delivered c.£1.2m of savings in month, this is an underachievement against target by c.£75k in month, cumulatively the Trust is reporting an overachievement against plan of c£0.6m
- To date the Trust has spent c.£4.6m on Agency spend, against a plan of £5.4m; based on this run rate, spend should be within the agency cap of £9.5m.

## KEY RISKS

- Control Total** – The Trust now has an agreed control for 2018/19 of **c£19.1m**, this assumes the Trust will be in receipt of the full Provider Sustainability fund.
- Provider Sustainability Fund** - The Trust must achieve its financial plan at the end of each quarter to achieve 70% of the PSF, the remainder is predicated on achievement of the A&E target. If the Trust fail to deliver the financial and/or performance targets it will need to borrow additional cash at 1.5%
- TEP** – The Trust is currently forecasting an underachievement against its in year TEP delivery of **c£0.7m** and recurrently of **c£1m**. **Failure to achieve TEP will result in the Trust not achieving its plan.** Work is on-going with Theme groups to develop high risk schemes and generate hopper ideas to improve this forecast position.

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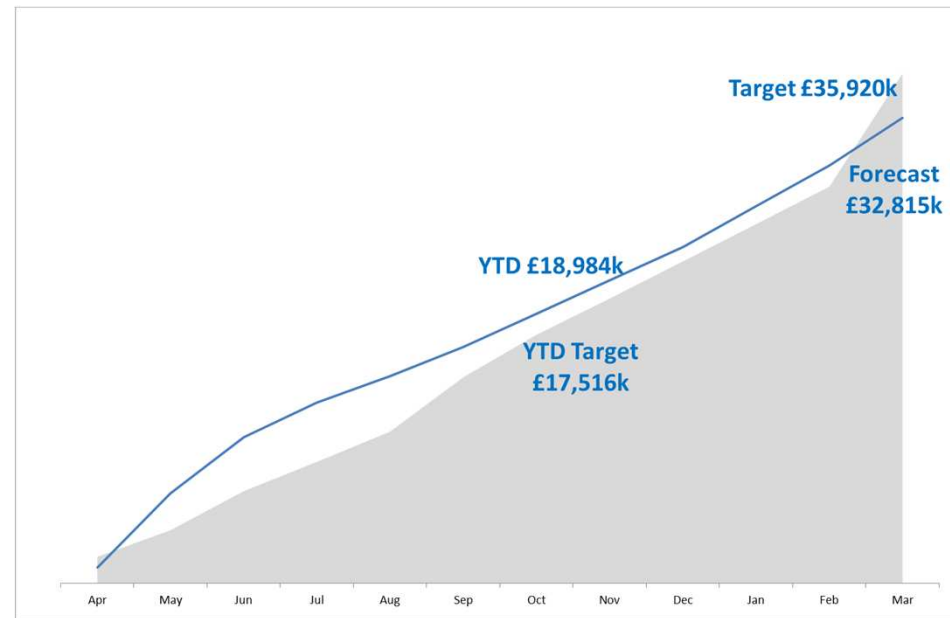
Financial Performance Metric	Month 7			YTD			Outturn
	Plan £000s	Actual £000s	Variance £000s	Plan £000s	Actual £000s	Variance £000s	Plan £000s
Normalised Surplus/(deficit) before PSF	(1,582)	(1,535)	46	(15,057)	(14,848)	208	(23,370)
Provider Sustainability Fund (PSF)	281	281	0	1,476	1,476	0	4,221
Surplus/(Deficit) post PSF	(1,301)	(1,254)	46	(13,581)	(13,372)	208	(19,149)
Capital Expenditure	655	63	(592)	2,124	768	(1,356)	4,127
Cash and Cash Equivalents	1,220	1,516	296				1,220
Trust Efficiency Savings	1,256	1,181	(75)	5,983	6,586	604	13,000
<b>Use of Resources Metric</b>	<b>3</b>	<b>3</b>		<b>3</b>	<b>3</b>		<b>3</b>

# TEP – Targeted/Trust Efficiency Plan

Organisation	High Risk	Medium Risk	Low Risk	Savings Posted	Total	Target	Post Bias Expected Saving	Post Bias Variance
CCG	65	2,840	5,506	11,942	20,353	19,800	18,874	(926)
TMBC	547	280	1,028	456	2,311	3,119	1,679	(1,440)
<b>Strategic Commissioner</b>	<b>612</b>	<b>3,120</b>	<b>6,534</b>	<b>12,398</b>	<b>22,664</b>	<b>22,919</b>	<b>20,553</b>	<b>(2,366)</b>
ICFT	1,155	1,028	4,648	6,586	13,417	13,001	12,262	(739)
<b>Economy Total</b>	<b>1,767</b>	<b>4,147</b>	<b>11,182</b>	<b>18,984</b>	<b>36,081</b>	<b>35,920</b>	<b>32,815</b>	<b>(3,105)</b>

- The opening economy wide savings target for 2018/19 is £35,920k:
  - Commissioner £22,919k (£19,800k CCG & £3,119k TMBC)
  - Provider £13,001k
- Against this target, £18,984k of savings have been realised in the first seven months, 53% of the required savings.
- Expected savings by the end of the year are £32,815k, a shortfall of £3,105k against target and a small improvement on the position reported last month.
- More work is required to identify new schemes and turn red and amber schemes green.
- The scale of the financial gap in future years mean there must be a continued focus on identifying schemes for 2019/20 and beyond.

## Progress Against Target



# TEP – Targeted/Trust Efficiency Plan



£1,124k

## Strategic Commission

Overall expected savings on CCG schemes have improved from the previous month. This includes a further improved savings forecast on GP prescribing where, despite pressures on Category M drugs, significant savings are being realised by medicines management. There is no change to savings forecast on TMBC schemes.

Org	Theme	High Risk	Medium Risk	Low Risk	Savings Posted	Total	Opening Target	Post Bias Expected Saving	Post Bias Variance
CCG	Emerging Pipeline Schemes	0	0	0	0	0	3,239	0	(3,239)
	GP Prescribing	40	890	725	1,428	3,082	2,000	2,601	601
	Individualised Commissioning	25	0	393	300	718	1,326	696	(630)
	Other Established Schemes	0	1,250	283	2,028	3,561	4,283	2,936	(1,347)
	Tameside ICFT	0	0	1,033	1,447	2,480	2,480	2,480	0
	Technical Financial Adjustments	0	700	3,071	6,740	10,511	6,472	10,161	3,689
<b>CCG Total</b>		<b>65</b>	<b>2,840</b>	<b>5,506</b>	<b>11,942</b>	<b>20,353</b>	<b>19,800</b>	<b>18,874</b>	<b>(926)</b>
TMBC	Adults	318	0	379	0	697	697	411	(286)
	Growth	0	25	340	0	365	898	353	(546)
	Finance & IT	50	0	0	122	172	172	127	(45)
	Governance	129	0	0	25	154	154	38	(116)
	Childrens (Learning)	0	0	90	0	90	90	90	0
	Operations & Neighbourhood	50	255	0	0	305	580	133	(448)
	Pop. Health	0	0	219	309	528	528	528	0
<b>TMBC Total</b>		<b>547</b>	<b>280</b>	<b>1,028</b>	<b>456</b>	<b>2,311</b>	<b>3,119</b>	<b>1,679</b>	<b>(1,440)</b>
<b>Strategic Commissioner Total</b>		<b>612</b>	<b>3,120</b>	<b>6,534</b>	<b>12,398</b>	<b>22,664</b>	<b>22,919</b>	<b>20,553</b>	<b>(2,366)</b>

# TEP – Targeted/Trust Efficiency Plan



£693k

## ICFT

Overall expected savings have improved from the previous month. The Trust is currently forecasting an underachievement against its in year TEP delivery of **£0.7m** and recurrently of **£1m**. **Failure to achieve TEP will result in the Trust not achieving its plan.** Work is on-going with Theme groups to develop high risk schemes and generate hopper ideas to improve this forecast position.

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Org	Theme	High Risk	Medium Risk	Low Risk	Savings Posted	Total	Target	Post Bias Expected Saving	Post Bias Variance
ICFT	Community	0	183	38	79	300	363	300	(64)
	Corporate	0	0	270	764	1,034	805	1,034	229
	Demand Management	350	106	372	520	1,348	1,474	998	(476)
	Estates	28	10	235	224	496	569	468	(101)
	Finance Improvement Team	75	0	460	975	1,510	1,067	1,435	368
	Medical Staffing	290	105	105	80	579	1,103	290	(813)
	Nursing	129	35	326	687	1,177	1,243	1,047	(196)
	Paperlite	93	41	22	65	221	250	128	(122)
	Pharmacy	100	402	232	78	812	450	712	262
	Procurement	91	0	384	78	553	752	463	(289)
	Transformation Schemes	0	0	1,531	1,905	3,436	3,000	3,436	436
	Technical Target	0	146	173	102	421	375	421	46
	Vacancy Factor	0	0	501	1,030	1,530	1,550	1,530	(20)
<b>ICFT Total</b>		<b>1,155</b>	<b>1,028</b>	<b>4,648</b>	<b>6,586</b>	<b>13,417</b>	<b>13,001</b>	<b>12,262</b>	<b>(739)</b>



<b>Report To:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member /Reporting Officer:</b>	Councillor Fairfoull – Deputy Executive Leader Kathy Roe – Director of Finance Tom Wilkinson – Assistant Director of Finance
<b>Subject:</b>	<b>TREASURY MANAGEMENT ACTIVITIES</b>
<b>Report Summary:</b>	This report provides a mid-year review of the Council's Treasury Management activities for 2018/19, including the borrowing strategy and the investment strategy.
<b>Recommendations:</b>	That the reported treasury activity and performance be noted.
<b>Links to Community Strategy:</b>	The Treasury Management function of the Council underpins the ability to deliver the Council's priorities.
<b>Policy Implications:</b>	In line with Council Policies.
<b>Financial Implications:</b> <b>(Authorised by the Section 151 Officer)</b>	<p>The achievement of savings on the cost of financing the Council's debt through repayment, conversion and rescheduling, together with interest earned by investing short term cash surpluses, is a crucial part of the Council's medium term financial strategy. This has to be carefully balanced against the level of risk incurred.</p> <p>The Council held £95.860m of investments as at 30 September 2018 and the investment portfolio yield to date is 0.77% against the London Interbank Bid Rate (LIBID) benchmark of 0.43%. This represents an actual cash increase of £0.187m against benchmark.</p> <p>The Council keeps an average of around 76% of funds in fixed term investments, and the average length of these fixed term investments in 2018/19 to date has been 356 days, compared to 229 days in 2017/18. This has included a small number of investments placed with other Local Authorities for periods in excess of one year in order to achieve an enhanced return.</p>
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	<p>As there is a statutory duty for the Council to set, monitor and comply with its requirements to ensure a balanced budget, sound treasury management is a key tool in managing this process.</p> <p>Demonstration of sound treasury management will in turn provide confidence to the Council that it is complying with its fiduciary duty to the public purse, and in turn allows the Council to better plan and fulfil its key priorities for the coming year.</p> <p>Members should ensure they understand the meaning of Appendix 1 and the outturn of prudential indicators they are being asked to approve, and the reasons for the same, before making their decision.</p>

**Risk Management:**

Failure to properly manage and monitor the Council's loans and investments could lead to service failure and loss of public confidence.

**Access to Information:**

The background papers relating to this report can be inspected by contacting Heather Green, Finance Business Partner by:



phone: 0161 342 2929



e-mail: [heather.green@tameside.gov.uk](mailto:heather.green@tameside.gov.uk)

## 1. BACKGROUND

- 1.1 Cash-flow management is a core element of the Council's financial management activities. The Council operates a balanced budget, which broadly means cash raised during the year will meet cash expenditure. Treasury Management operations firstly ensure that cash flow is adequately planned, with short term surplus funds being invested. The investment strategy priorities are security (i.e. there is a low risk that the counterparty will default on the Council's investment), then liquidity (cash flow needs), and lastly, yield – providing adequate liquidity initially before considering maximising investment return.
- 1.2 The second main function of the treasury management service is the funding of the Council's capital investment plans, agreed as part of the annual budget setting process and updated throughout the financial year. These capital plans provide a guide to the borrowing need of the Council, essentially this is the long term cash flow planning to ensure the Council can meet its capital spending requirements. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk management or cost reduction objectives.
- 1.3 Accordingly, treasury management is defined as:

*“The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”*

## 2. INTRODUCTION

- 2.1 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2017) was adopted by this Council on 8 February 2012. The primary requirements of the Code are as follows:
- i. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
  - ii. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
  - iii. Receipt by the full council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a **Mid-year Review Report** and an Annual Report (stewardship report) covering activities during the previous year.
  - iv. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
  - v. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is Overview (Audit) Panel.
- 2.2 This mid-year report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:
- An economic update for the first six months of 2018/19;
  - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
  - The Council's capital expenditure (prudential indicators);
  - A review of the Council's investment portfolio for 2018/19;
  - A review of the Council's borrowing strategy for 2018/19;

- A review of any debt rescheduling undertaken during 2018/19;
- A review of compliance with Treasury and Prudential Limits for 2018/19;

### 3. ECONOMIC UPDATE

#### 3.1 The following economic update is provided by the Council's treasury management advisors, Link Asset Services (formally known as Capita Asset Services):

*The first half of 2018/19 has seen UK economic growth post a modest performance, but sufficiently robust for the Monetary Policy Committee, (MPC), to unanimously (9-0) vote to increase Bank Rate on 2 August from 0.5% to 0.75%. Although growth looks as if it will only be modest at around 1.5% in 2018, the Bank of England's August Quarterly Inflation Report forecast that growth will pick up to 1.8% in 2019, albeit there were several caveats – mainly related to whether or not the UK achieves an orderly withdrawal from the European Union in March 2019.*

*Some MPC members have expressed concerns about a build-up of inflationary pressures, particularly with the pound falling in value again against both the US dollar and the Euro. The Consumer Price Index (CPI) measure of inflation rose unexpectedly from 2.4% in June to 2.7% in August due to increases in volatile components, but is expected to fall back to the 2% inflation target over the next two years given a scenario of minimal increases in Bank Rate. The MPC has indicated Bank Rate would need to be in the region of 1.5% by March 2021 for inflation to stay on track. Financial markets are currently pricing in the next increase in Bank Rate for the second half of 2019.*

*As for the labour market, unemployment has continued at a 43 year low of 4% on the Independent Labour Organisation measure. A combination of job vacancies hitting an all-time high in July, together with negligible growth in total employment numbers, indicates that employers are now having major difficulties filling job vacancies with suitable staff. It was therefore unsurprising that wage inflation picked up to 2.9%, (3 month average regular pay, excluding bonuses) and to a one month figure in July of 3.1%. This meant that in real terms, (i.e. wage rates higher than CPI inflation), earnings grew by about 0.4%, near to the joint high of 0.5% since 2009. (The previous high point was in July 2015.) Given the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months. This tends to confirm that the MPC were right to start on a cautious increase in Bank Rate in August as it views wage inflation in excess of 3% as increasing inflationary pressures within the UK economy. However, the MPC will need to tread cautiously before increasing Bank Rate again, especially given all the uncertainties around Brexit.*

*In the political arena, there is a risk that the current Conservative minority government may be unable to muster a majority in the Commons over Brexit. However, our central position is that Prime Minister May's government will endure, despite various setbacks, along the route to Brexit in March 2019. If, however, the UK faces a general election in the next 12 months, this could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up.*

*In the USA, President Trump's massive easing of fiscal policy is fuelling a (temporary) boost in consumption which has generated an upturn in the rate of strong growth which rose from 2.2%, (annualised rate), in quarter 1 to 4.2% in quarter 2, but also an upturn in inflationary pressures. With inflation moving towards 3%, the Fed increased rates another 0.25% in September to between 2.00% and 2.25%, this being four increases in 2018, and indicated they expected to increase rates four more times by the end of 2019. The dilemma, however, is what to do when the temporary boost to consumption wanes, particularly as the*

*recent imposition of tariffs on a number of countries' exports to the US, (China in particular), could see a switch to US production of some of those goods, but at higher prices. Such a scenario would invariably make any easing of monetary policy harder for the Fed in the second half of 2019.*

*Eurozone growth was unchanged at 0.4% in quarter 2, but has undershot early forecasts for a stronger economic performance in 2018. In particular, data from Germany has been mixed and it could be negatively impacted by US tariffs on a significant part of manufacturing exports e.g. cars. For that reason, although growth is still expected to be in the region of 2% for 2018, the horizon is less clear than it seemed just a short while ago.*

*Economic growth in China has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems.*

*Japan has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.*

### 3.2 Link Asset Service's view on the outlook for the remainder of 2018/19 is as follows:-

*The flow of generally positive economic statistics after the end of the quarter ended 30 June meant that it came as no surprise that the MPC came to a decision on 2 August to make the first increase in Bank Rate above 0.5% since the financial crash, to 0.75%. However, the MPC emphasised again, that future Bank Rate increases would be gradual and would rise to a much lower equilibrium rate, (where monetary policy is neither expansionary or contractionary), than before the crash; indeed they gave a figure for this of around 2.5% in ten years' time but they declined to give a medium term forecast. We do not think that the MPC will increase Bank Rate in February 2019, ahead of the deadline in March for Brexit. We also feel that the MPC is more likely to wait until August 2019, than May 2019, before the next increase, to be followed by further increases of 0.25% in May and November 2020 to reach 1.5%. However, the cautious pace of even these limited increases is dependent on a reasonably orderly Brexit.*

*The overall balance of risks to economic growth in the UK is probably neutral. The balance of risks to increases in Bank Rate and shorter term PWLB rates are also probably even and broadly dependent on how strong GDP turns out, how slowly inflation pressures subside, and how quickly the Brexit negotiations move forward positively.*

*Downside risks to current forecasts for UK gilt yields and PWLB rates currently include:*

- Bank of England monetary policy takes action too quickly over the next three years to raise Bank Rate and causes UK economic growth, and increases in inflation, to be weaker than we currently anticipate.*
- Bank of England monetary policy takes action too quickly over the next three years to raise Bank Rate and causes UK economic growth, and increases in inflation, to be weaker than we currently anticipate.*
- A resurgence of the Eurozone sovereign debt crisis, possibly Italy, due to its high level of government debt, low rate of economic growth and vulnerable banking system, and due to the election in March of a government which has made a lot of anti-austerity noise. This is likely to lead to friction with the EU when setting the target for the fiscal deficit in the national budget. Unsurprisingly, investors have taken a dim view of this and so Italian bond yields have been rising.*

- *Austria, the Czech Republic and Hungary now form a strongly anti-immigration bloc within the EU while Italy, this year, has also elected a strongly anti-immigration government. In the German general election of September 2017, Angela Merkel's CDU party was left in a vulnerable minority position as a result of the rise of the anti-immigration AfD party. To compound this, the result of the Swedish general election in September 2018 has left an anti-immigration party potentially holding the balance of power in forming a coalition government. The challenges from these political developments could put considerable pressure on the cohesion of the EU and could spill over into impacting the euro, EU financial policy and financial markets.*
- *The imposition of trade tariffs by President Trump could negatively impact world growth. President Trump's specific actions against Turkey pose a particular risk to its economy which could, in turn, negatively impact Spanish and French banks which have significant exposures to loans to Turkey.*
- *Weak capitalisation of some European banks.*
- *Rising interest rates in the US could negatively impact emerging countries which have borrowed heavily in dollar denominated debt, so causing an investor flight to safe havens e.g. UK gilts.*
- *Geopolitical risks, especially North Korea, but also in Europe and the Middle East, which could lead to increasing safe haven flows.*

*The potential for upside risks to current forecasts for UK gilt yields and PWLB rates, especially for longer term PWLB rates include: -*

- *President Trump's fiscal plans to stimulate economic expansion causing a significant increase in inflation in the US and causing further sell offs of government bonds in major western countries.*
- *The Fed causing a sudden shock in financial markets through misjudging the pace and strength of increases in its Fed. Funds Rate and in the pace and strength of reversal of QE, which then leads to a fundamental reassessment by investors of the relative risks of holding bonds, as opposed to equities. This could lead to a major flight from bonds to equities and a sharp increase in bond yields in the US, which could then spill over into impacting bond yields around the world.*
- *The Bank of England is too slow in its pace and strength of increases in Bank Rate and, therefore, allows inflation pressures to build up too strongly within the UK economy, which then necessitates a later rapid series of increases in Bank Rate faster than we currently expect.*
- *UK inflation, whether domestically generated or imported, returning to sustained significantly higher levels causing an increase in the inflation premium inherent to gilt yields.*

3.3 Link Asset Service's view on the anticipated future movement in interest rates is shown below.

Link Asset Services Interest Rate View											
	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21
Bank Rate View	0.75%	0.75%	0.75%	0.75%	1.00%	1.00%	1.00%	1.25%	1.25%	1.50%	1.50%
3 Month LIBID	0.75%	0.80%	0.80%	0.90%	1.10%	1.10%	1.20%	1.40%	1.50%	1.60%	1.60%
6 Month LIBID	0.85%	0.90%	0.90%	1.00%	1.20%	1.20%	1.30%	1.50%	1.60%	1.70%	1.70%
12 Month LIBID	1.00%	1.00%	1.00%	1.10%	1.30%	1.30%	1.40%	1.60%	1.70%	1.80%	1.80%
5yr PWLB Rate	2.00%	2.00%	2.10%	2.20%	2.20%	2.30%	2.30%	2.40%	2.50%	2.50%	2.60%
10yr PWLB Rate	2.40%	2.50%	2.50%	2.60%	2.70%	2.70%	2.80%	2.90%	2.90%	3.00%	3.10%
25yr PWLB Rate	2.80%	2.90%	3.00%	3.10%	3.10%	3.20%	3.30%	3.30%	3.40%	3.50%	3.50%
50yr PWLB Rate	2.60%	2.70%	2.80%	2.90%	2.90%	3.00%	3.10%	3.10%	3.20%	3.30%	3.30%

#### 4. TREASURY MANAGEMENT STRATEGY AND ANNUAL INVESTMENT STRATEGY UPDATE

- 4.1 The Treasury Management Strategy Statement (TMSS) for 2018/19 was approved by the Council on 7 February 2018.
- 4.2 There are no required policy changes to the TMSS; the details in this report update the position in the light of the current economic position and budgetary changes already approved.
- 4.3 The Council has moved to a more diverse portfolio involving more foreign banks and more longer-duration investments in order to achieve an enhanced return in the current low interest rate environment. All counterparties used have been selected on the basis that they are highly rated and meet the criteria set out in the Council's Treasury Management Strategy.

#### 5. THE COUNCIL'S CAPITAL POSITION (PRUDENTIAL INDICATORS)

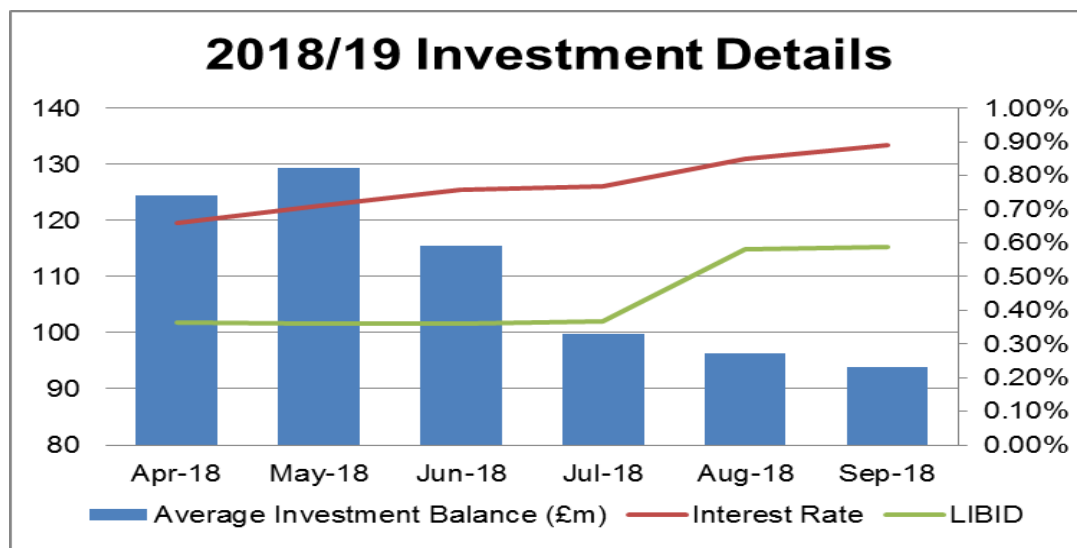
- 5.1 The Prudential Indicators are reported on a quarterly basis as part of the Capital Monitoring process. The Prudential Indicators show the current position against the Prudential Indicator limits initially set as part of the 2018/19 Budget Report.
- 5.2 The indicators are updated from the Capital Programme as at 30 September 2018, showing the Council's capital expenditure plans and how these plans are being financed. Any changes in the capital expenditure plans will impact of the on the prudential indicators and the underlying need to borrow.
- 5.3 The current prudential indicator position is shown as **Appendix 1** of this report. All the indicators are within the set limits showing that the Council's borrowing strategy remains a prudent one.

#### 6. INVESTMENT PORTFOLIO 2018/19

- 6.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As set out in Section 3, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the Bank of England Base Rate. The continuing potential for a re-emergence of a Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk strategy. Given this risk environment, investment returns are likely to remain low.



- 6.2 The Council held £95.860m of investments as at 30 September 2018, with an investment portfolio yield to date of 0.77% against LIBID of 0.43%. At 31 March 2018 the portfolio consisted of £127.075m of investments. The reduction is largely driven by capital investment (£18m as at 30 September) and a reduction in the balances held on behalf of GMMDAF. The below graph illustrates the change in investment balances over time along with the change in actual interest and LIBID:



- 6.3 The portfolio as at 30 September 2018 was as follows:

Investment Type	Total Invested (£m)	Weighted Average Duration (days)	Weighted Average Interest Rate (%)
Money Market Funds	11.360	n/a (overnight)	0.73
Banks (fixed)	20.000	275	0.75
Banks (notice)	10.000	95	0.95
Local Authorities	54.500	368	0.96
<b>Total</b>	<b>95.860</b>		

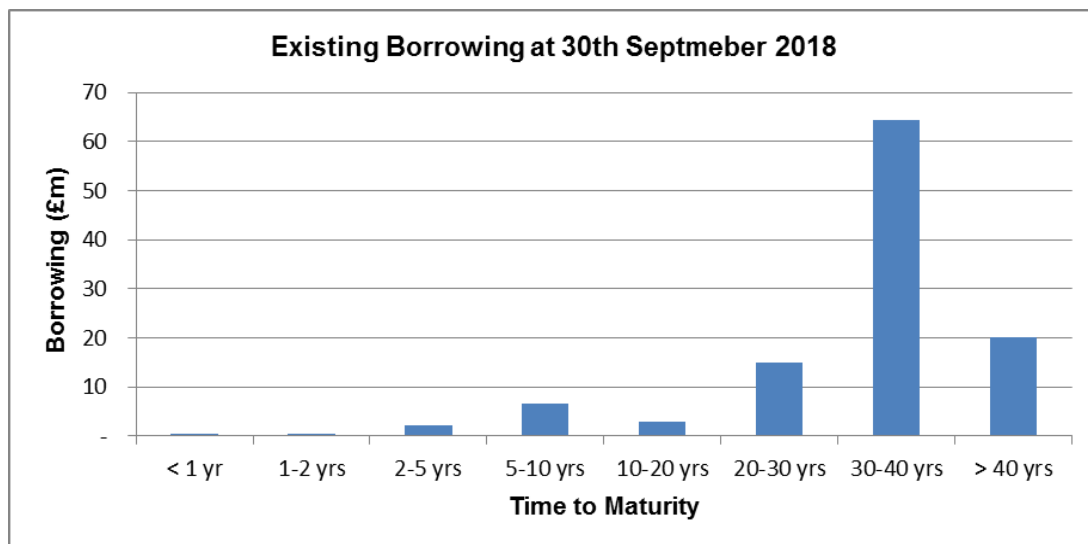
- 6.4 As outlined in paragraph 4.3, above, this return has largely been earned due to an increased number of longer-duration investments. This has included a small number of investments placed with other Local Authorities for periods in excess of one year in order to achieve an enhanced return. The average fixed term investment placed by the Council in 2018/19 to date has been 356 days, compared to 229 days in 2017/18. In the first six months of the year an average of £83m (or 76% of total available funds) has been in fixed investments, with the remainder placed on notice or in instant access funds.
- 6.5 The Assistant Director of Finance confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2018/19.
- 6.6 The Council's 2018/19 budget shows that external loans will incur interest charges of £5.963 and £0.130m will be paid to various Council funds such as the Insurance Fund. Investment income to be earned during the year is estimated to be £1.360m, which will reduce these costs to give a net interest charge budget of £4.732m.
- 6.7 As outlined in the Treasury Management Strategy, the Council uses the Link Asset Services creditworthiness service to inform counterparty selection.



- 6.8 The Link Asset Services' creditworthiness service uses a wider array of information than just primary ratings. Furthermore, by using a risk weighted scoring system, it does not give undue preponderance to just one agency's ratings.
- 6.9 Typically the minimum credit ratings criteria the Council use will be a Short Term rating (Fitch or equivalents) of F1 and a Long Term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.
- 6.10 All credit ratings will be monitored regularly. The Council is alerted to changes to ratings of all three agencies through its use of the Link Asset Services' creditworthiness service.
- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
  - in addition to the use of credit ratings the Council will be advised of information in movements in credit default swap spreads against the iTraxx benchmark and other market data on a daily basis via its Passport website, provided exclusively to it by Link Asset Services. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.
- 6.11 Sole reliance will not be placed on the use of this external service. In addition the Council will also use market data and market information, and information on any external support for banks to help support its decision making process.

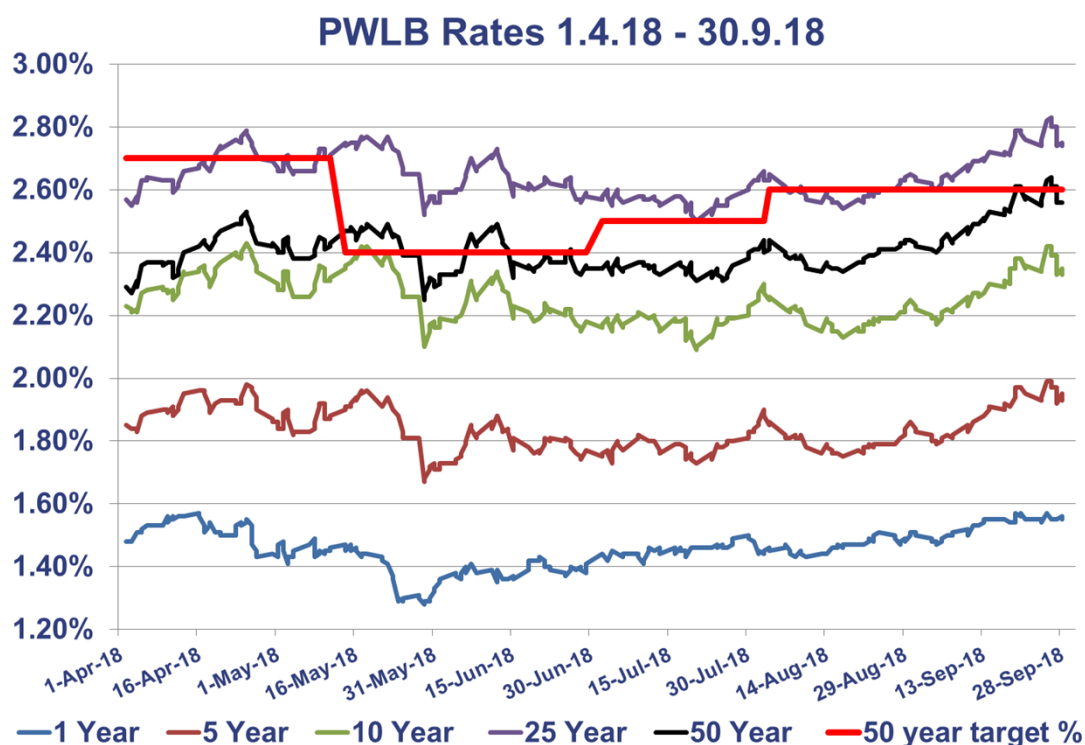
## 7. BORROWING

- 7.1 As at 30 September 2018 the Council's total borrowing is £111.852m. The maturity profile is as follows:



- 7.2 The Council's capital financing requirement (CFR) at 31 March 2018 is £191.071m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the Public Works Loan Board or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions.

7.3 The Council had an outstanding borrowing requirement of £68.709m at 31 March 2018 which is estimated to increase to £69.464m at 31 March 2019. This outstanding borrowing requirement has been funded from internal balances on a temporary basis and has the impact of reducing the level of the Council's investment balances. This continues to be a prudent and cost effective approach in the current economic climate.



7.4 The table above shows the movement in Public Works Loan Board borrowing rates for the first half of 2018/19. No borrowing has been taken up in year from the Public Works Loan Board or financial institutions, although rates continue to be closely monitored.

7.5 The Council may take up some of the outstanding borrowing requirement in the second half of the year, should an opportune moment occur. All borrowing decisions will be taken in consultation with the Council's treasury management advisors.

## 8. MINIMUM REVENUE PROVISION

8.1 The amount of long-term debt that the Council may have is governed by the Prudential Limits set by the Council at the start of the financial year. This is based on the amount of borrowing which the Council has deemed to be prudent. It also allows for advance borrowing for future years' capital expenditure.

8.2 The Council must also allow for repayment of the debt, by way of the Minimum Revenue Provision (MRP). This is the minimum amount that the Council must set aside annually. The Local Authority (Capital Finance and Accounting) Regulations 2008 revised the previous detailed regulations and introduced a duty that an authority calculates an amount of MRP which it considered prudent, although the 2008 Regulations do not define "prudent provision", they provide guidance to authorities on how they should interpret this.

8.3 In 2015/16 the Council's MRP policy was revised from the previous practice (4% of the capital finance requirement on a reducing balance basis) to a straight line method of 2% of the 2015/16 capital financing requirement over a period of 50 years.

- 8.4 Any new prudential borrowing taken up will be provided for within the MRP calculation based upon the expected useful life of the asset or by an alternative approach deemed appropriate to the expenditure in question. This will continue to be reviewed on an ongoing basis.
- 8.5 For any finance leases and any on-balance sheet public finance initiative (PFI) schemes, the MRP charge will be equal to the principal repayment during the year, calculated in accordance with proper practices.
- 8.6 There will be no MRP charge for any cash backed Local Authority Mortgage Scheme (LAMS) that the Council operates. As for this type of scheme, any future debt liability would be met from the capital receipt arising from the deposit maturing after a 5 year period. Any repossession losses for this type of scheme would be charged to a LAMS reserve.
- 8.7 The MRP policy was updated as part of the 2018/19 Treasury Management Strategy to clarify the Council's position on loans to third parties. The Council considers an MRP charge is not necessary in respect of any loans made to third parties as the debt liability is covered by the existence of a debtor; typically long term depending on the life of the loan. The only expenditure consequence of a loan for an authority is the interest on its cash shortfall whilst the loan is outstanding, so provision for the principal amount would be over-prudent until such time as the assumption has to be made that the loan will not be repaid.

## **9. DEBT RESCHEDULING**

- 9.1 Debt rescheduling opportunities have been limited in the current economic climate and consequent structure of interest rates. No debt rescheduling was undertaken during the first six months of 2018/19.

## **10. REVISED CODES AND GUIDANCE**

- 10.1 In December 2017, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued revised Prudential and Treasury Management Codes. As from 2019/20, all local authorities will be required to prepare a Capital Strategy which is intended to provide the following: -
- a high level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
  - an overview of how the associated risk is managed
  - the implications for future financial stability
- 10.2 A report setting out the Council's Capital Strategy will be taken to Cabinet before 31 March 2019.

## **11. MONEY MARKET FUND REFORM**

- 11.1 The EU legislation on Money Market Funds passed in July 2017 comes into force in January 2019. The new rules will remove the existing Constant Net Asset Value (CNAV) Money Market Funds (MMFs) and replaces them with a new class of Low Volatility Net Asset Value (LVNAV) MMFs. In theory the capital invested in these new LVNAV funds is susceptible to changes in value; however, in practice it is highly unlikely that any such changes will occur and these funds are expected to perform in a near identical fashion to the CNAV ones currently in use.

11.2 The LVNAV funds will maintain the AAA credit rating held by the existing funds, and should in fact be more secure due to the increased restrictions placed upon the underlying investments held by the funds.

## 12. GREATER MANCHESTER METROPOLITAN DEBT ADMINISTRATION FUND (GMMDAF)

12.1 Tameside Council is the lead council responsible for the administration of the debt of the former Greater Manchester County Council, on behalf of all ten Greater Manchester Metropolitan Authorities. All expenditure of the fund is shared by the authorities on a population basis.

12.2 Unlike Tameside the GMMDAF incurs no capital expenditure, and therefore the total debt outstanding reduces annually by the amount of debt repaid by the constituent authorities. However, loans are raised to replace those maturing during the year, and for cashflow purposes.

12.3 At 31 March 2018 the fund had the following outstanding debt.

	<b>£m</b>
Public Works Loan Board	64.963
Pre 1974 Transferred Debt	0.161
Temporary Loans / (Investments)	9.116
Other Balances	2.303
Total Debt	<u>76.543</u>

12.4 The fund's borrowing requirement for 2018/19 is estimated to be:-

	<b>£m</b>
<b>Long term debt maturing</b>	
Public Works loan Board	16.000
Other	<u>0.036</u>
	16.036
Less principal repayments	<u>(17.021)</u>
Deficit/ (Surplus) in year	<u>(0.985)</u>

12.5 The surplus in year is a result in timing differences between PWLB repayments and the principal repayments from the districts. It will be used to offset an existing deficit from prior years.

12.6 During 2018/19 it is estimated that the total interest payments will be £4.039m at an average interest rate of 5.28%. This compares with 4.74% in 2017/18.

12.7 No long term borrowing has been taken up in the first six months of 2018/19. However, loans may be taken up for either re-scheduling or borrowing early for future years, if prevailing rates are considered attractive. This is now highly unlikely given the limited remaining life of the Fund.

## 13. RECOMMENDATIONS

13.1 As set out on the front of the report.

# APPENDIX 1

## Prudential Indicators

### Actuals v limits as at 30 September 2018

	Limit	Actual	Amount within limit
	£000s	£000s	£000s
Operational Boundary for External Debt	205,276	111,998	(93,278)
Authorised Limit for External Debt	225,276	111,998	(113,278)

These limits include provision for borrowing in advance of the Council's requirement for future capital expenditure. This may be carried out if it is thought to be financially advantageous to the Council.

	Limit	Actual	Amount within limit
	£000s	£000s	£000s
Upper Limit for fixed	191,071	12,502	(178,569)
Upper Limit for variable	63,690	(61,505)	(125,195)

These limits are in respect of the Council's exposure to the effects of changes in interest rates.

The limits reflect the net amounts of fixed/variable rate debt (i.e. fixed/variable loans less fixed/variable investments).

	Limit	Actual	Amount within limit
	£000s	£000s	£000s
Capital Financing Requirement	191,071	191,071	-

The Capital Financing Requirement (CFR) is aimed to represent the underlying need to borrow for a capital purpose and is calculated from the aggregate of specified items on the balance sheet. The CFR increases by the value of capital expenditure not immediately financed (i.e. borrowing) and is reduced by the annual MRP repayment.

	Limit	Actual	Amount within limit
	£000s	£000s	£000s
Capital expenditure	153,711	18,539	(135,172)

This is the estimate of the total capital expenditure to be incurred.

Gross borrowing and the capital financing requirement	CFR @ 31/03/18 + increase years 1,2,3	Gross borrowing	Amount within limit
	£000s	£000s	£000s
	191,071	111,998	(79,073)

To ensure that medium term debt will only be for capital purposes, the Council will ensure that the gross external borrowing does not, except in the short term, exceed the total of the

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capital financing requirement (CFR).

<b>Maturity structure for borrowing 2017/18</b>		
<b>Fixed rate</b>		
<b>Duration</b>	<b>Limit</b>	<b>Actual</b>
Under 12 months	0% to 15%	0.29%
12 months and within 24 months	0% to 15%	0.31%
24 months and within 5 years	0% to 30%	1.93%
5 years and within 10 years	0% to 40%	5.86%
10 years and above	50% to 100%	91.62%

These limits set out the amount of fixed rate borrowing maturing in each period expressed as a percentage of total fixed rate borrowing. Future borrowing will normally be for periods in excess of 10 years, although if longer term interest rates become excessive, shorter term borrowing may be used. Given the low current long term interest rates, it's felt it is acceptable to have a long maturity debt profile.

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/Reporting Officer:</b>	Councillor Bill Fairfoull – Deputy Executive Leader Ilys Cookson – Assistant Director Exchequer Services
<b>Subject:</b>	<b>CONSULTATION OUTCOME AND SETTING LOCAL COUNCIL TAX SUPPORT SCHEME 2019-20</b>
<b>Report Summary:</b>	This report sets out the procedural guidelines to be followed when consulting on changes to a local Council Tax Support scheme. The results of consultation on two proposed changes, impact the changes may have on different claimant groups, equality impact assessment, estimated costs of the scheme and risks are set out in the report.
<b>Recommendations:</b>	A recommendation is made to Council to approve the Council Tax Support scheme for 2019/20, which remains the same scheme as that set effective from April 2017, subject to annual benefit uprating as detailed in the scheme, and the following:  (i) Award a two week run on for claimants moving from benefit to work (ii) Apply an earnings disregard to self-employed working age claimants
<b>Corporate Plan:</b>	The Council Tax Support (CTS) scheme assists the most financially vulnerable in the Borough by providing means tested financial support towards Council Tax costs.
<b>Policy Implications:</b>	In line with Council policy and guidance from DCLG.
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	The Council Tax Support Scheme is a cost to the Council in the sense that it reduces the amount of Council tax that can be collected. In 2017/18 the value of the Council Tax revenue foregone under the current scheme rules was £14,439k, and is forecast to be around £14,258k in 2018/19 (Forecast as at 27 November 2018). The proposed changes set out in this report are estimated to increase the cost of the scheme by up to £50k.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	Under <b>Appendix 4</b> paragraph 5 (2) of the Local Government Finance Act 2012, the Council must now agree any changes to its discretionary scheme by 11 March each year, which must be in accordance with the Council Tax Reduction Scheme (Prescribed Regulations)(England) Regulations 2012 as amended, as must its appeal process. An equality impact assessment in accordance with the public sector equality duty is continually undertaken every quarter.  Having set a discretionary scheme, the Council must also be mindful of recent case law (including R (Logan) v the London Borough of Havering – 6.11.15) when applying the scheme. In particular, it may not be considered reasonable to refuse hardship funding on the basis that the hardship fund is exhausted (paragraph 9.1 of this report). Any claim for hardship must be considered on its merits only and careful consideration should be given to the impact of any restrictions on those of working age,

and or those that have a disability.

**Risk Management:**

The scheme is legally compliant in the way it has been set and the decision to set the scheme for the future year is part of the scheme setting process.

**Background Information:**

The background papers relating to this report can be inspected by contacting Ilys Cookson:



Telephone: 0161 342 4056



e-mail: [ilyc.cookson@tameside.gov.uk](mailto:ilyc.cookson@tameside.gov.uk)



## **1. INTRODUCTION**

- 1.1 The Welfare Reform Act 2012 contained provision to abolish Council Tax Benefit. The Government replaced it with a power for each local authority to have its own locally set council tax reduction scheme. The necessary primary legislation is included in the Local Government Finance Act, passed on 31 October 2012 which contained provision that Councils wishing to implement a local scheme must have the scheme approved by 31 January each year; however Statutory Instrument 1305 The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 changed this date to 11 March each year.
- 1.2 The local scheme was funded in the first year by way of a fixed grant which the Department of Communities and Local Government (DCLG) have determined as being 90% of the 2011/12 outturn for Council Tax Benefit expenditure. In real terms this reduction in funding equated to 17.3% for Tameside for 2013/14 and a local council tax support scheme was set taking into account the costing envelope available.
- 1.3 Tameside's own local Council Tax Support (CTS) scheme was set at the Council meeting on 21 December 2012. The scheme was adopted to a challenging timescale additionally, the Universal Credit Regulations 2013, on which the principals of the Council Tax Support Scheme were based, was not passed through parliament until 25 February 2013.
- 1.4 From April 2014 the Council has had to fund the council tax support scheme from the general allocation of the central government grant for all the Council's services. The 2013/14 CTS scheme which had been in place since 1 April 2013 was revised after consultation had been carried out with the public from 14 September 2015 until 30 November 2015. The Police Authority and Fire and Rescue Authority precepting bodies were also consulted. The following elements were introduced to the scheme from 1 April 2016:
  - Capping support to a Band A property.
  - Reduce the maximum CTS award to 75%.
  - Align deductions for non-dependents of working age to the same level as those in the prescribed scheme for claimants of pensionable age.
  - Non-dependent deductions are disregarded for CTS claimants in receipt of a Staying Put payment.
- 1.6 In consideration of setting the local CTS scheme for 2019/20 this reports sets out:
  - What the Council is required to do in terms of procedural requirements
  - What it has consulted the public and precepting body about
  - What the public and precepting body said
  - The impact of the proposals on the public.

## **2. PROCEDURAL REQUIREMENTS**

- 2.1 In setting the Council Tax Support scheme the Council must adhere to a number of procedural requirements contained in the Local Government Finance Act 2012 and as amended by SI 1305 2017 which are detailed as follows:
  - Adopt a Council Tax Support scheme no later than 11 March before the start of the financial year to which the scheme applies.
  - There are prescribed requirements which must apply to all schemes, which include local schemes. The prescribed scheme applies to persons of state pension credit age. Parts of the prescribed scheme also apply to working age claimants in respect of some procedural requirements in making a claim.
  - Ensure that claimants of state pension credit age continue to receive the same support under the scheme as they receive in council tax benefit.
  - Consider the statutory public sector equality duty in adopting a scheme and the child poverty strategy.

- Consult all major precepting authorities.
- Consult generally on changes to the scheme

2.2 Paragraph 5 (1) of Schedule 1A to the 1992 Act states that:

*‘For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme’*

2.3 On 01 August 2018 the Executive Cabinet considered that, while the same scheme set in 2018/19 should continue, consideration be given to two changes to the scheme which required public consultation. Executive Cabinet approved consultation to take place from 30 August 2018 to 22 November 2018.

### 3. CONSULTATION PROPOSALS

3.1 The Council has consulted on two options from 30 August 2018 to 22 November 2018 detailed at **Appendix 1** and summarised below and as contained in the Executive Cabinet report of 1 August 2018:

- Award a two week run on for claimants moving from benefit to work
- Apply an earnings disregard to self-employed claimants

#### **Proposal A: Award a two week run on for claimants moving from benefit to work**

3.2 This proposal would affect any working age claimant that starts work after being in receipt of benefit such as Job Seekers Allowance contribution based. Awarding an additional 2 weeks adhered to the scheme guidance to provide a work incentive to claimants and is also consistent with Universal Credit guidelines. If implemented this proposal would affect no more than 25 working age claimants per week and the estimated cost of £41k is based on current council tax levels.

#### **Proposal B: Apply an earnings disregard self-employed working age claimants**

3.3 This proposal would affect in work, working age claimants equally whether self-employed or not. If implemented this proposal would affect 15 cases in total and the estimated cost of £6k is based on current council tax levels.

3.4 There are a number of caveats to be considered in consulting on the two proposals above such as the cost of the scheme and those affected. Working age people only are affected by all of the above as pensioners are protected as detailed in the prescribed scheme set in law. The caseload changes daily as claimants move on and off benefit depending on their circumstances and changes in income. More than one proposal may be implemented and claimants may be affected by more than one of the above proposals.

### 4. CONSULTATION METHOD

4.1 The consultation commenced on 19 September 2018 ending on 22 November 2018. The Councils Big Conversation website detailed the questions raised on the two proposals. The consultation was also advertised on the Councils website via Facebook and Twitter. Paper copies of the questionnaire were made available on request. Stakeholders and local voluntary organisations were contacted by letter to inform them of the consultation.

4.2 **Appendix 2** details the timeline of consultation exercise and target audience. The questions raised on the Big Conversation web-site are available as a background report.

## 5. ANALYSIS OF CONSULTATION RESULTS

- 5.1 Precepting Body: Consultation took place with the Greater Manchester Mayor by email. The Mayor's Office response received on 04 October 2018 was supportive of the proposals and raised no concern.
- 5.2 Public and stakeholder consultation: After the consultation close at midnight on 22 November 2019 a total of 43 valid responses were received to the Big Conversation survey. 42 respondents completed the consultation on the Big Conversation website and one by email. All 43 answered the consultation questions, however not all 43 responded to the equalities questions.
- 5.3 Of the 43 responses 38 described their interest in the consultation as follows; 34 were from members of the public, two was from a community or voluntary group and two stated they had other interests in the consultation. A total of 19 respondents were male and 17 were female, 2 preferred not to say and 5 did not answer the question. Of those that responded 34 respondents claimed to be white/English/Welsh/Scottish/Northern Irish/British in terms of ethnicity and one Asian/Asian British – Indian and 2 claimed to be another ethnic group which was not specified.
- 5.4 A total of 26 claimed their day to day activities were not limited in some way due to a health problem or disability, and 10 respondents claimed their day to day activities were limited a lot and a further 1 claimed their activities were limited a little and the remainder did not respond.
- 5.5 26 respondents stated that they did not provide support or help to family members or friends or neighbours due to long term physical or mental health problems or problems due to old age; 11 provided some support, and 6 did not specify.
- 5.6 The age range of the respondents that declared their age is detailed below:

**Table One**

Age range	Number of respondents
Aged 18 – 25	0
Aged 26 – 35	1
Aged 36 – 45	3
Aged 46 – 55	9
Aged 56 – 65	7
Aged over 65	14
Did not specify their age	9

5.7 **Table Two**

Proposal	Agree	Disagree	Neither Agree/ Disagree	Don't know	Total
Award a two week run on for claimants moving from benefit to work	35	6	2	0	43
Apply an earnings disregard self-employed working age claimants	33	7	3	0	43

- 5.8 Eleven of the respondents chose to make additional comments, some of whom made more than one comment and categorised as follows. Three comments specifically referred to the charging of Council Tax on an unoccupied building, Oakglade House, Booth Street, Ashton-under-Lyne. The charge on this building would not be impacted by the two proposals. Four comments were made in relation to the calculation of income of which one comment was made that self-employed earnings are fluid and this could lead to overpayments of CTS

unless actual earnings were provided on a weekly basis and this would require extra staff resource, and a further comment that Council Tax payments should be assessed on recipients real income and their ability to pay. Three comments referred to impact and equality; one comment being that everybody should be treated equally, another that the second proposal would only benefit 15 people and the first proposal would have a much wider impact, and one comment that the current scheme was unfair being aligned to Universal Credit. A comment was received regarding access to the Hardship Scheme and one comment was received which related to the funding of the additional payments of CTS.

## 6.0 CONSULTATION CONCLUSIONS

- 6.1 **Proposal A: Award a two week run on for claimants moving from benefit to work**  
The majority of respondents 35 (81.39% of the total) agreed that a two week run on for claimants moving into work should be awarded with 6 respondents (13.95%) disagreeing. Two respondents (4.65%) neither agreed or disagreed.
- 6.2 **Proposal B: Apply an earnings disregard self-employed working age claimants**  
The majority of respondents 33 (76.74% of the total) agreed that an earnings disregard should be applied to the earnings of self-employed working age claimants. A total of 7 respondents (16.27%) disagreed. Three respondents (6.99%) neither agreed or disagreed.
- 6.3 The conclusions drawn from the consultation analysis is that, in each proposal, the majority of respondents agreed that each of the two proposals be implemented

## 7.0 IMPACT OF PROPOSALS

- 7.1 In considering implementation of any the proposals it is appropriate to consider impact on the claimant groups affected. Both changes are positive in that they are financially beneficial to claimants affected. Data has been taken from the Council Tax Support system to determine impact on different household compositions and circumstances taking into account differing income levels in the scenarios listed below. Table Three below details the amount payable if both of the proposals were implemented assuming Council Tax remains at current levels. Further information on each scenario can be found at Appendix Three.

**Table Three**

Household composition	Weekly Council Tax Support award	Weekly Council Tax payable	Weekly Council Tax Support award if implemented	Weekly Council Tax payable
<b>Self Employed</b>				
Single person, one child and self employed	Nil	£15.96	£8.01	£7.95
Couple with 2 children and Mr self employed	Nil	£21.16	£3.72	£17.44
<b>2 week run on</b>				
Single person with 2 children moving into work	Nil	£15.96	£11.97	£3.99
Couple with Mrs moving into work, one	Nil	£21.16	£6.95	£14.21

nondependent who is working					
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## 8.0 EQUALITY IMPACT ASSESSMENT

8.1 The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of:

Age	Gender	Race	Gender reassignment
Disability	Maternity	Sexual orientation	Religion or belief

8.2 Section 149 of the Equality Act 2010 places the Council and all public bodies under a duty to promote equality. All public bodies are required to have regard to the need to:

- Eliminate unlawful discrimination.
- Promote equal opportunities between members of different equality groups.
- Foster good relations between members of different equality groups including by tackling prejudice and promoting understanding.
- Eliminate harassment on the grounds of membership of an equality group.
- Remove or minimise disadvantages suffered by members of a particular equality group.
- Take steps to meet needs of people who are members of a particular equality group.
- Encourage people who are members of an equality group to participate in public life, or in any other area where participation is low.
- This specifically includes having regard to the need to take account of disabled people's disabilities.

8.3 The Act therefore imposes a duty on the Council which is separate from the general duty not to discriminate. When a local authority carries out any of its functions, including deciding what Council Tax Support scheme to adopt, the local authority must have due regard to the matters within the section of the Act outlined above. The courts have made it clear that the local authority is expected to rigorously exercise that duty.

8.4 The Government has confirmed that people of state pension credit age are to have their current Council Tax Support levels protected and that the prescribed scheme must apply to them.

8.5 The anticipated impact on customer groups is outlined in this section. The population of Tameside is estimated at 224,119 based on the 2017 mid-year population. Trends show an ageing population. The number of people aged 65 years and over has increased by 6.4% between 2013 and 2017. The gender split of Tameside's overall population is 49.1% male and 50.9% female. There are an estimated 101,730 households in Tameside.

8.6 Tameside has approximately 19,140 CTS claimants (as at October 2018), of these 8,285 have reached pension credit age and are therefore fully protected under legislation contained in the prescribed scheme and will not see any change in their benefit entitlement. Of the remaining 10,855 working age claimants only those affected are 15 self-employed claimants (0.13% of all working age claimants) and an estimated maximum of 25 claimants per week (estimated maximum of 11% of all working age claimants) who move from passported benefits into work. An equality impact assessment on the proposals is detailed at Appendix Four and is in addition to the Equality Impact Assessments in place from the commencement of the CTS scheme in April 2013, as updated in December 2015.

8.7 In addition to considering the effects on the key characteristic groups it is important to also consider that the scheme in place remains largely the same as that in place from 2013/14 with the revisions as detailed in 1.4 of this report, and the affected groups are 15 self-employed cases and any claimant that starts work after being in receipt of a benefit such as

Job Seekers Allowance contribution based and may therefore fall into any equalities category.

## 9.0 SUPPORT IN PLACE

- 9.1 **Hardship Scheme.** The Hardship Fund, introduced in 2013/14 when the local Council Tax Support scheme was set, will remain in place to support claimants in exceptional circumstances, who suffer severe financial hardship as a result of the introduction of the scheme and may apply for additional monies to help pay their council tax. No applications were approved from April 2018 to 30 October 2018. The Hardship Fund will remain at £50k in 2019/20 however this amount does not exclude approved applications being granted should the maximum allocated funding being exceeded. Hardship Funding will be identified from existing budgets and be administered via Tameside Resettlement Scheme. The Hardship Policy is detailed in Appendix Five.
- 9.2 **Advice and assistance.** Residents may also obtain advice and assistance on the Hardship Fund and Council Tax Support scheme from the Council's Benefits Service, Citizens Advice Bureau, Tameside Welfare Rights Service and other local advice services such as MiNT.
- 9.3 The proposals do not affect the mitigations which will continue to be in place to protect the relevant equalities groups and will continue to comply with Government guidance Localising Support for Council Tax (Vulnerable people) 2014 in the following ways:
- 9.4 Workers on low incomes / or reduced means as a result of a previous period of unemployment continue to be protected by virtue of keeping support when moving from benefit into work. The new proposal to award a 2 week additional Council Tax Support aligns with Universal Credit guidelines where an extra 2 weeks Housing Benefit is paid when moving from legacy benefits and onto Universal Credit. Claimants moving from Job Seekers Allowance contribution based (JSaC) and commencing work, would have claimed Tax Credits prior to claiming Universal Credit.
- 9.5 The new proposal is to award the 2 week support for people moving from (JSaC) into work and claiming Universal Credit. The 4 week support rule in the CTS scheme continues to apply when moving from specified benefit into employment after having been out of work for more than 26 continuous weeks or more.
- 9.6 Disabled claimants of working age continue to be protected by the exclusion of Disability Living Allowance from their income taken into account when calculating CTS, which can be up to £145.35 (2018/19 rates) as the 2019/20 rates will not be known until January 2019 at the earliest. This benefits 257 disabled claimants as at October 2018. Claimants (861 in total of which working age) are in receipt of Carer's Allowance are provided with extra support by having an additional element of allowable income in the assessment. Disabled claimants in receipt of war pensions or war widow's pensions are protected as this income is also excluded from the CTS assessment.
- 9.7 Women are affected more by the scheme than men because there are a higher proportion of female claimants. The number of female lone parents has remained static since the scheme was set in 2013 at 94% of all lone parent households. A total of 1,867 female single parent households receive maximum CTS benefit with the remainder being protected by the exclusion of child benefit from the CTS calculation.
- 9.8 Children and Families continue to be protected by disregarding child benefit in full within the CTS calculation and child care costs being disregarded for claimants in work.
- 9.9 War Pensions/war widows continue to be protected as 100% of war pensions and war widows pensions are disregarded for CTS purposes.

- 9.10 Foster carers in receipt of Council Tax Support continue to benefit from the not having a non-dependent deduction applied where the foster carer continues to provide a home for a young person beyond the age of 18 and up to 21 years old under the Staying Put policy.
- 9.11 There are no specific impacts negative or positive on the following protected characteristic areas – ethnicity, marriage/civil partnership, sexual orientation, religion and belief, gender re-assignment.
- 9.12 The scheme was designed to provide extra support for vulnerable people with disabilities claiming benefit, carers and those in receipt of war pensions and to support as many claimants on low incomes as possible taking into account the requirements of the scheme as determined by the Government and affordability.
- 9.13 The caseload is relatively constant. The scheme will continue to use the annual DWP Housing Benefit upratings and the annual uprated UC elements as applicable. Further equalities analysis will continue to take place in each claimant category on a bi-annual basis to enable the scheme to be continually monitored and to identify and investigate any unforeseen negative impacts should they arise.
- 9.14 The Benefits and Council Tax service works closely with housing and voluntary sector colleagues who assist claimants in supported accommodation. There are strong links with local DWP Job Centre colleagues to ensure that claimants of Universal Credit also complete a claim for Council Tax Support at the point of becoming unemployed.
- 9.15 As Universal Credit is rolled out in Tameside and in other parts of the country we will, wherever possible, monitor the effects of the CTS scheme in relation to Universal Credit claimants, however as this benefit is administered entirely by the DWP it may not be possible to do so as the Council has little information on which a comparison between entitlement to CTS using Housing Benefit annual uprated amounts and Universal Credit uprated amounts can be made. The law states that Universal Credit annual upratings must be used for claimants in receipt of Universal Credit.

## **10 EIA CONCLUSION**

- 10.1 There will be no anticipated specific impacts negative or positive on the following protected characteristic areas as a result of proposed changes to the CTS scheme – ethnicity, marriage/civil partnership, sexual orientation, religion and belief, gender reassignment.
- 10.2 The changes proposed will have no impact on claimants of pensionable age as they must be protected in accordance with the requirements of the prescribed scheme. The changes will affect all working age claimants.
- 10.3 Women and families: Women are likely to be affected by the changes more than men by virtue of the fact that there are more female claimants (50.9% as opposed to 49.1% male claimants). Claimants in receipt of maternity payments will not be more affected by the proposed changes than other working age claimants. Lone parent working age females will not be affected by the proposed changes and continue to be offered some protection by the disregard of child benefit in the scheme. Child care costs for employed claimants will continue to be disregarded in line with Universal Credit principles and child benefit will continue to be disregarded in full.
- 10.4 Low income claimants who have previously been unemployed will continue to be supported as in the existing CTS scheme by virtue of keeping support for 4 weeks once back in employment after having been out of work for more than 26 continuous weeks. The proposals to change the scheme do not affect this support.

- 10.5 Disabled claimants: In terms of disability the current CTS scheme offers some protection to the most severely disabled. Some protection will be given to claimants in receipt of sickness related benefits such as Incapacity Benefit, Disability Living Allowance (care element) and disabled claimants of working age are offered some protection by the disregard of war pensions and the exclusion of Disability Living Allowance from income.
- 10.6 The original scheme implemented in April 2013 was designed to provide extra support for vulnerable people with disabilities claiming benefit, carers and those in receipt of war pensions and to support as many claimants on low incomes as possible taking into account the requirements of the scheme as determined by the Government and affordability. In considering changes to the scheme the proposals were deemed to be as equitable as possible with regard to all equality groups.
- 10.7 In terms of mitigation and support a Hardship Fund continues to remain in place administered through the Tameside Resettlement Scheme. The Hardship Fund will remain at £50K in 2019/20. However this amount does not exclude approved applications being granted should the maximum allocated funding be exceeded.
- 10.8 As with the existing scheme, support and advice will continue to be provided by Tameside Welfare Rights Team, the DWP and local Job Centres, housing providers and the voluntary sector including CAB and MiNT in addition to Tameside's Benefits Team.

## 11 COST OF THE SCHEME

- 11.1 The current cost of the CTS scheme is £14,093,685 as at October 2018 however we do not know how much of this sum is covered by Central Government because, from 2013, the Government have not disclosed the figure to be attributed to CTS, as this is a local discretion to be applied in local circumstances, although we do know that from 2013 the figure provided to local authorities was 10% less than in previous years.
- 11.2 The Council is mindful of the effects of welfare reform and austerity on residents of the Borough. The two proposed changes to the CTS scheme have the effect of increasing scheme costs by an estimated £20.2k if both options are implemented. Costs of the scheme and caseload continue to fall and the implications of this increased costs of 0.14% of the scheme costs are detailed in Table Four and the effect on the overall costs of the scheme as detailed in Table Five.

**Table Four**

Option	Detail	Estimated cost
Option A	Award a 2 week run for claimants moving from benefit into work	14.2k
Option B	Apply an earnings disregard to self employed claimants	6k
<b>Total</b>		<b>20.2</b>

**Table Five**

	£m
Current cost of scheme	14.093
Cost of both options	0.020
Scheme costs if CTAX level remains same	14.113

- 11.3 Additional income to the Council arising from a potential increase in Council Tax is not included in the above. Should Council Tax levels increase then Council Tax Support levels will increase which increase the overall cost of the scheme.



## **12 RISKS**

- 12.1 In setting the local Council Tax Support scheme for 2019/20 it is important to consider the risks in doing so. Procedural guidance has been observed. The precepting body, public and stakeholders have been consulted via the Councils Big Conversation web-site.
- 12.2 A local scheme must be set by 11 March 2019 or the default scheme will apply. The default scheme is the same as the Council Tax Benefit scheme, which ceased to exist on 31 March 2013. Costs associated with the default scheme were estimated to be in excess of £3.2m in 2013/14, and increased since then.
- 12.3 There is a continued risk that demand for support could increase if the economic picture worsens and we cannot predict the number of people that may claim Council Tax Support in the future.
- 12.4 Implementation of a local scheme will mean that some people are paying Council Tax for the fifth year as all benefit claimants must pay at least 25% of their Council Tax liability. Small debts are difficult to collect and often take years to clear. This is particularly so where an attachment of benefit is in place to recover Council Tax arrears because the DWP hierarchy of attaching a debt to a benefit from source ranks council tax sixth after utility payments and other housing costs.
- 12.5 There is also a continuing risk concerning provision of appropriate and timely communication of the scheme changes to residents and in particular benefit recipients. To mitigate this communication on the scheme will remain in place, as it is important that claimants are clear that they will have some council tax liability which will need to be paid.

## **13 CONCLUSION**

- 13.1 The public, interested parties and precepting body was consulted on the two proposed changes to the CTS scheme in accordance with procedural requirements.
- 13.2 The consultation was undertaken from 19 September 2018 to 22 November 2018 via the Big Conversation website. A total of 43 responses were received with the majority being in agreement with each the two proposals.
- 13.3 The equality impact assessment considered the impact of the two proposals on the scheme by the key characteristic groups, in addition to the equality scheme assessments undertaken at the time the scheme was set in December 2012 to become effective in April 2013 and updated in December 2014 and November 2018. There is no disproportionate impact on any group.
- 13.4 In terms of mitigation and support the Hardship Fund will remain in place at £50k and continued to be administered by Tameside Resettlement Scheme. This amount does not exclude approved applications being granted should the maximum allocated funding being exceeded.
- 13.5 The two proposals will cost an estimated £20.2k in scheme costs. If Council Tax remains at the same level in 2019/20 the scheme costs are estimated to be £14.128m. Should the Council Tax increase from April 2019 then the estimated costs will increase however this does not include the additional overall income which could be raised as a result of increasing Council Tax.
- 13.6 There is also a continuing risk concerning provision of appropriate and timely communication of the scheme changes to residents and in particular benefit recipients and

it must be clear to claimants that they will have some council tax liability which will need to be paid.

## **14 RECOMMENDATIONS**

14.1 As set out on the front of the report.

Council Tax Support scheme proposals

**APPENDIX 1**

Proposed change to scheme	Scheme now	Rationale	Estimated costs	Impact	Numbers of claimants affected
<p><b>PROPOSAL A</b></p> <p>Award a 2 week run on for working age claimants moving from benefit into work</p>	<p>CTS is awarded using earnings from employment</p>	<p>Adheres to scheme guidance to reward claimants who start work and aligns to Universal Credit guidance. Affects claimants who move from benefit such as Job Seekers Allowance contribution based into work.</p>	<p>41.2k</p>	<p>Financially beneficial as all claimants affected would receive CTS for a further 2 weeks when starting work before salary or wage used to reassess entitlement.</p>	<p>25 per week maximum estimated</p>
<p><b>PROPOSAL B</b></p> <p>Apply an earnings disregard to self-employed working age claimants</p>	<p>Currently the earning disregard is applied to all workers of working age unless they are Self-Employed</p>	<p>Affects in work working age claimants equally whether self-employed or not</p>	<p>6k</p>	<p>Financially beneficial to self-employed working age claimants not currently in receipt of maximum CTS</p>	<p>15 cases</p>

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**Consultation timetable and CTS scheme setting****APPENDIX2**

<b>Item</b>	<b>Timeframe</b>	<b>Deadline</b>
Executive Board	05 September 2018	05 September 2018
Executive Cabinet	19 September 2018	19 September 2018
Consultation	20 September to 22 November 2018	22 November 2018
Publicity Campaign	20 September to 22 November 2018	22 November 2018
Analysis of Feedback	22 November 2018 to 29 November 2018	29 November 2018
Executive Board	05 December 2018	05 December 2018
Executive Cabinet	12 December 2018	12 December 2018
Full Council	26 February 2019	26 February 2019

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In considering implementation of either of the two proposals it is appropriate to consider impact on typical claimant groups. Data has been taken from the Council Tax Support system to determine impact on different household compositions and circumstances in the scenarios listed below.

### **HOUSEHOLD ONE**

Mr Z has 1 child. He is self-employed and the family resides in a Band A property.

Mr Z has self-employed earnings of £150.94 per week of which £52.83 (35%) is currently disregarded in the calculation of Council Tax Support. The weekly household income also includes Child Benefit of £20.70 and Child Tax Credit of £62.83. The total income is £234.47 of which £160.94 is used to calculate entitlement to Council Tax Support. Mr Z does not qualify.

If proposal one was implemented a further £15.66 per week of Mr Z's self-employed income would be disregarded and he would qualify for Council Tax Support of £8.01 per week, leaving Mr Z with £7.95 per week to pay.

Over a financial year this would provide Mr Z with £417.66 Council Tax Support, reducing his annual charge from £827.59 to £409.93.

### **HOUSEHOLD TWO**

Mr and Mrs X have two children. Mr X is self-employed and the family live in a Band A property.

Mr X has self-employed earnings of £130.95 per week of which £45.83 (35%) is currently disregarded in the calculation of Council Tax Support. The weekly household income also includes Child Benefit of £34.40, Child Tax Credit of £105.12 and Working Tax Credit of £90.27. The total income is £360.74 of which £280.51 is used to calculate entitlement to Council Tax Support. Mr and Mrs X do not qualify.

If proposal one was implemented a further £15.66 per week of Mr X's self-employed income would be disregarded and he would qualify for Council Tax Support of £3.72 per week, leaving Mr and Mrs X with £17.44 per week to pay.

Over a financial year this would provide Mr and Mrs X with £193.97 Council Tax Support, reducing their annual charge from £1,103.46 to £909.49.

### **HOUSEHOLD THREE**

Mrs Y is a single with 2 children. The family live in a Band A property

Mrs Y was an unemployed working age parent and received £73.10 Job Seekers Allowance, Child Benefit of £34.40 and Child Tax Credit of £133.80. The total weekly household income was £241.30 and Mrs Y had been awarded the maximum award of Council Tax Support of £11.97 per week, meaning she had to pay £3.99 per week.

Mrs Y's earnings from employment are now £130.95 per week of which £45.83 (35%) and an additional £15.66 is disregarded in the calculation of Council Tax Support. The weekly household income also includes Child Benefit of £34.40, Child Tax Credit of £105.12 and Working Tax Credit of £90.27. The total income is £360.74 of which £264.85 is used to calculate entitlement to Council Tax Support. Mrs Y does not qualify.

If proposal two was implemented Mrs Y would be awarded a further 2 weeks Council Tax Support of £23.94 (£11.97 per week) based on her income prior to employment as an incentive for Mrs Y to commence employment.

This amount would remain the same if Mrs Y lived in a Band B or higher banded property.

#### **HOUSEHOLD FOUR**

Mr and Mrs W reside in a Band A property with a non-dependent who earns £250 a week gross.

Mr and Mrs W are working age and have both been unemployed receiving £114.85 per week Job Seekers Allowance. They had been awarded Council Tax Support of £6.95 per week, meaning they had to pay £14.21 per week, of which £11.90 was due to the non-dependant deduction. This is because the non-dependent would be expected to contribute towards Mr and Mrs W's Council Tax.

Mrs W has recently moved from benefit into work and her earnings from employment are now £130.95 per week of which £45.83 (35%) and an additional £15.66 is disregarded in the calculation of Council Tax Support. Mr W is still receiving Job Seekers Allowance of £73.10 per week. The total income is £204.05 of which £142.56 is used to calculate entitlement to Council Tax Support. Mr and Mrs W do not qualify.

If proposal two was implemented Mr and Mrs W would be awarded a further 2 weeks Council Tax Support of £13.90 (£6.95 per week) based on the household circumstances prior to employment as an incentive for Mrs W to commence employment.

This amount would remain the same if Mr and Mrs W lived in a Band B or higher banded property.



**Tameside & Glossop Strategic Commission  
Equality Impact Assessment (EIA) Form**

<b>Subject / Title</b>	Local Council Tax Support Scheme 2019-20
------------------------	--

<b>Team</b>	<b>Department</b>	<b>Directorate</b>
Benefits	Exchequer	Governance and Pensions

<b>Start Date</b>	<b>Completion Date</b>
August 2018	November 2018

<b>Project Lead Officer</b>	Ilys Cookson
<b>Service Unit Manager</b>	Karen Milner
<b>Assistant Director/ Director</b>	Ilys Cookson

<b>EIA Group (lead contact first)</b>	<b>Job title</b>	<b>Service</b>
Ilys Cookson	Assistant Executive Director	Exchequer
Karen Milner	Operational Lead	Exchequer

**PART 1 – INITIAL SCREENING**

*An Equality Impact Assessment (EIA) is required for all formal decisions that involve changes to service delivery and/or provision. Note: all other changes – whether a formal decision or not – require consideration for an EIA.*

*The Initial screening is a quick and easy process which aims to identify:*

- *those projects, proposals and service or contract changes which require a full EIA by looking at the potential impact on any of the equality groups*
- *prioritise if and when a full EIA should be completed*
- *explain and record the reasons why it is deemed a full EIA is not required*

*A full EIA should always be undertaken if the project, proposal and service / contract change is likely to have an impact upon people with a protected characteristic. This should be undertaken irrespective of whether the impact is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Contract / Commissioning Manager and the Assistant Director / Director.*

**Tameside & Glossop Strategic Commission  
Equality Impact Assessment (EIA) Form**

<p><b>1a.</b></p>	<p><b>What is the project, proposal or service / contract change?</b></p>	<p>Tameside Council have considered and consulted on the following proposed changes to the Council Tax Support Scheme for 2019/20;</p> <ul style="list-style-type: none"> <li>• Award a two week run on for claimants moving from benefit to work</li> <li>• Apply an earnings disregard to self-employed claimants</li> </ul> <p><b>The above would be changes to the current Council Tax Support Scheme agreed by Full Council on 26 February 2019.</b></p>
<p><b>1b.</b></p>	<p><b>What are the main aims of the project, proposal or service / contract change?</b></p>	<p>The Welfare Reform Act 2012 contained provision to abolish Council Tax Benefit. The Government replaced it with a power for each local authority to have its own locally set council tax reduction scheme. The necessary primary legislation is included in the Local Government Finance Act, passed on 31 October 2012 which contained provision that Councils wishing to implement a local scheme must have the scheme approved by 31 January each year; however Statutory Instrument 1305 The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 changed this date to 11 March each year.</p> <p>In setting the Council Tax Support scheme the Council must adhere to a number of procedural requirements contained in the Local Government Finance Act 2012 and as amended by SI 1305 2017, including to ensure that claimants of state pension credit age continue to receive the same support under the scheme as they receive in council tax benefit.</p> <p>In consideration of setting the local CTS scheme for 2019/20 a report presented to Executive Cabinet on 12 December 2018 sets out:</p> <ul style="list-style-type: none"> <li>• What the Council is required to do in terms of procedural requirements</li> <li>• What it has consulted the public and precepting body about</li> <li>• What the public and precepting body said</li> <li>• The impact of the proposals on the public.</li> </ul> <p>The Council has consulted on two proposed changes for 12 weeks from 30 August 2018 to 22 November 2018:</p> <ul style="list-style-type: none"> <li>• Award a two week run on for claimants moving</li> </ul>

**Tameside & Glossop Strategic Commission  
Equality Impact Assessment (EIA) Form**

		<p>from benefit to work</p> <ul style="list-style-type: none"> <li>Apply an earnings disregard to self-employed claimants</li> </ul> <p><u>Proposal A: Award a two week run on for claimants moving from benefit to work</u> This proposal would affect any working age claimant that starts work after being in receipt of benefit such as Job Seekers Allowance contribution based. Awarding an additional 2 weeks adhered to the scheme guidance to provide a work incentive to claimants and is also consistent with Universal Credit guidelines. If implemented this proposal would affect no more than 25 working age claimants per week and the estimated cost of £41k is based on current council tax levels.</p> <p><u>Proposal B: Apply an earnings disregard self-employed working age claimants</u> This proposal would affect in work, working age claimants equally whether self-employed or not. If implemented this proposal would affect 15 cases in total and the estimated cost of £6k is based on current council tax levels.</p> <p>Both changes to the Council Tax Support Scheme are positive in that they are financially beneficial to working age claimants affected.</p>
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<p><b>1c. Will the project, proposal or service / contract change have either a direct or indirect impact on any groups of people with protected equality characteristics?</b></p> <p><b>Where a direct or indirect impact will occur as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.</b></p>				
Protected Characteristic	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Age	Y			The decision will directly impact on working age claimants as claimants of state pension credit age are protected by the Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations
Disability			Y	
Ethnicity			Y	

**Tameside & Glossop Strategic Commission  
Equality Impact Assessment (EIA) Form**

Sex / Gender			Y	
Religion or Belief			Y	
Sexual Orientation			Y	
Gender Reassignment			Y	
Pregnancy & Maternity			Y	
Marriage & Civil Partnership			Y	

**Other protected groups determined locally by Tameside and Glossop Strategic Commission?**

<b>Group (please state)</b>	<b>Direct Impact</b>	<b>Indirect Impact</b>	<b>Little / No Impact</b>	<b>Explanation</b>
Mental Health			Y	
Carers			Y	
Military Veterans			Y	
Breast Feeding			Y	

**Are there any other groups who you feel may be impacted, directly or indirectly, by this project, proposal or service / contract change? (e.g. vulnerable residents, isolated residents, low income households, those who are homeless)**

<b>Group (please state)</b>	<b>Direct Impact</b>	<b>Indirect Impact</b>	<b>Little / No Impact</b>	<b>Explanation</b>
			Y	

*Wherever a direct or indirect impact has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact is anticipated, this can be explored in more detail when undertaking a full EIA.*

<b>1d.</b>	<b>Does the project, proposal or service / contract change require a full EIA?</b>	<b>Yes</b>	<b>No</b>
			<b>X</b>

**Tameside & Glossop Strategic Commission  
Equality Impact Assessment (EIA) Form**

<p><b>1e.</b></p>	<p><b>What are your reasons for the decision made at 1d?</b></p>	<p>Both proposed changes to the Council Tax Support Scheme, if implemented, are positive in that they are financially beneficial to working age claimants affected.</p> <p>Proposal A would affect any working age claimant that starts work after being in receipt of benefit such as Job Seekers Allowance contribution based. If implemented this proposal would affect no more than 25 working age claimants per week.</p> <p>Proposal B would affect in work, self-employed, working age claimants who would attain the same earnings disregard as workers who are employed earners. If implemented this proposal would affect 15 cases in total.</p> <p>A full EIA was undertaken and in place from the commencement of the CTS scheme in April 2013 and updated in December 2015. The updated EIA in December 2015 supported the decision at Full Council on 16 December 2016 to adopt the current Council Tax Support Scheme.</p> <p>The proposed changes for 2019/20 are relatively minor, only affect less than 50 people and beneficial in that those claimants will receive additional financial support. On that basis and the balance of evidence a Part 2 – Full EIA is not required. This Part 1 – Initial Screening EIA has been undertaken to assess likely impact, scope need to a Part 2 – Full EIA and record evidence of due regard.</p>
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## EQUALITY IMPACT ASSESSMENT DEMOGRAPHIC INFORMATION APPENDIX 4

### EIA Demographic information

#### Council Tax Support Client Base

The tables below provide data on people by particular household characteristics. The data is based on known characteristics (i.e. those people who reported a particular characteristic). As not all people choose to report a characteristic the total won't be the same as above.

		All		Pensioners (Protected)		Working age (Not Protected)	
		Number	% (a)	Number	% (b)	Number	% (b)
Age		19,140	100%	8,285	43%	10,855	57%
Gender	Male	7,656	40%	3,618	47%	4,038	53%
	Female	11,484	60%	4,667	41%	6,817	59%
Disabled	Total	4,857	25%	2,565	53%	2,292	47%
(1)	In work	42	0.2%	0	0%	42	100%
Not Disabled	Total	14,283	75%	5,720	40%	8,563	60%
Race (2)	White	11,846	90%	4720	40%	7126	60%
	Non-white	1,300	10%	515	40%	785	60%
Carers (3)		861	4%	23	3%	838	97%
War Pension		28	0.1%	22	79%	6	21%
Single person household		13,206	66%	6,348	48%	6,858	52%
Total number of claims that are households with children		4,290	22%	63	2%	4,227	98%
Lone parent household		3,030	16%	22	1%	3,008	99%
Female lone parent households		2,842	15%	14	1%	2,828	99%
Couple with children		1,260	7%	41	3%	1,219	97%
Couple with no children		4,674	24%	1,896	41%	2,778	59%

Sources: Tameside MBC Council Tax and Benefit systems as at September 2015.

#### *Religion and Belief / Sexual Orientation / Gender Re-Assignment / Pregnancy and Maternity / Marriage and Civil Partnership*

Specific data is not available on these protected characteristics for the CT client base. It is not anticipated that there will be any disproportionate impact on these protected characteristic groups.

Notes:

(a) Percentage of total CTS caseload

(b) Percentage of claims within that characteristic

(c) Percentage of working age claims within that characteristic

(1) Disability is based on receipt of disability income or the disability premium

- (2) Race is based on claims where the ethnic origin has been provided.
- (3) Carer is based on a person in receipt of a carer premium.



## APPENDIX 5

### **Council Tax Support scheme Hardship Policy**

#### **Council Tax Hardship Payments**

In accordance with Local Government Finance Act 1992 as amended in 2012 Section 13(a) (2) the Council Tax Support Hardship Fund is an additional payment which has the effect of reducing Council Tax liability for the liable person. The liable person must reside in Tameside and be in receipt of Council Tax Support. Hardship payments are generally paid to people experiencing a short term exceptional finance problem; in accordance with the eligibility criteria set out in the Tameside Resettlement Scheme and as set out below, so applicants must not rely on a payment being made.

#### **Who can apply for a Council Tax Hardship Payment**

You can apply for a Council Tax Hardship Payment if you are the liable person to pay Council Tax.

#### **How decisions are made on whether a Council Tax Support Hardship payment is made**

Each request will be considered independently and no single factor will determine if an award is to be made.

As well as the criteria set out in the Tameside Resettlement Scheme, the following will be considered when making the decision:

- Applicant is leaving an institution such as leaving care, prison, young offenders institute, hospital, care home, temporary supported housing or hostel
- Avoidance of going into care
- Council tax hardship being experienced
- Chronic illness, disability including mental health illness
- Experiencing domestic abuse
- Homelessness or living in temporary housing such as 'sofa surfing'
- Substance or alcohol abuse
- Lone parent and / or pregnant
- Applicant has a support worker
- Housing circumstances and rented properties
- Other people living with the applicant
- Sanction placed by the DWP
- Significant debt
- It is reasonable that applicants may be able to manage money better

#### **The amount payable**

Each application is considered individually and on its merits, and the amount of payment depends on circumstances. The maximum paid would be no more than the amount of Council Tax outstanding after any Council Tax Support has been applied. Usually such payments are a 'one off' payment and will not be repeated.

#### **How a Council Tax Support Hardship payment is made**

If approved a Council Tax Support Hardship payment will reduce the amount of Council Tax outstanding. Applicants will not receive cash or any other type of payment.

### **Appeals against the decision**

If the applicant does not agree with the decision, they may request that the decision is looked at again. Council Tax Support Hardship payments are discretionary and if after a reconsideration the applicant still does not agree with the decision then they may appeal to the Valuation Tribunal Service.

### **Process by which a person can apply for a Council Tax Support Hardship payment**

The application form for Tameside Council Tax Support Hardship scheme can be accessed via the Council's web-site.

# **Tameside Metropolitan Borough Council Council Tax Support Scheme 2019 - 2020**

## **Introduction and Explanation**

The introduction and explanation does not form part of the statutory scheme and is included solely for the purposes of explanation. This should be disregarded when interpreting the scheme.

## **Foreword**

The Government abolished the Council Tax Benefit scheme from 1 April 2013. From that date local authorities had to produce a scheme of council tax support, although the government reduced the funding available by around 20%.

## **Summary Guide to the Scheme**

### **Pensioners**

It is a legislative requirement that those of an age which qualify to receive state pension credits will continue to receive support under the Council Tax Support Scheme on the same terms as would have applied under the old Council Tax Benefit scheme. It is our understanding that any figures set out in this part of the scheme will be subject to an annual review by the government and that in future years the figures may be increased by order of the Secretary of State. The relevant figures will be updated annually and can be found at Appendix 1 of Tameside's Council Tax Support Scheme.

In addition to the statutory scheme, the Council has chosen to disregard any war pensions in full. The Council has always disregarded war pensions in full under the old Council Tax Benefit scheme and continues to do so under the Council Tax Support Scheme.

### **Working Age**

By 'working age' we mean anyone who is not old enough to qualify for state pension credits.

There is a legal requirement that Tameside establish a Council Tax Support Scheme each year for working age people, although the law does not say who should benefit from the scheme or how much support they should get. The Council has discretion to set the contents of the scheme for working age people. However the Council also has to pay for all council tax support it provides. Council Tax Benefit was paid for by central government.

Any figures set out in Schedule 9 and 10 of the scheme will be subject to an annual review and in future years the figures may be increased or decreased. The relevant figures will be updated annually to take effect from 1<sup>st</sup> April of each financial year and can be found at Appendix 2 of Tameside's Council Tax Support Scheme.

### **Alternative Maximum Support**

The national scheme for those of Pension Age includes an Alternative Maximum Support (previously known as Second Adult Rebate) where a resident has an adult on a low income living with them. There is no such support in the Tameside scheme for those of working age.

### **Working Age War Pensioners**

Working age War Pensioners (those in the working age protected group set out above) will continue to have their war pensions disregarded in full under this scheme.

### **Care Leavers**

A local authority has responsibility for a care leaver up to the age of 25 years old. A local Council Tax discount policy for care leavers is awarded under Section 13(a)(1)(c) of the Local Government Finance Act 1992.

**Universal Credit**

Universal Credit is a new benefit that will replace most other Welfare Benefits (except Council Tax Support). The Universal Credit Pathfinder commenced in Tameside on 29<sup>th</sup> April 2013 and has been rolled out throughout the country.

The Universal Credit Regulations 2013 were passed on 25<sup>th</sup> February 2013.

We have tried to make our Council Tax Support Scheme consistent with that approach proposed for Universal Credit, particularly so far as the treatment of income.

We may change our approach to the way that we treat Universal Credit as income for the purposes of this scheme, and will continue to develop alternative approaches as our understanding develops.

**Changes in Circumstances**

If someone's circumstances change and they do not tell us straightaway, this will result in either too little or too much support being awarded. It is important that changes are notified immediately.

If it comes to light that a person was entitled to more support than they were awarded and the claimant has paid too much council tax, the Council will offset the amount against future liability or make a payment to the liable person where, for example, the charge payer is no longer liable.

Where a person has paid too little Council Tax, i.e. an over allowance of support has occurred, then the Council will recover any monies they are owed under the same Council Tax processes for recovering unpaid Council Tax which is in accordance with the Council Tax (Administration and Enforcement) Regulations 1992.

**General Provisions**

The scheme will be reviewed each year and may be changed whenever necessary.

# Tameside Metropolitan Borough Council Council Tax Support Scheme 2018-19

## THE SCHEME PART 1 General

### 1. Citation, commencement and application

(1) This scheme may be cited as the Tameside Council Tax Support Scheme 2018 -19 and comes into force on 1 April 2018.

### 2. Interpretation

(1) In this scheme –

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated 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;

“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;

“alternative maximum council tax support” means the amount determined in accordance with Part 4 of Schedule 1 and Schedule 3;

“applicable amount” means the amount calculated in accordance with paragraph 6 of Schedule 1 and Schedule 2;

“applicant” means a person who has made an application;

“application” means an application for a reduction under a scheme;

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“assessment period” means—

(a) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 20 of Schedule 1 for the purpose of calculating the weekly earnings of the applicant; or

(b) in relation to any other income, the period determined in accordance with paragraph 17 of Schedule 1 for the purpose of calculating the weekly income of the applicant;

“attendance allowance” means -

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

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

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

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

“basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995 and the State Pension Credit Act 2002 and the Welfare Reform Act 2007 and the Pensions Act 2014;

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

“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 28 March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

“child” means a person under the age of 16;

“child benefit” has the meaning given by section 148A;

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;

“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 2002 are charged;

“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;

“couple” has the meaning given by regulation 4 of these Regulations;

“Default Scheme Regulations” means the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012;

“designated office” means the office of the authority designated by it for the receipt of applications—

(a) by notice upon or with a form supplied by it for the purpose of making an application;

(b) by reference upon or with such a form to some other document from it and sent by electronic means or otherwise on application and without charge; or

(c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA;

“earnings” has the meaning given by paragraph 18, 20 or 21 of Schedule 1 as the case may be;

“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 SSCBA 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;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

“extended reduction” means a reduction under a scheme for which a person is eligible under Part 7 of Schedule 1 or paragraph 2 of Schedule 8;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 39 of Schedule 1;

“extended reduction (qualifying contributory benefits)” means a reduction under Schedule 1 by which a person is eligible pursuant to paragraph 38 or 41 of Schedule 1;

“family” has the meaning given by regulation 6 of these Regulations;

“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 the Secretary of State on 24th April 1992 or, in Scotland, on 10th April 1992;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1)(c) or 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“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;

“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 given by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent healthcare 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;

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

“the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23<sup>rd</sup> December 2015 and the registered charity of that name (number 1172307) established on 28<sup>th</sup> March 2017;

“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 29<sup>th</sup> 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 3<sup>rd</sup> 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 or the applicant is a member of the work-related activity group;

“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;

“maximum council tax support amount” means the amount determined in accordance with paragraph 7 of Schedule 1.

“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 5(1)(a)(vii) of Schedule 4 for Pensioners and paragraph 10 of Schedule 12 for working age to these Regulations refers;

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of one authority to a dwelling in the area of a second authority;

“net earnings” means such earnings as are calculated in accordance with paragraph 19 of Schedule 1 to these Regulations;

“net profit” means such profit as is calculated in accordance with paragraph 29 of Schedule 1 to these Regulations;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraph 41 of Schedule 1, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by regulation 9 of Schedule 1;

“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;

“partner”, in relation to a person, means -

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

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

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

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

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“pensioner” has the meaning given by regulation 3(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by regulation 12;

“person who is not a pensioner” has the meaning given by regulation 3(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012;

“personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;
- (b) an annuity contract or 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) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to 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 any marriage to which regulation 5 of these Regulations applies;

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

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

“qualifying contributory benefit” means—

- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;

“qualifying income-related benefit” means—

- (a) income support;
- (b) income-based jobseeker’s allowance;
- (c) income-related employment and support allowance;

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

“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, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund 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 week”, in relation to any particular day, means the week within which the day in question falls;

“remunerative work” has the meaning given by regulation 10 of these Regulations;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 8 (non-dependant deductions) of Schedule 1;

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

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

“the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(b));

“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998;

“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 SSCBA;

“shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;

“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;

“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” means state pension credit under the State Pension Credit Act 2002;

“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;
- “tax year” means a period beginning with 6<sup>th</sup> April in one year and ending with 5<sup>th</sup> 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, or the 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, that department or approved by that 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, but 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 Employment and Training Act 1973, or is training as a teacher;
- “the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust and “Trustees” is to be construed accordingly;
- “universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012;
- “voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;
- “war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;
- “war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;
- “war widow’s pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person.
- “war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
- “water charges” means—
- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,
- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002,
- in so far as such charges are in respect of the dwelling which a person occupies as his home;
- “the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30<sup>th</sup> May 2017;
- “working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;
- “young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.
- (2) In these Regulations, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.
- (3) For the purpose of these Regulations, 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 because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995 (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 section 19 or 19A or regulations made under section 17A or 19B of that Act;
- (c) in respect of which an income-based 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).
- (4) For the purposes of these Regulations, 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 2007 (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.
- (5) For the purposes of these Regulations, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In these Regulations, 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).
- (7) In these Regulations, references to a person in class A, B or C (as the case may be) is a reference to class A, B or C described in paragraphs 2 to 4 of Schedule 1.
- (8) References in these Regulations to an applicant participating as a service user are to-
- (a) a person who is being consulted by or on behalf of-
- (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;
- (aa) a person who is being consulted by or on behalf of –
- (i) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- (b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

### 3. Meaning of “pensioner” and “person who is not a pensioner”

In these Regulations a person is –

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

### 4. Meaning of “couple”

In these Regulations “couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple.

### 5. Polygamous marriages

(1) This regulation applies to any case where—

- (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.
- (2) For the purposes of regulation 4 neither party to the marriage is to be taken to be a member of a couple.

## **6. Meaning of “family”**

- (1) In these Regulations “family” means—
- (a) a couple;
  - (b) a 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; or
  - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.
- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in paragraph (1)(b) and (c) do not include a young person who is —
- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
  - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies; or
  - (c) entitled to an award of universal credit.

## **7. Circumstances in which a person is to be treated as responsible or not responsible for another.**

- (1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to who regulation 6(2) applies.
- (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 must be treated for the purposes of paragraph (1) as normally living with —
- (a) the person who is receiving child benefit in respect of that child or young person, 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.
- (3) For the purposes of these Regulations a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this regulation is to be treated as not so responsible.

## **8. Households**

- (1) Subject to paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of regulation 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- (2) A child or young person is not to 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 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained) or in Scotland boarded out or placed 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, the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.
- (3) Subject to paragraph (4), paragraph (1) does not apply to a child or young person who is not living with the applicant and who—
- (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.
- (4) The authority must treat a child or young person to whom paragraph (3)(a) applies as being a member of the applicant’s household in any reduction week where—
- (a) that child or young person lives with the applicant for part or all of that reduction week; and

- (b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.
- (5) In this regulation "relevant enactment" means—
  - (a) the Army Act 1955;
  - (b) the Air Force Act 1955;
  - (c) the Naval Discipline Act 1957;
  - (d) the Matrimonial Proceedings (Children) Act 1958;
  - (e) the Social Work (Scotland) Act 1968;
  - (f) the Family Law Reform Act 1969;
  - (g) the Children and Young Persons Act 1969;
  - (h) the Matrimonial Causes Act 1973;
  - (i) the Children Act 1975;
  - (j) the Domestic Proceedings and Magistrates' Courts Act 1978;
  - (k) the Adoption and Children (Scotland) Act 2007;
  - (l) the Family Law Act 1986;
  - (m) the Children Act 1989;
  - (n) the Children (Scotland) Act 1995;
  - (na) the Children's Hearings (Scotland) Act 2011; and
  - (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

## 9. Non-dependants

- (1) In these Regulations, "non-dependant" means any person, except someone to whom paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.
- (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 regulation 8 (households);
  - (d) subject to paragraph (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 section 6 or 7 of the 1992 Act (persons liable to pay council tax);
  - (e) subject to paragraph (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) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is 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 his 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 a 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 change giving rise to the new liability was not made to take advantage of a scheme.

## 10. Remunerative work

- (1) Subject to the following provisions of this regulation, a person must be treated for the purposes of these Regulations as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- (2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—
  - (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
  - (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be

determined more accurately.

(3) Where, for the purposes of paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week must be treated as not being in remunerative work in that week.

(7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave, shared parental leave or adoption leave, or is absent from work because he is ill.

(8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—

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

## PART 2

### Prescribed classes of persons

#### 11. Pensioners

(1) Subject to paragraph (2), the classes of pensioners described in paragraph 1 of Schedule 1 are classes of person prescribed for the purpose of paragraph (2)(9)(b) of Schedule 1A to the 1992 Act and which must be included in an authority's scheme.

(2) Pensioners whose capital exceeds £16,000 are a class of person prescribed for the purposes of that paragraph and which must not be included in an authority's scheme.

(3) Capital for the purposes of paragraph (2) is to be calculated in accordance with Part 6 of Schedule 1.

#### 12. Persons treated as not being in Great Britain

(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.

(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.

(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.

(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 or Article 6 of Council Directive 2004/38/EC;

(aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is –

(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;

(ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or,

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

(5) A person falls within this paragraph if the person is—

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

- (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a),(b) or (c) of the EEA Regulations;
  - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
  - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967;
  - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is –
    - (i) discretionary leave to enter or remain in the United Kingdom,
    - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1<sup>st</sup> April 2012, or
    - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005;
  - (f) a person who has humanitarian protection granted under those rules;
  - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
  - (h) in receipt of income support or on an income-related employment and support allowance;
  - (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); or
  - (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an "accession State national subject to worker authorisation")
- (6) A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- (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.
- (8) In this regulation—
- "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
- "Crown servant" means a person holding an office or employment under the Crown;
- "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and
- "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

## **12A. Transitional Provision**

- (1) Sub paragraph (h) of paragraph 12 includes an income-based jobseekers allowance, and sub paragraph (ha) of paragraph 12 does not apply, to a person who, on 31 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 (2) occurs.
- (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.
- (3) In this paragraph "the Act" means the Local Government Finance Act 1992.

## **13. Persons subject to immigration control**

- (1) Subject to paragraph (1A), persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2 (9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- (1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11<sup>th</sup> December 1953) or a state which has ratified the Council of European Social Charter (signed in Turin on 18<sup>th</sup> October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (1).
- (2) "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

## **14. Students**

- (1) A person who is a student to whom paragraph 40(1) of Schedule 9 applies is a class of person who is

not entitled to support under this scheme.

(2) In this paragraph “student” has the meaning given by paragraph 38 of Schedule 9 of this scheme.

### PART 3

#### 15. Entitlement to Support

(1) A pensioner is entitled to receive support under this scheme in accordance with Schedules 1 to 8.

(2) A person who is not a pensioner but who is a member of a couple or a polygamous marriage where the other member is a pensioner is entitled to receive support under this scheme if they qualify for support in accordance with Schedules 1 to 8.

(3) A person who is not a pensioner to whom neither of paragraphs (1) or (2) apply is entitled to receive support under this scheme in accordance with Schedules 7 to 12.

### SCHEDULE 1: Pensioners

#### PART 1

##### 1. Classes of persons entitled to a support under this scheme

(1) The classes of pensioners described in paragraphs 2 to 4 are entitled to support under this scheme.

(2) In those paragraphs, references to an applicant’s income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant’s estimated income or capital.

##### 2. Class A: pensioners whose income is no greater 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 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support amount can be calculated;
- (d) who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority’s scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount; and
- (f) who has made an application.

##### 3. 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, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support 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 as a class of person which must not be included in an authority’s scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
  - (i) amount A is the maximum council tax reduction in respect of the day in the applicant’s case; and
  - (ii) amount B is  $2\frac{6}{7}$  per cent of the difference between his income for the relevant week and his applicable amount; and
- (g) who has made an application.

##### 4. Class C: alternative maximum council tax support

(1) 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, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support 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 as a class of person which must not be included in an authority’s scheme;
- (e) who has made an application; and
- (f) in relation to whom the condition in sub-paragraph (1)(f) is met.

(2) The condition referred to in sub-paragraph (1)(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 incomes, of one or more residents to whom this sub-paragraph applies.

(3) Sub-paragraph (2) 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.

## **5. Periods of absence from a dwelling**

(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a "period of temporary absence" means—

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—
  - (i) the person resides in that accommodation;
  - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
  - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,  
where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
  - (i) the person intends to return to the dwelling;
  - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
  - (iii) that period is unlikely to exceed 13 weeks;
- (c) subject to sub-paragraph (2D), a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
  - (i) the person intends to return to the dwelling;
  - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
  - (iii) the person is a person to whom sub-paragraph (3) applies;
  - (iii) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period; and;
- (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—
  - (i) the person intends to return to the dwelling;
  - (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
  - (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);



- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
- then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;
- (b) the person's close relative;
- (c) the close relative of the person's partner; or
- (d) the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person ("P") who is—

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
- (i) in a dwelling, other than a dwelling P occupies as P's home; or
- (ii) in premises approved under section 13 of the Offender Management Act 2007,

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

(3D) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks,

beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(4) This sub-paragraph applies to a person who is—

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

(5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

(6) In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“residential accommodation” means accommodation which is provided in—

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act

of Parliament other than a local social services authority;  
“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

#### **5A. Periods of absence from a dwelling - Transitional Provision**

(1) The amendments made to paragraph 5, in accordance with paragraph 2 of the Council Tax Reduction Schemes (Prescribed Requirements)(England)(Amendment) Regulations 2016 (Statutory Instrument 2016 No.1262), shall not apply in respect of a person who is temporarily absent from Great Britain on 1<sup>st</sup> April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1<sup>st</sup> April 2017, is temporarily absent from Great Britain and is-

- (a) A member of Her Majesty’s forces posted overseas;
- (b) Absent in the capacity of a continental shelf worker; or
- (c) Absent in the capacity of a mariner.

(3) In this regulation -

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

## **PART 2**

### **Applicable amounts for the purposes of calculating eligibility for support under a scheme and amount of reduction**

#### **6. Applicable amounts**

(1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 to these Regulations;
- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

- (a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and

(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

(2) In Schedule 2—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“patient” means 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 regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

### PART 3

#### **6A. Transitional provisions for restrictions on amounts for children and young persons**

(1) This regulation applies where—

(a) on 31st March 2018, a person 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 Local Government Finance Act 1992 (“a section 13A(2) scheme”); and

(b) the person is, or the person and the person’s partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a “protected individual”).

(2) Where this regulation applies, the amendments made by regulation 7 of SI 2017 No. 1305 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority’s section 13A(2) scheme; or

(b) the person or the person’s partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7 of SI 2017 No. 1305 apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority’s scheme for a reduction under an authority’s section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person’s partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

(a) the person or the person’s partner (if any) is responsible for one or more protected individuals who are members of the same household; and

(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person’s partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

(a) the number of protected individuals for whom either the person or the person’s partner (if any) is responsible, and who are members of the same household, is one;

(b) the number of new individuals for whom either the person or the person’s partner is responsible, and who are members of the same household, is two or more; and

(c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

(a) the child amount in relation to the protected individual; and

(b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person’s partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

- (a) “the 2012 Regulations” means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- (b) “applicable amount”, “child”, “partner” and “young person” have the same meanings as in the 2012 Regulations;
- (c) “child amount” means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
- (d) “child tax credit provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (e) “default provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (f) “new individual” means a child or young person who is not a protected individual;
- (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority’s section 13A(2) scheme and the person’s partner (if any);
- (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

### **PART 3**

#### **Maximum council tax support for the purposes of calculating eligibility for support under the scheme and amount of support**

##### **7. Maximum council tax support amount under a scheme**

- (1) Subject to sub-paragraphs (2) to (4), the amount of a person’s maximum council tax support in respect of a day shall be 100 per cent of the amount A/B where—
- (a) A is the amount set by the 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) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under paragraph 8 (non-dependant deductions).
- (2) In calculating a person’s maximum council tax support under the authority’s scheme 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 (other than support under that authority’s scheme), is to be taken into account.
- (3) Subject to sub-paragraph (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 support in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.
- (4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.
- (5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 75(1) of the Schedule to the Default Scheme Regulations applies.
- (6) In this paragraph “relevant financial year” means, in relation to any particular day, the financial year within which the day in question falls.

##### **8. Non-dependant deductions**

- (1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 7 are—
- (a) in respect of a non-dependant aged 18 or over in remunerative work, £11.90 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £3.90 x 1/7.
- (2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—
- (a) less than £202.85, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than £202.85 but less than £351.65, the deduction to be made under this paragraph is £7.90;
- (c) not less than £351.65 but less than £436.90, the deduction to be made under this paragraph is £9.95.
- (3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

- (4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple’s or, as the

case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
  - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
  - (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.
- (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the

applicant or his partner is—

- (a) severely sight-impaired or blind or treated as such by virtue of sub-paragraphs (12) or (13) below; or
  - (b) receiving in respect of himself either—
    - (i) attendance allowance, or would be receiving that allowance but for—
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (ii) the care component of the disability living allowance, or would be receiving that component but for—
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or-
    - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if—
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
  - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) he is a full-time student within the meaning of Part 11 of the Schedule to the Default Scheme Regulations (students); or
  - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
    - (i) "patient" has the meaning given in paragraph 5(6) of this Schedule, and
    - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
  - (e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.
- (8) No deduction is to be made in respect of a non-dependant—
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
  - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or
  - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependent's weekly gross income—
- (a) any attendance allowance, disability living allowance, personal independence payment or AFIP received by him;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the

- London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and
- (c) the payments set out in sub-paragraph (10).
- (10) The payments mentioned in sub-paragraph (9) are—
- (a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006);
- (b) 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 paragraph (a) refers and which is made to or for the benefit of—
- (i) 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;
- (ii) 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
- (iii) 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;
- (c) 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 paragraph (a) refers and which is made to or for the benefit of—
- (i) the person who is suffering from haemophilia or who is a qualifying person;
- (ii) 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
- (iii) 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;
- (d) 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 paragraph (a) refers, where—
- (i) 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
- (ii) the payment is made either—
- (aa) to that person's parent or step-parent, or
- (bb) 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;
- (e) 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 paragraph (a) refers, where—
- (i) 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
- (ii) the payment is made either—
- (aa) to that person's parent or step-parent, or
- (bb) 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;
- (f) in the case of a person to whom or for whose benefit a payment referred to in this sub-paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (g) any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.
- (11) An applicant, or his partner is severely sight-impaired or blind or treated as such for the purposes of

sub-paragraph (6)(a) if the applicant or his partner-

- (a) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or,
- (b) is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or
- (c) in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(11A) For the purposes of sub-paragraph (8), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

(12) For the purposes of sub-paragraph (11), a person who has ceased to be registered as severely sight-impaired or blind on regaining his eyesight is nevertheless be treated as severely sight-impaired or blind for a period of 28 weeks following the date on which he ceased to be so registered.

(13) The reference in sub-paragraph (9)(b) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

#### **8A. Localised scheme regarding non-dependant deductions.**

(1) No deduction is to be made in respect of any non-dependants occupying an applicant’s dwelling if the applicant or his partner is in receipt of a Staying Put payment for a young person aged 18 up to 21 years, where –

- (a) the applicant or his partner was a Foster Carer; and
- (b) they wish to continue to provide their home to support a young person they have fostered, and
- (c) the young person agrees to the arrangement.

### **PART 4**

#### **Alternative maximum council tax support for the purposes of calculating eligibility for support under the scheme and amount of support**

#### **9. Alternative maximum council tax support under a scheme**

(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax support in respect of a day where the conditions set out in paragraph 4 (alternative maximum council tax support) are fulfilled, is the amount determined in accordance with Schedule 3 (amount of alternative maximum council tax support).

(2) Subject to sub-paragraph (3), 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 alternative maximum council tax support in his case, the amount determined in accordance with Schedule 3 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

### **PART 5**

#### **Amount of support under the scheme**

#### **10. Amount of support under a scheme: Classes A to C**

(1) Where a person is entitled to support under the authority’s scheme in respect of a day, the amount of the support to which he is entitled is as follows.

(2) Where the person is within class A, that amount is the maximum council tax support amount in respect of the day in the applicant’s case.

(3) Where the person is within class B, that amount is the amount found by deducting amount B from amount A, where “amount A” and “amount B” have the meanings given in paragraph 3 (income greater than applicable amount).

(4) Where the person is within class C, that amount is the amount which is the alternative maximum council tax support in respect of the day in the applicant’s case.

(5) Sub-paragraph (6) applies where both—

- (a) sub-paragraph (2) or sub-paragraph (3), and
- (b) sub-paragraph (4),

apply to a person.

(6) The amount of the support to which he is entitled is whichever is the greater of—



- (a) the amount of the support given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
- (b) the amount of the support given by sub-paragraph (4).

**PART 6**  
**Income and capital for the purposes of calculating eligibility for support under the authority's scheme and amount of support.**

**CHAPTER 1**  
**General**

**11. Calculation of income and capital: applicant's family and polygamous marriages**

(1) The income and capital of—

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

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

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of the applicant.

(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 must be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

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

(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of the authority's scheme and the non-dependant has more income and capital than the applicant.

(2) Except where the applicant is on a guarantee credit the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess must be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

**CHAPTER 2**  
**Income**

**13. Applicant in receipt of guarantee credit**

In the case of an applicant who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income shall be disregarded.

**14. Calculation of applicant's income in savings credit only cases**

(1) In determining the income and capital of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant child care charges taken into account under paragraph 24(1)(c)(calculation of income on a weekly basis);
- (c) the higher amount disregarded under this Schedule in respect of—
  - (i) lone parent's earnings; or

- (ii) payments of maintenance, whether under a court order or not, which are made or due to be made by—
    - (aa) the applicant's former partner, or the applicant's partner's former partner; or
    - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
  - (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 4 (sums disregarded from earnings);
  - (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under regulation 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
  - (f) paragraph 12 (circumstances in which income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
  - (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act;
  - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 4 to these Regulations.
- (3) Paragraphs 16 to 36 of this Schedule do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 31 to 36 of this Schedule.
- (5) This sub-paragraph applies if—
- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less;
  - (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
  - (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

#### **15. Calculation of income and capital where state pension credit is not payable**

Where neither paragraph 13 (applicant in receipt of guarantee credit) nor 14 (calculation of income in savings credit only cases) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 16 to 21, 24, 25, 27 to 29 and chapter 3 (capital) of this Part.

#### **16. Meaning of "income"**

- (1) For the purposes of classes A to C, "income" means income of any of the following descriptions—
- (a) earnings;
  - (b) working tax credit;
  - (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
  - (d) income from annuity contracts (other than retirement pension income);
  - (e) a war disablement pension or war widow's or widower's pension;
  - (f) a foreign war disablement pension or war widow's or widower's pension;
  - (g) a guaranteed income payment;
  - (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
  - (i) income from capital other than capital disregarded under Part 1 of Schedule 6 (capital disregards);
  - (j) social security benefits, other than retirement pension income or any of the following benefits—
    - (i) disability living allowance;
    - (ii) personal independence payment;
    - (iii) an AFIP;
    - (iv) attendance allowance payable under section 64 of the SSCBA;
    - (v) an increase of disablement pension under section 104 or 105 of that Act;
    - (vi) child benefit;
    - (vii) any guardian's allowance payable under section 77 of the SSCBA;
    - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act;
    - (ix) any
      - (aa) social fund payment made under Part 8 of that Act; or
      - (bb) occasional assistance;
    - (x) Christmas bonus payable under Part 10 of that Act;
    - (xi) housing benefit;
    - (xii) council tax benefit;
    - (xiii) bereavement payment;
    - (xiv) statutory sick pay;
    - (xv) statutory maternity pay;
    - (xvi) statutory paternity pay payable under Part 12ZA of the SSCBA;
    - (xvii) statutory shared paternal pay payable under Part 12ZA of that Act;

- (xviii) statutory adoption pay payable under Part 12ZB of that Act;
  - (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
  - (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
  - (l) a payment made—
    - (i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006, in any case where article 30(1)(b) applies; or
    - (ii) under article 12(8) of that Order, in any case where sub-paragraph (b) of that article applies;
  - (m) a pension paid by a government to victims of National Socialist persecution;
  - (n) payments under a scheme made under the Pneumoconiosis etc (Worker's Compensation) Act 1979;
  - (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—
    - (i) under a court order;
    - (ii) under an agreement for maintenance; or
    - (iii) voluntarily;
  - (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
  - (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
  - (r) 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;
  - (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
  - (t) any sum payable by way of pension out of money provided under—
    - (i) the Civil List Act 1837,
    - (ii) the Civil List Act 1937,
    - (iii) the Civil List Act 1952,
    - (iv) the Civil List Act 1972, or
    - (v) the Civil List Act 1975
  - (u) any income in lieu of that specified in paragraphs (a) to (r);
  - (v) any payment of rent made to an applicant who—
    - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
    - (ii) occupies part of the property; and
    - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
  - (w) any payment made at regular intervals under an equity release scheme;
  - (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.
- (2) Where the payment of any social security benefit referred to in sub-paragraph (1), or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies, is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.
- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this paragraph are those made in accordance with—
- (a) the Social Security (Overlapping Benefits) Regulations 1979;
  - (b) the Social Security (Hospital In-Patients) Regulations 1975;
  - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
  - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.
  - (e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer's section 4 pension);
  - (f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and in Category A additional pension: pension sharing).
- (5) In sub-paragraph (1)-
- (a) in paragraph (w), an "equity release scheme" means a loan—

- (i) made between a person (“the lender”) and the applicant;
  - (ii) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
  - (iii) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home, and
- (b) in paragraph (J)(ix) “occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of—
- (i) meeting, or helping to meet an immediate short-term need—
    - (aa) arising out of an exceptional event or exceptional circumstances, or
    - (bb) that needs to be met to avoid a risk to the well-being of an individual; and
  - (ii) enabling qualifying individuals to establish or maintain a settled home, and “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.
- (6) In sub-paragraph (5)(b) “local authority” means a local authority in England within the meaning of the Local Government Act 1972.

## 17. Calculation of weekly income

- (1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant, where the period in respect of which payment is made—
- (a) does not exceed a week, the whole of that payment must be included in the applicant’s weekly income;
  - (b) exceeds a week, the amount to be included in the applicant’s weekly income is to 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 a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
    - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
    - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.
- (2) Sub-paragraph (3) applies where—
- (a) the applicant’s regular pattern of work is such that he does not work the same hours every week; or
  - (b) the amount of the applicant’s income fluctuates and has changed more than once.
- (3) The weekly amount of that applicant’s income is to be determined—
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
  - (b) in any other case, on the basis of—
    - (i) the last two payments if those payments are one month or more apart;
    - (ii) the last four payments if the last two payments are less than one month apart; or
    - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant’s average weekly income to be determined more accurately.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
  - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
  - (c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the first day of the reduction week following the date the applicant’s earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter,
- regardless of whether those earnings were actually received in that reduction week.
- (4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.
- (4A) An applicant’s earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
  - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
  - (c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the first day of the reduction week following the date of the change,

- and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.
- (5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.
- (6) This sub-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;
  - (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; and
  - (c) any payment which is made on an occasional basis.
- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 4 (sums disregarded from earnings) are to be disregarded in calculating—
- (a) the applicant's earnings; and
  - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) are to be treated as though they were earnings.
- (11) Income specified in Schedule 5 (amount disregarded in calculation of income other than earnings) is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 6 to these Regulations (capital disregards) has effect so that—
- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
  - (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 37 (calculation of tariff income from capital).
- (13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

## **18. Earnings of employed earners**

- (1) Subject to sub-paragraph (2), "earnings" in the case of employment as an employed earner, means 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;
  - (d) any holiday pay;
  - (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—
    - (i) travelling expenses incurred by the applicant between his home and 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;
  - (g) 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;
  - (h) statutory sick pay payable by the employer under the SSCBA;
  - (i) statutory maternity pay payable by the employer under that Act;
  - (j) statutory paternity pay payable under Part 12ZA of that Act;
  - (k) statutory shared paternity pay payable under Part 12ZA of that Act;
  - (l) statutory adoption pay payable under Part 12ZB of that Act;
  - (m) any sums payable under a contract of service—
    - (i) for incapacity for work due to sickness or injury; or
    - (ii) by reason of pregnancy or confinement.
- (2) Earnings does not include—
- (a) subject to sub-paragraph (3), any payment in kind;
  - (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;

- (c) any occupational pension;
  - (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
  - (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;
  - (f) any payment in respect of expenses arising out of the applicant participating as a service user.
- (3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

## 19. Calculation of net earnings of employed earners

(1) For the purposes of paragraph 24 (calculation of income on a weekly basis), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 17(5) and Schedule 4 (sums disregarded from earnings), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where subparagraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
  - (i) income tax;
  - (ii) primary Class 1 contributions under the SSCBA;
- (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 sub-paragraph (4) 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, statutory shared parental pay or statutory adoption pay, any amount deducted from 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 SSCBA.

(3) In this regulation “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to 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 paragraph the daily amount of the qualifying contribution is to 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.

(5) Where the earnings of an applicant are determined under paragraph 17(2)(b) (calculation of weekly income) his net earnings are to 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, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate, or the Scottish basic rate, of tax is to be applied and the amount of the personal reliefs deductible
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA 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.

## 20. Calculation of earnings of self-employed earners

(1) Where the earnings of an applicant consist of earnings from employment as a self-employed earner, the weekly amount of his earnings must be determined by reference to his average weekly earnings from that employment—

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph will be his assessment period.

## 21. Earnings of self-employed earners

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner, means the gross income of the employment.
- (2) “Earnings” in the case of employment as a self-employed earner does not include—
- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
  - (b) any payment made by a local authority to an applicant—
    - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26 or 26A of the Children (Scotland) Act 1995; or
    - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;
  - (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989;
  - (d) any payment made to the applicant or his partner for a person (“the person concerned”) who is not normally a member of the applicant’s household but is temporarily in his care, by—
    - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
    - (ii) a voluntary organisation;
    - (iii) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);
    - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006;
    - (v) a Local Health Board established by an order made under section 11 of the National Health Service (Wales) Act 2006; or
    - (vi) the persons concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult);
  - (da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A—
    - (i) was formerly in the applicant’s care;
    - (ii) is aged 16 or over; and
    - (iii) continues to live with the applicant;
  - (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions);
  - (e) any sports award.

## 22. Notional income

- (1) An applicant is to be treated as possessing—
- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
    - (i) for which no claim has been made; and
    - (ii) to which he might expect to be entitled if a claim for it were made;
  - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
  - (b) a shared additional pension payable under section 55A or 55AA of the SSCBA;
  - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
  - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
  - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
  - (b) fails to purchase an annuity with the funds available in that scheme; and
  - (c) either—
    - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or

- (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
  - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the rate of the annuity which may have been purchased with the fund and must be determined by the authority, taking account of information provided by the pension fund holder.
- (7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).
- (8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pensions Scheme Act 1993.
- (9) Subject to sub-paragraphs (10), (11A), (11B) and (12), a person will be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to support under the authority’s scheme or increasing the amount of the support.
- (10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.
- (11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.
- (11A) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in accordance with Regulations made under section 8(7) of that Act in favour of a lump sum.
- (11B) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014, which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act, which include provision corresponding or similar to Regulations made under section 8(7) of that Act.
- (11C) In sub-paragraph (11A), “lump sum” means a lump sum under section 8 of the Pensions Act 2014.
- (11D) In sub-paragraph (11B), “lump sum” means a lump sum under Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8 of that Act.
- (12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.
- (13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.
- (14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with paragraph (13), the authority must—
- (a) determine the income and capital of that applicant in accordance with paragraph 14(1) (calculation of applicant’s income in savings credit only cases) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
  - (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).
- (15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of Income where—
- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from that scheme, and
  - (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.
- (16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the



### **23. Income paid to third parties**

(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
- (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (c) the person referred to in paragraph (a) and his partner do not possess, or are not treated as possessing, any other income apart from that payment.

(3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant participating as a service user.

### **24. Calculation of income on a weekly basis**

(1) Subject to paragraph 28 (disregard of changes in tax, etc), the income of an applicant is to be calculated on a weekly basis—

- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
- (b) by adding to that amount the weekly income calculated under paragraph 37 (calculation of tariff income from capital); and
- (c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 25 (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 sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(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.

(3) The maximum deduction to which sub-paragraph (1)(c) above refers is to 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

### **25. Treatment of child care charges**

(1) This paragraph applies where an applicant is incurring relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other—
  - (i) is incapacitated;
  - (ii) is an in-patient in hospital; or
  - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

- (a) is paid statutory sick pay;
- (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
- (c) is paid an employment and support allowance;
- (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
- (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under

regulation 8B of the Social Security (Credits) Regulations 1975.

- (3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—
- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
  - (b) the first day of the period in respect of which earnings are credited, as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with subparagraph (9).
- (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.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in subparagraph (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 regulation 7 (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.
- (8) The care to which sub-paragraph (7) refers may be provided—
- (a) out of school hours, by a school on school premises or by a local authority—
    - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
    - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
  - (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
  - (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 of children 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 (England) Regulations 2011, 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 provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations; or

- (m) by a person who is not a relative of the child wholly or mainly in the child's home.
- (9) Relevant child care charges are to 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.
- (10) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) he is aged not less than 80;
  - (b) he is aged less than 80, and—
    - (i) in additional condition specified in paragraph 26 is treated as applying in his case; and
    - (ii) he satisfies that condition or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (c) the other member of the couple would be a member of the support group 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 the Employment and Support Allowance Regulations 2013;
  - (d) he 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 SSCBA (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) he is, 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 2008 or the Employment and Support Allowance Regulations 2013 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 SSCBA;
    - (ii) attendance allowance under section 64 of the SSCBA;
    - (iii) severe disablement allowance under section 68 of the SSCBA;
    - (iv) disability living allowance;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) increase of disablement pension under section 104 of the SSCBA;
    - (ix) 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 sub-paragraph (ii), (iv), (v) or (vii) above;
    - (ix) main phase employment and support allowance;
  - (g) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of 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 paragraph means 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 regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
  - (h) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
    - (i) a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;
  - (i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (j) an AFIP would be payable to that person but for a 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.
  - (k) paragraph (f),(g),(h) or (i) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
  - (l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 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.

(11) For the purposes of sub-paragraph (10), once sub-paragraph (10)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph is to, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(12) For the purposes of sub-paragraph (10), once sub-paragraph (10)(e) applies to the person, 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 to, 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.

(13) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

(a) to whom an attendance allowance or care component of disability allowance is payable or would be payable but for—

- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
- (ii) an abatement as a consequence of hospitalisation;

(b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) 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

(d) who ceased to be registered as blind or as severely sight-impaired 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.

(14) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave, shared parental leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (15) ("the relevant period") provided that—

(a) in the week before the period of maternity leave, paternity leave, shared parental leave or adoption leave began he was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, statutory shared paternal pay by virtue of section 171ZU or 171ZV of that Act, statutory adoption pay by virtue of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(15) For the purposes of sub-paragraph (14) the relevant period begins on the day on which the person's maternity, paternity leave, shared parental leave or adoption leave commences and shall end on—

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared paternity pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever shall occur first.

(16) In sub-paragraphs (14) and (15)—

(a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and

(b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(17) In sub-paragraphs (6), (8)(a) and (13)(d), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

## **26. Additional condition referred to in paragraph 25(10)(b)(i): disability**

(1) Subject to sub-paragraph (2), the additional condition referred to in paragraph 25(11)(b)(i) is that either—

(a) the applicant or, as the case may be, the other member of the couple—

- (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as defined in regulation 20(1)(b) and (f) of the Working

Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

- (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act or a state pension under Part 1 of the Pensions Act 2014 and the applicant has since remained continuously entitled to council tax benefit (for the period prior to 1<sup>st</sup> April 2013) or support under the authority's scheme (for the period on or after 1<sup>st</sup> April 2013) and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
  - (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 25(10)(g) (treatment of child care charges); or
  - (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 25(10)(g); or
  - (v) was in receipt of an AFIP but its payment has been suspended 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; or
  - (vi) is provided by the Secretary of State or a clinical commissioning group with an invalid carriage or other vehicle under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 10(3) of Schedule 1 to the Act of 2006 or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or
  - (vii) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (b) the applicant, or as the case may be, the other member of the couple —
- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
  - (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
    - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
    - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight is nevertheless to be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods must be treated as one continuous period.

(4) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the SSCBA (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(5) In the case of a person who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA) the reference to a period of 56 days in sub-paragraph (3) must be treated as a reference to a period of 104 weeks.

## **27. Calculation of average weekly income from tax credits**

(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of 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.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

**28. Disregard of changes in tax, contributions etc**

In calculating the applicant’s income the authority may disregard any legislative change—

- (a) in the basic or other rates of income tax;
- (aa) in the Scottish basic or other rates of income tax;
- (b) in the amount of any personal tax reliefs under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007;
- (c) in the rates of national insurance contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that 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 SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit, for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

**29. Calculation of net profit of self-employed earners**

(1) For the purposes of paragraph 24 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account are—

- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- (b) in the case of a self-employed earner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
  - (i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 30 (deduction of tax and contributions of self-employed earners); and
  - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;

(2) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (8) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

- (a) subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- (b) an amount in respect of—
  - (i) income tax; and
  - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30; and
- (c) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.

(3) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(4) Subject to sub-paragraph (5), no deduction is to be made under sub-paragraph (2)(a) or (3), 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; and
- (f) any expenses incurred in providing business entertainment.

(5) A deduction must be made under sub-paragraph (2)(a) or (3) 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.

- (6) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (2)(a) or (3) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (7) For the avoidance of doubt—
- (a) a deduction must not be made under sub-paragraph (2)(a) or (3) in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction must 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.
- (8) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—
- (a) an amount in respect of—
- (i) income tax; and
  - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30 of this Schedule; and
- (b) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.
- (9) 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 must not be offset against his earnings in any other of his employments.
- (10) The amount in respect of any qualifying premium is to 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 paragraph the daily amount of the qualifying premium is to be determined—
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
- (b) in any 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.
- (11) In this paragraph, “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.

### **30. Calculation of deduction of tax and contributions of self-employed earners**

- (1) The amount to be deducted in respect of income tax under paragraph 29(1)(b)(i), (2)(b)(i) or (8)(a)(i) (calculation of net profit of self-employed earners) is to be calculated—
- (a) on the basis of the amount of chargeable income; and
- (b) as if that income were assessable to income tax at the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances.
- (2) But, if the assessment period is less than a year, the earnings to which the basic rate or the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of national insurance contributions under paragraph 29(1)(b)(i), (2)(b)(ii) or (8)(a)(ii) of this Schedule is the total of—
- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of that Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.
- (4) In this paragraph “chargeable income” means—
- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (3) of paragraph 29;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

## CHAPTER 3 Capital

### 31. Calculation of capital

(1) The capital of an applicant to be taken into account must, subject to sub-paragraph (2), be the whole of his capital calculated in accordance with this Part.

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 6 (capital disregards).

(3) An applicant's capital is to be treated as including any payment made to him by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which support under the Authority's scheme was allowed before those arrears were paid.

### 32. Calculation of capital in the United Kingdom

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

### 33. Calculation of capital outside the United Kingdom

Capital which an applicant possesses in a country outside the United Kingdom is to be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

### 34. Notional capital

(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to support under the authority's scheme or increasing the amount of that support except to the extent that that capital is reduced in accordance with paragraph 35 (diminishing notional capital rule).

(2) A person who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case

is to be regarded as not depriving himself of it.

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

- (a) the value of his holding in that company must, notwithstanding paragraph 31 (calculation of capital) be disregarded; and
- (b) he must, subject to sub-paragraph (4), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(4) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (3) is to be disregarded.

(5) Where an applicant is treated as possessing capital under sub-paragraph (1) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

### 35. Diminishing notional capital rule

(1) Where an applicant is treated as possessing capital under paragraph 34(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
  - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
  - (ii) a week which follows that relevant week and which satisfies those conditions,is to be reduced by an amount determined under sub-paragraph (3);

(b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—



- (i) that week is a week subsequent to the relevant week; and
  - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).
- (2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—
- (a) he is in receipt of support under the authority's scheme; and
  - (b) but for paragraph 34(1), he would have received greater support under that scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is to be equal to the aggregate of—
- (a) an amount equal to the additional amount of support in council tax to which subparagraph (2)(b) refers;
  - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
  - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of that reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
  - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
  - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b), the condition is that the applicant would have been entitled to support in council tax under the authority's scheme in the relevant week but for paragraph 34(1).
- (5) In such a case the amount of reduction in the amount of the capital which he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—
- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 34(1);
  - (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
  - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week, within the meaning of regulation 2 of those Regulations (interpretation), which includes the last day of the relevant week, the amount which is equal to—
    - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
    - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,
  - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
  - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a),(b),(c),(d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by-
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
  - (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) must be re-determined under that sub-paragraph if the applicant makes a further application for support in council tax under the authority's scheme and the conditions in sub-paragraph (8) are satisfied, and in that case-
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were

substituted the words “relevant subsequent week”; and  
(b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

(a) a further application is made 26 or more weeks after—

(i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 34(1) ;

(ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (5), the date on which he last made an application which resulted in the weekly amount being re-determined, or

(iii) the date on which he last ceased to be entitled to council tax support under the authority’s scheme,

whichever last occurred; and

(b) the applicant would have been entitled to support under the authority’s scheme but for paragraph 34(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) does not have effect if it is less than the amount which applied in that case immediately before the redetermination and in such a case the higher amount shall continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

(a) in relation to an amount mentioned in sub-paragraph (5)(a) means a period of less than a week for which council tax support under the authority’s scheme is allowed;

(b) in relation to an amount mentioned in sub-paragraph (5)(b) means a period of less than a week for which housing benefit is payable;

(c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) and (e) means—

(i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and

(ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 34(1) -

(a) was first taken into account for the purpose of determining his entitlement to council tax support under the authority’s scheme; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction in council tax under that authority’s scheme,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition the later or latest such reduction week or, as the case may be, the later or latest such part-week of the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

### **36. Capital jointly held**

Except where an applicant possesses capital which is disregarded under paragraph 34(4) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

### **37. Calculation of tariff income from capital**

The capital of an applicant, calculated in accordance with this Part, is to be treated as if it were a weekly income of—

(a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and

(b) £1 for any excess which is not a complete £500.

## **PART 7**

### **Extended reductions [support]**

### **38. Extended reductions [support] (qualifying contributory benefits)**

(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to support under a scheme (by virtue of falling Page 226 of classes A to C) is 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.
- (2) An applicant must be treated as entitled to support under the authority's scheme by virtue of falling within any of classes A to C where—
- (a) the applicant ceased to be entitled to support under the authority's scheme 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 sub-paragraph (1)(b).

### **39. Duration of extended reduction [support] period (qualifying contributory benefits)**

- (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.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (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 who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

### **40. Amount of extended reduction [support] (qualifying contributory benefits)**

- (1) For any week during the extended reduction period the amount of the extended support (qualifying contributory benefits) the applicant is entitled to is the greater of—
- (a) the amount of council tax support under the authority's scheme to which the applicant was entitled by virtue of falling within any of classes A to C 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 support under the authority's scheme to which the applicant would be entitled by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 38 (extended reductions [support] (qualifying contributory benefits)) did not apply to the applicant; or
  - (c) the amount of support under the authority's scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 38 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of extended support (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for support under the authority's scheme, no support is to be awarded during the extended reduction period.

### **41. Extended reductions [support] (qualifying contributory benefits): movers**

- (1) This paragraph applies—
- (a) to a mover; and
  - (b) from the Monday following the day of the move.
- (2) The amount of the extended support (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is the amount of support under the authority's ("the first authority") scheme 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.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended support (qualifying contributory benefits) may take the form of a payment from the first authority to—
- (a) the second authority; or
  - (b) the mover directly.

### **42. Relationship between extended reduction [support] (qualifying contributory benefits) and entitlement to a council tax support by virtue of classes A to C**

- (1) Where an applicant's support under the authority's scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 38(1)(b)

(extended reductions [support](qualifying contributory benefits)) , that support does not cease to have effect until the end of the extended reduction period.

(2) Part 9 (period of entitlement, changes of circumstances) does not apply to any extended support (qualifying contributory benefits) payable in accordance with paragraph 40(1)(a) or paragraph 41(2) (amount of extended reduction: movers).

#### **43. Continuing reductions where state pension credit claimed**

(1) This paragraph applies where—

- (a) the applicant is entitled to support under the authority's scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—

- (i) the applicant has attained the qualifying age for state pension credit; or
- (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

(a) the applicant's award of—

- (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
- (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit; and

(b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to support under the authority's scheme for the period of 4 weeks beginning on the day following the day on which the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, or income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to support under the scheme.

(4) Where support under that scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3), and the last day of that period falls on a day other than the last day of a reduction week, then support under the scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant shall be disregarded;
- (b) the maximum council tax support amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The appropriate maximum council tax support amount is to be calculated in accordance with paragraph 7(1) if, since the date it was last calculated—

- (a) the applicant's council tax liability has increased; or
- (b) a change in the deduction under paragraph 8 (non-dependant deductions) falls to be made.

#### **44. Extended reductions: movers into the authority's area**

Where—

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

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

### **PART 8**

#### **When entitlement begins and change of circumstances**

#### **45. Date on which entitlement begins**

(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for support under the authority's scheme is made and who is otherwise entitled to that support is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to support under the authority's scheme and becomes liable for the first time for the authority's council tax in respect of a billing of which he is a resident in the reduction week in which his application is made or is treated as made, he shall be so entitled from that reduction week.

#### **46. Date on which change of circumstances is to take effect**

(1) Except in cases where paragraph 28 (disregard of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph and paragraph 47 (change of circumstances when state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, support under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

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

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of the authority's scheme.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of the authority's scheme.

(10) Sub-paragraph (11) applies if—

(a) *[omitted] by SI 1305 2017*

(b) either—

(i) a non-dependant took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the amount of the deduction which falls to be made under paragraph 8 (non-dependent deductions) increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means—

(a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since—

(i) the date on which the applicant's entitlement to support under the authority's scheme first began; or

(ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is the first day of the next reduction week to commence after the date determined under that sub-paragraph.

#### **47. Change of circumstances where state pension credit in payment**

(1) Sub-paragraphs (2) and (3) apply where—

(a) an applicant is in receipt of state pension credit;

(b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and

(c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of support he receives under the authority's scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

(a) an increase in the support he receives under that scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or

(b) a decrease in the reduction he receives under that scheme, the change takes effect from the first day of

the reduction week next following the date on which—

- (i) the authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
- (ii) state pension credit is increased

whichever is the later.

(3) Where the change of circumstance (“the relevant change”) is that the applicant's state pension credit has been reduced and in consequence the support the applicant receives under the authority's scheme reduces—

- (a) in a case where the applicant's state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—

- (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
- (ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of support the applicant receives under the authority's scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of support he receives under the scheme, the change takes effect from the first day of the reduction week next following the date on which—

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of support the applicant receives under the authority's scheme, the change of circumstances referred to in paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of support the applicant receives under the authority's scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 43 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph “official error” means an error made by—

- (a) The authority or a person—
  - (i) authorised to carry out any function of the authority relating to its scheme; or
  - (ii) providing services relating to its scheme directly or indirectly to the authority; or
- (b) an officer of—
  - (i) the Department for Work and Pensions; or
  - (ii) the Commissioners of Inland Revenue,

acting as such, but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant's or, as the case may be, the applicant's partner's income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant's income and capital using the relevant calculation or estimate, in accordance with paragraph 14(1) (calculation of applicant's income in savings credit only cases).

#### 48. Date on which an application is made

(1) Subject to sub-paragraph (7), the date on which an application is made is—

(a) in a case where-

- (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner and
- (ii) the application for support is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where –

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where-

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application for support is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received, the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where-

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) 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 support under that scheme within one month of the date of the death or the separation,

the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which an application is received at the designated office.

(2) For the purposes only of sub-paragraph (1)(c) 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.

(3) Where the defect referred to in paragraph 7 of Schedule 7 (applications by telephone)—

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

(4) The authority must 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.

(5) The conditions are that—

(a) where paragraph 4(a) of Schedule 7 (incomplete applications) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where paragraph 4(b) of Schedule 7 (application not on approved form or further information requested by authority) applies—

- (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
- (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,

or, in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(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 support 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.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to support under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to support under its scheme for a period beginning not later than -

(a) in the case of an application made by-

- (i) a pensioner; or
- (ii) person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,

the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(8) In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

#### **49. Back-dating of applications**

(1) This paragraph applies only to persons who are pensioners.

(2) Subject to sub-paragraph (3), the time for the making of an application under the authority's scheme is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such support, that day and the period of three months immediately following it.

(3) In any case where paragraph 48(1)(a) applies (date on which application made; state pension credit comprising guarantee credit) applies, sub-paragraph (2) does not entitle a person to apply for support under the authority's scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

#### **50. Further provision about applications**

Schedule 8 to these Regulations makes further provision about applications for the council tax support scheme.



## SCHEDULE 2: Applicable amounts for pensioners

### PART 1 Personal allowances

#### 1. Personal allowance

1. The amount specified for the purposes of paragraph 6(1)(a) of Schedule 1 is -
- (a) prior to 6th December 2018, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that Table;
  - (b) on or after 6th December 2018, the amount specified in column (2) of Table 2 below in respect of each person or couple referred to in column (1) of that Table.

**Table 1**

Column (1)	Column (2)
Person, couple or polygamous marriage	Amount
(1) Single applicant or lone parent –	(1)
(a) Aged under 65;	(a) £163.00
(b) Aged 65 or over.	(b) £176.40
(2) Couple –	(2)
(a) Both members aged under 65;	(a) £248.80
(b) One or both members aged 65 or over.	(b) £263.80
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65 –	(3)
(a) for the applicant and the other partner to the marriage;	(a) £248.80
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £85.80
(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged of 65 or over –	(4)
(a) for the applicant and the other partner to the marriage;	(a) £263.80
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £87.40

**Table 2**

Column (1)	Column (2)
Person, couple or polygamous marriage	Amount
(1) Single applicant or lone parent who has attained pensionable age	(1) £176.40
(2) Couple and one or both members have attained pensionable age	(2) £263.80
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £263.80
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £87.40

#### 2. Child or young person amounts

- (1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 6(1)(b) of Schedule 1.

Column (1)	Column (2)
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Child or young person	Amount
<i>Person in respect of the period—</i>	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £66.90
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday	(b) £66.90

(2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

## PART 2 Family premium

### 3. Family premium

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—

(a) is £17.45 in respect of a reduction week which begins in the period beginning 1<sup>st</sup> April 2016 and ending with 30<sup>th</sup> April 2016;

(b) is nil in respect of a reduction week which begins after 1<sup>st</sup> May 2016.

(1) Subject to paragraph (2), the amendment in regulation 2(4)(b) does not apply to a person who, on 30th April 2016, 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 is—

(a) a member of a family of which at least one member is a child or young person; or

(b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is

responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

(a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or

(b) the person makes a new application for support under an authority's scheme under section 13A(2) of the Act.

(3) For the purposes of this regulation—

(a) "the Act" means the Local Government Finance Act 1992;

(b) "child", "family", "partner", "polygamous marriage" and "young person" have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

## PART 3 Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 6(1)(d) of Schedule 1, applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5. Subject to sub-paragraph (2), for the purposes of this Part, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

### 6. Severe disability premium

(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

- (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
  - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
  - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him;
- (b) in the case of an applicant who has a partner—
- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
  - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
  - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in subparagraph (2)(b)(ii), and that partner is blind or severely sight-impaired or is treated as such within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind or severely sight-impaired if he is registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight is nevertheless be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

(a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or

(b) a person who is blind or is treated as blind within the meaning of subparagraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt notwithstanding section 86 of that Act and regulations made thereunder;

(c) as being in receipt of an AFIP, if he would, 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;

(d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—

(a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) a reference to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element is to include reference to a person who would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

## **7. Enhanced disability premium**

(1) The condition is that-

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or
- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of payment in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate under section 78(2) of that Act, in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

## **8. Disabled child premium**

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family ; or
- (b) is blind within the meaning of paragraph 6(4) of this Schedule or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

## **9. Carer premium**

(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in a case within sub-paragraph (2)(a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
- (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

## **10. Persons in receipt of concessionary payments**

For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

## **11. Person in receipt of benefit**

For the purposes of this Part, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

## PART 4

### 12. Amounts of premium specified in Part 3

Provision	Amount
1) Severe Disability Premium— (a) where the applicant satisfies the condition in paragraph 6(2)(a);	(1) (a) £64.30;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)— (i) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013, or if he or any partner satisfies that condition only by virtue of paragraph 6(7); (ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.	(b)  (i) £64.30;  (ii) £128.60.
(2) Enhanced disability premium.	(2) £25.48 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £62.86 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium	(4) £36.00 in respect of each person who satisfies the condition specified in paragraph 9.

**SCHEDULE 3: Amount of alternative maximum council tax reduction [support] for pensioners**

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax support in respect of a day for the purpose of paragraph 9 of Schedule 1 is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 4(2) of Schedule 1 applies (class C); and
  - (b) “person to whom paragraph 75(1) of Schedule 1 to the Default Scheme Regulations applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.
- (2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—
- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than support under the authority’s scheme); and
  - (c) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) Second adult	(2) Alternative maximum council tax reduction [support]
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker’s allowance— (i) is less than £201.00 per week;  (ii) is not less than £201.00 per week but less than £260.00 per week;	(b)  (i) 15 per cent of the council tax due in respect of that day; (ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 73(1) of Schedule 1 to the Default Scheme Regulations applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker’s allowance	(c) 100 per cent of the council tax due in respect of that day

2. In determining a second adult’s gross income for the purposes of this Schedule, the following must be disregarded from that income —

- (a) any attendance allowance, or any disability living allowance or any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP; and
- (b) any payment to which paragraph 8(9)(b) or (10) of Schedule 1 to these Regulations refers (and sub-paragraph (13) of paragraph 8 applies to this paragraph as it applies in relation to that paragraph).

3. Where there are two or more second adults residing with the applicant and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income is to

be disregarded in determining the amount of any alternative maximum council tax reduction [support], unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

#### **SCHEDULE 4: Sums disregarded from applicant's earnings for pensioners**

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—
  - (a) £25 in the case of a lone parent;
  - (b) £20 in any other case.
2. In a case where an applicant is a lone parent, £25 of earnings.
3. (1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.  
(2) This paragraph applies to employment—
  - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
  - (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;
  - (c) as an auxiliary coastguard in respect of coast rescue activities;
  - (d) in the manning or launching of a lifeboat if the employment is part-time;
  - (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.  
(3) If—
  - (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
  - (b) either of them has, or both of them have, other earnings, so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.
4. (1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.  
(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.  
(3) In this paragraph the applicant or his partner is a carer if paragraph 9 of Part 3 of Schedule 2 (amount applicable for carers) is satisfied in respect of him.
5. (1) £20 is disregarded if the applicant or, if he has a partner, his partner—
  - (a) is in receipt of—
    - (i) long-term incapacity benefit under section 30A of the SSCBA;
    - (ii) severe disablement allowance under section 68 of that Act;
    - (iii) attendance allowance under section 64 to 70 of that Act;
    - (iv) disability living allowance;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) 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;
    - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
    - (ix) main phase employment and support allowance; or
  - (b) is or are registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
  - (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
    - (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the

SSCBA, 196 days;

- (ii) in any other case, 364 days; or
- (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 2007 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act 2007 has ended; or
  - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or was in receipt of a reduction under an authority's scheme (including under another authority's scheme) and—

- (a) £20 was disregarded in respect of earnings taken into account in that award; and
- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

- (a) entitlement to housing benefit; or
- (b) receipt of a reduction under the authority's (including under another authority's) scheme; or
- (c) employment,

following the first day in respect of which that benefit is awarded or the support given under that scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

**6. (1) Where—**

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 13 of Schedule 1 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 7 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 11 of Schedule 1 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it shall not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be)

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995, and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

**7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19**



of Schedule 5 to these Regulations had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

**8.** Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

(a) £5 must be disregarded if an applicant who has no partner has earnings;

(b) £10 must be disregarded if an applicant who has a partner has earnings.

**9.** Any earnings, other than earnings referred to in paragraph 17(9)(b) of Schedule 1, derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under the authority's scheme.

**10.**—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant—

(i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) if he is a member of a couple—

(aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his family includes at least one child or young person; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person;

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) any amount disregarded under this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 24(1)(c) of Schedule 1 (calculation of income on a weekly basis); and

(c) £17.10.

(4) The provisions of regulation 10 (remunerative work) are to apply in determining whether or not a person works for on average not fewer than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation was a reference to 30 hours.

**11.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

## **SCHEDULE 5: Amounts to be disregarded in the calculation of income other than Earnings for Pensioners**

**1.** In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
- (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 and, if the amount of that payment has been adjusted to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (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) a pension paid by a government to victims of National Socialist persecution.

**2.** The whole of any amount included in a pension to which paragraph 1 relates in respect of—

- (a) the applicant's need for constant attendance;
- (b) the applicant's exceptionally severe disablement.

**3.** 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.

**4.** 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.

**5.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**6.** (1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or 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
- (b) 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 19<sup>th</sup> December 1881, the Royal Warrant of 27<sup>th</sup> October 1884 and the Order by His Majesty of 14<sup>th</sup> January 1922 (exceptional grants of pay, non-effective pay and allowances).

**7.** £15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.

**8.** £15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.

**9.** Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such

accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or  
(b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

**10.** If the applicant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
  - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
  - (ii) the amount paid is £20 or more per week, £20.

**11.** Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or, if it was higher at the time, pensionable age;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

**12.** (1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
  - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
  - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

**13.** Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

**14.** Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

**15.** Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

**16.** Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

**17.** Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

**18.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating

- (a) under, or pursuant to regulations made under powers conferred by section 22 of the Teaching and

- Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,  
an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
- 19.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,  
and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount is to be equal to—
- (a) the weekly amount of the payments; or
- (b) £57.90 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),  
whichever is less.
- (3) In this paragraph and paragraph 18 a reference to a "student loan" or a "grant" is a reference to a student loan or a grant within the meaning of Part 11 of the Schedule to the Default Scheme Regulations.
- 20.**(1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.
- (2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.
- 21.** Except in a case which falls under paragraph 10 of Schedule 4, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.
- 22.** Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 6 does not exceed £10,000, any income actually derived from such capital.
- 23.** Except in the case of income from capital specified in Part 2 of Schedule 6 (capital disregards), any actual income from capital.
- 24.** Where the applicant, or the person who was the partner of the applicant on 31<sup>st</sup> March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

## **SCHEDULE 6: Capital disregards for Pensioners**

### **PART 1**

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

- 1.** Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
- 2.** Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
- 3.** Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
- 4.** Any premises occupied in whole or in part—
  - (a)** by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b)** by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
- 5.** Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
- 6.** Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a 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.
- 7.** Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
- 8.** All personal possessions.
- 9.** 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 those assets.
- 10.** The assets of any business owned in whole or in part by the applicant if—
  - (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 application for a reduction under the authority's scheme is 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.
- 11.** The surrender value of any policy of life insurance.
- 12.** The value of any funeral plan contract; and for this purpose, "funeral plan contract" means a contract under which—
  - (a)** the applicant makes one or more payments to another person ("the provider");
  - (b)** the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
  - (c)** the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

**13.** Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the applicant;
  - (b) the applicant's partner;
  - (c) the applicant's deceased spouse or deceased civil partner; or
  - (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, an amount equal to that payment.

**14.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (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.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph is to 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.

(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 an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (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.

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

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ends on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph is to apply for the period beginning on the date on which the payment is made and ending two years after that date.

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

- (a) being the diagnosed person's partner;
  - (b) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death includes 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 or an independent hospital.

(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 Creutzfeldt-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 Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

**15.** 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 civil partner or the applicant's partner's deceased spouse or 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.

**16.** (1) Any payment made under or by—

- (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
- (b) 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 and which is made to or for the benefit of that person's partner or former partner-

- (a) from whom he is not, or where that person has died was not, estranged or divorced, or
- (b) 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.
- (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 which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if –

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) 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.
- (5) 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, 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 who is or had been a member of that person's household; 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 or a student who has not completed his full-time education and has no parent or stepparent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) 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, 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 who was or had been a member of his household; 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 or a student who had not completed his full-time education and had no parent or stepparent, to any person standing in place of his parent,but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a 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.

**16A.** Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

**17.** (1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;
  - (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
  - (c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,
- the whole of the amount so administered.

**18.** Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

**19.** Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

**20.** So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

- (a) purchasing premises which the applicant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

**21.—**(1) Subject to paragraph 22 any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;

- (c) in lieu of the payment of benefit;
  - (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
  - (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or Section 91 of the Housing (Scotland) Act 2001;
  - (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 16 of schedule 1).
- (2) In sub-paragraph (1), “benefit” means—
- (a) attendance allowance under section 64 of the SSCBA;
  - (b) disability living allowance;
  - (c) personal independence payment;
  - (d) an AFIP;
  - (e) income support;
  - (f) income-based jobseeker's allowance;
  - (g) state pension credit;
  - (h) housing benefit;
  - (i) council tax benefit;
  - (j) child tax credit;
  - (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement);
  - (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
  - (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
  - (n) working tax credit;
  - (o) income-related employment and support allowance;
  - (p) social fund payments under Part 8 of the SSCBA; or
  - (q) universal credit.

**22.** (1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and has been received by the applicant in full on or after the day on which he became entitled to support under an authority's scheme.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) is to have effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of support under the authority's scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—
  - (i) is the person who received the relevant sum;
  - (ii) is the partner of that person; or
  - (iii) was the partner of that person at the date of his death;

“official error” means—

- (a) where the error relates to housing benefit or council tax benefit (in respect of any period before 1<sup>st</sup> April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means the date on which an application for support under the authority's scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and



“the relevant sum” means the payment referred to in sub-paragraph (1) or the total amount referred to in sub-paragraph (2).

**23.** Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

**24.** The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

**25.** Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings for pensioners) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

**26.** The dwelling occupied as the home; but only one dwelling may be disregarded under this paragraph.

**27.—**(1) Subject to sub-paragraph (2) where an applicant falls within class C (alternative maximum council tax reduction), the whole of his capital.

(2) Sub-paragraph (1) does not apply, where an applicant falls within class B (income greater than applicable amount) and class C.

**28.** Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum; or

(b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

**29.** Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments); or

(b) Any payment made as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013

(c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);

(d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or

(e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments);

(f) Under sections 31 to 33 of the Care Act 2014 (direct payments); or

(g) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).

**29A.** A payment made under the Age-Related Payments Regulations 2013.

**29B.** Any payments to an applicant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).

**29C.—**(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care).

(2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—

(a) was formerly in the applicant’s care;

(b) is aged 16 or over; and

(c) continues to live with the applicant.

## **PART 2**

### **Capital disregarded only for the purposes of determining deemed income**

**30.** The value of the right to receive any income under a life interest or from a life rent.

**31.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

**32.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**33.** Where property is held under a trust, other than—

(a) a charitable trust within the meaning of the Charities Act 1993; or

(b) a trust set up with any payment to which paragraph 16 of this Schedule applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

## **SCHEDULE 7: All applicants: procedural matters**

### **PART 1 Applications**

#### **Procedure by which a person may apply for support under the scheme**

1. Paragraphs 2 to 7 apply to an application made under this scheme.
2. An application may be made—
  - (a) in writing,
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
  - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
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.
4. 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.
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.
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.
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.

### **PART 2 Appeals**

#### **Procedure by which a person may appeal against certain decisions of the authority**

8. (1) A person who is aggrieved by a decision of the authority which affects-
  - (a) the person's entitlement to support under its scheme, or
  - (b) the amount of any support 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.  
(2) The authority must—
  - (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing—
    - (i) that the ground is not well founded

- (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- (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 a valuation tribunal under section 16 of the 1992 Act.

### **PART 3**

#### **Discretionary reductions**

#### **Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act**

9. (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
- (a) in writing,
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
  - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (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 support under its scheme,
- that person's application for support under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

### **PART 4**

#### **Electronic communication**

#### **10. Interpretation**

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 the authority for sending, receiving, processing or storing of any information;

#### **11. Conditions for the use of electronic communication**

- (1) The authority may use an electronic communication in connection with applications for, and awards of, support under its scheme.
- (2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (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.
- (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.
- (5) The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes of this Part.
- (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.
- (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.
- (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 Part.

#### **12. Use of intermediaries**

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.

#### **13. Effect of delivering information by means of electronic communication**

- (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 a direction of the authority's scheme, on the day the

conditions imposed—

- (a) by this Part; and
  - (b) by or under an enactment,
- are satisfied.

(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).

(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.

#### **14. Proof of identity of sender or recipient of information**

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.

#### **15. Proof of delivery of information**

(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.

(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.

(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.

#### **16. Proof of content of information**

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.

## **SCHEDULE 8: All applicants:– other matters**

### **PART 1**

#### **1. Extended reductions[support]: persons who are not pensioners**

Paragraph 2 applies only in relation to persons who are not pensioners.

#### **2. Extended reductions[support]: movers into the authority's area**

Where-

- (a) an applicant is made to the authority for support 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 scheme by the amount of that extended reduction.

### **PART 2**

#### **3. Applications**

Except for paragraph 6 (which applies to persons who are not pensioners only), paragraphs 4 to 14 apply to persons who are pensioners and persons who are not pensioners.

#### **4. Making an application**

(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.

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

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

(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.

(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).

(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).

(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 subparagraph (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.

(7) The authority must—

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

## **5. Change of circumstances: persons who are not pensioners**

Paragraph 6 applies only in relation to persons who are not pensioners.

## **6. Date on which change of circumstances is to take effect**

(1) A change of circumstances which affects entitlement to, or the amount of, support under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit. Where the change is a nominal amount the authority may decide that the change takes effect from a different date

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

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

(4) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(5) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(6) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (5) they take effect from the day to which the appropriate sub-paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.

(7) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(8) Without prejudice to sub-paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

## **7. Evidence and information**

(1) Subject to sub-paragraph (3), a person who makes an application for support under the 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.

(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 support 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.

(3) Sub-paragraph (2) does not apply—

(a) in the case of a child or young person in respect of whom an application for support is made;

(b) to a person who—

- (i) is a person treated as not being in Great Britain for the purposes of these Regulations;
- (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.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom support 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 support under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

(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 subparagraph (7) applies.

(6) Where the authority makes a request is made under sub-paragraph (4), it must—

(a) inform the applicant or the person to whom support under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and

(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

(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 16 of Schedule 6 for Pensioners and paragraph 29 of schedule 11 for working age (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);

(c) a payment which is disregarded under paragraph 8(10) of Schedule 1.

(8) Where an applicant or a person to whom support 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.

## **8. Amendment and withdrawal of application**

(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.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 7, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(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.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 7, the withdrawal may also be made by telephone.

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

(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.

## **9. Duty to notify changes of circumstances**

(1) Subject to sub-paragraphs (3) and (9) 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 support under the authority's scheme) including at any time while the applicant is in receipt of such support.

(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, support 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 or for the purposes of Part 1 of Schedule 7 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
  - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—
- (a) changes in the amount of a 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 support under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) For the purposes of sub-paragraph 3(c) "relevant benefit" means income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by subparagraph (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.
- (6) The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.
- (7) A person who has been awarded support under the authority's scheme who is also on state pension credit must report—
- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
  - (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks.
- (8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only a savings credit must also report—
- (a) changes affecting a child living with him which may result in a change in the amount of support under the authority's scheme allowed in his case, but not changes in the age of the child;
  - (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
  - (c) any change in the income or capital of—
    - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 12 of Schedule 1 (circumstances in which income of a non-dependant is to be treated as applicant's); or
    - (ii) a person to whom paragraph 14(2)(e) of Schedule 1 refers (partner treated as member of the household under regulation 8),
 and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.
- (9) A person who is entitled to support under the authority's scheme and on state pension credit need only report to that authority the changes specified in subparagraphs (7) and (8).

### PART 3

#### 10. Decisions by the authority

This Part applies to persons who are pensioners and persons who are not pensioners.

#### 11. Decision by authority

The authority must make a decision on an application under its scheme within 14 days of paragraph 48 of Schedule 1 for Pensioners, paragraph 64 of schedule 9 for working age, paragraph 7 of this schedule and Part 1 of Schedule 7 being satisfied, or as soon as reasonably practicable thereafter.

#### 12. Notification of decision

- (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.
- (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;



- (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 support or its amount.
- (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.
- (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.
- (5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- (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.
- (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).
- (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,
  - (d) a person appointed by the authority under paragraph 4(3) of this schedule (persons appointed to act for a person unable to act);

#### **PART 4**

#### **13. Circumstances in which a payment may be made**

This part applies to persons who are pensioners and persons who are not pensioners.

#### **14. Payment where there is a joint and several liability**

(1) Where-

- (a) a person is entitled to support 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 support is jointly and severally liable for 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 refers would be inappropriate,

it may make a payment to him of the amount of the support to which he is entitled, rounded where necessary to the nearest penny.

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

(3) Where a person other than a person who is entitled to support under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

## **SCHEDULE 9 – People who are not pensioners**

### **PART ONE Introduction**

#### **1. Additional Interpretation**

In this Schedule the following words have the following meanings assigned to them, notwithstanding any definition in other parts of the scheme -

“applicable amount” means— the amount calculated in accordance with paragraphs 4, 5 and 6 of Schedule 9 and Schedule 10;

“assessment period” such period as is set out in paragraphs 13 to 15 of this Schedule over which income falls to be calculated;

“child care costs element” has the meaning given by regulation 31 of the Universal Credit Regulations 2013;

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“earnings” has the meaning given by paragraph 16 and 18 of this Schedule.

“employment zone” means an area with Great Britain designated for the purposes of section 60 of the Welfare Reform Act 1997 and Pensions Act 1999 and an “employment zone programme” means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“extended reduction” means a reduction under this scheme for which a person is eligible pursuant to paragraph 52 of this schedule;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 53 or 58 of this schedule;

“extended reduction (qualifying contributory benefits)” means a reduction under this section of the scheme for which a person is eligible pursuant to paragraph 57 of this schedule;

“housing costs element” has the meaning given by regulation 25 of the Universal Credit Regulations 2012;

“mobility supplement” means a supplement to which paragraph 10 of Schedule 12 refers;

“net earnings” means such earnings as are calculated in accordance with paragraph 17 and 18 of this schedule, as the case may be;

“rent” means “eligible rent” to which regulation 11 of the Housing Benefit Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 8 of this schedule;

“self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) an employment zone programme;

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

(c) the Employment, Skills and Enterprise Scheme;

“tax year” means a period beginning with 6th April in one year and ending with 5th April in the next.

#### **2. Classes of persons entitled to Receive Support under this scheme**

Any person who is not a pensioner is entitled to support under this Schedule if-

(a) they are for that day liable to pay council tax to the Authority in respect of a dwelling in which he is resident;

(b) they are not absent from the dwelling throughout the day;

(c) in respect of whom a maximum council tax support amount can be calculated;

(d) they do not fall within a class of person not entitled to support under this scheme;

(e) their capital on that day does not exceed £16,000, and

(f) they have made an application for support under this scheme.

#### **3. Amount of council tax support**

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(1) A person entitled to support under this scheme shall be entitled to the maximum council tax support unless their income calculated in accordance with this scheme exceeds their applicable amount.

(2) If paragraph (1) does not apply to a person entitled to support under this scheme they shall be entitled to:

- (a) the weekly council tax liability (capped at Band A) less
- (b) the amount by which their income calculated in accordance with this scheme exceeds their applicable amount and
- (c) the difference between (a) and (b) is reduced by 25%.

(3) If amount of council tax support calculated in accordance with paragraph (2) is less than zero then it shall be deemed to be zero.

## **PART TWO** **Applicable Amounts**

### **4. Applicable amounts for the purposes of calculating eligibility for support under this scheme and the amount of that support**

(1) Subject to paragraphs 5 and 6, the applicable amount for a week for a person is the aggregate of such of the following amounts as may apply in his case—

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with Schedule 10
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with Schedule 10;
- (c) the amount of any elements which may be applicable to him, determined in accordance with that Schedule
- (d) the amount of either the—
  - (i) limited capability for work and work-related activity element; or
  - (ii) limited capability for work element,which may be applicable to him in accordance with that Schedule
- (e) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 10—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

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

“patient” means 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 regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

### **5. Polygamous marriages**

Where an applicant is a member of a polygamous marriage, his applicable amount for a week is the aggregate of such of the following amounts as may apply in his case—

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 10 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 3 of that Schedule (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) the amount of any elements which may be applicable to him determined in accordance with Parts 1 and 2 of that Schedule;
- (e) the amount of either the—
  - (i) limited capability for work and work-related activity element; or
  - (ii) limited capability for work element,which may be applicable to him in accordance with Part 2 of that Schedule (the components);
- (f) the amount of any transitional addition which may be applicable to him in accordance with Parts 3 and 4 of that Schedule (transitional addition).

### **6. Applicable amount: persons who have an award of universal credit**

(1) In determining the applicable amount for a week of an applicant—

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

an award of universal credit, the applicable amount will be the calculation or estimate of the maximum amount of the applicant, or the applicant's partner, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in subparagraph (2).

(2) The adjustment referred to in sub-paragraph (1) is where a housing costs element has been awarded to the applicant, his partner or the applicant and his partner jointly, the amount of that element is to be deducted from the applicable amount.

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

### **PART THREE**

#### **Maximum Council Tax Support under this Scheme**

##### **7. Maximum council tax support amount for the purposes of calculating eligibility for support under the authority's scheme**

(1) Subject to sub-paragraphs (2) to (4), the amount of a person's maximum council tax support amount in respect of a day is 75 per cent of the amount A/B where—

(a) A is the lower of

(i) the amount set by the 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, reduced by any reduction made in consequence of any enactment in or made under the 1992 Act (other than a reduction under this scheme); and

(ii) the amount that would have been determined as payable under (i) if the property was in valuation band A and

(b) B is the number of days in that financial year less any deduction in respect of non-dependants which fall to be made under paragraph 8.

(2) Subject to sub-paragraph (3), 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 support in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (2) does not apply in his case.

(4) The reference in sub-paragraph (2) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 40(2) applies.

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

##### **8. Non-dependant deductions**

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 7 are—

(a) in respect of a non-dependant aged 18 or over in remunerative work, £11.90 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £3.90 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

(a) less than £202.85, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);

(b) not less than £202.85 but less than £351.65, the deduction to be made under this paragraph is £7.90;

(c) not less than £351.65 but less than £436.90, the deduction to be made under this paragraph is £9.95.

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

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

(a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;

(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and

(c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

- (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- (a) blind or severely sight-impaired or treated as such by virtue of sub-paragraphs (12) or (13) below; or
  - (b) receiving in respect of himself—
    - (i) attendance allowance, or would be receiving that allowance but for—
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (ii) the care component of the disability living allowance, or would be receiving that component, but for—
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
    - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if—
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
  - (b) he is in receipt of a training allowance paid in connection with youth training established under Section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) he is a full-time student within the meaning of Part 6 (Students); or
  - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
    - (i) "patient" has the meaning given in paragraph 5(6) of Schedule 1, and
    - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
  - (e) he is not residing with the applicant because he is a member of the regular forces or the reserved Forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.
- (8) No deduction is to be made in respect of a non-dependant—
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
  - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount); but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
  - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income—
- (a) any attendance allowance, disability living allowance or personal independence payment or AFIP received by him;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006) which, are paid as Income in kind see sub-paragraph (13); and
  - (c) the payments set out in sub-paragraph (10).
- (10) The payments mentioned in sub-paragraph (9) are—
- (a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006);
  - (b) 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 paragraph (a) refers and which is made to or for the benefit of—
    - (i) 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, has not been dissolved at the time of that person's death;
    - (ii) 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

- (iii) 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;
- (c) 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 paragraph (a) refers and which is made to or for the benefit of—
- (i) the person who is suffering from haemophilia or who is a qualifying person;
- (ii) 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
- (iii) 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;
- (d) 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 paragraph (a) refers, where—
- (i) 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
- (ii) the payment is made either—
- (aa) to that person's parent or step-parent, or
- (bb) 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;
- (e) 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 paragraph (a) refers, where—
- (i) 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
- (ii) the payment is made either—
- (aa) to that person's parent or step-parent, or
- (bb) 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;
- (f) in the case of a person to whom or for whose benefit a payment referred to in this sub-paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (g) any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.
- (11) An applicant, or as the case may be, his partner is blind or severely sight-impaired or treated as such and for the purposes of sub-paragraph (6)(a) if the applicant or his partner
- (a) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services); or
- (b) is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or
- (c) in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994
- (11A) For the purposes of sub-paragraph (8), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.
- (12) For the purposes of sub-paragraph (11), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight shall nevertheless be treated as blind or severely sight-impaired for a period of 28 weeks following the date on which he ceased to be so registered.
- (13) The reference in sub-paragraph (9)(b) to "income in kind" does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- (14) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is in receipt of a Staying Put payment for a young person aged 18 up to 21 years, where –
- (a) the applicant or his partner was a Foster Care parent
- (b) they wish to continue to provide their home to support a young person they have fostered, and
- (c) the young person agrees to the arrangement.

## PART FOUR

### Calculation of Income and Capital: Applicant's Family and polygamous marriages

#### **9. Income and capital for the purposes of calculating eligibility for support under this scheme and amount of support**

(1) The income and capital of—

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

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

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

(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 must be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

#### **10. Circumstances in which income and capital of non-dependant is to be treated as applicant's**

(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependent and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where—

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess must be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

#### **11. Calculation of income and capital: persons who have an award of universal credit**

(1) This paragraph applies to an applicant—

- (a) who has, or
- (b) whose partner has, or
- (c) who (jointly with his partner) has, an award of universal credit

(2) Where paragraph (1) above applies the authority will, subject to the following provisions of this paragraph, determine the income of the applicant using the calculation or estimate of the income of the applicant, or the applicant's partner, 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 and accordingly part four does not apply to that applicant except to the extent stated in this paragraph.

(3) Where paragraph (1) applies but the Secretary of State has not made any calculation or estimate as described in paragraph (2) the authority will make its own calculation based on the same rules as the Secretary of State would use and the authority's calculation or estimate shall, for the purposes of this Scheme be deemed to have been calculated or estimated by the Secretary of State.

(4) The authority will change the figure for income calculated or estimated by the Secretary of State as follows—

- (a) the figure will be increased by the amount of any universal credit payable net of the child care costs element and housing costs element;
- (b) the figure will be decreased by the amount of any sum to be disregarded under Schedule 12 of this scheme (sums to be disregarded in the calculation of income other than earnings);
- (c) the figure will be increased by the amount of the income and capital of the applicant or any partner of the applicant who is a member of the applicant's household, to the extent that it is not taken into account in determining the net income of the person claiming universal credit;
- (d) paragraph 10 (circumstances in which income of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (e) by multiplying the monthly amount of the payment by 12, dividing the product by the number of days in the financial year and multiplying the product by 7.

(5) Paragraphs 9, 10, 23 to 29 and 31 (calculation of income) apply only for the purpose of determining any modifications which fall to be made to the figure for earned income under sub-paragraph (4).

(6) In determining the capital of an applicant—

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

an award of universal credit, the authority will use the calculation or estimate of the capital of the applicant, the applicant's partner 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.

(7) Where paragraph (6) applies but the Secretary of State has not made any calculation or estimate as described in paragraph (6) the authority will make its own calculation based on the same rules as the Secretary of State would use and the authority's calculation or estimate shall, for the purposes of this Scheme be deemed to have been calculated or estimated by the Secretary of State.

## **12. Average weekly earnings of employed earners**

(1) Where the income of an applicant consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—

(a) over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of—

- (i) 5 weeks, if he is paid weekly; or
- (ii) 2 months, if he is paid monthly; or

(b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in his employment for less than the period specified In sub-paragraph (1)(a)(i) or (ii)—

(a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;

(b) in any other case, the authority must estimate the applicant's average weekly earnings.

(3) Where the amount of an applicant's earnings changes the authority must 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.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 16 and 17.

## **13. Average weekly earnings of self-employed earners**

(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must 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 must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 18 to 24.

## **14. Average weekly income other than earnings**

(1) The income of an applicant which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately; and nothing in this paragraph authorises the authority to disregard any such income other than that specified in Schedule 12.

(2) The period over which any benefit under the Benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 26 of this part.

## **15. Calculation of weekly income**

(1) For the purposes of paragraphs 12 (average weekly earnings of employed earners), 14 (average weekly income other than earnings) and 31 (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 is to be the amount of that payment;

(b) exceeds a week, the weekly amount is to 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.

(2) For the purposes of paragraph 13 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to 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.



## **16. Earnings of employed earners**

(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, 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—
  - (i) travelling expenses incurred by the applicant between his home and 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;
- (g) 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);
- (h) 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);
- (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
- (j) any statutory sick pay, statutory maternity pay, statutory paternity pay, statutory shared paternal pay or statutory adoption pay payable under the SSCBA, or a corresponding payment under any enactment having effect in Northern Ireland;
- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- (l) 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.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant participating as a service user.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

## **17. Calculation of net earnings of employed earners**

(1) For the purposes of paragraph 12 (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 must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant’s net earnings, any sum, where applicable, specified in paragraphs 1 to 13 of Schedule 12.

(3) For the purposes of sub-paragraph (1) net earnings must be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
  - (i) income tax;
  - (ii) primary Class 1 contributions under the SSCBA;
- (b) 100% of any contributions made in that period to an occupational or personal pension scheme

(4) In the case of an applicant who has been employed as an employed earner the following sums shall be disregarded:

- (i) 35% of the applicant’s earned income; and
- (ii) a sum equal to 2 hours gross pay at the highest rate National Minimum Wage which applies to any person in England.

## **18. Earnings of self-employed earners**

(1) This paragraph applies for the purpose of calculating earned income that is not employed earnings (“self-employed earnings”).

(2) A person’s self-employed earnings in respect of an assessment period are to be calculated by taking the amount of the gross profits (or, in the case of a partnership, the person’s share of those profits) of the self-employed earner and deducting from that amount—

- (a) any payment made to HMRC in the assessment period in respect of the self-employed earner by way

- of—
- (i) Class 2 contributions payable under section 11(1) or (3) of the SSCBA or any Class 4 contributions payable under section 15 of that Act; or
  - (ii) income tax; and
- (b) 100% of any contributions made by the person in the assessment period to a personal pension scheme (unless a deduction has been made in respect of those contributions in calculating a person's employed earnings).
  - (c) a sum equal to 2 hours gross pay at the highest rate National Minimum Wage which applies to any person in England; and
  - (d) 35% of the applicant's self-employed income.

(3) The gross profits of the self-employed earner in respect of an assessment period are the actual receipts in that period less any deductions for expenses specified in paragraph 19 of this schedule.

(4) The receipts referred to in paragraph (3) include receipts in kind and any refund or repayment of income tax, value added tax or national insurance contributions relating to the self-employed earner.

## **19. Permitted expenses**

(1) The deductions allowed in the calculation of self-employed earnings are amounts paid in the assessment period in respect of—

- (a) expenses that have been wholly and exclusively incurred for purposes of that self-employment; or
- (b) in the case of expenses that have been incurred for more than one purpose, an identifiable part or proportion that has been wholly and exclusively incurred for the purposes of the self-employment, excluding any expenses that were incurred unreasonably.

(2) Expenses deducted in accordance with paragraph (1) may include value added tax.

(3) No deduction may be made for—

- (a) expenditure on non-depreciating assets (including property, shares or other assets to be held for investment purposes);
- (b) any loss incurred in respect of a previous assessment period;
- (c) repayment of capital or payment of interest in relation to a loan taken out for the purposes of the self-employment;
- (d) expenses for business entertainment.

(4) This paragraph is subject to paragraph 20 of this Schedule.

## **20. Flat rate deductions for mileage and use of home and adjustment for personal use of business premises**

(1) This paragraph provides for alternatives to the deductions that would otherwise be allowed under paragraph 19 of this Schedule.

(2) Instead of a deduction in respect of the actual expenses incurred in relation to the acquisition or use of a motor vehicle, the following deductions are allowed according to the mileage covered on journeys undertaken in the assessment period for the purposes of the self-employment—

- (a) in a car, van or other motor vehicle (apart from a motorcycle), 45 pence per mile for the first 833 miles and 25 pence per mile thereafter; and
- (b) on a motorcycle, 24 pence per mile,

and, if the motor vehicle is a car or motor cycle, the only deduction allowed for the acquisition or use of that vehicle is a deduction under this paragraph.

(3) Where a person whilst trading as a self-employed earner incurs expenses in relation to the use of accommodation occupied as their home, instead of a deduction in respect of the actual expenses, a deduction is allowed according to the number of hours spent in the assessment period on income generating activities related to the self-employment as follows—

- (a) for at least 25 hours but no more than 50 hours, £10.00;
- (b) for more than 50 hours but no more than 100 hours, £18.00;
- (c) for more than 100 hours, £26.00.

(4) Where premises which are used by a person mainly for the purposes of self-employment are also occupied by that person for their personal use, whether alone or with other persons, the deduction allowed for expenses in relation to those premises is the amount that would be allowed under regulation 19(1) if the premises were used wholly and exclusively for purposes of the self-employment, but reduced by the following amount according to the number of persons occupying the premise for their personal use—

- (a) £350.00 per calendar month for one person;
- (b) £500.00 per calendar month for two persons;
- (c) £650.00 per calendar month for three or more persons.

## **21. Information for calculating earned income**

(1) Where—

- (a) a person has employed earnings in respect of which deductions or repayments of income tax are required to be made under the PAYE Regulations; and

(b) the person required to make those deductions or repayments is a Real Time Information employer, the information on which the calculation of those earnings is to be based for the purposes of determining the person's earned income is the information about those earnings reported to HMRC in accordance with the PAYE Regulations.

(2) Where paragraph (1) does not apply or where a Real Time Information employer fails to report information to HMRC, the person must provide such information for the purposes of calculating the person's earned income at such times as the Local Authority may require.

(3) Where, by virtue of paragraph (1), the calculation of employed earnings is to be based on information reported under the PAYE regulations, those employed earnings are to be treated as if they had been received by the person in the assessment period in which the Secretary of State receives that information, unless the Local Authority has made a determination in accordance with regulation 54(2)(b) of the Universal Credit Regulations 2013 (estimate where information not reported) in relation to a previous assessment period.

(4) In this regulation "Real Time Information employer" has the meaning in regulation 2A(1) of the PAYE Regulations.

## **22. Meaning of "gainful self-employment"**

(1) A claimant is in gainful self-employment where the Authority has determined that—

- (a) the claimant is carrying on a trade, profession or vocation as their main employment;
- (b) their earnings from that trade, profession or vocation are self-employed earnings;
- (c) the trade, profession or vocation is organised, developed, regular and carried out in expectation of profit;

## **23. Minimum income floor**

(1) Where a claimant is in gainful self-employment and their earned income in respect of a period is less than the minimum income floor which is 16 hours at the National Minimum Wage, the claimant is to be treated as having earned income equal to the minimum income floor.

(2) Paragraph (1) does not apply within the start-up period.

## **24. Start-up period**

(1) A "start-up period" is a period of 365 days (366 in any leap year) and applies from the date on which a claimant is in gainful self-employment.

(2) Where the gainful self-employment commenced prior to the start date of a claim, the start-up period will begin from the date on which the claimant began gainful self-employment, and not the date of the claim, in accordance with sub-section (1).

(3) But no start-up period may apply in relation to a claimant where a start-up period has previously applied in relation to that claimant, whether in relation to the current award or any previous award, of council tax support, unless that previous start-up period—

- (a) began more than 5 years before the beginning of the period referred to in paragraph (1); and
- (b) applied in relation to a different trade, profession or vocation.

(4) A start-up period may be terminated at any time if the person is no longer in gainful self-employment or is not taking active steps to increase their earnings from that employment to the level of the minimum income floor.

## **25. Evidence and information**

For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions in paragraph 24 (start-up period), the Authority may require the claimant to provide such evidence or information as is reasonably required to determine those questions and to attend at such office or place on such days and at such times as the Secretary of State may direct for that purpose.

## **26. Calculation of income other than earnings:**

(1) For the purposes of paragraph 14 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 27 (capital treated as income).

(2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 12.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

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

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of

working tax credit or child tax credit awarded less the amount of that deduction.

(6) In sub-paragraph (5), “tax year” means a period beginning with 6th April in one year and ending with 5th April in the next.

(7) Sub-paragraphs (8) and (9) apply where—

(a) a relevant payment has been made to a person in an academic year; and

(b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(8) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (8) applies, is to be calculated by applying the formula—

$(A - (B \times C)) / D$

where—

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 46(5);

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 46(5) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

(9) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 46(5).

(10) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 7;

“assessment period” means—

(a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—

(i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

(ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 41(7) or both.

(11) For the avoidance of doubt there must be included as income to be taken into account under paragraph (1)—

(a) any payment to which paragraph 16(2) (payments not earnings) applies; or

(b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

- (1) Any payment received under an annuity is to be treated as income.
- (2) Any earnings to the extent that they are not a payment of income is to be treated as income.
- (3) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

**28. Notional income:**

- (1) An applicant is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.
- (2) Except in the case of—
  - (a) a discretionary trust;
  - (b) a trust derived from a payment made in consequence of a personal injury;
  - (c) any sum to which paragraph 37(2)(a) of Schedule 11 (capital to be disregarded) applies which is administered in the way referred to in paragraph 37(1)(a);
  - (d) any sum to which paragraph 26(a) of Schedule 11 refers;
  - (e) any sum to which sub-paragraph (11) applies, any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made on the date of the application under this scheme or, if later, on the first date that such an application could have been made.
- (3) Any payment of income, other than a payment of income specified in subparagraph (4), made—
  - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
  - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
  - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (4) Sub-paragraph (3) does not apply in respect of a payment of income made—
  - (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006);
  - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
  - (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
    - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
    - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
    - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
    - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
    - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
  - (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
  - (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
  - (f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
  - (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
    - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
    - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
    - (iii) the person referred to in subparagraph (i) and any member of his family does not possess, or is

not treated as possessing, any other income apart from that payment.

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

(6) Subject to sub-paragraph (7), where—

(a) an applicant performs a service for another person; and

(b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

(7) Sub-paragraph (6) does not apply—

(a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with—

(i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or

(ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or

(c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of subparagraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 17(3) (calculation of net earnings of employed earners) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less—

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstance; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this subparagraph is to 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) any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

## **29. Calculation of income on a weekly basis**

(1) The income of an applicant is to be calculated on a weekly basis—

(a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;

(b) deducting from the sum of paragraph (a) any relevant child care charges to which paragraph 30 (treatment of child care charges) applies from any earnings which form part of the average weekly income, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (2) applies in his case.

(2) The maximum deduction to which paragraph (1)(b) above refers is to 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.

(3) For the purposes of paragraph (1) “income” includes capital treated as income under paragraph 27 (capital treated as income) and income which the applicant is treated as possessing under paragraph 28 (notional income).

### **30. Treatment of child care charges**

(1) This paragraph applies where an applicant is incurring relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other—
  - (i) is incapacitated;
  - (ii) is an in-patient in hospital; or
  - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

- (a) is paid statutory sick pay;
- (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
- (c) is paid an employment and support allowance;
- (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
- (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- (b) the first day of the period in respect of which earnings are credited, as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and is to be calculated on a weekly basis in accordance with subparagraph (9).

(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.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (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 1 paragraph 7 (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.

(8) The care to which sub-paragraph (7) refers may be provided—

- (a) out of school hours, by a school on school premises or by a local authority—
  - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
  - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
- (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 of children 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 (England) Regulations 2011, 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 provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations; or
  - (m) by a person who is not a relative of the child wholly or mainly in the child’s home.
- (9) Relevant child care charges must 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.
- (10) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant’s applicable amount includes a disability premium on account of the other member’s incapacity or the support component or the work-related activity component on account of his having limited capability for work;
  - (b) the applicant’s applicable amount would include a disability premium on account of the other member’s incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (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 the Employment and Support Allowance Regulations 2013;
  - (d) the applicant 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 SSCBA (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 treated as one continuous period;
  - (e) the applicant 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 2008 or the Employment and Support Allowance Regulations 2013 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 SSCBA;
    - (ii) attendance allowance under section 64 of the SSCBA;
    - (iii) severe disablement allowance under section 68 of the SSCBA;
    - (iv) disability living allowance;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) increase of disablement pension under section 104 of the SSCBA;
    - (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 sub-paragraph (ii), (iv), (v) or (vi) above;
    - (ix) main phase employment and support allowance;
  - (g) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of 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 paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a young offenders institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-



Patients) Regulations 2005;

- (h) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
- (i) a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA; or
  - (ii) an abatement as a consequence of hospitalisation;
- (i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (j) an AFIP would be payable to that person but for a 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.
- (k) paragraph (f),(g),(h) or (i) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland;
- or
- (l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 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.
- (11) For the purposes of sub-paragraph (10), once sub-paragraph (10)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph is to, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (12) For the purposes of sub-paragraph (10), once sub-paragraph (10)(e) applies to the person, 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 to, 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.
- (13) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—
- (a) to whom an attendance allowance or care component of disability allowance is payable or would be payable but for-
    - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;
  - (b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (c) who is registered as blind in a register compiled under section 29 of the National Assistance 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) 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
  - (d) who ceased to be registered as blind or severely sight-impaired 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.
- (14) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave, shared parental leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (15) ("the relevant period") provided that—
- (a) in the week before the period of maternity leave, paternity leave, shared parental leave or adoption leave began he was in remunerative work;
  - (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
  - (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, statutory adoption pay by virtue of section 171ZL of that Act, maternity allowance under section 35 of that Act, statutory shared parental pay by virtue of section 171ZU or 171ZV of that Act, or qualifying support.
- (15) For the purposes of sub-paragraph (14) the relevant period begins on the day on which the person's maternity, paternity leave, shared parental leave or adoption leave commences and ends on—
- (a) the date that leave ends;
  - (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support (if relevant), statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared paternity pay or statutory adoption pay ends, the date that entitlement ends; or

- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.
- (16) In sub-paragraphs (14) and (15)—
- (a) “qualifying support” means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and
- (b) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).
- (17) In sub-paragraphs (6), (8)(a) and (13)(d), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

### **31. Calculation of average weekly income from tax credits**

- (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (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.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

## **PART FIVE**

### **Capital**

### **32. Calculation of capital**

- (1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and any income treated as capital under paragraph 33 (income treated as capital).
- (2) There must be disregarded from the calculation of an applicant’s capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 11.
- (3) The capital of a child or young person who is a member of the family of an applicant must not be treated as capital of the applicant.
- (4) Capital Jointly Held – except where an applicant possesses capital which is disregarded under paragraph 36(5) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the other provisions of this Part apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.
- (5) Calculation of tariff income from capital
- (a) Where the capital of an applicant calculated in accordance with this Part exceeds £6,000, it must be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £16,000.
- (b) Notwithstanding sub-paragraph (a) where any part of the excess is not a complete £250 that part must be treated as equivalent to a weekly tariff income of £1.
- (c) For the purposes of sub-paragraph (a), capital includes any income treated as capital under paragraph 33 (income treated as capital).

### **33. Income treated as capital**

- (1) Any bounty derived from employment which is paid at intervals of at least one year is to be treated as capital.
- (2) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.
- (3) Any holiday pay which is not earnings under paragraph 16(1)(d) (earnings of employed earners) is to be treated as capital.
- (4) Except any income derived from capital disregarded under paragraphs 2 to 5, 9, 14 and 19 of Schedule 12, any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant’s account.
- (5) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant’s employer is to be treated as capital.

(6) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

(8) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(9) Any arrears of working tax credit or child tax credit must be treated as capital.

#### **34. Calculation of capital in the United Kingdom**

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

#### **35. Calculation of capital outside the United Kingdom**

Capital which an applicant possesses in a country outside the United Kingdom will be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

#### **36. Notional capital**

(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of that reduction

(2) Except in the case of—

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or

(3) Any payment of capital, other than a payment of capital specified in sub-paragraph (4), made—

- (a) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (b) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

(4) Paragraph (3) does not apply in respect of a payment of capital made—

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
  - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
- (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (f) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - (i) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (ii) the person referred to in (i) and any member of his family does not possess, or is not treated as

possessing, any other income apart from that payment.

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

- (a) the value of his holding in that company must, notwithstanding paragraph 32 (calculation of capital) be disregarded; and
- (b) he must, subject to sub-paragraph (6), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(6) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (5) is to be disregarded.

(7) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

### **37. Diminishing notional capital rule**

(1) Where an applicant is treated as possessing capital under paragraph 36(1) (notional capital), the amount which he is treated as possessing—

(a) in the case of a week that is subsequent to—

- (i) the relevant week in respect of which the conditions set out in subparagraph (2) are satisfied; or
- (ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3) or (4);

(b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—

- (i) that week is a week subsequent to the relevant week; and
- (ii) that relevant week is a week in which the condition in sub-paragraph (4) or (7) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5) or (9).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

- (a) he is in receipt of council tax support under this scheme; and
- (b) but for paragraph 36(1), he would have received a greater amount of council tax support under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

- (a) an amount equal to the additional amount of the council tax support to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
- (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
- (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
- (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of paragraph (1)(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 36(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—

- (a) the amount of council tax support to which the applicant would have been entitled in the relevant week but for paragraph 36(1);
- (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
  - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
  - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
- (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have

- been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further claim for council tax support and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words 'relevant week' there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further claim is made 26 or more weeks after—
- (i) the date on which the applicant made a claim in respect of which he was first treated as possessing the capital in question under paragraph 36(1);
- (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (5), the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- (b) the applicant would have been entitled to council tax support under this scheme but for paragraph 36(1).
- (9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the redetermination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- "part-week"—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which council tax support under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e) means—
- (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- (ii) any other period of less than a week for which it is payable;
- "relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 36(1)—
- (a) was first taken into account for the purpose of determining his entitlement to council tax support; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;
- and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;
- "relevant subsequent week" means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

(1) In this Part—

“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 is to 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 sections 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, 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 Young People’s Learning Agency for

England under sections 61 and 62 of the Apprenticeships, Skills, Children and Learning Act 2009 or the Chief Executive of Skills Funding under sections 100 and 101 of that Act; or

- (e) Financial Contingency Funds made available by the Welsh Ministers;

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

“contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- (b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder’s expenses—
  - (i) the holder of the allowance or bursary;
  - (ii) the holder’s parents;
  - (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
  - (iv) the holder’s spouse or civil partner;

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

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

“education authority” means a government department, a local 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 Young People’s Learning Agency for England, 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 Young People’s Learning Agency for England, 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 Young People’s Learning Agency for England 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 bodies 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;

“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, that 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 1996;

“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 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 includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must 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) subject to sub-paragraph (3), 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;
- (c) 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.
- (3) For the purposes of sub-paragraph (a) of sub-paragraph (2), the period referred to in that sub-paragraph includes—
- (a) where a person has failed examinations or has failed successfully to 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.
- (4) In sub-paragraph (2), “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.

### **39. Treatment of students**

This scheme has effect in relation to students subject the following provisions of this Part.

### **40. Students who are excluded from entitlement to a council tax reduction under this scheme**

- (1) Subject to sub-paragraphs (2) and (6), this paragraph applies to full-time students and students who are persons treated as not being in Great Britain.
- (2) Sub-paragraph (1) does not apply to a student—
- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
  - (b) who is a lone parent;
  - (c) whose applicable amount would, but for this regulation, include the limited capability for work support element or disability element;
  - (d) whose applicable amount would include the disability element but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (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 must be treated as one continuous period;
  - (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
  - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
  - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
  - (i) who is—
    - (i) aged under 21 and whose course of study is not a course of higher education, or
    - (ii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
  - (j) in respect of whom—
    - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
    - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students’ Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
    - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
    - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland)



2000; or

- (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.
- (k) who has been made an award of universal credit based on the following qualifying conditions-
  - (i) are a lone parent
  - (ii) have a partner who is also a student and one or both are responsible for a child
  - (iii) have a disability and qualify for the disabled element
- (3) For the purposes of sub-paragraph (2)(i)(i) the student must have begun, or been enrolled or accepted onto, the course before attaining the age of 19.
- (4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a fulltime student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (6) A full-time student to whom paragraph (i) of sub-paragraph (2) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- (7) Sub-paragraph (1) does not apply to a full-time student for the period specified in sub-paragraph (8) if—
  - (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
    - (i) engaged in caring for another person; or
    - (ii) ill;
  - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
  - (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—
  - (a) the day on which he resumes attending or undertaking the course; or
  - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,whichever shall first occur.

#### **41. Calculation of grant income**

- (1) The amount of a student's grant income to be taken into account must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.
- (2) There must be excluded from a student's grant income any payment—
  - (a) intended to meet tuition fees or examination fees;
  - (b) in respect of the student's disability;
  - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
  - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
  - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
  - (f) intended to meet the cost of books and equipment;
  - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
  - (h) intended for the child care costs of a child dependant;
  - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
- (3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—
  - (a) the sum of £303.00 per academic year in respect of travel costs; and
  - (b) the sum of £390.00 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- (4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—
  - (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;

(b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

(6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 54(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

#### **42. Calculation of covenant income where a contribution is assessed**

(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.

(2) The weekly amount of the student's covenant must be determined—

(a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and

(b) by disregarding £5 from the resulting amount.

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 41(2)(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

#### **43. Covenant income where no grant income or no contribution is assessed**

(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

(a) any sums intended for any expenditure specified in paragraph 41(2)(a) to (e) (calculation of grant income) necessary as a result of his attendance on the course must be disregarded;

(b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;

(c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 41(2)(f) and (3) (calculation of grant income) had the student been in receipt of the standard maintenance grant; and

(d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with sub-paragraphs (a) to (d) of sub-paragraph (1), except that—

(a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 41(2)(a) to (e); and

(b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 41(2)(f) and (g) and (3).

#### **44. Relationship with amounts to be disregarded under Schedule 12**

No part of a student's covenant income or grant income shall be disregarded under paragraph 34 of Schedule 12.

#### **45. Other amounts to be disregarded**

(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 46 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 41(2) (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 41(2) or (3), 42(3), 43(1)(a) or (c) or

46(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

#### **46. Treatment of student loans**

- (1) A student loan is to be treated as income.
- (2) In calculating the weekly amount of the loan to be taken into account as income—
  - (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
    - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
    - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
  - (b) in respect of an academic year of a course which starts other than on 1<sup>st</sup> September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—
    - (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
    - (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year, but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
  - (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
    - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
    - (ii) where the final academic year starts on 1<sup>st</sup> September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1<sup>st</sup> September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
  - (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—
    - (i) the first day of the first reduction week in September; or
    - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.00.
- (3) A student is to be treated as possessing a student loan in respect of an academic year where—
  - (a) a student loan has been made to him in respect of that year; or
  - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- (4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—
  - (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
    - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
    - (ii) any contribution whether or not it has been paid to him;
  - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
    - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
    - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—
  - (a) the sum of £303.00 per academic year in respect of travel costs; and
  - (b) the sum of £390.00 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

#### **47. Treatment of payments from access funds**

- (1) This paragraph applies to payments from access funds that are not payments to which paragraph 50(2) or (3) (income treated as capital) applies.
- (2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must

be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 34 of Schedule 12—

(a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and

(b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

(a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or

(c) before the first day of the course to a person in anticipation of that person becoming a student, that payment must be disregarded as income.

#### **48. Disregard of contribution**

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

#### **49. Further disregard of student's income**

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

#### **50. Income treated as capital**

(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

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

#### **51. Disregard of changes occurring during summer vacation**

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

## **PART SEVEN**

### **Extended Reductions [Support]**

#### **52. Extended reductions [Support]**

(1) An applicant who is entitled to a reduction under this scheme (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, those 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.

(2) For the purpose of sub-paragraph (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 programme.

(3) For the purpose of this paragraph, 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.

(4) An applicant must be treated as entitled to support under this scheme by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to support under this scheme 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 sub-paragraph (1)(b).
- (5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

### **53. Duration of extended reduction [support] period**

(1) Where an applicant is entitled to extended support, the extended support 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.

(2) For the purpose of sub-paragraph (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.

(3) The extended support period ends—

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

### **54. Amount of extended reduction [support]**

(1) For any week during the extended support period the amount of the extended support to which an applicant is entitled is to be the higher of—

- (a) the amount of the support under the authority's scheme 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 support under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended support period, if paragraph 61 (extended reductions) did not apply to the applicant; or
- (c) the amount of support under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 61 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of extended support under this paragraph and the applicant's partner makes an application for support under this scheme, no amount of support under this scheme is to be awarded by the authority during the extended support period.

### **55. Extended reductions [support]—movers**

(1) This paragraph applies—

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

(2) The amount of the extended support awarded from the Monday from which this paragraph applies until the end of the extended support period is to be the amount of support under this scheme to which the mover was eligible for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a billing authority other than this one, the extended support (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) In this paragraph—

“the new dwelling” means the dwelling to which an applicant has moved, or is about to move, in which the applicant is or will be resident;

“the second authority” means the authority to which a mover is liable to make payments for the new dwelling.

### **56. Relationship between extended reduction [support] and entitlement to reduction [support] under the general conditions of entitlement**

(1) Where support under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 61(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 63 of this schedule and Paragraph 4 of Schedule 8 do not apply to any extended reduction payable in accordance with paragraph 52(1)(a) or 55(2).

### **57. Extended reductions [support] (qualifying contributory benefits)**

(1) An applicant who is entitled to support under this scheme (by virtue of the general conditions of entitlement) shall be entitled to extended support (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit; and
  - (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, those increased earnings or increased number of hours are expected to last five weeks or more;
  - (c) where paragraph (1)(a) applies, the extended support period ends at the end of a period of four weeks;
- or,
- (d) the applicant or the applicant's partner was entitled to contribution based Job Seekers Allowance; and
  - (e) entitlement to contribution based Job Seekers Allowance ceased because the applicant or the applicant's partner—
    - (i) commenced employment as an employed or self-employed earner; and
    - (ii) as a result of commencing employment became entitled to Universal Credit;
  - (f) where paragraph (1)(d) applies, the extended support period ends at the end of a period of two weeks;
- (e) 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 or contribution based Job Seekers Allowance 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.

(2) An applicant must be treated as entitled to support under this scheme by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to support under this scheme 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 or contribution based Job Seekers Allowance ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b); or
- (d) contribution based Job Seekers Allowance ceased in any of the circumstances listed in sub-paragraph (1)(d).

### **58. Duration of extended reduction [support] period (qualifying contributory benefits)**

(1) Where an applicant is entitled to extended support (qualifying contributory benefits), the extended support 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 or contribution based Job Seekers Allowance.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended support period ends on the date on which the applicant entitled to the extended support (qualifying contributory benefits) has no liability for council tax, if that occurs prior to paragraphs 57(1)(c) or (f).

### **59. Amount of extended reduction [support] (qualifying contributory benefits)**

(1) For any week during the extended support period the amount of the extended support (qualifying contributory benefits) payable to an applicant is to be the greater of—

- (a) the amount of support under this scheme 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 support under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended support period, if paragraph 57 (extended reductions qualifying contributory benefits) did not apply to the applicant; or
- (c) the amount of support under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 57 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of extended support (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for support under this scheme, no amount of

support shall be allowed by the appropriate authority during the extended support period.

#### **60. Extended reductions [support] (qualifying contributory benefits) - movers**

(1) This paragraph applies—

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

(2) The amount of the extended support (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended support period is to be the amount of support under this scheme which was awarded 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.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to another authority, the extended support (qualifying contributory benefits) may take the form of a reduction from this authority to—

- (a) that other authority; or
- (b) the mover directly.

#### **61. Relationship between extended reduction [support] (qualifying contributory benefits) and entitlement to reduction [support ] under the general conditions of entitlement**

(1) Where an applicant's support under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 57(1)(b), that support does not cease until the end of the extended support period.

(2) Paragraph 63 of this Schedule and Paragraph 4 of Schedule 8 do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 54(1)(a) or 55(2) (amount of extended reduction—movers).

#### **62. Extended reductions [support]: movers into the authority's area**

Where—

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

the current billing authority must reduce any support to which the applicant is entitled under this scheme by the amount of that extended support.

### **PART EIGHT**

#### **When entitlement begins and changes of circumstances**

#### **63. Date on which entitlement begins**

(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for support under this scheme is made and who is otherwise entitled to that support is so entitled from the reduction week following the date on which that application is made or is treated as made under paragraph 64.

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

### **PART NINE**

#### **Applications**

#### **64. Date on which an application is made**

(1) Subject to sub-paragraph (7), the date on which an application is made is—

(a) in a case where—

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application for a reduction under this scheme is made within three months 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 entitled to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which

- he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,  
the date on which the change takes place;
- (c) in a case where—
- (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to support under this scheme, and
- (ii) where the applicant makes an application within one month of the date of the death or the separation,  
the date of the death or separation;
- (d) except where paragraph (a), (b) or (c) is satisfied, in a case where a properly completed application is received within one month of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (e) in any other case, the date on which the application is received at the designated office.
- (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.
- (3) Where the defect referred to in paragraph 7 of Schedule 7 to this scheme (applications by telephone)—
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- (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.
- (5) The conditions are that—
- (a) where paragraph 4(a) of Schedule 7 (incomplete form) applies, the authority receives at the offices of the authority the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where paragraph 4(b) of Schedule 7 (application not on approved form or further information requested by authority) applies—
- (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
- (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,  
or, in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- (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 this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- (7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to support under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to support under this scheme for a period beginning not later than—
- (a) In the case of an application made by a person who has attained, or whose partner has attained the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or
- (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,  
the authority may treat the application as made on a date in the reduction week immediately preceding the



first reduction week of that period of entitlement and award a reduction accordingly.

(8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

## **65. Periods of absence from a dwelling**

(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means—

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—

- (i) the person resides in that accommodation;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

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

(b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period is unlikely to exceed 13 weeks;

(c) subject to sub-paragraph (2D), a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let;
- (iii) the person is a person to whom sub-paragraph (3) applies; and
- (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period; and

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—

- (i) the person intends to return to the dwelling;
- (i) the part of the dwelling in which he usually resides is not let or sub-let; and
- (ii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person’s return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then, any day that follows period A and precedes the person’s return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person’s partner or a child or young person for whom the person or the person’s partner is responsible;
  - (b) the person’s close relative;
  - (c) the close relative of the person’s partner; or
  - (d) the close relative of a child or young person for whom the person or the person’s partner is responsible,
- then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further

weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person (“P”) who is—

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—

(i) in a dwelling, other than a dwelling P occupies as P’s home; or

(ii) in premises approved under section 13 of the Offender Management Act 2007,

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty’s forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

(3D) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(4) This sub-paragraph applies to a person who is—

- (a) detained in custody pending sentence upon conviction or a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or in Northern Ireland under Article 4 or 2 of the Mental Health (Northern Ireland) Order 1986; and
  - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.
- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he shall be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - (b) for the purposes of sub-paragraph (3)(a), he shall be treated as if he remains in detention;
  - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

(6) In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“residential accommodation” means accommodation which is provided in—

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

#### **65A. Periods of absence from a dwelling - Transitional Provision**

- (1) The amendments made to paragraph 65A, in accordance with paragraph 2 of the Council Tax Reduction Schemes (Prescribed Requirements)(England)(Amendment) Regulations 2016 (Statutory Instrument 2016 No.1262), shall not apply in respect of a person who is temporarily absent from Great Britain on 1<sup>st</sup> April 2017 until the day that person returns to Great Britain.
- (2) Paragraph (1) does not apply to a person who, on 1<sup>st</sup> April 2017, is temporarily absent from Great Britain and is-
  - (a) A member of Her Majesty’s forces posted overseas;
  - (b) Absent in the capacity of a continental shelf worker; or
  - (c) Absent in the capacity of a mariner.

(3) In this regulation -

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the

crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

## **PART TEN**

### **In Year changes to the Council Tax Support Scheme**

#### **66. In year changes**

(1)The Executive Leader of the Authority may by at any time make a determination that as from a date specified in the determination (or immediately if no such date is specified) the scheme shall have effect as if:

- (a) the applicable amount (or any element of any applicable amount) for any person claiming support under this Schedule was replaced by an amount set out in the determination.
- (b) the figure of 75 per cent in paragraph 7(1) was replaced by a percentage set out in the determination amended as set out in the determination.
- (c) the reference to valuation band A in paragraph 7(1)(a)(ii) was replaced with a different valuation set out in the determination.
- (d) the scheme schedule 11 or schedule 12 being amended as set out in the determination.

**SCHEDULE 10: Applicable Amounts: Persons who are not pensioners**

<b>Element</b>	<b>Amount</b>
Standard allowance single claimant under 25 single claimant 25 or over joint claimants both under 25 joint claimants where either is 25 or over	£57.90 £73.10 £114.85 £114.85
Child element first child or qualifying young person second and each subsequent child or qualifying young person Additional amount for disabled child or qualifying young person: lower level higher level	£66.90 £66.90 £62.86 £88.34
LCW and LCWRA Elements limited capability for work (includes Support component and Disability premium) limited capability for work and work related activity (includes Work Related Activity component)	£37.65 £29.05
Carer Element	£36.00
Child care costs disregard maximum amount for one child  maximum amount two or more children	Amount variable £175.00  £300.00

**PART 1  
Elements**

1. The amounts specified for standard allowance elements in column (2) in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of paragraphs 4(1)(a) and 5(a) and (b) of Schedule 9—

2. For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if—

- (a) paragraph 10 of this Schedule is satisfied in relation to the applicant; or
- (b) the applicant is entitled to a converted employment and support allowance.

3.—(1) The amounts specified for child elements in column (2) in respect of each person specified in column (1) shall, for the relevant period specified below, be the amounts specified for the purposes of paragraphs 4(1)(b) and 5(c) of Schedule 9—

## PART 2 Additional Elements

4. Except as provided in paragraph 5 of this Schedule, the elements specified in the above table shall, for the purposes of paragraphs 4(1)(d) and 5(e) of Schedule 9, be applicable to an applicant who satisfies the condition specified in paragraphs 8 to 17 of this Schedule in respect of that element.

5. Where an applicant or his partner satisfies the conditions in respect of both the Limited Capability for Work element and the Limited Capability for Work and Work Related Activity element, only one element shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

6. The following premiums, namely—

(a) a disabled child premium to which paragraph 15 and 16 of this Schedule applies; and

(b) a carer premium to which paragraph 17 of this Schedule applies,

may be applicable in addition to any other element which may apply under this Schedule.

7.(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once an element is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for—

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer element under paragraph 17 of this Schedule, a person shall be treated as being in receipt of carer's allowance by virtue of subparagraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

### 8. Limited Capability for Work Element

The condition is that—

(a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9 of this Schedule is satisfied; or

(b) where the applicant has a partner, either—

(i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9(1)(a) or (b) is satisfied by him; or

(ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9(1)(a) is satisfied by his partner.

### 9. Additional condition for the Limited Capability for Work Element

(1) Subject to sub-paragraph (2) and paragraph 7 of this Schedule, the additional condition referred to in paragraph 8 of this Schedule is that either—

(a) the applicant or, as the case may be, the other member of the couple—

(i) is in receipt of one or more of the following benefits:; disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

(ii) was in receipt of disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 30(10)(g) (treatment of child care charges); or

(iii) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 30(10)(g) (treatment of child care charges); or

(iv) was in receipt of an AFIP but its payment has been suspended 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; or
- (v) is provided by the Secretary of State or a clinical commissioning group with an invalid carriage or other vehicle under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 10(3) of Schedule 1 to the Act of 2006 or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or
  - (vi) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (b) the applicant or, as the case may be, the other member of the couple—
- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
  - (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
    - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
    - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(v), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight shall nevertheless be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the Limited Capability for Work element is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the Limited Capability for Work element is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
  - (b) the reference to a period of 56 days in sub-paragraph (5),
- shall in each case be treated as a reference to a period of 104 weeks.

**10.** The applicant is entitled to one, but not both, of the components in paragraph 13 or 14 of this Schedule if—

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
  - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
  - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

**11.** The applicant is entitled to one, but not both, of the components in paragraphs 13 and 14 if the applicant or his partner is entitled to a converted employment and support allowance.

**12.** Where the applicant and the applicant's partner each satisfies paragraph 13 or 14, the component to be

included is the element that relates to both the applicant and the applicant's partner.

### **13. The work-related activity component**

The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

### **14. The support component**

The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

### **15. Disabled child element**

An amount as shown in that table is payable in addition to the child element in respect of each child or qualifying young person who is disabled and that amount is—

- (a) the lower rate where the child or young person is entitled to a disability living allowance or a personal independence payment (unless the higher rate applies); and
- (b) the higher rate where the child or qualifying young person is—
  - (i) entitled to the care component of a disability living allowance at the highest rate or the daily living component of a personal independence payment at the enhanced rate; or
  - (ii) registered as blind under section 29 of the National Assistance Act 1948 or section 2 of the Local Government etc (Scotland) Act 1994(b) in consequence of having been certified as blind.

**16.** The disabled child element shall be applied where a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is no longer in receipt of disability living allowance or personal independence payment because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child element was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

### **17. Carer element**

(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer element is awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case the person in respect of whom a carer element has been awarded ceases to be entitled to a carer's allowance, the condition for the award of the element shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) shall be—

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
- (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies;
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

### **18. Persons in receipt of concessionary payments**

For the purpose of determining whether an element is applicable to a person under paragraphs 9 to 17 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

### **19. Persons in receipt of benefit for another**

For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.



**20.**(1) The applicant is entitled to a transitional addition calculated in accordance with paragraph

28 where the applicant or the applicant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008 and—
  - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008; and
  - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 23 of this Schedule would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

**21.**(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition, ends by virtue of the termination of the applicant's award of support, under—
  - (i) paragraph 20(2)(b) of this Schedule;
  - (ii) sub-paragraph (3)(b) of this paragraph; or
  - (iii) paragraph 22(3)(b) of this Schedule;
- (b) within 104 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to support under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to support under this scheme the relevant person is entitled to an employment and support allowance which is not income-related;
- (d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where applicant is a work or training beneficiary) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and
- (e) at the date on which the applicant again becomes entitled to support under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseekers allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 24, unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

**22.**(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—
  - (i) paragraph 20(2)(c) of this Schedule;
  - (ii) paragraph 21(3)(c) of this Schedule; or
  - (iii) sub-paragraph (3)(c) of this paragraph;
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) either—
  - (i) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations applies to the relevant person; or

- (ii) the period between the events mentioned in paragraphs (a) and (b) is one to which regulation 145(2) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and
- (d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.
- (2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 24 of this Schedule), unless the amount of the transitional addition would be nil.
- (3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—
  - (a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;
  - (b) the termination of the applicant's award of support under this scheme;
  - (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
  - (d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;
  - (e) 5th April 2020.

#### **PART 4**

##### **Amount of Transitional Addition**

- 23.**(1) Subject to paragraph 24 of this Schedule, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.
- (2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Existing Awards) Regulations is made in respect of the relevant person—
- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
  - (b) Amount B is the basic amount that applied on that day as a result of that decision.
- (3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Existing Awards) Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations as modified by the Employment and Support Allowance (Existing Awards) Regulations—
- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
  - (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.
- (4) In this paragraph and paragraph 24, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 4(1)(a) to (d) or paragraph 5(a) to (b) of this scheme.
- 24.** (1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.
- (2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.
- (3) Amount C is the basic amount that applies as a result of the increase.
- (4) Amount D is the basic amount that applied immediately before the increase.

### **SCHEDULE 11: Capital Disregards: Persons who are not Pensioners**

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. 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, but, notwithstanding paragraph 9 of this Schedule 9 (Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction), only one dwelling shall be disregarded under this paragraph.
5. (1) Premises that a person intends to occupy as their home where —
  - (a) the person has acquired the premises within the past 6 months but not yet taken up occupation; or
  - (b) the person is taking steps to obtain possession and has commenced those steps within the past 6 months; or
  - (c) the person is carrying out essential repairs or alterations required to render the premises fit for occupation and these have been commenced within the past 6 months.(2) A person is to be taken to have commenced steps to obtain possession of premises on the date that legal advice is first sought or proceedings are commenced, whichever is earlier.
6. Premises that a person has ceased to occupy as their home following an estrangement from their former partner where—
  - (a) the person has ceased to occupy the premises within the past 6 months; or
  - (b) the person's former partner is a lone parent and occupies the premises as their home.
7. Premises that a person is taking reasonable steps to dispose of where those steps have been commenced within the past 6 months.
8. An amount deposited with a housing association as a condition of the person occupying premises as their home.
9. An amount received within the past 6 months which is to be used for the purchase of premises that the person intends to occupy as their home where that amount—
  - (a) is attributable to the proceeds of the sale of premises formerly occupied by the person as their home;

or

- (b) has been deposited with a housing association as mentioned in paragraph 8;
- (c) is a grant made to the person for the sole purpose of the purchase of a home.

**10.** An amount received within the past 6 months that is to be used for making essential repairs or alterations to premises occupied or intended to be occupied as the person's home where that amount has been acquired by the person (whether by grant or loan or otherwise) on condition that it is used for that purpose.

**11.** An amount received under an insurance policy within the past 6 months in connection with the loss or damage to the premises occupied by the person as their home or to their personal possessions.

**12.** Premises occupied by a close relative of a person as their home where that close relative has limited capability for work or has reached the qualifying age for state pension credit.

**13.** Premises occupied by a person's former partner as their home where the person and their former partner are not estranged, but living apart by force of circumstances, for example where the person is in residential care.

**14.** 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.

**15.** 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.

**16.** Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

**17** Assets which were used wholly or mainly for the purpose of a trade, profession or vocation that the person has ceased to carry on within the past 6 months if-

- (a) the person is taking reasonable steps to dispose of those assets; or
- (b) the person ceased to be engaged in carrying out the trade, profession or vocation because of incapacity and can reasonably expect to be reengaged on recovery.

**18.** Assets which are used wholly or mainly for the purpose of a trade, profession or vocation which the person is carrying on.

**19.** Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
- (b) an income-related benefit under Part 7 of the Act;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance
- (g) Universal Credit

**20.** 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 a reduction under this scheme or to increase the amount of that reduction.

**21.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**22.** 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.

**23.** 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.

**24.** The value of the right to receive any income under a life interest or from a life rent.

**25.** 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).

**26.** (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.

**27.** Any social fund payment or payment made by an Authority under any hardship scheme.

**28.** Any capital which by virtue of regulation 27 or 42 (capital treated as income, treatment of student loans) is to be treated as income.

**29.** (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 the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief 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 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) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) 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.

(5) 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.

(6) 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 had formed a civil partnership that had not been dissolved, nor any child or young person who 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.

(7) In the case of a person to whom or for whose benefit a 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.

(8) 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, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund and the London Bombings Relief Charitable Fund.

(9) Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

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

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

**32.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006).

**33.** Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 6 months beginning on the date of receipt of the payment.

**34.** Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

**35.** 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.

**36.** 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.

**37.** (1) Any sum of capital to which sub-paragraph (2) applies and—

- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

**38.** 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.

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

**40.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 6 months from the date on which that sum was acquired.

**41.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or

(d) the applicant's partner's deceased spouse or deceased civil partner, by the Japanese during the Second World War, £10,000.

**42.**—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's partner 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 is to 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 is to 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.

**43.** 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.

**44.** (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.

**45.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care), or Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments).

**46.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

**47.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

**48.** Any payment made under the Age-Related Payments Regulations 2013.

**49.** Any payments made as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support)(Scotland) Act 2013.

**50.** Any payments to an applicant under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).



## **SCHEDULE 12 – Sums Disregarded in the calculation of Income other than Earnings**

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred.
2. Any amount paid by way of tax on income which is to be taken into account under paragraph 26 of Schedule 9 (calculation of income other than earnings).
3. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 28(5) of Schedule 9 (notional income).
4. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
5. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
6. 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.
7. 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.
8. Any disability living allowance or personal independence payment.
9. Any concessionary payment made to compensate for the non-payment of—
  - (a) any payment specified in paragraph 8;
  - (b) income support;
  - (c) an income-based jobseeker's allowance;
  - (d) an income-related employment and support allowance.
10. 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.
11. Any attendance allowance.
12. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
13. (1) Any payment—
  - (a) by way of an education maintenance allowance made pursuant to—
    - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to

- assist persons to take advantage of educational facilities);
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to—
  - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
  - (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
  - (a) regulations made under section 518 of the Education Act 1996;
  - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
  - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

**14.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2002.

**15.** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment—

- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

**16.** (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 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 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.

**17.** Subject to paragraph 34, the total of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 10 or 11);
- (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 and, if the amount of that payment has been adjusted to less than £10 by a pension or payment falling within article 13(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;

- (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 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.

**18.** Subject to paragraph 34, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the Act;
- (b) widowed parent's allowance paid pursuant to section 39A of the Act.

**19.** (1) Any income derived from capital but not income derived from capital disregarded under paragraphs 2 to 5, 9, 14 and 19 of Schedule 11

(2) Income derived from capital disregarded under paragraphs 2 to 5, 9 or 14 or 30 to 33 (as above) of Schedule 11 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
  - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of "water charges" in Section 1 regulation 2(1) of this scheme applies to sub-paragraph (2) of this paragraph with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".

**20.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

**21.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23 of this Schedule, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount shall be equal to—

- (a) the weekly amount of the payments; or
- (b) £57.90,

whichever is less.

(3) In this paragraph and paragraph 18 a reference to a "student loan" or a "grant" is a reference to a student loan or a grant within the meaning of Part 11 of the Schedule to the Default Scheme Regulations.

**22.** Any payment made to the applicant by a child or young person or a non-dependant.

**23.** (1) Any income in kind, except where paragraph 26(11)(b) of this scheme (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to "income in kind" does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

**24.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

**25.** (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 (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) 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 the 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 the authority to child's maintenance);
  - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (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.

**26.** 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).

**27.** Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant's household but is temporarily in his care, by—

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006.

**28.** 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).

**29.** (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.

**30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amount of the repayments, calculated on a weekly basis, which are used to—

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and

- (b) meet any amount due by way of premiums on—
- (i) that policy; or
  - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

**31.** Any payment of income which by virtue of paragraph 33 of this scheme (income treated as capital) is to be treated as capital.

**32.** Any payment made pursuant to the authority's scheme that replaces the Social Fund as provided for under part 8 of the SSCBA.

**33.** Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

**34.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 9(2) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 42(2)(b) and paragraph 43(1)(d) of this scheme (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 46(2) of this scheme (treatment of student loans), paragraph 47(3) of this scheme (treatment of payments from access funds) and paragraph 18 of this schedule shall in no case exceed £20 per week.

**35.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund 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) has 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 benefit a 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, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund and the London Bombings Relief Charitable Fund.

**36.** Any housing benefit.

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

**38.** 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.

**39.** 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.

**40.** Any guardian's allowance.

**41.** (1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that 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.

**42.** 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.

**43.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**44.** (1) Any payment which is—

(a) made under any of the Dispensing Instruments to a widow, widower or 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

(b) 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 19<sup>th</sup> December 1881, the Royal Warrant of 27<sup>th</sup> October 1884 and the Order by His Majesty of 14<sup>th</sup> January 1922 (exceptional grants of pay, non-effective pay and allowances).

**45.** Any council tax benefit to which the applicant is entitled for any period prior to 1<sup>st</sup> April 2013.

**46.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

**47.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

**48.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

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

**50.** (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.

**51.** Any payment of child benefit.

## Appendices

The following are to be up-rated each year with the changes in amounts to be used in the calculation of the Council Tax Support Scheme in line with the annual DWP updates.

### Appendix 1

#### Schedule 1: Pensioners

These amounts are prescribed.

#### Part 3

##### 8. Non-dependant deductions

- (1)
  - (a) £11.90
  - (b) £3.90
- (2)
  - (a) less than £202.85.
  - (b) not less than £202.85 but less than £351.65, deduction £7.90;
  - (c) not less than £351.65 but less than £436.90, deduction £9.95.

#### Part 6

##### 24. Calculation of income on a weekly basis

- (3)
  - (a) £175.00
  - (b) £300.00

#### Schedule 2: Applicable Amounts for Pensioners

These amounts are prescribed.

#### Part 1 – Personal Allowances

##### 1. Personal Allowances

**Table 1**

Column (1)	Column (2)
Person, couple or polygamous marriage	Amount
(1) Single applicant or lone parent –	(1)
(a) Aged under 65;	(a) £163.00
(b) Aged 65 or over.	(b) £176.40
(2) Couple –	(2)
(a) Both members aged under 65;	(a) £248.80
(b) One or both members aged 65 or over.	(b) £263.80
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65 –	(3)
(a) for the applicant and the other partner to the marriage;	(a) £248.80
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £85.80
(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged of 65 or over –	(4)
(a) for the applicant and the other partner to the marriage;	(a) £263.80
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £87.40



**Table 2**

Column (1)	Column (2)
Person, couple or polygamous marriage	Amount
(1) Single applicant or lone parent who has attained pensionable age	(1) £176.40
(2) Couple and one or both members have attained pensionable age	(2) £263.80
(3) If the applicant is a member of a polygamous marriage and	(3)
one or more members of the marriage have attained pensionable age -	
(a) for the applicant and the other partner to the marriage;	(a) £263.80
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £87.40

**2. Child or young person amounts**

Column (1)	Column (2)
Child or young person	Amount
<i>Person in respect of the period—</i>	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £66.90
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £66.90

**Part 2****3. Family premium**

£17.45

**Part 4****12. Amounts of premium specified in Part 3**

Provision	Amount
(1) Severe Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £64.30;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £64.30;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £128.60.
(2) Enhanced disability premium.	(2) £25.48 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £62.86 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £36.00 in respect of each person who satisfies the condition specified in paragraph 9.

**Schedule 3: Amount of Alternative Maximum Council Tax Reduction for Pensioners**

These amounts are prescribed.

1. In column (1) of the table,

(b)

(i) less than £201.00

(ii) not less than £201.00 per week but less than £260.00 per week

## Appendix 2

### Schedule 9: People who are not Pensioners

#### Part 3

##### 8. Non-dependant deductions

(1)

(a) £11.90

(b) £3.90

(2)

(a) less than £202.85.

(b) not less than £202.85 but less than £351.65, deduction £7.90;

(c) not less than £351.65 but less than £436.90, deduction £9.95.

#### Part 4

##### 20. Permitted expenses

(2)

(a) 45 pence per mile for the first 833 miles and 25 pence per mile thereafter;

(b) 24 pence per mile

(3)

(a) £10.00

(b) £18.00

(c) £26.00

(4)

(a) £350.00

(b) £500.00

(c) £650.00

##### 29. Calculation of income on a weekly basis

(2)

(a) £175.00

(b) £300.00

#### Part 6

##### 41. Calculation of grant income

(3)

(a) £303.00

(b) £390.00

##### 46. Treatment of Student Loans

(2)(d)(ii) £10.00

(5)

(a) £303.00

(b) £390.00

**Schedule 10: Applicable Amounts for Persons who are not Pensioners**

**(In relation to Schedule 9, Part 2, paragraph 4 – Personal Allowances)**

Column (1) Element	Column (2) Amount
Standard allowance	
single claimant under 25	£57.90
single claimant 25 or over	£73.10
joint claimants both under 25	£114.85
joint claimants where either is 25 or over	£114.85
Child element	
first child or qualifying young person	£66.90
second and each subsequent child or qualifying young person	£66.90
Additional amount for disabled child or qualifying young person:	
lower level	£62.86
higher level	£88.34
LCW and LCWRA Elements	
limited capability for work (includes Support component and Disability premium)	£37.65
limited capability for work and work related activity (includes Work Related Activity component)	£29.05
Carer Element	£36.00
Child care costs disregard	Amount variable
maximum amount for one child	£175.00
maximum amount two or more children	£300.00

### Appendix 3

**(In relation to Schedule 9, Part 2, paragraph 6 – Applicable amount for Persons who have an award of Universal Credit)**

Column (1)	Column (2)
Element	Amount (monthly)
Standard allowance	
single claimant under 25	£251.77
single claimant 25 or over	£317.82
joint claimants both under 25	£395.20
joint claimants where either is 25 or over	£498.89
Child element	
first child or qualifying young person	£277.08
second and each subsequent child or qualifying young person	£231.67
Additional amount for disabled child or qualifying young person:	
lower level	£126.11
higher level	£383.86
LCW and LCWRA Elements	
limited capability for work	£126.11
limited capability for work and work related activity	£328.32
Carer Element	£156.45

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<b>Report To:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/Reporting Officer:</b>	Councillor Allison Gwynne – Executive Member (Neighbourhoods) Emma Varnam - Assistant Director (Operations & Neighbourhoods)
<b>Subject:</b>	<b>UPDATE TO HIGHWAYS WINTER MAINTENANCE POLICY</b>
<b>Report Summary:</b>	<p>The Department for Transport commissioned a review and an update of a number of Codes of Practice with regards to the maintenance of the key assets that make up the highway network.</p> <p>The new Code of Practice, <i>Well managed Highway Infrastructure</i> (WmHI), was published on 28 October 2016.</p> <p>The new WmHI Code of Practice advocates changing the reliance on specific guidance and recommendations in the previous codes, to a risk-based approach determined by each highway authority.</p> <p>Across Greater Manchester a framework has been produced giving due regard to all council highway duties, adopting the guidance that reflects the recommendations from the new WmHI Code of Practice.</p> <p>Based on the new code, officers in the Design and Delivery Service have produced a new Tameside MBC Highways Winter Maintenance Policy.</p> <p>The two year implementation period for introducing a new local policy ended on 27 October 2018.</p>
<b>Recommendations:</b>	That a recommendation is made to Council to approve the updated Winter Maintenance Policy for the treatment of Tameside's highway assets in inclement weather.
<b>Links to Community Strategy:</b>	Prosperous Tameside Supportive Tameside
<b>Policy Implications:</b>	Replacement of previous Policy with new Policy to reflect the updated national Code of Practice.
<b>Financial Implications:</b> (Authorised by the Section 151 Officer)	All costs to implement the proposed policy will be met from within existing resources
<b>Legal Implications:</b> (Authorised by the Borough Solicitor)	These are set out in paragraph 1.1 of the report. <i>'Well-managed highway infrastructure'</i> was published on 28 October 2016 and supersedes the previous Codes <i>'Well-maintained Highways'</i> , <i>'Well-lit Highways'</i> and <i>'Management of Highway Structures'</i> . Changing from reliance on specific guidance and recommendations in the previous Codes to a risk-based approach determined by each Highway Authority which requires appropriate analysis. Some authorities have been able to implement a full risk-based approach immediately. Others have required more time and consequently continued with existing practices for an interim period, in which case the previous Codes have remained

valid for a period of two years from the date of publication of the Code (October 2018). There will be a cost to working to a revised higher standard and this needs to be implemented in a value for money way and evidenced.

**Risk Management:**

Not updating our Policy to reflect the new national Code of Practice could potentially leave the Council liable to third party claims

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer, Lee Holland, Head of Design and Delivery by:



Telephone:0161 342 3978



e-mail: [lee.holland@tameside.gov.uk](mailto:lee.holland@tameside.gov.uk)



## 1. BACKGROUND

1.1 Under Section 41 of the Highways Act 1980, Tameside MBC has a statutory duty with regards to highways maintainable at public expense. Neglecting this duty can lead to claims against the council for damages resulting from a failure to maintain the highway. Under Section 58 of the Highways Act 1980, the highway authority can use a “*Special Defence*” in respect of action against it for damages for non-repair of the highway if it can prove that it has taken such care as was reasonable. Part of the defence rests upon:

*“Whether the highway authority knew, or could reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway”.*

1.2 This means that highway authorities have to show that they carry out Winter Service operations in accordance with their policies and national guidance. Winter Service policies and priorities should be formally approved.

1.3 Issues for consideration in developing policy should include;

- Network resilience
- Treatment of facilities for public transport users
- Treatment of facilities for road users
- Treatment for walking and cycling
- Treatment for transport interchanges
- Treatment of promoted facilities such as community or leisure centres
- Extent of priority for emergency services
- Extent of priority for public services and critical infrastructure
- Extent of priority for vulnerable users
- Resilience of Winter Service resources
- Other local circumstances

## 2. UPDATING OF POLICY

2.1 The Department for Transport commissioned the UK Roads Liaison Group to review and update the national Codes of Practice with regards to the maintenance of the key assets that make up the highway network.

2.2 The new national Code of Practice, *Well managed Highway Infrastructure (WmHI)*, was published on 28 October 2016.

2.3 The new WmHI Code of Practice recommends a change, to a risk-based approach determined by each highway authority and are based on the appropriate risk, functionality or usage of the highway.

2.4 Across Greater Manchester a framework was produced giving due regard to all council highway duties and has adopted the guidance that reflects the recommendations from the new WmHI Code of Practice.

2.5 The two year implementation period for introducing a new local code ended on 27 October 2018.

2.6 Accordingly, a review of the winter maintenance operations has been carried out by the Design and Delivery service and a renewed policy document drafted based on the new code.

### **3. NEW POLICY STRATEGY.**

- 3.1 The new policy contains details of the procedures related to the general operational activities in the Winter Service Operational Plan, the Highway Maintenance Policy (Local Code of Practice) and Highway Risk Management - Winter Gritting Operations.
- 3.2 The Winter Service Operational Plan and Highway Risk Management - Winter Gritting Operations documents contain details of the measures undertaken by Tameside Metropolitan Borough Council (MBC) to ensure the safety of users of the highway. This is achieved through a variety of diagnostic processes: the forecast, technical and operational treatments and decision making regimes. In addition there is a comprehensive programme of actions; planned and reactive treatments of the adopted highways, dependant on climatic conditions.
- 3.3 Each year, the Council allocates its financial resources with due consideration to strategic aims and priorities. The Winter Service budget is one area of allocation. Tameside MBC recognises that the safety of highway users is paramount and has an allocated budget for undertaking treatments and achieving response times in line with the Winter Service Operational Plan and Highway Risk Management - Winter Gritting Operations.
- 3.4 The new policy document has been written to clearly set out the Council's standards and operational processes to deliver the Winter Service provision. The standards set ensure that the Council provide an effective and deliverable service sustainable with the resources available.
- 3.5 Tameside MBC has a team of officers, specially trained to undertake decision making with regard to interrogating the forecast and proposing appropriate treatments and to deal with the management of the Winter Maintenance Service on behalf of the Council.

### **4. HIERARACHY OF NETWORK AND TREATMENT REGIME**

- 4.1 The Code of Practice defines hierarchy categories for footways and carriageways. These are seen as minimum standards and many footways and roads in Tameside are categorised to a higher hierarchy and inspection frequency.
- 4.2 All the adopted highways have been assigned a carriageway, footway or cycleway hierarchy in accordance with WmHI Code of Practice.
- 4.3 The Council's winter treatment routes criteria are based on inspection frequency that in turn is based on risk, functionality and usage. Road category hierarchy, in combination with known use, are the main determinant of treatments along with individual risk assessment of each road, street etc. Reviews will be undertaken on a five year cycle by competent staff.
- 4.4 Should there be significant changes to the networks e.g. major housing or commercial developments, consideration with regards to treatments will be undertaken at the time of completion of the development.

### **5. RESOURCE IMPLICATIONS**

- 5.1 The existing winter service network comprises 7 treatment routes, 2 wet spot routes and 5 snow routes. This service is delivered by 9 officers and 19 drivers contracted to undertake the winter maintenance operations.

- 5.2 A full re-reassessment of the highway network has been undertaken testing against the new code, the actual number of routes and kilometres of treated highway have not significantly changed. The existing contractual arrangements to deliver this service, with 9 officers and 19 drivers, are sufficient to meet the requirements of the new code.
- 5.3 Although this assessment has been carried out the previous policy did not include treating the shared cycle/footway routes, given the new policy is a risk based approach officers believe that these should be considered for treatment. It would be prudent however to seek advice from counsel and the council's insurance provider before introducing these to the policy. Treating these routes would require additional resources yet to be quantified.
- 5.4 Dependent on the advice from counsel and the council's insurance provider, a further report to be presented on any additional treatments required together with financial implications.

## **6. RECOMMENDATIONS**

- 6.1 As set out at the front of the report.

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# **HIGHWAY MAINTENANCE POLICY**

## **LOCAL CODE OF PRACTICE**

### **A GUIDE TO HIGHWAY POLICIES AND PROCEDURES**

#### **Highway Risk Management - Winter Gritting Operations**



2018/2023

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## **1. Introduction**

This policy is based on the National guidelines as set out in “Well Managed Highway Infrastructure (28 October 2016) although non prescriptive the document has been produced with the UK Road Liaison Group (UKRLG) based on so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

There are some key issues that are identified within this policy:

In England and Wales Section 41 (1A) of the Highways Act 1980 was modified on 31<sup>st</sup> October 2003, by Section 111 of the Railways and Transport Act 2003.

The first part of Section 41 now reads:

- “a) The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty, subject to subsections (2) and (3) below, to maintain the highway.
- b) (1) In particular, a highway authority are under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.”

This is not an absolute duty, given the qualification of “reasonable practicability” but it does effectively overturn previous legal precedence, albeit not with retrospective affect. Section 150 of the Highways Act 1980 still imposes a duty upon authorities to remove any obstruction of the highway resulting from “*accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause*”.

Given the scale of financial and other resources involved in delivering the Winter Service and the obvious difficulties in maintaining high levels of vehicle and plant utilisation for specialist equipment, it is therefore not practically possible either to:

- **provide the service on all parts of the network**
- **ensure running surfaces are kept free of ice or snow at all times, even on the treated parts of the network.**

In these circumstances, and in order to comply with legislation, it is therefore necessary to undertake risk assessments to establish which roads and routes should be included in a programme of treatment during inclement weather.

All carriageways have been Risk Assessed (RA) against objective criteria based on the risk management inspection criteria of 1 month, 3 month (and 6 monthly bus routes) categorised by the classification and nature of the asset. Accordingly all roads that fall into this category are treated (unless documented no in the RA matrix) in line with recommendations in the Well Managed Highways Infrastructure – A Code of Practice, although non prescriptive the document has been produced with the UK Road Liaison Group (UKRLG) based on so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. (Based on 0° centigrade freezing on road surface temperature).

Tameside MBC also undertake the treatment of footways following this same risk criteria.

Key issues that have been taken into consideration are:

- treatment of facilities for road users
- treatment of facilities for walking and cycling
- treatment of facilities for public transport users
- treatment of transport interchanges
- treatment of promoted facilities
- extent of priority for emergency services
- level of service resilience required
- extent of priority for vulnerable users
- extent of priority for key public services and critical infrastructure
- other local circumstances (e.g. bridge decks, safe routes to schools etc.)

### **1.1 Weather predictions and Management Information**

Clear and efficient decision making processes, supported by accurate weather predictions from MetDesk (forecast provider) and information systems (Vaisala Manager), are the foundation for Tameside's effective Winter Service delivery.

Decision support systems for Tameside MBC include the following:

- Weather forecasts (MetDesk)
- Ice detection and Weather Stations information (Foundry Street Dukinfield, Mossley Road Ashton-U-Lyne, Queens Road Manchester and Devil's Elbow Stockport)
- Weather radar, (MetDesk) and Information on gritting operations from other Greater Manchester authorities via Vaisala Manager.

Decision to salt the highway or not, will be based on the above information, Appendix H guidance and local knowledge. Tameside has appointed a Winter Service Officer (controller), supported by a team of Gritting Officers to help make this decision.

The Winter Service Officer and Gritting Officers will maintain close consultation with other agencies and advisors to help improve the decision making process (e.g. MetDesk, other LA's and Highway England area's 10 and 12).

A decision-making framework, is identified in The Winter Service Operational Plan for guidance.

**Note:**

The quality of decisions made by the Winter Service Officer will be the key factor in determining both the effectiveness, commercial viability of the Winter Service and also how it is perceived by users and residents. In these difficult circumstances, a 'learning organisation' culture, rather than a tendency to allocate blame, is crucial to the delivery of a best value service.

To be both cost effective and efficient, salt should be spread before ice forms or snow settles on the carriageways. Anticipating these conditions and reacting correctly depends on a mixture of local knowledge and experience, interpretation of the MetDesk 'Manchester Boroughs' weather forecast and knowledge of the state of the road and the temperatures at



that time. Currently these are based on a 0°C forecast – (*Appendix H criteria currently dictates action at +1°C forecast.*) TMBC after careful consideration have decided to continue with an action level of 0°C.

The greatest safeguard for the protection of the travelling public must, therefore, be to instigate pre-salting treatment. The MetDesk forecasts and on-line access systems are now exceedingly accurate, and salting operations can thus be planned and commenced in good time and with some confidence. Advanced arrangements for pre-gritting may be made during the day upon receipt of the forecast and to commence at a time determined from the forecast.

The Council also owns two weather stations, one based in a mean topographical area Foundry Street, Dukinfield of Tameside to give an average perspective of the pertaining weather, the other being situated in domain three (3) Mossley Road, Ashton-U-Lyne. To aid an overall geographical picture we also take information from weather stations based at Devil's Elbow (Stockport) high ground and Queens Road (Manchester) low ground. We have the Vaisala Management software computer package that supports and records the winter maintenance decision making process.

In other situations, an additional aid to decision making would be to undertake an ice patrol where local road temperature readings are undertaken manually. This is included as part of the Operational Plan.

The exact details of this Winter Service policy can also be found on the Council's web site, and updates will be entered as appropriate throughout the winter period to ensure a quality management system of working.

## **2. Council Resources**

Tameside MBC has six multi-lift vehicles with dedicated salt spreading chassis units. Each vehicle has access to polymer snowploughs for use in severe winter conditions. In addition there are two 3 tonne and one 2 tonne Midi Gritter bodies mounted on 7.5 tonne vehicles. The council also has one mobile 'husky' 4 wheel drive unit and 3 Multihog vehicles, one used for footway salting and two for brine spraying across the Borough.

There are 370 grit boxes deployed across the whole of the Borough for residents to use as demanded on the highway. We also place out 70 strategic salt piles in rural locations

A team of drivers are employed on shift system rotas to ensure sufficient resources are always available and response times are kept to a minimum. This rota allows for cover 24/7 throughout the winter period.

In line with good practice Gritting Officers are 6159 City and Guilds Health and Safety, Vaisala systems and MetDesk trained.

The City and Guilds Vocational Qualification 6159 for drivers includes all types of winter service vehicles and consists of both theoretical and practical training.

Transport Workshops staff are available between 0630 - 2100 Monday to Saturday and 'stand- by' arrangements are in place to deal with any breakdowns outside of their normal operational hours. The Gritting Officer will ensure he/she is aware of the mechanics call-out rota prior to commencement of his/her own duties, this can also be found on Vaisala Manager system.

Salt used for gritting the Boroughs network is stored at Tame Street depot, Stalybridge. Approximately 4,500 Tonnes are stored. 2500 tonnes inside and 2000 tonnes outside

protected by sheeting. A partnership arrangement has been developed with Compass Minerals to ensure deliveries are made in a timely manner to maintain sufficient salt stocks even during extreme weather conditions and high salt usage. During a typical winter up to 3,000 tonnes of salt can be deployed on the Borough's highways.

### **3. Snow and Ice Treatment.**

**Objective;-** to provide a winter service which, as far as reasonably practicable, will permit the safer movement of vehicular traffic on the more important parts of the highway network whilst minimising delays and accidents directly attributable to any adverse weather conditions.

**Priority will be given to the following routes, based on a risk assessment, risk management inspection regime criteria and road network hierarchy.**

#### **Priority Routes:-**

Carriageway Strategic Routes and Main Distributor roads of known susceptibility in adverse conditions, other Carriageway Strategic Routes, Main Distributor and Secondary Distributor (including bus routes) and those with particularly "difficult" characteristics i.e. steep gradients together with footways that fall generally within prestige walking zones, primary and secondary walking routes that are considered important to provide pedestrian route access for the general public (e.g. school routes / transport interchanges / Doctors surgeries locations etc.)

#### **Other Routes: -**

Other Strategic routes, linking significant housing and/or industrial estates. These routes are generally remote from typical large mechanical treatments and are treated as conditions; resources dictate or permit **in line with a request from the Head of Service.**

#### **3.1 Response Times**

The Council's response time is a maximum of one hour to mobilise resources and the anticipated target treatment time for each Priority route will be within 4 hours from commencement of the gritting routes. Typically all routes should be treated within 4 hours

Invariably the requirement to grit the Council's highway network is based on weather predictions received early morning (with updates at around 11:30am and early evening around 4:30pm), therefore the Council will mobilise it's workforce and commence an early evening or overnight gritting service and will endeavour to complete all Priority routes before the road surface temperature (RST) reaches 0°C.

Response times are monitored to ensure we are meeting the criteria set out in section 11 of this document

### **4. Salt Bins**

Salt Bins are provided in areas, which are not normally subject to mechanical treatment, and are located at difficult hilly situations and/or dangerous road junctions. There are approximately 370 locations for these salt bins currently in use. Bins are normally left insitu throughout the year (in order to save on collection and placement costs) these are re stocked within the months of October/November and again after the first major ice/snow event. Ongoing and further re filling of Salt bins is undertaken on a strategic decision by the Director of Operations and Neighbourhoods. Details of locations and the criteria required for consideration for placement are available on the Council's web site.

## **5. Method of Operational Service Delivery**

During normal working hours it will be the responsibility of the Winter Service Officer to discuss with the Gritting Officer and decide the expected required operations. One Gritting Officer (an ice patrol and/or supervisory experienced officer), will during normal circumstances, be on Stand-By where pre-gritting operations only are expected. However, the Winter Service Officer will on occasions, supplement the Gritting Service with an additional officer on stand by, to deal with periods of abnormal/severe weather conditions (e.g. where snow fall is expected). Both officers will be called to share duties in order that best value services are provided during these periods. Details are included in the Winter Service Operational Plan.

## **6. Gritting Officer Rota**

The callout rota will be organised with a Gritting Officer together with a reserve officer to be on call at the request of the Winter Service Officer. Should the reserve officer not be available then, the 'next' reserve officer will be asked to fulfil these duties.

## **7. Ice Patrol**

Ice Patrols are undertaken when necessary to:

- Verify accuracy of forecast by comparing actual temperatures (particularly road surface temperatures) against Met. Office graph predictions
- Provide visual check of road surface conditions (dry, wet, snow, ice, wet spots etc.)
- Determine need or otherwise for gritting if not already actioned.
- Determine effectiveness of gritting

Ice Patrol is to be undertaken when directed by the Gritting Officer:

- During a pre-grit of Primary routes when all vehicles have first left the depot, a brief patrol may be undertaken and temperatures recorded at the locations indicated with an asterisk on the ice patrol route sheets. Contact by mobile phone to drivers should be maintained to determine when the patrol should be terminated and a return made to the depot.
- When the forecast does not suggest/demand a pre-gritting operation locally, but there is doubt about the accuracy of that forecast, the Winter Service Officer may instruct the Gritting Officer to undertake an ice patrol between certain hours.
- When, after completion of a priority pre-gritting operation, there is concern that conditions may deteriorate (further advice can be sought by telephone to 'The Manchester Boroughs' forecaster for Tameside at the Met. Office to assist)
- When called by Tameside Control in response to Met. Office update or report of accidents alleged to be due to ice.

Use of the Design & Delivery Service Emergency Call Out officer may also be used at the discretion of the Winter Gritting officer to assist in specific road temperature readings to supplement the weather information available or for any other duty deemed necessary i.e. road closures, driver duties (if trained).

## **8. Gritting Routes**

Copies of gritting routes are available on the Council's Web site and are detailed in The Winter Service Operational Plan.

Each route must be followed strictly in accordance with the schedule unless specifically otherwise instructed by the Gritting Officer to ensure that the full area is covered, these routes are digitised with GPS guidance and auto salting technology. The route sign off sheet must be signed and accurately timed and dated by the Gritting Officer and Driver as a record of treatment, any deviation from the route must be accurately recorded. Subsequent treatment will be in priority order. The completed route sheets must be returned to the Winter Service Officer at the end of each duty.

Separate routes may be issued from time to time to deal with spot gritting requirements to roads other than formal priority routes in periods of continuously severe weather. However, this will not be arranged until all priority gritting routes have been attended to or are in control and resources become available.

### **9. Treatment of Footways**

Priority of treatment shall be given (including prestige and main walking routes as laid down in the Council's Highway Network hierarchy). These are split into two Priority routes (see Winter Service Operational Plan). They cover:

- Town Centre Streets/Main Pedestrian Routes
- Shopping Frontages
- Busy Pedestrian Routes
- Hospitals and Doctor's Surgeries
- School Frontages/Routes
- Community Centre frontages/Routes
- Bridge decks
- Steep sections of footways and paths
- Predominately Elderly Residential Areas
- Any agreed priority for vulnerable users

### **10. MetDesk Weather Forecasts**

Arrangements have been made to receive by email and on-line web access, weather forecasts from MetDesk. These are normally received around 07:30, 11:30 and 16:30hrs. This will be made available to the Gritting Officer as a guide and/or weather warning as appropriate.

The graphs received with these forecasts, showing temperature profile curves, should be interrogated along with any narrative. This will be a useful guide in determining whether standby crews should be called out as a precaution, or indeed additional crews, if gritting is in progress. Vaisala Manager Software is also used to aid Supervision, Planning, Decision Making and for recording purposes.

Updated Forecasts maybe received from the MetDesk during a shift period at any time.

### **11. Performance Monitoring**

The effectiveness of many of the operational issues previously described is measured nationally and locally by a series of performance indicators. The two most significant are:-

- Response Time. This is the period between the operatives being called out from standby at home or from their normal daily duties to vehicles leaving the depot fully loaded to commence gritting. This shall be no greater than one hour.
- Roads Gritted Before Formation of Ice. This is the percentage of occasions that all Priority Routes (including Principal A class Roads) were treated before the formation of ice.

The information to support these measures is gathered from Gritting Officers' reports, Vaisala Manager Software, Drivers routes, Vehicle tracking and salt delivery technology, MetDesk forecasts, etc.

Ice Patrol Reports and Routes can be found at Appendix J.

**Additional Information to this Local Code**

<i>EngPol_1</i>	<i>Operational Activities for Risk Management on the Highway</i>
<i>EngPol_2</i>	<i>Risk Management Legal Procedures and Policies</i>
<i>EngPol_3</i>	<i>Winter Gritting Local Code of Practice</i>
<i>Doc1</i>	<i>Well maintained Highways – Code of Practice July 2005 (updated August 2013) – Winter Service”</i>
<i>Doc2</i>	<i>Well managed Highway Infrastructure – A CODE OF PRACTICE</i>

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<b>Report To:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	<b>12 DECEMBER 2018</b>
<b>Executive Member/Reporting Officer:</b>	Councillor Bill Fairfoull – Deputy Executive Leader Tim Rainey – Assistant Director of Digital
<b>Subject:</b>	<b>ASHTON OLD BATHS PHASE 3 - ANNEXE AND NEW DATA CENTRE (FULL BUSINESS CASE)</b>
<b>Report Summary:</b>	This report presents the full business case for the Ashton Old Baths Phase 3 project, involving the redevelopment of the Annexe and a new Data Centre, and seeks approval of proposals to secure the delivery of the project.
<b>Recommendations:</b>	That Executive Cabinet: <ul style="list-style-type: none"><li>a) Recommend to Council to amend the Capital programme to increase the budget by £1,157k to £2,757k subject to the conclusion of procurement. Any revisions to the budget requirement will be subject to a further report to Executive Cabinet.</li><li>b) Subject to approval of the additional budget, approve the proposals for the Ashton Old Baths Phase 3 project, and give officers approval to proceed with the project and procurement as outlined within the report.</li><li>c) Approve a waiver of Procurement Standing Orders for the award of the contract for the Supply and Installation of a new Electricity Sub-Station to Electricity North West (ENWL), the Licenced Distribution Network Operator (LDNO) for the North West of England, for the sum of £85,699.88</li><li>d) Approve a waiver of Procurement Standing Orders for the award of the main contract through a two-stage design and construct procurement process.</li><li>e) Note that progress on the delivery of this project will be reported to the Strategic Planning and Capital Monitoring Panel on a quarterly basis.</li></ul>
<b>Links To Community Strategy:</b>	Prosperous Tameside
<b>Policy Implications:</b>	In line with approved policy
<b>Financial Implications: (Authorised By The Section 151 Officer)</b>	The Capital programme includes an earmarked amount of £1.600m for the redevelopment of Ashton Old Baths Annexe. On 13 December 2017, Executive Cabinet approved £0.840m towards the new Data Centre as part of the Tameside Digital Infrastructure capital scheme. The proposals in this report would require an additional funding of £1.157m. This total of £2.757m will need to be funded entirely by the Council, from reserves or capital receipts. Further details on the project cost, including previously approved funding for the Data Centre is set out in

section 8.2.

The majority of capital programme has been placed on pause due to concerns about the achievement of capital receipts from asset sales, and cost overruns on a number of projects. Executive Cabinet agreed that only schemes that have already started and those of a business critical nature could proceed. This scheme was considered business critical due to the requirement to relocate the data centre and ensure that a disaster recovery capability was established.

However, the scheme outlined is greater than the original budget and if it commences will require other identified schemes to be delayed or removed from the capital programme, or additional assets identified for sale.

Delays to the Data Centre would cause financial and operational implications for the Council. Paragraph 2.23 of the report provides further detail, including the additional costs that would be incurred as a result of extending the current hosting arrangements with Rochdale by another 12 months. Overall annual costs of £150k per annum will be avoided by developing the data centre in Ashton Old Baths. This will be a saving that can be used to contribute to the balancing of the Council's budget.

Paragraph 8.7 of the report provides a summary of the operating arrangements in place for Ashton Old Baths. The management of the building is undertaken by Oxford Innovation, with the Council being entitled to any profit after the management fee. The forecast total revenue income stream from this profit share over the first five years is £0.036m. Completion of the Annexe increases this forecast to £0.154m over five years, or around £0.038m per annum, which again can be offered as a saving to help with the balancing of the Council's budget.

Section 4 provides a summary of forecast economic benefits, based on the Oxford Economics Greater Manchester Forecasting model (2017), including an additional £0.05m of income from Business rates, although these figures have not been verified by finance.

The total revenue impact of the scheme through reduced costs (para 2.23), additional rental income (para 8.9) and additional business rates income (para 4.1) is around £0.234m per annum, which represents a payback period of 16 years on the gross proposed spend of £3.847m.

**Legal Implications:  
(Authorised By The Borough  
Solicitor)**

The Council will need to ensure that it has robust systems in place to ensure that the project is delivered within the budget.

It is advisable for the Council to continue to review the position with the current data centre and plan for a contingency in the event of having to vacate Oldham and the new data centre at Ashton Old Baths not yet being ready.

**Risk Management:**


The primary risks associated with scheme are set out in the report.

**Access To Information:**

The background papers relating to this report can be inspected by



contacting the report writer: Nawaz Khan, Economic Growth Lead

 Telephone: 0161 342 2723

 e-mail: [nawaz.khan@tameside.gov.uk](mailto:nawaz.khan@tameside.gov.uk)

## 1. EXECUTIVE SUMMARY

### **Proposed Investment**

- 1.1 The investment in Ashton Old Baths – Annexe and New Data Centre, is the final piece in a vitally important jigsaw that will complete the re-invigoration of one of Ashton's historically significant buildings and at the same time create the environment for new and existing businesses in the digital, media and creative sectors to flourish. In addition, the Data Centre, a key part of the town's 21st Century infrastructure, can be delivered, repatriating important Council data centre capability back within Tameside Borough.
- 1.2 The investment required will deliver the final tranche of funds, which concludes a wider investment strategy that has delivered the Ashton Old Baths Project, including £1m European Regional Development Fund (ERDF) and £2m from HLF Heritage Enterprise programme. As both the ERDF and HLF funding programmes seek to achieve economic growth and protect heritage through their investment and there has been no change to the intended use of the building we do not envisage any implications for the Council from the existing grant agreements. The Heritage Lottery Fund and the Ministry of Housing, Communities & Local Government have been notified of the plans for the last phase of the Ashton Old Baths redevelopment.
- 1.3 The Data Centre and Annexe are a combined project. The continuing structural integrity of the building can only be achieved through a comprehensive approach to refurbishment. The funding for the Data Centre project has previously been approved. The funding being requested in this Business Case will allow for the works to the building structure to be completed and the delivery of an additional 677 square metres of business space.
- 1.4 The business space will provide an environment that can accommodate up to 73 new jobs, which will be targeted at the media, digital and creative sectors. Phases 1 and 2 of the Ashton Old Baths Project has seen a similar scale of development of business space, which has been highly successful with a range of businesses currently employing more than 83 people (mostly local) occupying the office space.
- 1.5 The investment being requested will allow for the completion of a highly successful project that has brought back to life one of Ashton's iconic buildings. The impact of the financial intervention required will support the next phase of the rejuvenation of Ashton town centre, seamlessly marrying the old and new.

### **Options for Investment**

- 1.6 Reports to the Council's Executive Cabinet in December 2013 and August 2016 set out the option appraisal for investment for the redevelopment of the Ashton Old Baths building including the Annexe. A report presented to the Strategic Planning and Capital Monitoring Panel in December 2014 set out the funding envelope for the first two phases of the building and was the subject of a Key Decision in November 2014.
- 1.7 The above reports also included an initial high-level option appraisal for the future use of the Annexe as identified and approved the refurbishment and use of the Annexe for office accommodation and data/disaster recovery centre.

### **Project Delivery**

- 1.8 There is a need to establish governance, undertake procurement and contracting in order to deliver the final phase of Ashton Old Baths. The procurement procedures to be followed and the contractor once selected in accordance with procurement standing orders who will undertake the required construction work, will enable the Council to understand the steps required to initiate, monitor, deliver and evaluate the project in a controlled way. In terms of tendering, a two stage approach is favoured in order to engage with contractors sooner in the process. The two stage ITT (invitation to tender) process is expected to take 6 months. The timeline for project delivery from contract completion is 44 weeks with the Data Centre

element completed within the first 14 weeks of the contract. Further details on project delivery are set out in section five of the report.

### **Financial Investment Requirement**

- 1.9 £2,756,981 is required to be met from the capital programme which is a budget shortfall of £1,156,981 after taking account of the £1,600,000 already earmarked in the capital programme. The shortfall was originally intended to be funded through a loan from the Greater Manchester Investment Funds, however, the eligibility requirements for the funds means that this is no longer feasible. The Council will need to consider meeting the capital shortfall in order to complete the works at Ashton Old Baths Annexe and facilitate development of the new data centre. Detailed breakdown of costs is set out in section eight of the report.

### **Project Management and Monitoring**

- 1.10 A report to the Council's Executive Cabinet in August 2016 established the need to develop the AOB Phase 3 – the Annex and Data Centre. The project has been developed to RIBA Stage 3. Further Governance is now required to:
- a) Approve the proposals for the Ashton Old Baths Phase 3 project, and give officers approval to proceed with the project and procurement as outlined in this report.
  - b) Approve an indicative budget of £2,757k subject to the conclusion of procurement. Any revisions to the budget requirement will be subject to a further report to Executive Cabinet.
  - c) Approve a waiver of Procurement Standing Orders for the award of the contract for the Supply and Installation of a new Electricity Sub-Station to Electricity North West (ENWL), the Licenced Distribution Network Operator (LDNO) for the North West of England, for the sum of £85,699.88 (section 2, paragraph 2.38).
  - d) Approve a waiver of Procurement Standing Orders for award of the main contract through a two-stage design and construct procurement process (section 5, paragraph 5.6)
  - e) Give delegated authority to the Director of Growth, in consultation with the Director of Governance and Pensions, to enter into a contract subject to acceptable terms within the approved budget.
  - f) Note that any significant variation from the proposals and budget set out in this report is subject to a further report to Executive Cabinet.
  - g) Note that progress on the delivery of this project will be reported to the Strategic Planning and Capital Monitoring Panel on a quarterly basis.
- 1.11 The Council's Data Centre is currently temporarily hosted at Rochdale MBC and there are significant financial and operational impacts for the Council with continuing with this arrangement. The current agreement is open ended and will continue until determined by either party giving 3 months' notice to quit. Rochdale MBC have confirmed that they are happy for the current arrangements to remain in place – at least until 2019. Copy of the Heads of Terms agreement attached as Appendix B. Continuing with current arrangements for a substantial period would require significant investment to minimise the risks to the resilience of the Council's data infrastructure. It is therefore imperative to deliver the project as quickly as possible.
- 1.12 Through regular project meetings, progress will be monitored against key milestone within the programme of work. Project risks will be managed through the Council's established process that allows individual risks and overall risk to be managed proactively. As with the earlier phases of the AOB project, the final phase of the project will be managed and delivered by the Council's Investment and Development Service.

## **Conclusion**

- 1.13 The project for bringing Ashton Old Baths back into economic use has been supported by the Council from its inception and has been described as the jewel in the crown of our pioneering digital strategy. This final stage funding will facilitate the delivery of the concluding element of this highly successful scheme. The existing Innovation Centre opened in May 2017 and by October 2017 it was fully occupied. There are currently ten start-up businesses waiting for space to become available within the Centre. It has also established a significant presence within the digital and creative sectors in Greater Manchester and beyond. This is reinforced by features on the building appearing in the August edition of the North West Business Insider and Issue three of the Greater Manchester Chamber of Commerce Magazine and several newspaper articles.
- 1.14 It will specifically deliver a key piece of infrastructure by way of a new Data Centre plus a new business environment through provision of 677 square metres of office floor space that will continue the revitalisation of a strategically important part of Ashton town centre.

## **2. PROPOSED INVESTMENT**

### **Background and Existing Arrangements**

- 2.1 Ashton Old Baths (AOB) is an iconic Greater Manchester landmark that had been empty for over 40 years. Following intervention by the Council to regenerate the building, Phase 1 included the refurbishment and renovation works to convert the main pool hall of the Grade II listed building into an innovation Centre for the digital, creative and media sectors, Structural repairs to the Annexe were also completed as part of the main works. The Phase 1 works were completed in February 2016 on time and within the approved budget.
- 2.2 In August 2016, the Council's Executive Cabinet approved proposals for Phase 2, involving the final fit of the main pool hall and the appointment of an operator who essentially acts as the Council's managing agent. That report also noted progress on proposals to convert most of the Annexe into office space and the potential for locating a new data centre on the ground floor. The Phase 2 works were completed in March 2017 on time and within the approved budget.
- 2.3 The AOB Innovation Centre opened in May 2017 and has generated significant presence within the digital and creative media sectors in Greater Manchester. Features have appeared in the August 2018 edition of the North West Business Insider and Issue 3 of the Greater Manchester Chamber of Commerce magazine plus a number of newspaper articles. It has been fully occupied since October 2017, currently has ten potential tenants on the waiting list and is significantly exceeding income and performance targets (monitored monthly through the Council's contract management arrangements with Oxford Innovation).
- 2.4 Proposals for Phase 3, the final phase of the AOB refurbishment work focus on the Annexe section of the building. This report seeks approval for refurbishment and fit out works, which will incorporate a new Data Centre to provide hosting for the Council and other public-sector partners as well as opportunities for additional space to be let commercially.
- 2.5 Detailed proposals for the Data Centre to be located within the Annexe section of the Ashton Old Baths building were approved by the Council's Executive Cabinet in December 2017. This included a review of existing need of public sector partners, commercial viability and value for money. Funding is now required for refurbishment of the derelict Annexe section of the AOB building to enable the installation of the new Data Centre and creation of new office space. The Data Centre works cannot start on site until enabling works to the Annexe building have been completed including the installation of additional power provision through a new substation.

### **Justification for Proposal**

- 2.6 The Council has a responsibility to facilitate an environment that will create the optimum conditions to enhance the economic wellbeing of the borough. Digital technologies are becoming more and more vital to all forms of business and in all areas of life. Tameside is fortunate to be part of a city region where the digital sector is strong and growing but the GMCA Deep Dive Sectoral Report in 2016 identified that only 2.8% of Greater Manchester's employment within digital industries is in Tameside.
- 2.7 The ripple effect from the City Centre is having a positive impact on GM Authorities. Stockport has seen a strong growth in its office sector, serving the needs of those in the digital and creative sectors. Tameside is in a position to benefit if the 'convivial spaces' that attract those companies operating in the digital and creative sectors exist. By providing the environment and both strategic and practical support, Tameside can nurture and actively develop a thriving digital economy and achieve a significant increase in local employment in these sectors.
- 2.8 A report to the Executive Cabinet in December 2017 on Tameside Digital Infrastructure set out the Council aspiration to use digital technology to transform public services, offering new and superior services at lower cost. It also identifies the use of digital technology as a driver for economic growth, directly through the development of the digital sector and related businesses, and indirectly through the impact on productivity in the wider economy. Tameside has a strong technical, manufacturing and industrial heritage, and linking in with the Vision Tameside programme, it can develop its own special role as a centre for the industrial application of digital technology in areas such as software, digital networks and high-end engineering.
- 2.9 In 2013 an Executive Decision was taken which set out the process and costs associated with the temporary move of the Council's Computer Systems from TAC to Rochdale MBC Data Centre. The report detailed a 2-stage approach whereby Rochdale would be used as an interim facility whilst options were looked at to consider an affordable and sustainable future. The report acknowledged the requirement for the Council to have a Disaster Recovery facility where key "life and limb" systems could be quickly recovered in the event of a major disaster affecting the main Data Centre.
- 2.10 Following an evaluation of sites around Tameside, a development at Ashton Old Baths was identified as the most appropriate location for the new Data Centre facility. It has excellent connectivity being directly linked to the Tameside Digital Infrastructure. Floor plans and structural surveys indicate that the former ladies pool at the centre of the Annexe building would be large enough, and floors strong enough, for an appropriately sized Data Centre. However, it cannot be installed within a derelict redundant building. Therefore, feasibility work was undertaken to develop office space within the AOB Annex to complement the Data Centre. This has included evaluating demand for office space within the digital, creative and media sectors and positive soft market testing.
- 2.11 A new Data Centre would enhance the business offer for Ashton Old Baths by completing the refurbishment of the last remaining element of the building whilst also providing the Council and its public-sector partners with a commercial data centre operation. This is an opportunity to strategically plan and grow the digital creative media sectors on a borough wide scale. The completion of the AOB building with a new Data Centre would also provide the St Petersfield Business Quarter with a key anchor and confidence to investors and developers within the digital and creative sectors. It also improves the financial viability of the AOB development as a whole.
- 2.12 The proposed works to the Annexe at Ashton Old Baths represent Phase 3, the final phase of extensive efforts by the Council to bring a landmark building back into economic use. Since the main pool hall fit out in early 2017, it has received national and regional

recognition for its innovative design and contribution to the Council's economic growth ambitions within the digital and creative media sectors.

### **Existing Funding Arrangements**

- 2.13 A progress update presented to the Strategic Planning and Capital Monitoring Panel in December 2014 set out the grant funding secured for the redevelopment of the AOB Phases 1 and 2 including £1m European Regional Development Fund and £2m from HLF Heritage Enterprise programme towards total project costs. The Council's contribution was £343,000. It was always envisaged the Council would complete the final phase of the building – the Annexe.

### **Data Centre**

- 2.14 The Council's Executive Cabinet in December 2017 approved the business case for a further £1.725m capital investment in networking equipment, ducting and fibre optic cable, and £840,000 for a new Data Centre located within AOB Annexe to provide the services, speeds and connectivity the Council and its partners will require for the next 5 years.
- 2.15 The report provided details of a £2.2m grant from the Department of Culture, Media and Sport (DCMS) Local Full Fibre Programme that will help accelerate and expand the Tameside Digital Infrastructure programme with £250,000 of this to be used to create a Digital Exchange within a new Data Centre in the Annexe of AOB.
- 2.16 The Council currently pays around £70k a year to Rochdale MBC for hosting its systems. This agreement with Rochdale MBC will end in September 2018 but agreement has been reached for it to roll forward monthly. In addition, there are 2 high speed data links connecting the Tameside Network to the Rochdale Data Centre. The combined cost of these circuits is £35,330 per year (£16,290 for BT and £19,040 for Virgin).
- 2.17 Whilst the interim arrangement with Rochdale has worked relatively well for the last few years, the distance from Tameside has caused significant problems in terms of support and maintenance of the systems hosted there. However, in order to meet the critical timescales for the exiting arrangements with Rochdale MBC for hosting Tameside's Data Centre, it is imperative we have in place an operational data centre as soon as possible. Meeting these timescales will avoid further cost increase and significant risks to the resilience of the Council's data systems. There are therefore significant financial and operational impacts for the Council.

### **Data Centre Security and Resilience**

- 2.18 The new Data Centre has been designed to the Uptime Institute TIER 3 standard which is an industry standard defining Data Centre Security and resilience. Data Centres are typically designed to meet the requirements of a specific TIER. The higher the TIER level the higher the expected availability and security. Typically TIER 4 is used for military grade installations; TIER 3 is Government use and TIER 2 commercial data centres.
- 2.19 Whilst the Data Centre in AOB is physically located within a building that will be managed by a third party - Oxford Innovation – they will have no involvement with the day to day operation or maintenance of the facility or access to the actual Data Centre. The Data Centre itself will be a self-contained building built within what originally was the ladies swimming pool area within the annex.
- 2.20 Access to main AOB building will be via the main building access control, but access into the Data Centre will be via a separate access control process which not only restricts access to authorised personnel but also by way of an air-lock door restricts access to one person at a time so ensuring there is no tail-gating. In addition, each of the 36 racks in the facility will have its own locks, and each of bank of 4 racks is housed within a secure locked cage (2x10 Racks and 2x8 racks). One of these cages will house the Councils computer systems, another will host NHS systems, another will be for the Digital Cooperative

members and the final cage will be for commercial applications. The whole Data Centre facility as well as the entry door will be covered by CCTV which will be monitored and recorded by the main CCTV centre at Dukinfield Town Hall.

### **Data Centre Resilience**

- 2.21 The Council has never had a disaster recovery site for its ICT systems and as services rely more and more on ICT this present a significant risk to the organisation. The new Data Centre is designed to meet TIER 3 standards and so will be inherently resilient. There are no single point of failures, with duplicate generators and Uninterruptable Power Supplies (UPS's) to ensure that power is maintained at all times and N+2 air conditioning plant to ensure that cooling is maintained even if an equipment fails whilst other equipment are off-line due to maintenance. Fibre connectivity to the facility is also resilient entering the building at different locations and feeding into opposite directions around the resilient figure of 8 loop around the borough.
- 2.22 Despite this there still remains a small risk of the centre becoming unusable and so a second Disaster Recovery (DR) site based in the Data Centre at Tameside Hospital is being commissioned. All the key Council ICT systems will be duplicated in this facility and should a disaster strike the AOB centre services will automatically be able to continue accessing their ICT services though the DR Site.
- 2.23 The original plan was to continue using the Rochdale Data Centre as our Disaster Recover site once the new centre at Ashton Old Baths was completed. This would have meant continuing to pay Rochdale for the hosting of our systems and the costs of 2 x resilient high-speed circuits from Tameside to the Rochdale Data Centre. The table below shows what the costs would have been for this arrangement.

**Table 1: Costs for Using Rochdale Data Centre as Tameside DR Site.**

<b>Location</b>	<b>One Off</b>	<b>Annual</b>	<b>5 year Costs</b>
BT Link Rochdale to Tameside	£19,000	£38,000	£209,000
Virgin Link Rochdale to Tameside	£24,000	£42,000	£234,000
Rochdale DC hosting	£0	£70,000	£350,000
<b>Total costs</b>	<b>£43,000</b>	<b>£150,000</b>	<b>£793,000</b>

- 2.24 Instead of this we now have reciprocal arrangements with Tameside and Glossop Integrated Care NHS Foundation Trust & Tameside and Glossop CCG whereby we will provide them with rack space in our new Data Centre for their DR provision and in return they provide us with rack space in their Data Centre.

### **Costs and Risks of Data Centre Delay**

- 2.25 The Council is the midst of a major project which will see its entire Local and Wide Area Networks replaced. The existing managed service, which is provided by Updata comes to an end on 6 October 2018 at which point the connectivity for the Council (and shared NHS Sites) will be based on the Councils Dark Fibre Network supported and managed by the in-house team. This means that the existing resilient links from Tameside to Rochdale will also cease on 6 October. When approval for the Data Centre was given in December 2017, it was envisaged that the new facility would be operational in September 2018 and therefore on-going connectivity to Rochdale wouldn't be an issue.
- 2.26 Delays to the Data Centre project have meant that a new link to Rochdale has now been installed to maintain connectivity to our systems hosted there. This circuit costs £26k for a

12-month period and will provide the on-going connectivity to Rochdale until the new Data Centre is complete. Each month of delay to the Data Centre being complete and during which we continue to host systems in Rochdale costs £6k.

- 2.27 During this period it is also important to note that access to all the Councils ICT systems is reliant on this single BT fibre connection. Whilst fibre is reliable, should it become unavailable for any reason, access to all the Councils ICT systems will be lost. These links are not cheap to install and can have long lead times for delivery however if timescales for the Data Centre completion are expected to be prolonged a second resilient link could be installed to reduce the risk of system down-time. A second resilient link would cost a further £26k for 12 months.
- 2.28 The AOB Annex and Data Centre Phase 3 is the final phase of the AOB project. The case for the Data Centre has been made and approved. To achieve the full benefits envisaged when the Ashton Old Baths project was conceived, the delivery of the final phase (The Annexe) is essential. Therefore, extensive work has been undertaken to develop design specification and budget costs for the refurbishment, internal fit out and associated works for the Annexe section of the AOB building. It will establish the location as a key business incubator hub at a regional level wrapped around a new Data Centre which in turn protects the Council's significant investment thus far, the structural integrity and the condition of the building's complex infrastructure moving forward.
- 2.29 Consultation with Historic England and the Council's Planning Service has taken place to establish how the remaining heritage aspects of the building are to be restored and/or maintained including how the building could be optimised to support 21st century use. This established Listed Building Consent (LBC) requirements and commenced pre-application discussions. Planning application for the new Data Centre and LBC was approved at Planning Committee on 5 September 2018.

### **Proposals**

- 2.30 The proposed works to the Annexe at AOB represent the final phase of extensive efforts by the Council to bring back into economic use a landmark building. Since the main pool hall fit out in early 2017, it has received national and regional recognition for innovative design and economic growth ambition within the digital and creative media sectors.
- 2.31 The concept and design principles have already been established through the Design and Access Statement as part of the refurbishment and fit out of the main pool hall area of the AOB building (Phase 1 and 2). The Annexe is a natural extension of the work completed on the building to date. The proposals set out in this report highlight how the Annexe relates to the main pool hall and how the different elements of the development function as a whole. Oxford Innovation (who operate the building on behalf of the Council) have been engaged throughout the process thus far. Their comments on layout of the office space and fit out have been taken on board and reflect the final agreed layout which also includes some changes to main pool hall to enable the building to function as a whole.
- 2.32 The proposal includes provision for associated plant and services to be housed externally to the rear of the building on Fleet Street, within a separate compound. This street will be closed off to general traffic. A new single consolidated electricity supply will feed both the office areas as well as the new Data Centre. Planning application for construction of compound/service yard to enable highway closure has also been approved.
- 2.33 In total the Annexe will provide an additional 677 sqm (7,287 sq ft) new office space to the existing 765 sqm within the main pool hall area. Details of the updated design proposals are shown in Appendix 1. Each floor has the following key elements:

**Ground Floor:** Approximate gross internal floor area of 289m<sup>2</sup>, consolidates the main entrance to the building which incorporates a new reception



office, an integrated coffee bar area supporting the Innovation centre, co-working space (relocated from Phase 1) and the new Data Centre within the former ladies pool area (with new glazed screens to its perimeter, increased visual openings and lighting).

**First Floor:** Approximate gross internal floor area of 388m<sup>2</sup> made up of 3 new offices, co-working space (relocated from Phase 1) and meeting rooms.

**Main Pool Hall:** The relocation of co-working space (as above) allows for new office space and flexible meetings rooms to be created on the ground floor level through new partitions and modification of external glazed screens to increase the financial viability of the innovation centre. The proposals also consolidate works inside the existing pods and to upgrade heating to communal areas.

**External:** The external works involve repairs to existing elevations, external lighting and signage and has secured planning approval.

### **New Substation**

2.34 The need to provide a new substation and supply to Ashton Old Baths is a key part of the works to provide a new Data Centre. Whilst a portion of the works could be undertaken by an Independent Distributed Network Operator (IDNO) including construction of the compound, the non-contestable works such as the final connection and commissioning would have to be carried out by ENWL. Using ENWL to undertake all the substation and supply installation works makes coordination easier and also avoids potential future confusion over responsibilities for maintenance etc. reducing risk to the council.

2.35 The Council doesn't have any existing contracts with an IDNO that could be used for the contested elements of work. ENWL have been actively involved in early discussions around the proposed supply and are fully acquainted with requirements of the scheme and they are considered to be the best available provider for what is an essential facility for the efficient functioning of the Council.

2.36 It is proposed that the new electricity sub-station is provided by Electricity North West (ENWL) as the Licenced Distribution Network Operator (LDNO) for the North West of England.

## **3. OPTIONS FOR INVESTMENT**

3.1 Innovation (Incubation) Centres such as the Ashton Old Baths, offering office space and advice to new start-up to digital, creative and media sector businesses, can provide valuable services and support innovation by encouraging business growth in the town centre and help attract business that would have located elsewhere. The creation of a Business Incubator Centre will assist new businesses in the town centre by providing an environment that supports them through their first three years, offering office space, advice and training. The proximity of students and graduates with new businesses is designed to enable and foster greater links between them.

3.2 The Ashton Old Baths project has facilitated the creation of more than 83 jobs in its first year of operation. It also supports measures to ensure private sector investment in the town centre.

3.3 Reports to the Council's Executive Cabinet in December 2013 and August 2016 set out the option appraisal for investment for the redevelopment of the AOB building including the Annexe. A report presented to the Strategic Planning and Capital Monitoring Panel in

December 2014 set out the funding envelope for the first two phases of the building and was the subject of a Key Decision in November 2014.

- 3.4 Executive Cabinet approval was obtained in August 2016 based on the Council's and its public-sector partners need for a Data Centre including commercial operations and disaster recovery capability for the Council's business-critical ICT systems. The new data centre will be located within the former ground floor ladies pool area with conversion of the remaining parts of the Annexe into office space to let.
- 3.5 This is an intervention by the Council to deliver a project for which there is both need and demand. The benefits to the Borough have been assessed from a wider perspective than return/profit. Creating the environment that will help deliver circa 73 jobs, with the associated Gross Value Added (GVA) outputs and Business Rates income as the key 'measures' for TMBC. The delivery of an essential piece of infrastructure can only be truly quantified through a risk assessment. The Data Centre is critical to the future economic wellbeing of Tameside.

#### 4. ECONOMIC BENEFITS

- 4.1 The economic impacts associated with this scheme have been calculated in accordance with best practice guidance. Table 2 shows the operational economic outputs from the Ashton Old Baths project:

**Table 2: Operational Economic Outputs**

	Area (m <sup>2</sup> )	Estimated Jobs Created	Estimated GVA Per Annum	Business Rates Per Annum
New Office Space	677	73	£4,044,200	£45,922
Existing Office Space	765	83	£4,598,200	£51,891
Total	1442	156	£8,642,400	£97,813

- 4.2 GVA is a productivity measure. Measuring productivity helps define both the scope for raising living standards and the competitiveness of an economy. The new 677 sq m office floor space is estimated to create 73 direct permanent digital sector jobs (9.29 sq m/employee of Gross Internal Area). The employee value for the digital sector in Tameside per annum is based on Oxford Economics Greater Manchester Forecasting model (2017) figures for Tameside. The value per employee per annum is therefore assumed at £55,400. This figure was then multiplied by the estimated direct new jobs created which produced estimated GVA per annum for the new office space of £4,044,200.
- 4.3 The new office floor space will also generate extra business rates of circa £45,922 per annum from the AOB project. This figure is based on actuals from 2017/18 from Oxford Innovation who manage the Ashton Old Baths Phase 1.

#### 5. PROJECT DELIVERY

##### Procurement Mechanism

- 5.1 A report to the Council's Executive Cabinet in August 2016 established the need to develop the AOB Phase 3 – the Annex and Data Centre. The project has been developed to RIBA Stage 3 under delegated authority of the Executive Director – Place.

- 5.2 Given the anticipated value of the main contract, the project will be subject to the full requirements of the Public Contracts Regulations 2015 as a works contract. Procurement subject to the application of the Public Works Contract Regulations requires application of specific processes to support the appointment of suppliers. Compliance with the regulations can be achieved by carrying out a contractor selection through either a Tendering Portal (for example, The Chest) or Contractor Framework (for example North West Construction Hub).
- 5.3 Consideration has been given to traditional, design & build and negotiated contract procurement approach. Technical advice has therefore been sought from cost surveyors and STAR Procurement on the most appropriate procurement approach to deliver the project within the delivery timescales and associated project budget, maintaining the high quality aspirations relating to a Grade 2 Star listed building and control of risk. An analysis of the OJEU procurement process for Phase 1 and 2 was also carried out. The Phase 1 works were procured by Place First under the terms of Funding and Sale Agreements with the Council and the contract was novated to the Council at practical completion. The Phase 2 fit out works were procured through the LEP.
- 5.4 Given the status of the building and the requirements of the approvals process (in particular Listed Building Consents) a traditional procurement route would be favoured. Given that the first phase main contract and the fit out were both successfully delivered by the same contractor on time and within budget,. In the current market and for the size of the project, the technical advice from the cost surveyors is that it is entirely appropriate to consider the use of a two-stage contract tender approach to the procurement of the main contract This will ensure:
- Full control over design and quality
  - Reasonable cost certainty prior to placing a contract
  - Programme certainty
  - Potentially lower contract price
- 5.5 Advice from STAR Procurement (the Council's procurement partner) has indicated that due to the time constraints, risks and the need to appoint a contractor with a view to enter into further negotiations on cost and design, then a two-stage design and construct procurement would best allow flexibility upon the selection of the contractor and speed up delivery without a lengthy open tender period. Given that the project is currently at RIBA Design Stage 3, this would provide the opportunity for the contractor and architectural practice to further collaboratively develop the design, programme and cost, once a contractor has been appointed based upon such factors as:
- Some already defined works packages
  - Outline design and programme of works
  - Preliminaries
  - Target cost/agreed maximum price
- 5.6 The value of the contract is below the current OJEU threshold for works contracts (£4.55m) and hence is subject to the Council's Procurement Standing Orders (PSO). It currently states within the PSO that procurement of contracts £60,000 or over but below the procurement rules threshold, must use the open procedure except where permission has been obtained in advance. However, to mitigate some of the risks regarding timescales for an open tender, but to still satisfy that sufficient competition is carried out, it is proposed that a waiver is sought to PSO with a suggestion to carry out the following:

- Design Team appointed to carry out design and produce tender and working drawings and specifications.
- Invite a sufficient number of contractors with known demonstrable experience (minimum of 5 in this instance if possible).
- Develop a two-stage ITT (invitation to tender) procurement process as identified above with a view to notifying the selected contractors of the requirements, timescales and current design stage to identify capacity for the works prior to issuing the tender.
- Issue the tender documents with a proposed 4-week tender period.
- Receipt of tenders with an evaluation period of a week based on the above criteria at 5.5 along with qualitative and social value criteria.
- Once a preferred contractor is selected, enter into a defined period (4 weeks) of design/negotiation on cost and programme based on a Pre-Construction Services Agreement.
- Final agreement on design and cost programme with a site commencement date.

5.7 The main contractor will need to have fundamental knowledge of the existing building and site's important grade II\* Listed building status, heritage constraints and key understanding of the building's historical integrity, service capabilities and location of services so that an efficient design and then implementation into the build on site, can be a smooth process. The two stage ITT (invitation to tender) process is expected to take 6 months. This will involve a two stage tender approach and a defined period (4 weeks) of design/negotiation with a preferred contractor as set out in 5.6 above. Once the contract is let, the project delivery timescales have been refined to enable the Data Centre enabling works (4 weeks) to be completed first with a further 14 weeks to fit out and operational. The total works programme period is envisaged to last 44 weeks in total.

5.8 It is therefore proposed to delegate authority to the Director of Growth, in consultation with the Director of Governance and Pensions, to enter into contract subject to acceptable terms within the approved funding.

## **6. RISKS**

6.1 A detailed risk register is maintained and reviewed on a monthly basis to ensure appropriate mitigating actions are in place. A summary of the main residual risks can be found in Table 3.

**Table 3: Summary of Main Residual Risks**

<b>Risk</b>	<b>Potential Impact</b>	<b>Mitigation</b>
Failure to develop an appropriate business case	Failure to obtain approval for the scheme to be developed beyond RIBA stage 3	<ul style="list-style-type: none"> <li>Experienced specialist cost consultants engaged to provide cost information to inform a robust business plan.</li> </ul>
Inappropriate redevelopment of a Grade II listed building	Failure to redevelop the building sympathetically and compliant with listed building consents.	<ul style="list-style-type: none"> <li>Early and on-going engagement with Historic England and TMBC Planning team</li> <li>Listed Building application submitted in a timely manner.</li> </ul>
Delays with Electricity North West to the delivery of substation	Failure to deliver an operational data centre within time constraints.	<ul style="list-style-type: none"> <li>Assurance given by ENW to deliver a new substation within 12 weeks of placing order.</li> <li>Planning application for substation approved.</li> <li>Road closure application for works compound submitted</li> </ul>
Insufficient funding available to complete all aspects of the project	Elements of project not completed or fully funded	<ul style="list-style-type: none"> <li>The project is subject to close monitoring to ensure that overall costs are contained within an overall approved budget.</li> <li>Fit out costs will be included within the budget.</li> <li>Appropriate contingency budget established as part of the Stage 3 / 4 costs.</li> </ul>
Delays to data centre delivery	Failure to provide alternative arrangement leading to service disruption	<ul style="list-style-type: none"> <li>Detailed specification and costing developed</li> <li>Appointed technical support to develop robust operational work package to maximise chance of success.</li> <li>Data centre project developed within a phased main contract approach following specialist advice.</li> </ul>

## 7. PROGRAMME

7.1 The indicative programme for the Annexe and Data Centre at Ashton Old Baths project (subject to tenders and contracts) is summarised in Table 4.

**Table 4: Indicative Programme**

Key Milestone (RIBA Work Stages)	Target Completion Date
Strategic definition, preparation and brief, concept design (Stages 0-2)	Oct 2017 - Jan 2018 (completed)
Secure Planning and Listed Building consents	Sep 2018 (completed)
Council approval to proceed	Dec 2018
Developed design (Stage 3)	Oct 2018 (completed)
Tendering and Contract	Jan – June 2019
Technical design (-4)	Feb – June 2019
Data Centre works period (Stage 5)	July - Nov 2019
Main works period – Annexe (Stage 5)	July 2019 – April 2020
In use (Stages 6-7)	May Oct 2020

7.2

In order to minimise the risk and reduce delays within the works period, it should be noted that the above programme is developed on the basis that the Annexe refurbishment and fit out and the enabling works for the development of the Data Centre is let as a single contract of works.

## 8. FINANCIAL INVESTMENT REQUIREMENT

### Summary of forecast financial investment

- 8.1 The Strategic Planning and Capital Monitoring Panel in October 2017 recommended a provisional allocation of £1,600,000 for the development of the Ashton Old Baths Annexe.
- 8.2 A revised cost plan to RIBA Stage 2 has now been developed by specialist cost consultants based on the required design specification and actual costs for the first two phases (adjusted for prevailing market rates) and is shown in Table 5.

**Table 5: Ashton Old Baths Phase 3 – Cost Plan**

Works Element	Estimated Cost (£)
Work to Annexe building to create offices	1,321,203
Enabling Works for Data Centre	235,017
New Substation for Data Centre	85,700
Work to existing elevations, external lighting and signage	251,275
Work inside existing pods	249,275
Upgrade existing heating to communal areas	119,025
Furniture and equipment (fit out costs)	50,000
Fees Including Fee Contingency	346,724
Client Contingency @10%	348,762
<b>Total Estimated Project Cost</b>	<b>3,006,981</b>
<b>Funded by:</b>	
Council Capital Resources	2,756,981
Contribution from DCMS Funding	250,000

<b>Works Element</b>	<b>Estimated Cost (£)</b>
<b>Total Funding</b>	<b>3,006,981</b>
Data Centre Fit Out (Approved by Exec Cabinet December 2017)	840,000
<b>Gross capital cost of the scheme</b>	<b>3,846,981</b>

- 8.3 The project costs include a Client Contingency allowance of 10% (£349k) which reflects the risks associated with work to a listed building as advised by specialist cost consultants (Appleyard and Trew Cost Surveyors). Any unspent contingency/ inflationary increase will be returned to the capital programme post completion. The cost plan above sets out the total project costs. The cost of taking the project through the two stage procurement process (£14,700) and fees for RIBA Stage 4 - Developed Technical Design (£87,000) are included within the fees element of the cost plan set out in 8.2 above. There are no other capital costs associated with the delivery of the AOB Phase 3 - Annex and Data Centre
- 8.4 The Council's Executive Cabinet in December 2017 approved £840,000 capital investment for the construction of a new purpose-built Data Centre within AOB Annexe. These costs have therefore been omitted from the projects costs above. The above costs however do include the new Data Centre related enabling works (£235,017) and a new substation (£85,700) for the project to go ahead as planned. The fees for RIBA stages 3 and 4 (developing technical and developed detailed design) have been included in the costs above.
- 8.5 The £2,756,981 required to be met from the capital programme leaves a budget shortfall of £1,156,981 after taking account of the £1,600,000 already earmarked in the capital programme. The shortfall was originally intended to be funded through a loan from the Greater Manchester Investment Funds however, the eligibility requirements for the funds means that this is no longer feasible. The Council will need to consider meeting the capital shortfall in order to complete the works at Ashton Old Baths Annexe and the development of the new data centre.
- 8.6 Furniture and equipment (fit out costs) for the office element of the project have been provided by Oxford Innovation. Advice has been sought from the Council's finance team on VAT. It is anticipated that any VAT incurred on the project will be fully recoverable.
- Operational Business Plan for the Annexe**
- 8.7 A five-year agreement starting in May 2017 is in place with Oxford Innovation for the management of AOB following an OJEU procurement process. The OJEU procurement included the option to include the Annexe within the contract. It was therefore prudent to work with Oxford Innovation to prepare and further develop a financial model that covers the whole of the Ashton Old Baths over a ten-year period. The last five years are illustrative only. This would eventually feed into the annual update of the business plan with Oxford Innovation and subject to final approval by the Council.
- 8.8 The financial model will be refined with actual data year on year to give a more accurate performance outputs. It does however take into account actual figures for Phase 1 for the period May 2017 to March 2018. It has been developed to ensure that income generating opportunities are realised and on-going operational costs are kept to a minimum. However, it is inevitable the maintenance costs of the building will rise due to lifecycle costs.
- 8.9 A summary of the cumulative operating profit / (loss) position as developed through a 5-year business plan with Oxford Innovation for Ashton Old Baths is shown in the Table 6 below:

**Table 6: Business Plan Summary**

	<b>Business Plan Summary (£)</b>		
	<b>Existing</b>	<b>Annexe (New)</b>	<b>Combined</b>
Year 1	7,106 (actual)	(7,458)	(352)
Year 2	9,041	28,363	37,404
Year 3	9,284	29,214	38,498
Year 4	5,385	34,388	39,773
Year 5	5,132	32,884	38,016
<b>Cumulative P/(L)</b>	<b>35,948</b>	<b>117,391</b>	<b>153,339</b>

- 8.10 In the management agreement, the operator is entitled to receive a management fee, which is based on the floor area of the centre and 4.5% of turnover. The management fee payable has already been accounted for as a cost in the Business Plan and is not an additional cost to the Council.
- 8.11 The management agreement with the operator includes details of the arrangement for contract management to ensure that the Council is able to monitor the operator's performance effectively. Central to this are the business plan and key performance indicators.
- 8.12 The operator is required to provide monthly reports to the Council on its performance against the agreed business plan and key performance indicators. Monthly meetings are also arranged with the Council's representatives to discuss the report and agree plans that may be required to address any issues.

## **9. PROJECT MANAGEMENT AND MONITORING**

### **Project Management, governance and reporting arrangements**

- 9.1 The project has been developed to RIBA Stage 3a under delegated authority of Executive Director – Place. Further Governance is now required to:
- establish the required budget in the Capital Programme
  - approve the latest designs
  - approve the procurement arrangements
- 9.2 There are significant financial and operational impacts for the Council with continuing to host its Data Centre at Rochdale MBC. It is therefore imperative to deliver the project as quickly as possible.

### **Stakeholder Consultation**

- 9.3 Consultation with Historic England and the Council's Planning Service has taken place to establish how the remaining heritage aspects of the building are to be restored and/or maintained including how the building could be optimised to support 21st century use. This established Listed Building Consent (LBC) requirements and commenced pre-application



discussions. A planning application for the new Data Centre and LBC has been approved at Planning Committee on 5 September 2018.

- 9.4 The Annexe forms the final phase of work to bring back into economic use the AOB building to operate as an innovation centre. It is managed by Oxford Innovation. Regular monthly management and monitoring progress meetings are held.

**Project Monitoring and Contract Management**

- 9.5 The project will be delivered by an external contractor. An outline programme of works has been developed with specialist consultants. A forty-four (44) week construction programme is envisaged including fourteen (14) weeks for the data centre enabling works and fit out. Through regular project meetings, progress will be monitored against key milestone within the programme of work. Project risks will be managed through the Council's established process that allows individual risks and overall risk to be managed proactively.

- 9.6 As with the earlier phase of the AOB project, the final phase of the project will be managed and delivered by the Council's Investment and Development Service.

**10. RECOMMENDATIONS**

- 10.1 As set out on the front of the report.




Internal CGI





<b>Report to :</b>	<b>EXECUTIVE CABINET</b>
<b>Date :</b>	12 December 2018
<b>Executive Member/Reporting Officers:</b>	Councillor Bill Fairfoull – Deputy Executive Leader Ian Saxon – Director Operations and Neighbourhoods
<b>Subject :</b>	<b>VISION TAMESIDE UPDATE REPORT</b>
<b>Report Summary :</b>	The report seeks to provide an update to Cabinet on current information in relation to the service and staff relocation project
<b>Recommendations :</b>	It is recommended that Executive Cabinet endorse the proposals set out in the report.
<b>Links to Corporate Priorities :</b>	The effective communication of the benefits of the Vision Tameside project will support an understanding of the links to the delivery of the Corporate Plan.
<b>Policy Implications :</b>	No direct policy implications.
<b>Financial Implications : (Authorised by the Section 151 Officer)</b>	<p>All costs associated with the communications plan and relocation of staff as part of the Vision Tameside project need to be contained within the overall budget envelope.</p> <p>Any costs associated with the Ashton Town Hall project will be met from the capital budget specifically set aside for the Town Hall.</p> <p>The ongoing future running costs of the operational estate are being reviewed, taking into account that the original intention was to vacate Margaret Street and the Ashton Central library building. This will no longer be taking place and therefore running costs will need to be incorporated into the budget going forward. The running costs of the Tameside One building have been estimated based on the design standards, and the likely rateable value. This will not be known until the building is fully operational.</p> <p>Consideration of rental income in the short term will also need to be given due to provisions in lease agreements for rent free periods.</p>
<b>Legal Implications : (Authorised by the Borough Solicitor)</b>	It is important that there is clarity about the operational estate as there is no published recant plan or estates strategy. It is important that both the transitional costs of recant together with the ongoing revenue costs are understood and budgeted for.
<b>Risk Management :</b>	A failure to effectively communicate plans for and the rationale around the Vision Tameside project could lead to damage to the organisation's reputation.
<b>Access to Information :</b>	The background papers relating to this report can be inspected by contacting the report writer Alison Lloyd Walsh:

 Telephone: 0161 342 4417

 e-mail: [alison.lloydwalsh@tameside.gov.uk](mailto:alison.lloydwalsh@tameside.gov.uk)

## **1.0 PURPOSE OF REPORT**

- 1.1 This report provides an update on the main communication activity and the staff and service relocation plans associated with the Vision Tameside project.

## **2.0 COMMUNICATIONS ACTIVITY**

- 2.1 A video for sharing on the Council and College social media channels as well as the Vision Tameside website has been produced. This showcases the significant achievements which have been delivered to date as part of the Vision Tameside programme and some of the key developments still to come.

- 2.2 The following key messages underpin all of the Vision Tameside communication activity.

Key messages:

- Tameside One comprises of a new 7,000 m<sup>2</sup> Advanced Skills Centre for Tameside College, a new Joint Public Service Centre for Tameside Council and its partners and retail space for Wilko's
- Vision Tameside is about investing in the young people of Tameside, investing in the whole Borough, reducing the Council's running costs and working with partners, such as health services, to bring public sector services into one central point to make the lives of residents easier.
- The new development will bring thousands of new staff and students to the town centre, boosting the retail economy, growth and regeneration.
- Will bring £300million of economic growth to the area through the creation of jobs, increased apprenticeships and increased footfall to shops and retailers.
- The new facility will provide residents with more cost effective and customer friendly facilities under one roof - expected to save a significant amount of money every year with a smaller building incorporating the latest energy-saving technology and shared with partners.
- The college development will provide state-of-the-art educational facilities for students who will be able to study a broad range of vocational skills in the borough.
- Two state-of-the-art college facilities have already been built providing students with the best studying opportunities on their doorstep (Clarendon Sixth Form College & Advanced Technologies Centre).
- The culmination of Vision Tameside will provide a huge boost to Ashton and the wider Tameside economy, creating new job opportunities and improving the learning and skills facilities for our young people.
- Vision Tameside improves the future prospects, opportunities and aspirations of our young people across the borough.
- Vision Tameside has allowed us to invest in all our Town Centres and provides crucial infrastructure in the Borough's principle economic hub.
- Vision Tameside has enabled us to invest and secure the future of our prestigious buildings across Tameside (pictures of our prestigious buildings)

- Council staff will be permanently located in our prestigious buildings across the borough, a catalyst for strong and robust town centres across Tameside.
- Vision Tameside – along with the modern and vibrant redevelopment of the market ground – will improve the appearance of Ashton Town Centre, enhance shopping and visitor experience and hugely increase footfall and business opportunities.
- For more information on the Vision Tameside project please go to <http://www.visiontameside.com/>

### **3.0 STAFF AND SERVICE RELOCATION PROJECT – UPDATE**

- 3.1 The main physical moves of staff into their new locations will begin in week commencing 3 December 2018 and all staff will be settled into their new locations by the end of May 2019.
- 3.2 The buildings affected and included in the recant moves are:
- Tameside One
  - Dukinfield Town Hall
  - Hyde Town Hall
  - Ryecroft Hall
  - Hattersley Hub
  - Ashton Central Library
  - Ashton Market Hall
  - Two Trees
  - Shirley House
  - Denton Festival Hall
  - Margaret Street
  - Clarence Arcade (main building)
- 3.3 Previous reports had indicated the use of the Concord building in Droylsden and Heginbottom Mill in Ashton as being included in the recant process. After further investigation and cost benefit analysis these buildings have been removed from the programme as they are not deemed suitable and/or value for money accommodation for staff at this time. The capital funding required for the Concord was deleted at the Executive Cabinet on the 25 July 2018. The future use of these buildings will form part of the Council Estate Strategy.
- 3.4 The physical moves have been timetabled taking into account a number of different factors with the main dependency being the completion and ready for occupancy of the Tameside One building. The majority of the moves are dependent on the availability of this building but we have also taken into account other issues such as scheduled service delivery pressures. We have also been cognisant of the potential risks of the plan and have made every effort to mitigate these risks by taking a measured approach over a phased period of time.
- 3.5 In particular relation to the Tameside One building it has been previously agreed that the moves will be phased to ensure that the that essential customer facing services (both TMBC and partners) are moved first into the new building, giving time to ensure operational effectiveness and ensuring continuity of services to our communities. This will be followed by moves into the rest of the building based on a building by building approach e.g. all staff from Dukinfield Town Hall will move in the same phase of move.
- 3.6 Once the moves into Tameside One are complete we can then start to move staff into vacated space in other buildings.

#### **4. ASHTON CENTRAL LIBRARY**

- 4.1 The building in Ashton under Lyne which is currently home to both Ashton Central Library and Central Art Gallery will close its doors to the public in January 2019. Following a break of a month to move books, and other equipment Ashton Central Library will then re-open in February 2019 in the new Tameside One building and be known as Ashton Library.
- 4.2 Astley Cheetham Art Gallery in Stalybridge is currently open the first and third Saturdays in the month. To ensure the borough retains access to high quality art provision and exhibitions, the opening hours of the gallery will be increased to 17 hours per week. The increased opening hours will follow a redevelopment of the gallery, which will require the gallery to be closed to the public for a period of time, but once re-opened will see an enhanced visitor experience and more artworks on show. The enhancements will include new flooring, a new lighting track, better seating, investing in panelock moveable display walls and repainting the gallery.
- 4.3 In the longer term, (and subject to capital funding) it is our hope and ambition to have a space for arts and exhibitions again in Ashton under Lyne in the future. The plans drawn up for the redevelopment of the Museum of the Manchester Regiment on the ground floor of Ashton Town Hall includes two spaces for art to be displayed. One space will display the Harry Rutherford collection and the other will be a changing exhibition space for local and regional artists to exhibit work. This space will sit directly next to the Tameside One building and within easy reach of the railway station and the market, opening up the gallery to a potentially much bigger audience. It will also enable schools and groups to visit the museum, the gallery and the library in one visit and so increase the cultural offer that Tameside is able to provide.
- 4.4 Once the Library move has been fully completed and the building is unoccupied work will begin to transform the space into office accommodation for 150 staff. The refurbishment plans have necessarily taken into account the listed status of the building and the external and internal fabric of the building will remain virtually unaltered apart from the removal of library desks and equipment and the addition of office furniture. Statutory requirements in relation to change of use and planning regulations including listed building compliance are in process.
- 4.5 We are mindful of the fact that empty buildings can be a source of many difficult issues for the Council so a rapid refurbishment plan has been developed in order to minimise the time that the building will be unoccupied before being brought back into full use as a valuable part of the Councils operational estate.

#### **5.0 RECOMMENDATIONS**

- 5.1 As set out on the front of the report.



<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/Reporting Officer:</b>	Councillor Allison Gwynne - Executive Member (Neighbourhood Services) Emma Varnam – Assistant Director, Operations and Neighbourhoods
<b>Subject:</b>	<b>MEDICAL REFEREE FEE</b>
<b>Report Summary:</b>	<p>The report provides information on the statutory requirement for the Cremation Authority to have Medical Referee and the justification for raising the fee above the 2.5% annual increase in fees and charges.</p> <p>The Key objective is to ensure the Councils meets its legal obligations with regard to providing a cremation service.</p>
<b>Recommendations:</b>	That the fees outlined in this report are approved by Executive Cabinet to increase from £18 to £19 per form backdated from 1 April 2018
<b>Corporate Plan:</b>	Ageing Well
<b>Policy Implications:</b>	There is a statutory requirement for the Council to comply with the legislation and to have a Medical Referee in place for Cremations.
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	<p>Within the Budget Report recommendations of February 2018 it was specifically approved that ;</p> <p><i>'An uplift to all fees and charges of 2.5% except where costs are not being recovered or market conditions indicate a different rate is more appropriate'</i> be applied.</p> <p>The proposed increase in medical examiners fees is greater than 2.5% however as all costs are recovered, it is still a competitive rate within Greater Manchester and there are no financial implications, it is considered an appropriate increase.</p>
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	<p>Medical referees at crematoria are paid by local authorities to scrutinise cremation certificates. If not satisfied, medical referees are required to contact the doctors completing certificates 4 and 5 and, if necessary, order an autopsy examination. They also have a duty, where appropriate, to refer a case to the coroner.</p> <p>Medical referee fees for Forms 12 and 13 are no longer negotiated on a national level by the BMA. Each individual local authority will set fees for the completion of these forms.</p> <p>The system for scrutiny over all deaths (both cremation and burial) is currently being reviewed by the Department of Health with the proposal to implement a Medical Examiner led system. Medical Examiners (appointed by local authorities) will replace the current roles of the medical referee and the two doctors completing the cremation forms.</p> <p>Increasing the fee paid to the Medical Referee has no financial implication with regards to Bereavement Service revenue costs as any fees charged are recovered by income received. This fee</p>

forms part of the overall cremation fee and is paid by the family as part of the disbursement funeral costs. However, as the Council is a public body it has a duty of care to ensure that any fees are reasonable and proportionate to the function being paid for by the public.

**Risk Management:**

No financial risk. The risks of not increasing the fees are that the Medical Referee could decide not to continue with providing this service as they are not under any jurisdiction to do so. They may move to another Local Authority where some are currently paying significantly higher fees.

**Background Information:**

The background papers relating to this report can be inspected by contacting Michael Gurney



Telephone: 0161 342 4461



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## **1. INTRODUCTION**

- 1.1 Under the Cremation Regulations 1930, Regulation 10, every Cremation Authority shall have a Medical Referee and a Deputy Medical Referee, who must be registered medical practitioners of not less than five years' standing and must possess such experience and qualifications as will fit them for the discharge of the duties required of them by these Regulations.
- 1.2 The Medical Referee or Deputy Medical Referee, if otherwise qualified, may be a person holding the office of Coroner or Medical Officer of Health. The Deputy Medical Referee shall act in the absence of the Medical Referee and in any case in which the Medical Referee has been the medical attendant of the deceased.
- 1.3 The Secretary of State shall appoint as Medical Referee and Deputy Medical Referee such fit persons as may be nominated by the Cremation Authority.
- 1.4 Any Medical Referee or Deputy Medical Referee appointed by the Secretary of State may, in the case of emergency, act as the Medical Referee or Deputy Medical Referee of a Cremation Authority other than that for which he has been appointed.

## **2. QUALIFICATIONS OF MEDICAL REFEREE AND DEPUTY MEDICAL REFEREE**

- 2.1 To be eligible for appointment as a Medical Referee or a Deputy Medical Referee, a person must be a registered medical practitioner of at least five years' standing
- 2.2 The Secretary of State must appoint as Medical Referee and Deputy Medical Referee such persons as may be nominated by the cremation authority who have the character, experience and qualifications to discharge the duties required by these Regulations.

## **3. FUNCTIONS OF A MEDICAL REFEREE**

- 3.1 The functions as Medical referee are set out in regulations 23 to 28 of the Cremation Regulations, and can be summarised as follows:
  - Not to allow a cremation unless satisfied that the death has been properly registered, or is not required to be registered, or that a coroner has issued a certificate as set out in form Cremation 6;
  - To be satisfied that the application and certificates are as required by the Regulations;
  - To be satisfied that adequate inquiries have been made by the medical practitioners completing the certificates;
  - To be satisfied either that the application has been made by an executor or a near relative of the deceased, or that there is sufficient explanation why the application has not been made by an executor or near relative;
  - Not to allow the cremation unless satisfied that the fact and cause of death have been definitely ascertained, or if not so ascertained that the coroner has investigated the death and has released the body;
  - To request a pathologist to carry out a post-mortem examination if the cause of death has not been definitely ascertained or, in particular, the cause of death given on either form Cremation 4 or Cremation 5 suggests that it might be due to poison, violence, an illegal operation, privation or neglect;
  - Not to allow the cremation if such a post-mortem examination fails to reveal the cause of death, unless an investigation has been opened and a coroner has issued form Cremation 6;

- Not to allow the cremation if there are other suspicious circumstances connected to the death of the deceased, whether revealed in the medical certificates or otherwise, unless an investigation has been opened and a coroner has completed form Cremation 6

#### **4. MEDICAL REFEREE FEES**

- 4.1 Medical Referee fees are no longer negotiated on a national level by the BMA. Each individual local authority will set fees for the completion of these forms.
- 4.2 The current fee payable to the Medical Referee at Dukinfield is £18 per cremation form.
- 4.3 Increasing the fee paid to the Medical Referee has no financial implication with regards to Bereavement Service revenue costs as any fees charged are recovered by income received. This fee forms part of the overall cremation fee and is paid by the family as part of the disbursement funeral costs.
- 4.4 The Medical Referee has requested an increase of £1 per form, which would result in the payment of £19 per cremation form.
- 4.5 An increase to £19 per form will align Tameside Council's fees more with what others are currently paying.
- 4.6 Set out below are the fees currently being paid to Medical referees Across Greater Manchester Crematoria.

<b>Cremation Authority</b>	<b>Medical Referee Fees</b>
Wigan	£19.30
Stockport	£20.00
Bolton	£20.00
Tameside	£18.00
Oldham	£23.00
Trafford	£29.00
Rochdale	£27.40
Salford	£20.00
Manchester	£7.10

#### **5. RISKS**

- 5.1 The risks of not increasing the fees are that the Medical Referee could decide not to continue with providing this service as they are not under any jurisdiction to do so. They may move to another Local Authority where some are currently paying significantly higher fees.
- 5.2 Experience of recruiting and attracting new Medical Referees to carry out this role has always proved difficult and this could leave the authority in a position where it would not be able to fulfill its statutory obligations.

#### **6. RECOMMENDATIONS**

- 6.1 As set out on the front of the report.

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/Reporting Officer:</b>	Councillor Gerald Cooney – Executive Member (Economic Growth, Employment and Housing) Emma Varnam, Assistant Director (Operations & Neighbourhoods)
<b>Subject:</b>	<b>PREVENTING HOMELESSNESS STRATEGY 2018-21</b>
<b>Report Summary:</b>	<p>The Homelessness Act 2002 requires all housing authorities to adopt a homelessness strategy based on a review of all forms of homelessness in their district. The strategy must be renewed at intervals of no more than 5 years.</p> <p>The strategy must set out the Authority's plans for the prevention of homelessness and for securing sufficient accommodation and support for people who become homeless or who are at risk of becoming homeless.</p> <p>The new Tameside MBC draft Preventing Homelessness Strategy aims to bring about a borough wide cultural change in the Council's approach to tackling and preventing homelessness in Tameside. It advocates a holistic and integrated approach to Preventing Homelessness which tackles the complexity of issues which can result in homelessness. It aims to broaden and deepen constructive collaboration between services, partner organisations, the Faith sector, and members of the community. It seeks to foster capacity to cultivate creative solutions to the ever-increasing problem of homelessness and focuses effort and resources to address the specific needs of the Borough. It also ensures compliance with new statutory requirements which have been introduced by the Homelessness Reduction Act 2018.</p> <p>This report provides an update on the recent wider consultation with the public and strategic stakeholders. It presents a summary of the key themes raised by the consultation and how these have been addressed.</p> <p>The draft Preventing Homelessness Strategy has been updated to take into account the comments received during the consultation.</p>
<b>Recommendations:</b>	<p>That Executive Cabinet:</p> <ul style="list-style-type: none"><li>(a) Considers the comments submitted during the wider consultation with the public and strategic stakeholders on the draft strategy.</li><li>(b) Approves the adoption of the updated Preventing Homelessness Strategy for 2018-2021</li></ul>
<b>Corporate Plan:</b>	The strategy supports the corporate priority to support the most vulnerable.
<b>Policy Implications:</b>	Preventing homelessness is a cross cutting policy area and this strategy will inform related strategies, policies and plans

**Financial Implications:  
(Authorised by the statutory  
Section 151 Officer & Chief  
Finance Officer)**

There are no direct financial implications as a result of this report . Implementing the Strategy may incur costs which will be met from the existing Service budget.

**Legal Implications:  
(Authorised by the Borough  
Solicitor)**

The Homelessness Act 2002 introduced a requirement for local authorities to undertake a review of homelessness, including consultation, and to use the results of the review to inform a homelessness strategy. Local authorities must publish their homelessness strategy periodically, but not longer than once every 5 years. Within a complex legal framework, the Council delivers services to people who are homeless or threatened with homelessness. This framework sets out duties it must perform and powers it can exercise with discretion. The Housing Act 1996, Part 7 has been amended over the years, but remains the primary legislation prescribing how local authorities should deliver services, and what duties they must owe to homeless persons. The Housing Act 1996, Part 7 has most recently been amended by the Homelessness Reduction Act 2017 and provides fundamental amendments to the existing homelessness legislation. It introduces new requirements to “prevent” and “relieve” homelessness and in that context, sets out a range of new duties.

The Homelessness Reduction Act (HRA) 2017 came into effect on 3 April 2018 and was intended to transform the way Local Housing Authority (LHA) services are provided to homeless people. The Act is arguably the biggest change in homelessness legislation since 19771. It not only imposes a duty to prevent and relieve homelessness, but it provides opportunities for culture and systems change. The HRA effectively bolts two new duties to the original statutory rehousing duty: the duty to prevent homelessness, and the duty to relieve homelessness. New provisions introduced by the HRA include:

- Duty to prevent and relieve homelessness
- Requirement to carry out an assessment and personalised housing plan
- Public bodies now have a duty to refer people whom they know are threatened with homelessness
- Applicants have the right to ask for a review of any points of the new legislation

It is anticipated that the Preventing Homelessness Strategy will have a positive impact upon the protected groups. However, this needs to be monitored to ensure that any particular group is not disadvantaged in a particular way given the general vulnerability of this sector of the community.

**Risk Management:**

A risk log and mitigation measures have been developed. Risk is considered in section 7 of this report.

**Background Information:**

The background papers relating to this report can be inspected by contacting Emma Varnam by:



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## **1. INTRODUCTION**

- 1.1 On 20 June 2018 the draft Preventing Homelessness Strategy for 2018-2021 was presented to the Executive Cabinet for consideration. The covering report provided full details about the development of the draft strategy, the extensive engagement and participation of key stakeholders, and how the eight strategic priorities emerged. The report recommended that the Executive Cabinet approve wider consultation with the public and strategic stakeholders.
- 1.2 Executive Cabinet gave their approval and this report provides an update on the further consultation and the key themes which arose. It also includes brief details about recent national, sub regional and local issues which have been incorporated into the draft strategy.

## **2. BACKGROUND**

- 2.1 The draft Preventing Homelessness Strategy aims to bring about a borough wide cultural change in the Council's approach to tackling and preventing homelessness in Tameside Borough. It advocates a holistic and integrated approach to Preventing Homelessness which tackles the complexity of issues which can result in homelessness. It aims to broaden and deepen constructive collaboration between services, partner organisations, the Faith sector, and members of the community. It seeks to foster capacity to cultivate creative solutions to the ever-increasing problem of homelessness and focuses effort and resources to address the specific needs of the Borough. It complies with new statutory requirements which have been introduced through the Homelessness Reduction Act 2018.
- 2.2 An inclusive and participatory approach was taken to develop this strategy. At the outset, key stakeholders were given the opportunity to shape the development of this strategy. The Preventing Homelessness multi-agency forum and the Registered Providers Forum were at the centre of its development and a project team with representatives from key services, led by the Senior Housing Strategy Officer, was established.
- 2.3 A detailed review of homelessness in Tameside was undertaken to provide an evidence-based Preventing Homelessness Strategy for 2018-2021. The review provided a clear picture of homelessness within the Borough. The data used included:
  - The national statutory homelessness data returns
  - Contract monitoring data of the homelessness services commissioned by Tameside Council
  - National research data
  - Service activity data
  - Census data
  - The Joint Strategic Needs Analysis for 2016/17
  - Tameside's Housing Needs Assessment 2017

## **3. THE DRAFT PREVENTING HOMELESSNESS STRATEGY 2018-2021**

- 3.1 Tameside's draft Preventing Homelessness Strategy for 2018-2021 reinforces the Authority's commitment to prevent homelessness and to intervene at the earliest stage before households reach the point of crisis. It promotes increasing the resilience of vulnerable people and providing targeted support.
- 3.2 The strategy:
  - Outlines the key achievements of the Preventing Homelessness Strategy 2013-2018 and provides examples of new evidence-based initiatives which have recently been implemented.

- Presents the national context of the new strategy in terms of legislation and policy and also the local policy and demographic context.
- Explains how the strategy was developed and identifies its links with other key strategies and programmes that encompass aspects of local health and wellbeing, justice, economic policy, poverty and domestic abuse amongst other things
- Describes homelessness in Tameside, the causes and those who may be at risk of homelessness.
- Presents the Authority's approach to preventing homelessness and its strategic priorities.
- States how the Authority will identify homelessness issues and collect information to measure and monitor progress.

3.3 Tameside Council's vision is a borough wide approach where those living, working and visiting Tameside understand the catastrophic effects of homelessness on the lives of people and its causes, and work together to tackle and prevent homelessness. Tameside's draft Preventing Homelessness Strategy 2018-2021 presents eight strategic priorities:

- 1. A holistic and integrated response to preventing homelessness**
- 2. Proactive information management and provision of advice**
- 3. Raised awareness of the causes of homelessness and services, and a shared understanding that preventing homelessness is everyone's business**
- 4. Early intervention before a crisis**
- 5. Increased resilience and targeted support**
- 6. Preventing rough sleeping**
- 7. Access to a wide range of affordable, permanent accommodation options**
- 8. Identifying, cultivating and empowering untapped resources in the community**

3.4 The strategy supports the Council and its partners to deliver Tameside Borough's priorities and the Greater Manchester pledges to prevent homelessness. The strategy will include an action plan (currently under development) with resources allocated to it and officers assigned to each action.

3.5 The Homelessness Act 2002 requires all housing authorities to adopt a homelessness strategy based on a review of all forms of homelessness in their district. The strategy must be renewed at intervals of no more than 5 years. The Social Services Authority must provide reasonable assistance.

3.6 The strategy must set out the Authority's plans for the prevention of homelessness and for securing sufficient accommodation and support for people who become homeless, or who are at risk of becoming homeless.

3.7 Statutory guidance requires that the homelessness strategy is taken into account by Housing Services and Social Services when exercising their function.

#### **4. THE WIDER CONSULTATION**

4.1 The following wider consultation has been undertaken:

- The draft strategy was presented to the Population Health Service managers at their team meeting held in June.
- Meetings were held with the Chair of the Preventing Homelessness Forum and the Chair of the Registered Provider's Forum in June to discuss the draft strategy and obtain their comments



- Three workshops on the draft strategy were held with members of the public and partner organisations at the Public Engagement Network (PEN) Event on 27 June.
- Throughout July the public online consultation on the draft strategy was live on the Big Conversation Website/Webpage. This was widely publicised by Tameside Action Together.
- All councillors and all those who attended the PEN Preventing Homelessness workshops were informed about the online consultation and sent a link to this.
- On 5 July a Strategic Workshop on the draft strategy was held with a wide range of services and organisations who deliver services to homeless people in Tameside Borough.
- On 10 July a focus group on the draft strategy was held with Social Workers from Tameside Council's Adults Service.
- Individual meetings were also held with the:
  - Commissioning Officer responsible for monitoring the contracts relating to the Women's Centre and Domestic Abuse
  - Officer responsible for implementing sanctuary measures to enable victims of domestic abuse to remain in their home safely once the perpetrator of abuse has left.
  - Partnership Manager for Tameside and Oldham from the Department of Works and Pensions
- In August the draft strategy was sent out to the members of Tameside Borough's Community Safety Partnership for comment
- On 11 September a meeting was held with the Chair of Tameside Adults Safeguarding Partnership Board (TASPB) and the draft strategy was presented to the Board.
- On 17 October, a presentation on the draft strategy was delivered to the Hyde NDG meeting.

## 5. OUTCOME OF THE WIDER CONSULTATION

- 5.1 Full details of the comments received are provided in **Appendix 1**. The consultation feedback will shape the strategic action plan which supports the strategy.
- 5.2 Three comments were received via the online public consultation exercise. This comprised two online comments and one written submission.
- 5.3 A brief summary of the issues raised during the wider consultation is provided here. The consultees agreed that a holistic and integrated response to preventing homelessness is needed. It was stated that this can help prevent people from "falling through the net" and will help to streamline activity and prevent duplication. A lack of understanding of each other's roles, thresholds for accessing services and the resources available can hinder effective partnership working.
- 5.4 The consultees supported the suggestion of having a Preventing Homeless Charter for the Borough. They agreed that it is vital that the Charter results in appropriate action to combat homelessness. The idea of having champions was favoured and it was proposed that in addition to having a Champion in all Council Services and partner organisations it would be

helpful to have a Homelessness Champion in the Courts and GP Preventing Homelessness Champions. They also agreed that a Tameside Preventing Homelessness Network is needed to provide support, training and disseminate best practice to members of the community in Tameside Borough who want to be actively involved in helping to prevent homelessness.

- 5.5 The consultees suggested that the co-location of key teams could support more integrated working by promoting a greater understanding of each other's roles, and services on a daily basis. They also agreed that presentations to staff on services and relevant topics would raise awareness of key services and issues affecting people at risk of homelessness.
- 5.6 The consultees agreed that key challenges are the lack of affordable housing, the need for more supported accommodation to meet complex needs, and the changes to welfare benefits and the introduction of Universal Credit.
- 5.7 The consultees suggested the need to explore initiatives aimed at expanding current housing stock such as utilising empty properties across the borough.
- 5.8 Consultees mentioned that they were pleased to see the inclusion of the Housing First Model in the strategy. This provides appropriate housing and wrap around support to homeless people with more complex needs.
- 5.9 The consultees raised the need to prevent registered social landlord tenants from being evicted because of problems they have encountered with the introduction of the new Universal Credit Payments. Examples of initiatives in place to help those who may be at risk of eviction were discussed.
- 5.10 Consultees agreed that it was very important to educate young people to prevent homelessness and supported the proposal to provide sessions on preventing homelessness in schools. Consultees also provided a range of comments and suggestions relating to the need to safeguard young people.
- 5.11 Consultees also raised a range of issues relating to Black, Asian and Minority Ethnic communities. For example the need to ensure that information relating to preventing homelessness is accessible and in a format which meets their needs. It was suggested that Peer to Peer educators could be trained to communicate key issues and information to these harder to reach communities. The needs of those with no recourse to public funds fleeing domestic violence was raised.
- 5.12 All the issues raised through the consultation process will be used to shape the development of the strategic action plan which will support the Preventing Homelessness Strategy.

## **6. NATIONAL ISSUES**

- 6.1 On 13 August 2018, the Government published its Rough Sleeping Strategy, which sets out the Government's plans to help people who are sleeping rough now and to put in place structures to end rough sleeping for good.
- 6.2 The Government has committed to halve rough sleeping in this Parliament and to end it for good by 2027. Tameside Borough's Preventing Homelessness Strategy has been amended to include the requirements relating to this national rough sleeping strategy.

## **7. GREATER MANCHESTER ISSUES**

7.1 The GMCA has developed a range of programmes to support local authorities work in tackling homelessness and to support the GM Mayor in his commitments on rough sleeping. The three main programmes of work are as follows:

- The Social Impact Bond for Entrenched Rough Sleepers
- The Homelessness Prevention Trailblazer
- The Housing First Programme

Tameside Council has been committed to and actively engaged in contributing to these programmes. They have been incorporated into the draft Preventing Homelessness Strategy for 2018-2021 and the supporting strategic action plan will include a work stream relating to these programmes.

7.2 During the summer of 2018, the GM Mayor also introduced a new pledge to further improve GM's approach to rough sleeping by aiming to provide a bed for every rough sleeper who needs and wants one from 1 November 2018 to 31 March 2019. This initiative has been named "A Bed for Every Night" (ABEN). Tameside Council has signed up to this pledge and has put in place arrangements to comply with the ABEN programme.

## **8. LOCAL ISSUES**

8.1 Work is currently underway in Tameside with a view to making primary care services more accessible to homeless people and to help homeless people to register with GP practices. There are examples of best practice in this area which are currently being considered such as the Homeless Friendly GP initiative organised by the not-for-profit social enterprise Beacon GP CARE. This initiative encourages NHS surgeries and other healthcare providers to pledge to become homeless friendly in the way they conduct their business, to share good practice and to offer practical support to the homeless.

8.2 An intelligence gathering exercise is taking place in Tameside to ascertain the number of homeless people who are registered with GP practices and to develop an approach to facilitating access to flu vaccination for rough sleepers.

8.3 The strategic action plan supporting the Tameside Borough Preventing Homelessness Strategy will incorporate actions relating to promoting the health and wellbeing of homeless people and those at risk of homelessness, and making healthcare services more accessible to them.

## **9. IMPLEMENTATION**

9.1 The success of this strategy relies on partnership working and requires the full engagement of all partners and services. Once the strategy has been approved a detailed implementation plan will be produced.

## **10. EQUALITY & DIVERSITY**

10.1 An Equality Impact Assessment (EIA) has been developed. This complies with the requirements of the public sector duty under s149 of the Equality Act 2010.

10.2 There is strong evidence that homeless people suffer from multiple disadvantages. Homelessness is not just one of the most extreme forms of physical deprivation; it also defines a group that is subject to extreme forms of discrimination and violence. It is anticipated that the Preventing Homelessness Strategy will have a positive impact upon the protected groups.

## **11. RISKS**

- 11.1 Under the Homelessness Act 2002 Section 1(4), we are required to publish a new Preventing Homelessness Strategy in 2018, based on the results of a homelessness review. Our former Preventing Homelessness Strategy covers the period 2013-2018. A failure to agree and implement an effective Preventing Homelessness strategy in 2018 could increase the risk that the local authority will fail to comply with its statutory obligations.

## **12. RECOMMENDATIONS**

- 12.1 As set out at the front of the report.

# APPENDIX 1

## **PEN Conference Workshops With Members of the Public and Partner Organisations** **Held on 27 June 2018**

### **Introduction to the Preventing Homelessness Workshops**

Three workshops focussed on the draft Preventing Homelessness Strategy. In each of these workshops, the workshop facilitator, Sally Atueyi (Senior Housing Strategy Officer), outlined the background to the draft strategy.

A brief summary of the main themes arising from the three workshops are provided below.

### **Workshop 1 -Preventing Homelessness Strategy**

This workshop had a wide ranging discussion which included exploring initiatives aimed at:  
-expanding current housing stock such as utilising empty properties across the borough, and a scheme which is operating via Ashton Pioneer Homes (APH), where Private Landlords are leasing their properties to APH to be managed by APH.

-preventing registered social landlord tenants from being evicted because of problems they have encountered with the introduction of new Universal Credit Payments. A representative of Irwell Valley Homes gave examples of initiatives that they have in place to help those who may be at risk of eviction. These include having a Deprivation Team which works with families receiving benefits who may be affected by Universal Credit Payments and who may subsequently be at risk of eviction. They also have an agreement in place with the DWP that direct payments can be made to the landlord in cases where tenants on Universal Credit are falling into arrears. Irwell Valley Homes offer debt advice and support to all their tenants to ensure that their tenants can prioritise their rent payments. They also has 'Universal Credit Champions' to help people who fall into arrears due to the waiting time experienced by tenants when they move over to Universal Credit Payments.

The workshop also discussed why Tameside no longer has direct access hostels.

### **Workshop 2 - Preventing Homelessness Strategy**

The group discussed the draft one page summary of the Preventing Homelessness Strategy and provided a range of comments and suggestions relating to the need to provide emotional support to young people who are homeless, and safeguard young people from migrating from Tameside to sleep rough in the centre of Manchester.

The group also discussed the Housing First Model and its inclusion in the strategy.

The group considered the draft vision and the need to specify the types of tangible things that people can do to help homeless people. It was agreed that the strategy needs to be accessible to all and written in plain English.

The group agreed that a Tameside Preventing Homelessness Charter needs to result in appropriate action and the need for the strategy to ensure that this happens. The workshop discussed providing sessions on preventing homelessness in schools to educate young people. There are other services which go into the schools and it was suggested that the Homelessness Team could link with these services. For example it was mentioned that the Population Health Service run a session in schools to educate young people about learning disabilities and physical disabilities and the DWP go into schools and link in with the Career Advisors.

The workshop also discussed how the draft Tameside Preventing Homelessness Strategy feeds into the work on homelessness which is currently being led by Andy Burnham, the Mayor of Greater Manchester.

One member of the group mentioned that St Andrews Health Centre in Stalybridge is involved with the Nesta 100 day challenge and asked whether this would be feeding into the draft strategy.

### **Workshop 3 -Preventing Homelessness Strategy**

The group considered the one page draft strategy and raised a range of issues relating to BME communities including:

- How will BME communities be educated about the available provisions for homeless people?
- Has the strategy considered that BME communities may not be willing or able to present to a centre or hub to receive help and advice about homelessness? Can the information be taken to them in their communities?
- What language formats will the strategy be available in?
- Could Peer to Peer educators be trained to communicate key issues and information to these harder to reach communities?
- Could mosques be used to educate /spread key messages about homelessness?
- What is being done to help those with no recourse to public funds who are fleeing domestic violence?

All these issues have been fed into the Equality Impact Assessment of the Preventing Homelessness Strategy for 2018-2021 and will inform the development of the strategic action plan which will support the strategy.

It was suggested that engaging with faith sector leaders could be a means to reach community members who may, due to culture, not wish to access support from a hub or centre for homelessness.

The group asked whether there is an online directory of services, resources and advice which is available to members of communities. The facilitator informed the group about the Street Support website which includes details of services and advice for homeless people provided across Greater Manchester. She agreed to send them a link to this website and also to send a note containing information about the services that you can refer a rough sleeper to for support in Tameside.

The group also discussed the problems faced by homeless people who need to claim benefits but have no fixed address, and the difficulties encountered by offenders leaving custody and the lack of sufficient early interventions to prevent homelessness. This has resulted in instances where they do not have a fixed address to go to on release from prison.

Innovative approaches which could be used to signpost homeless people to support and advice and learning from other Councils was also mentioned.

### **Online Public Consultation**

Comments Received
“My experience of Tameside’s support if you were threatened with homelessness are not good. The person we spoke to and gave all our documents to was supposed to send them onto a government scheme that would help. It was coming to an end but we still had time she never send on the paperwork when we contacted them We had to resolve this ourselves by selling the home for less than it was worth to rent it back. Putting strategies on paper are all well and good but if the staff these people have to see decide to just blame them for the losing their home they fail. Accident at work caused me to not be able to work so we went interest only. This woman we spoke to at Tameside didn't help at all and we would have been homeless but for sorting out some way to stay in our home.”
“There doesn't appear to be a strategy for providing support. Many people need help with financial management advice and banking arrangements, direct debits etc.”



Theme	<b>Comments Received on the Draft Preventing Homelessness Strategy From the Wider Consultation of Strategic Partners</b> <b>From June 2018 to October 2018</b>
A Holistic and Integrated Response to Preventing Homelessness	I agreed that a Holistic and Integrated Response to Preventing Homelessness is needed to prevent duplications and to streamline activity.
A Holistic and Integrated Response to Preventing Homelessness	Competition relating to procurement is the biggest issues which affects partnership working. When the contracts are due to go out for competition the organisations retreat and keep best practice to themselves.
A Holistic and Integrated Response to Preventing Homelessness	Mental health is now onboard with this agenda.
A Holistic and Integrated Response to Preventing Homelessness	The service called Through the Gate is not working as well as it could. An example was given of a prolific offender who fell through the net 3 times.
A Holistic and Integrated Response to Preventing Homelessness	Drug and Alcohol and Rehab are very reactive
A Holistic and Integrated Response to Preventing Homelessness	We need to be more honest as professionals when we refer our complex needs clients to services to enable more swift and smooth move through. A supported accommodation provider can often become 'stuck' with customers whose needs were not fully disclosed at referral and then later transpire making them very difficult to move on and rehouse.
A Holistic and Integrated Response to Preventing Homelessness	Our clients may have mental health issues and face homelessness. There is a high threshold for access to community mental health services. We need to understand better the role of the community mental health team, their threshold and the resources available.
A Holistic and Integrated Response to Preventing Homelessness	We have MDTs (multi-disciplinary teams) We need to understand each other's roles better. (e.g. housing, and health/hospital) Some clients are deemed intentionally homeless and fall through the gap.
A Holistic and Integrated Response to Preventing Homelessness	What happens when people are on leave?



A Holistic and Integrated Response to Preventing Homelessness	Could we have private consortiums with the involvement of the Benefits Service?
A Holistic and Integrated Response to Preventing Homelessness	We need a dedicated person/Homelessness Champion for co-ordinating homeless issues in the Adults Service.
A Holistic and Integrated Response to Preventing Homelessness	To promote integrated working it may be helpful to be based together. The social workers are based in Crickets Lane Health Service and they are more aware of each other's roles on a daily basis.
A Holistic and Integrated Response to Preventing Homelessness	We need a Preventing Homelessness Champion in the Courts.
A Holistic and Integrated Response to Preventing Homelessness	We need GP Preventing Homelessness Champions.
A Holistic and Integrated Response to Preventing Homelessness	If a homeless person has a clash with regard to appointments, Universal Credit work coaches have discretion around appointments. However when making a new claim the first appointment with the DWP is very important. Those already on benefits have an online journal and can send a message via this journal to the work coach to notify the work coach that they are unable to attend their appointment. They can notify the work coach of "To Dos" and these can be picked up by their work coach.
A Holistic and Integrated Response to Preventing Homelessness	There are different categories of clients. Some are signing sick. In Universal Credit there is a conditionality group which various conditions. There are easements which switch off conditionality.
A Holistic and Integrated Response to Preventing Homelessness	Representatives of DWP could provide a presentation to the staff at Tameside Housing Advice to inform them about the online journal, the easements, what they are and how they work, Universal Credit (UC) and how it is made up (including the Housing Element), and conditionality within UC.
A Holistic and Integrated Response to Preventing Homelessness	There is a GP project with Veterans – to encourage patients to inform their GP if they are a veteran.
A Holistic and Integrated Response to Preventing Homelessness	Include paragraph on Tameside Adult Safeguarding and make reference to the Government's recommendation in the National Rough Sleeping Strategy and the recommendation to undertake serious case reviews for deaths of rough sleepers.
Access to a Wider Range of Affordable Permanent Accommodation Options	Expand current housing stock e.g. by utilising empty properties across the borough

Access to a Wider Range of Affordable Permanent Accommodation Options	THA have made some referrals to APH for the shared living scheme however the issue has been that many people accessing THA do not want to share accommodation – they want self-contained properties.
Access to a Wider Range of Affordable Permanent Accommodation Options	The risks with shared tenancies are so high and the consequences if a shared tenancy fails are also very problematic.
Access to a Wider Range of Affordable Permanent Accommodation Options	The APH Shared Tenancy Scheme would really suit ex-armed forces as they are used to sharing accommodation.
Access to a Wider Range of Affordable Permanent Accommodation Options	A supported accommodation provider stated that “I have professional experience of a shared tenancy failing for 2 of our customers and they both became homeless as a result, although both are rehoused individually now.”
Access to a Wider Range of Affordable Permanent Accommodation Options	We have a PRS support worker who can support people into PR tenancies; however this has been proving challenging due to Private Landlords remaining reluctant to offer tenancies to those out of work or those with additional needs. Furthermore most Private Lords do not accept the BOND scheme.
Access to a Wider Range of Affordable Permanent Accommodation Options	We need a clearer picture of the statistics around accommodation available.
Access to a Wider Range of Affordable Permanent Accommodation Options	It is difficult for a victim of DV to obtain housing unless they enter a refuge.
Access to Affordable Permanent Accommodation Options	The provision of 1 bed properties does not meet the demand; it is very difficult for us to move on our customers from commissioned temporary supported housing as there are so few 1 bed properties available. Furthermore for our tenants who require adaptations it is even more difficult as it is not easy to get private landlords or RSLs to agree to adaptations.
Access to Affordable Permanent Accommodation Options	In the review you found that 151 individuals were referred for supported housing yet only 57 accepted and housed – a strategy will not fix this problem – the only thing which will fix this problem is making more supported housing placements available and finding and funding more supported accommodation. We have lots of immigrants in the UK who need housing and this makes our resources stretched even further – how is the strategy tackling this issue?
Allocation of Social Housing	My client has a son with learning disabilities. My client lives in a one bedroom flat and his son sleeps

	on the sofa. This arrangement is not working. My client needs a 2 bedroom property so that his son can have his own room. The son is deemed homeless and has been moved to temporary accommodation in Gibson Terrace. He needs support which is father is willing to give but is unable to give due to the lack of appropriate accommodation. What can be done?
Early identification of risk	How can one identify the risk of homelessness earlier and who should this be flagged up to? What criteria do services have to respond to this risk?
Early identification of risk	The Adults Service completes a checklist before they allocate a care package. This checklist could include a question to identify any problems which may affect the client's ability to retain their current accommodation. If clients have rent arrears they could mention the benefits free phone line.
Early Intervention Before a Crisis	Continue to introduce initiatives to prevent registered social landlord tenants from being evicted because of problems they have encountered with the introduction of new Universal Credit Payments.
Early Intervention Before a Crisis	Benefits advice needs to be improved and expanded to reach more people. With Universal Credit, more people including those who are working, will be on benefits and requiring support and advice.
Early Intervention Before a Crisis	The new HRA brings about the new duty to refer which means that job centre and DWP staff need training so they know who to refer and when so that there can be earlier intervention.
Early Intervention Before a Crisis	Our Housing Association pre eviction protocol means we refer cases to THA where the rent department identify serious debt – this applies to tenants who are 6-8 weeks in rent arrears. We also have specialist teams who work to identify those most at risk of eviction.
Early Intervention Before a Crisis	In respect of Mediation family group conferencing may be able to offer support. The Homelessness Team at the Council have already made contact and looking to strengthen links with this service to support homeless families and young people under 2018.
Early Intervention Before a Crisis	CLG has a medication service which works with families.
Early Intervention Before a Crisis	What multi agency approaches are used with adults? In CSCS all children have multi agency plans and meetings which follow a set structure to ensure that there is no duplication and doubling up of support.
Early Intervention Before a Crisis	The protocol for 16 and 17 year olds outlines that referrals for support for homeless young people need to be made at the earliest stage to prevent homelessness. There are still some issues with this

	protocol which the MDT is trying to iron out.
Early Intervention Before a Crisis	– 6-8 weeks in rent arrears is too late for an intervention – this should be coming as soon as rent arrears start to accrue not waiting until crisis.
Early Intervention Before a Crisis	Rent arrears at any level indicate other issues – what consideration is given for those tenants who refuse support?
Early Intervention Before a Crisis	You can refer to CAB anyone who may require support with budgeting or financial support.
Early Intervention Before a Crisis	If a client is facing eviction due to the state of their property the difficulty is knowing who to contact for help with this. What help is available? This issue is even more difficult when the client owns their own home and are about to lose their property.
Early Intervention Before a Crisis	<p>When someone is taken into custody they only receive a specified number of HB payments. This means that if they don't end the tenancy significant arrears will accrue and the Housing Provider won't be able to receive reimbursement for the arrears. If a person is given a long term sentence they are encouraged to end the tenancy.</p> <p>A key issue is that no one tells the landlord/housing officer that the tenant has been taken into custody.</p> <p>If the offender has a joint tenancy then this is not an issue.</p>
Early Intervention Before a Crisis	<p>When someone is taken into custody they only receive a specified number of HB payments. This means that if they don't end the tenancy significant arrears will accrue and the Housing Provider won't be able to receive reimbursement for the arrears. If a person is given a long term sentence they are encouraged to end the tenancy.</p> <p>A key issue is that no one tells the landlord/housing officer that the tenant has been taken into custody.</p> <p>If the offender has a joint tenancy then this is not an issue.</p> <p>The notification of the landlord/Housing Officer that the tenant has been taken into custody should be built into the routine Court paperwork. One of the questions should be “have you spoken with your landlord/Housing Officer?”</p> <p>The other issue relates to the tenant's belongings. What happens to these if the tenant is taken into custody?</p>

	The person working with the offender before being charged and sentence needs to be identified and alerted to the above issues.
Identifying, Cultivating and Empowering Untapped Resources in the Community	A good way to get more people interested in homelessness and ways that they can help is to consider different passions. For example our organisation works closely with various community groups in order to educate about homelessness and tap into local activities for their customers.
Increased Resilience and Targeted Support	the homeless/those at risk of homelessness have low self-esteem
Increased Resilience and Targeted Support	Substance misuse can be used as a coping mechanism for early bereavement. There is a need to identify and work with at an early stage those who had an early bereavement.
Increased Resilience and Targeted Support	There was a need to change the way agencies were working with clients at Foundation. Previously the Police were making contact to arrest people from Foundation rather than forging constructive links in helping to support the residents. Now when a resident comes, they are introduced to a Neighbourhood Officer who supports them to integrate into the neighbourhood. A strength based approach to work with residents is used. With regards to appointments, staff celebrate those who turn up for an appointment and make residents know the implications of not turning up for an appointment.
Increased Resilience and Targeted Support	Residents of Foundation Supported Accommodation are sent to the Ready Steady Training run by Adullam since that is the training which is commissioned by the Council and which is formally recognised. The learning acquired from the training is consolidated by running the Fit Kit training.
Increased Resilience and Targeted Support	The Be Well Training which presents the wellbeing plate, and includes “weight matters”.
Increased Resilience and Targeted Support	there is a need for developing parenting skills in the borough.
Increased Resilience and Targeted Support	Placements at Foundation are supposed to be for 6-9 months. There is the aspiration for moving on.
Increased Resilience and Targeted Support	Volunteering and employment opportunities are organised by Foundation Supported Accommodation. Greenscape is commissioned to do the gardening at Foundation. Greenscape are now working with Mind. They are a Social Enterprise and give Foundation customer’s volunteering opportunities. Foundation commission Duns Cleaning to undertake their cleaning and Duns give opportunities for customers to be involved. Step Together provides volunteering opportunities for those with offending backgrounds.
Increased Resilience and Targeted Support	Provide emotional support to young people who are homeless, and safeguard young people from

	migrating from Tameside to sleep rough in the centre of Manchester.
Increased Resilience and Targeted Support	Drug users and alcoholics who are 'entrenched' in substance abuse do not prioritise housing – they prioritise getting hold of substances. In order to prevent future entrenched substances abusers we need to educate children in school about the dangers of substance abuse and the realities and this should in turn tackle to issue of drug users who become homeless and cannot be engaged in services. In CGL we have only 1 member of staff dedicated to working with 2018-25 year olds – could the strategy not address this by advising that we need more staff to work with young people. Engaging in schools could make a big difference in the future – it is too late to fix the issues we already have with the entrenched drug users in Tameside who are homeless.
Increased Resilience and Targeted Support	Can we not just target services at those who want help rather than those who don't?
Increased Resilience and Targeted Support	Services need to be aimed at all but targeted at individualised needs.
Increased Resilience and Targeted Support	What does this tailored support look like? What do you mean by tailored?
Increased Resilience and Targeted Support	Adullam offer tailored support and also have complex need support workers who do community support work. We also offer tenancy training.
Increased Resilience and Targeted Support	The concern for RSLs in accepting someone with complex needs is that those needs maybe met initially by resettlement support from supported housing providers when they first move in but the support is time limited and when it ends the RSL is then left with a tenant which they cannot sustain as they cannot meet their needs. Some tenants will require support much more longer term – how can these people's needs be met?
Increased Resilience and Targeted Support	GM and C CRC can only support their customers whilst they are on orders / licences after which they are not funded to work with them. They do have exit plans.
Increased Resilience and Targeted Support	<p>There are structures in place to identify and respond to DV:</p> <ul style="list-style-type: none"> <li>• MARAC</li> <li>• Minted</li> <li>• The Welfare Benefits Team</li> </ul> <p>The Freedom Programme which is run at Cavendish Mill. This trains victims of DV on identifying the traits of the perpetrator of DV, the warning signs etc. There is a Freedom book.</p> <p>There is a Peer Mentoring Programme for victims of DV. Many victims won't interact with</p>

	professionals.
Increased Resilience and Targeted Support Access to a Wider Range of Affordable Permanent Accommodation Options	What support could be provided by the housing provider when they leave prison, if they relinquish their tenancy when they are taken into custody?
Increased Resilience and Targeted Support	There is a volunteering scheme in place at Jigsaw.
Increased Resilience and Targeted Support/Employment	Employment is sometimes the last thing on someone's mind if they have other complex needs. These needs to be considered in the strategy as pushing someone towards employment who is not ready could be very detrimental. Part time volunteering could be a good first step for some.
Increased Resilience and Targeted Support/Employment	When people present to THA they want to solve their housing issues and might not be willing to discuss employment – however further down the line this is something which should be explored once they are settled and the immediate crisis has been solved.
Increased Resilience and Targeted Support/Employment	Floating support needs to be put in place which helps people to gain the most basic living skills before employment is even considered as some vulnerable people cannot even cook a meal or shop, they are not thinking about going into employment.
Increased Resilience and Targeted Support/Employment	DWP understand that different people have different needs and we are able to waiver some sanctions if the individual is homeless or has additional needs. We can be flexible if it is deemed necessary and appropriate.
Increased Resilience and Targeted Support/Employment	It is important to teach young people life skills in school such as budgeting, mortgages and bank accounts.
Preventing Rough Sleeping	It is good to see that the Housing First Model has been included in the strategy
Preventing Rough Sleeping	There has been an increase in the number of people sleeping rough in Hyde.
Prevention Tools	We provide an Advocacy Service and we all mediate between clients and their families/others. The Bridges Service also mediates.
Prevention Tools	A client in a Jigsaw property accrued £50-60 in rent arrears and this triggered a response.
Proactive Information Management and	GDPR has an impact on improved joint working. A protocol is needed for sharing information.

Provision of Advice	
Proactive Information Management and Provision of Advice	The lack of consent gives rise to no urgency.
Proactive Information Management and Provision of Advice	Some organisations will not accept generic consent to disclose information about tenants and require individual signed consent forms from the customer for every service who requests information – therefore a joint consent form would not help. This is because we are a national organisation so our finance department for example will only accept consent from each individual service.
Proactive Information Management and Provision of Advice	<p>GDPR is going to make the sharing of information and issues around consent even more of a problem. How can we get around this?</p> <p>GDPR sets a time limit on how long consent lasts therefore if consent was gained from a tenant at the start of their tenancy then years later this consent would no longer be valid. GDPR also states that consent must be given for each individual organisation and for each purpose which is intended to be used – this is another reason a generic form would not work.</p>
Proactive Information Management and Provision of Advice	Tenants have the right to refuse to consent to the sharing of information with certain services therefore a generic form would take this right away from them.
Proactive Information Management and Provision of Advice	Can we not just each ask the people we are working with to sign an individual consent to share information from for our own services?
Proactive Information Management and Provision of Advice	We need an online directory of services which all professionals and service users can access.
Proactive Information Management and Provision of Advice/ Increased Resilience and Targeted Support	The registration process for housing is online. I have a client in hospital who is very limited on what she is able to do. She can't return to her home and is not able to register online due to her physical condition. What support is available to help those who can't access the online registration process? There are also clients who are not able to read or write.
Raised Awareness of the Causes of Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	Specify the types of tangible things that people can do to help homeless people. It was agreed that
Raised Awareness of the Causes of	The strategy needs to be accessible to all and written in plain English.



Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	
Raised Awareness of the Causes of Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	Adullam are currently working on a media project which will be delivered in schools addressing the issues of homelessness.
Raised Awareness of the Causes of Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	Sanctuary has encountered problems with private landlords who are unwilling to permit target hardening measures to be put in place. Victims of DV are frightened to discuss DV and target hardening measures with their landlord. There is a need to educate the private sector landlords about sanctuary. However registered social landlords are "brilliant".
Raised Awareness of the Causes of Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	How well trained GPs are on identifying the signs of DV. This includes being able to identify the behaviours and mannerisms which indicate having been a victim of DV. The victim's partner may speak on the victim's behalf when they are presenting at their GP. This indicates that the person may be a DV victim.  An IDVA was trialled at the hospital.
Raised Awareness of the Causes of Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	Sanctuary has encountered problems with private landlords who are unwilling to permit target hardening measures to be put in place. Victims of DV are frightened to discuss DV and target hardening measures with their landlord. There is a need to educate the private sector landlords about sanctuary. However registered social landlords are "brilliant".
Raised Awareness of the Causes of Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	Why don't we have a Homeless Day once a year and ask everyone what can you donate? This could be skills, expertise, resources etc.
Resources	The strategy seems to be making more referrals. Is service there to respond to increased demand?  Or is this about demonstrating demand so that one can evidence this and put forward a business case for more resources from central government.
Support	There doesn't appear to be a strategy for providing support. Many people need help with financial management advice and banking arrangements , direct debits etc.



DRAFT

Tameside Metropolitan Borough  
Council

Preventing Homelessness Strategy

2018-2021

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## 1.0 FOREWORD

- 1.1 I am delighted to introduce our draft Preventing Homelessness Strategy for 2018-2021. This strategy advocates a holistic and integrated response to preventing homelessness and increasing the resilience of vulnerable people to prevent homelessness.
- 1.2 Homelessness has catastrophic effects on the lives of people, and yet homelessness is increasing nationally, sub regionally and locally. There is strong evidence that homeless people suffer from multiple disadvantages. Homelessness is not just one of the most extreme forms of physical deprivation; it also defines a group that is subject to extreme forms of discrimination and violence.
- 1.3 This strategy reinforces our commitment to prevent homelessness and to intervene at the earliest stage before households reach the point of crisis. It sets out the actions we will take to help prevent even more people from becoming homeless and provide tailored support to those who are homeless or at risk of homelessness.
- 1.4 This strategy has been developed following extensive consultation with our partners. This includes local authority services, elected members, voluntary organisations, statutory partners, people with lived experience of homelessness and members of the public.
- 1.5 Homeless people have been involved in the development of this strategy from the outset and their experiences have shaped the priorities identified. The current challenges are to manage current and increasing demand for accommodation while implementing the new Homelessness legislation, which brings with it, increased duties and powers
- 1.6 This Preventing Homelessness strategy promotes working together to identify at an early stage potential risks and intervening at an earlier stage to prevent homelessness. This strategy has the support of all relevant local authority departments and partners. Corporate and partnership involvement was secured in identifying the strategic priorities and this has helped to ensure that all relevant departments and agencies are committed to supporting their delivery.
- 1.7 This strategy also links with other strategies and programmes that aim to address the wide range of factors that could contribute to homelessness in Tameside Borough. These strategies and programmes encompass aspects of local health, justice and economic policy, poverty and Domestic Abuse amongst other things and are listed in Appendix E.
- 1.8 This strategy has included consideration of the benefits of cross-boundary co-operation and forms part of a coherent approach to tackling homelessness with neighbouring authorities.
- 1.9 This strategy is co-ordinated with the Health and Wellbeing Strategy and our review of homelessness informs and is informed by the Joint Strategic Needs Assessment.
- 1.10 This strategy is based on realistic assumptions and has been developed and is owned jointly with partners who are responsible for its delivery. This strategy will be taken into account by housing and social services authorities when exercising its functions.
- 1.11 Councillor Cooney (Photograph of Councillor Cooney to be inserted here.)

## 2.0 INTRODUCTION

2.1 “Housing is essential to well-being, even life. It is so much more than a physical space or structure. It’s where we develop our first social relationships, it ties us to our communities, and it’s connected to our livelihoods. Just as housing goes beyond four walls and a roof, homelessness is not about just the lack of a house.” Leilani Farha (2016)

2.2 When thinking about homelessness many think about the most visible form of homelessness which is of people who are sleeping rough on the streets. However Homelessness can include people who are:

- Staying with friends or family
- Staying in a hostel or bed and breakfast accommodation
- Squatting
- At risk of violence or abuse in their home
- Living in poor conditions that affect their health
- Living apart from their family because they don’t have a place to live together

2.3 There is no single reason why someone can end up without a home. Personal circumstances and wider economic and social factors play a part in giving rise to this situation. In preparing this strategy the Council has undertaken a detailed review of homelessness in Tameside. This review has provided a clear picture of homelessness within the Borough. The findings of this review have shaped the development of this strategy. As part of the review, extensive consultation was undertaken with services and organisations providing homelessness services and with people with lived experience of homelessness.

2.4 This strategy:

- Outlines the key achievements of our previous strategy and provides examples of new evidence-based initiatives which have recently been implemented
- Presents the context of this strategy in terms of national policy and the local context
- Explains how the strategy was developed and its links with other key strategies
- Describes homelessness in Tameside, the causes and those who may be at risk of homelessness
- Presents our approach to preventing homelessness and our strategic priorities
- States how we will identify homelessness issues and collect and information to measure and monitor progress

2.5 This strategy aims to bring about a borough wide cultural change in our approach to tackling and preventing homelessness in Tameside Borough. It advocates a holistic and integrated approach to Preventing Homelessness which tackles the complexity of issues which can result in homelessness. It also advocates increasing the resilience of vulnerable people and providing targeted support to prevent homelessness. It aims to broaden and deepen constructive collaboration between services, partner organisations, the Faith sector, and members of the community. It seeks to foster capacity to cultivate creative solutions to the ever-increasing problem of homelessness and focuses effort and resources to address the specific needs of the Borough. It complies with new statutory requirements which have been introduced through the Homelessness Reduction Act 2017. This strategy supports the Council and its partners to deliver

2.6 Tameside Borough priorities and the Greater Manchester (GM) pledges to prevent homelessness. A strategic action plan is being developed to support this strategy. This action plan will have resources allocated to it and officers assigned to each action.

### **3.0 OUR VISION**

3.1 Our vision is of a borough wide approach where those living, working and visiting Tameside understand the catastrophic effects of homelessness on the lives of people and its causes, and work together to tackle and prevent homelessness.

3.2 At a sub-regional level, Tameside is supporting the GM Homelessness Pledges and working collaboratively to combat homelessness across the sub region.

3.3 The Expected Benefits of this Strategy

3.4 This strategy will raise awareness of homelessness and enable a proactive and co-ordinated approach to preventing homelessness. Those who live, work and visit the borough will have a better understanding of homelessness, its causes, those at risk of homelessness and how to support the Preventing Homelessness Strategy.

3.5 Those at risk of potential homelessness will be identified earlier and there will be a significant increase in the number of early interventions taken to prevent homelessness from occurring.

3.6 Broader and deeper collaboration between services, partners and communities will be developed to achieve creative and effective solutions to preventing homelessness.

3.7 Untapped resources in the community will be identified, cultivated and empowered to prevent homelessness.

3.8 Existing prevention tools will be reviewed and developed to ensure greater effectiveness and new additional tools and methods will be employed.

3.9 Gaps in our intelligence about the causes of homelessness and the effectiveness of prevention interventions will be filled to increase learning and promote greater effectiveness.

### **4.0 ACHIEVEMENTS RESULTING FROM OUR FORMER STRATEGY**

4.1 A range of achievements have been gained from our former Preventing Homelessness Strategy 2013-2018. Examples of these achievements include:

- The successful and ground-breaking Housing First initiatives for Female Offenders and also for Victims of Domestic Abuse.
- The Hospital Discharge Project which reduces the risk of people being discharged from hospital into homelessness
- Investment in the Sanctuary Scheme. The purpose of the scheme is to assist victims of domestic abuse to remain safely in their own home by adding security measures.



- The Council's investment in services for people who are homeless or threatened with homelessness
- The number of households provided with support to help them to maintain their current home
- Innovative new solutions to provide accommodation for those sleeping rough in cold weather
- Dedicated support staff
- The Tameside Resettlement Scheme

## **5.0 EXAMPLES OF RECENT INITIATIVES WHICH WE HAVE IMPLEMENTED TO HELP PREVENT HOMELESSNESS**

5.1 Recent evidence-based initiatives which we have put in place to help prevent homelessness in Tameside include:

- Putting in place a number of developments to increase access to and improve the standards of private sector accommodation. These include an increase in the funding available for bonds to secure private rented accommodation, the appointment of an additional housing standards officer to promote improved standards in the private rented sector, and the appointment of a dedicated support worker to support people rehoused into the private rented sector.
- Appointing a housing resettlement support worker to work with Asylum Seekers who have been given leave to remain in the United Kingdom to assist them to make the best use of the housing options that are available to them.
- The provision of Sanctuary measures (security measures to enable the victim of domestic abuse to remain in their home safely).
- Reviewing the staffing structure of the Tameside Housing Advice Service, developing new generic job descriptions to meet the new requirements of the Homelessness Reduction Act 2017 and recruiting additional staff.
- Funding Ashton Pioneer Homes to pilot an initiative to encourage single people to share in 2 bedroom tenancies. This will improve the affordability of such homes for single people, reduce pressure on low supply 1 bed accommodation and improve the use of available stock.
- Appointing a Preventing Homelessness Project Officer
- Developing partnerships with Greater Manchester Fire and Rescue Service, Faith and other voluntary and community organisations to support cold weather provision for rough sleepers
- Working with Action Together and other organisations to develop and launch a local version of the Big Change initiative by the end of September 2018. Rather than giving to people who are begging on the street, this initiative will provide people with an alternative way of providing support to the homeless.

## The Summary Strategy

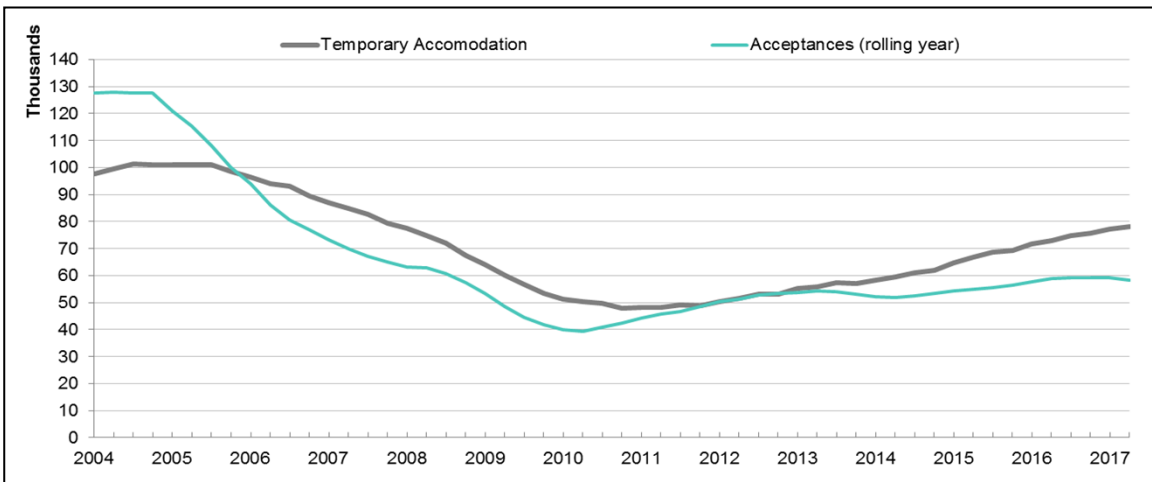
STRATEGIC PRIORITIES	A Holistic and Integrated Response to Preventing Homelessness	Proactive Information Management and Provision of Advice	Raised Awareness of the Causes of Homelessness, and Services and a Shared Understanding that Preventing Homelessness is Everyone's Business	Early Intervention Before a Crisis	Increased Resilience and Targeted Support	Preventing Rough Sleeping	Access to a Wider Range of Affordable Permanent Accommodation Options	Identifying, Cultivating and Empowering Untapped resources in the community
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 394</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">EXAMPLE ACTION</p>	<p>A signed Tameside Preventing Homelessness Charter and engagement of all key stakeholders. Multi-agency protocols and procedures followed by all key services for reaching joint solutions to preventing homelessness. Early resettlement planning, and clear accommodation pathways for those at risk of homelessness and contact details for those who need to be engaged. Designated Preventing Homelessness Champions for each key service in the Council and Partner organisations.</p>	<p>Information sharing protocols to promote the timely sharing of information between services and partners to prevent homelessness. A new joint approach to obtaining client consent for sharing data to prevent homelessness. Named contacts and direct lines to key services. Effective targeting of tailored information to those at risk of homelessness. Preventing Homelessness Surgeries co-located with Health Neighbourhood Teams.</p>	<p>The development of a Preventing Homelessness Communication Strategy and targeted training. Preventing homelessness session integrated into the curriculum of schools and colleges. Preventing Homelessness Training for GPs and practice staff, and Community Mental Health Team. Public Health Campaign runs alongside the launch and implementation of the Preventing Homelessness Strategy. Directory of services.</p>	<p>Triggers in place to identify earlier those at risk of homelessness. Early referrals and clear referral pathways. Forward planning and accommodation pathways. Investment in Prevention Tools: -Mediation -Pre-Eviction Protocol and Early Intervention of Debt Team -Schemes to enable people to remain in their existing home (e.g. handy person scheme, and sanctuary measures).</p>	<p>Effective move on and 4 weeks tailored support to those that need it. On-going floating support where required. Training on promoting wellbeing, managing a tenancy. Training and volunteering opportunities to support people into employment. Relevant external contracts amended to include employment opportunities for homeless people.</p>	<p>Expand our existing outreach provision by having a multi-agency team to provide assertive outreach.</p> <p>Develop our intelligence on those rough sleeping.</p> <p>Provide a gender specific Housing First Provision for 6 female rough sleepers per year.</p> <p>Employ a Rough Sleeper Co-ordinator to work with community and faith groups to identify options for winter provision.</p>	<p>Increase the range of affordable options: -large families. -single people. -young people. -care leavers. Extension of Housing First Model with Public Health Investment for single people with additional needs. Clear accommodation pathways for those at risk of homelessness. Evaluation and roll out of shared tenancies. Greater access to empty properties. More private sector properties.</p>	<p>Audit of formal and informal support provided to homeless people in the community.</p> <p>Identify any training or advice required by those providing support in the community.</p> <p>Develop a Tameside Preventing Homelessness Network to provide support, training and disseminate best practice to those helping to prevent homelessness</p>

## 6.0 THE CONTEXT

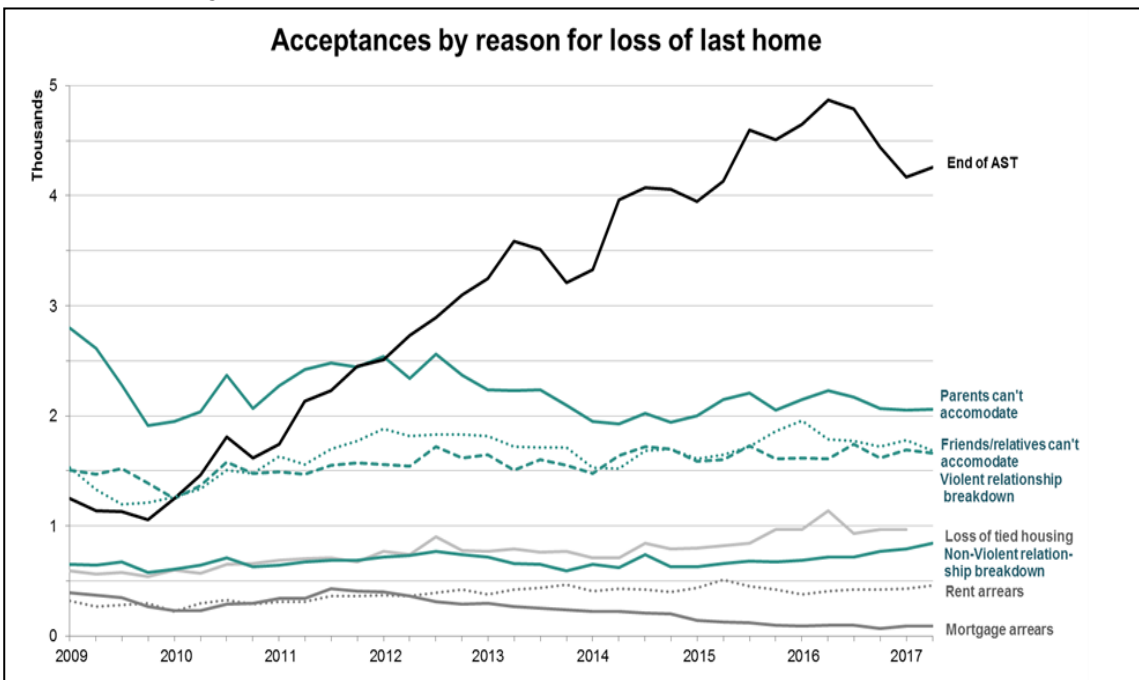
### The National Context

- 6.1 At a national level homelessness is increasing and projections indicate that it is set to continue to rise in the coming years. There is an increased likelihood of becoming homeless due to the lack of availability and affordability of housing, changes to the benefit system through the Welfare Reform, and a range of risk factors. The National Audit Office (NAO) (2017) in their recent report on homelessness have shown that Homelessness has increased across all measures since 2010, with many local authorities now seeing it as a risk to their financial sustainability. The report states that the ending of private sector tenancies has overtaken all other causes to become the biggest single driver of statutory homelessness in England.
- 6.2 The Homelessness Monitor annual report (Crisis 2017) has predicted that there will be a surge in homelessness families. This report shows that 70% of local authorities in England are struggling to find any stable housing for homeless people in their area, while 89% reported difficulties in finding private rented accommodation. The private rented sector is the largest rented sector in England, but its ability to house those on low incomes or who are homeless is largely dependent on housing benefit and, consequently, on the Government's programme of welfare reform (Fitzpatrick et al., 2015).
- 6.3 In response to this many councils have had to place even more homeless people in emergency housing. If current homelessness trends continue it is predicted that more than 100,000 households will be living in Bed and Breakfast accommodation, hostels and other forms of temporary housing by 2020 (Crisis 2017).
- 6.4 The National Audit Report 2017 highlighted the limited options which local authorities have to response to increased homelessness. In the publication "Housing in England: overview" the National Audit Office (NAO) set out in its assessment of the housing market and showed that there has been a significant reduction in social housing over the past few decades. While spending by local authorities on homelessness services such as temporary accommodation has steadily increased since 2010, spending on overall housing services has fallen by 21% in real terms over the same period. The proportion of homeless households in temporary accommodation outside their home borough increased from 13% in March 2011 to 28% in March 2017. Almost 90% of these households are from London boroughs.
- 6.5 In response to this increase in homelessness, the government has introduced fundamental change to homelessness legislation and has pledged to end rough sleeping by 2027 and to establish the Homelessness and Rough Sleeping Implementation Taskforce.
- 6.6 On 13 August 2018 the government published the rough sleeping strategy which sets out the government's plans to help people who are sleeping rough now and to put in place structures to end rough sleeping for good.
- 6.7 The government has committed to halve rough sleeping in this Parliament and to end it for good by 2027. The government's vision is to prevent rough sleeping from happening in the first place, to intervene to support those who are currently rough sleeping and to promote recovery by ensuring that people have the support in place to enter into sustainable accommodation. The strategy outlines the scale of the problem of rough sleeping, and why we need to act. It also presents the measures they are putting in place and the commitments which they have made to achieve the 2027 vision of Prevention, Intervention and Recovery.

**Homelessness –national trends**  
**Acceptances and households in temporary accommodation**

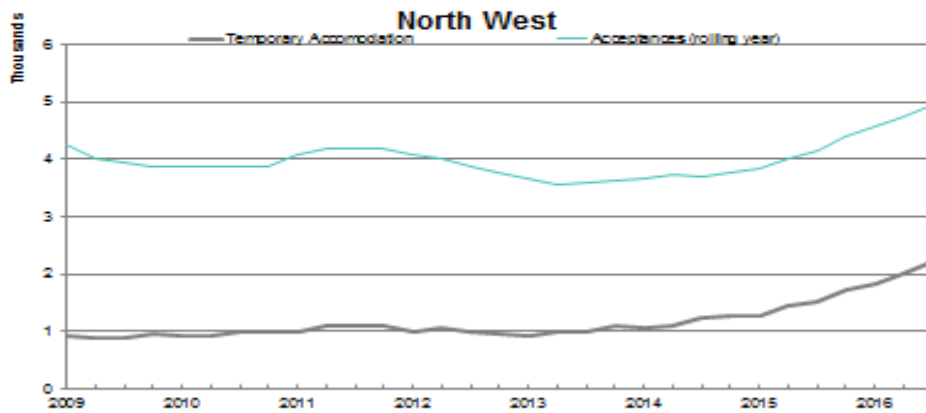


**Homelessness - the national position:**  
**Acceptances by reason for loss of last settled home**



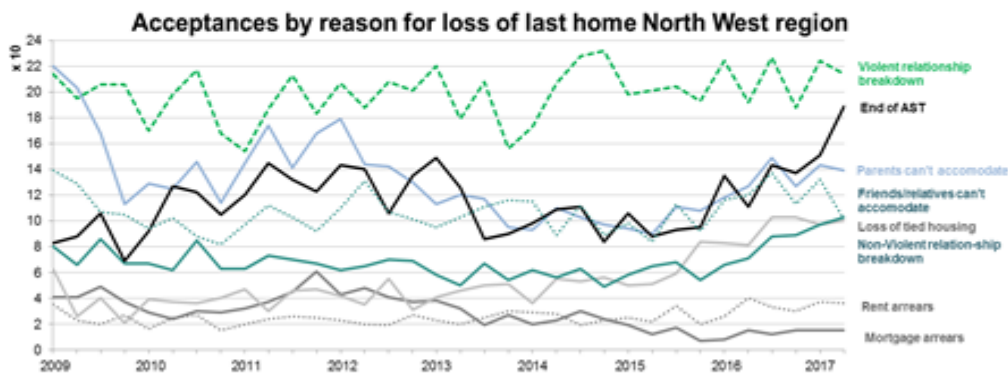
**Ending of an assured short hold tenancy continues to be the most common reason for loss of a settled home: 30% of acceptances (34% in London).**

## Homelessness – North West Acceptances and households in temporary accommodation



3

## Homelessness – North West: Acceptances by reason for loss of last settled home



5

### 7.0 THE HOMELESSNESS REDUCTION ACT 2017

7.1 The Homelessness Reduction Act 2017 took effect on 3 April 2018 and has introduced fundamental change. It aims to give local authorities more responsibility for preventing homelessness. It places duties on local authorities to intervene at earlier stages to prevent homelessness in their areas and requires authorities to provide homelessness services to every household who is homeless or threatened with homelessness not just those considered to be in priority need. The Department expects that these responsibilities will

lead to an increase in prevention cases and a fall in the number of households that qualify for temporary accommodation.

7.2 The focus is on helping those at risk of homelessness to avoid their situation becoming a homelessness crisis. The Homelessness Reduction Act requires local authorities to take reasonable steps to help prevent any eligible person who is at risk of homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live. The legislation has:

- extended the period for which people are considered threatened with homelessness from 28 days to 56 days before they are likely to become homeless, ensuring that local housing authorities can intervene earlier to avert a crisis.
- extended homelessness prevention so that help is provided at an earlier stage to all eligible households, regardless of priority need status, intentionality and whether they have a local connection.
- introduced a new Public Duty to Refer which came into force on 3 October 2018. This requires public authorities to notify the housing authority of service users they consider may be homeless or threatened with homelessness. Before making a referral, the public authority has to allow the individual to identify the housing authority which they would like to be notified and is required to obtain the consent of the individual to: refer them and to supply their contact details to the housing authority identified. The Homelessness Code of Guidance for local authorities specifies the public services included in the duty. This new duty should engage public bodies to assist with the earlier identification of those at risk of homelessness.

7.3 The Local Government Association [LGA] (2018) states that the legislation will, on its own, do little to reduce the root causes of increasing homelessness.

### **The Equality Act 2010**

7.4 The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. This Act covers 9 protected characteristics, making it unlawful to discriminate on the grounds of: race, sex, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, and marriage and partnership.

7.5 The Public Sector Equality Duty requires local authorities and other public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7.6 Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

7.7 The Equality and Human Rights commission (2016) state that there is strong evidence that homeless people suffer from multiple disadvantages.

## **8.0 NATIONAL RESEARCH**

8.1 Brief details about research findings of national research in relation to care leavers, young people, and single people are given below:

## **9.0 CARE LEAVERS**

9.1 Care leavers are particularly vulnerable to homelessness. Around a quarter of those living on the streets had a background in care, and rising demands on social housing have made it increasingly difficult for young people to find suitable accommodation (HM Government, 2013). Although local authorities have a duty to provide 'sufficient accommodation', Barnado's (2014) found that if a care leaver faces problems with their housing, they may become homeless.

## **10.0 YOUNG PEOPLE AND HOMELESSNESS**

10.1 Research undertaken in England has shown that around half of young homeless people are not in education, employment or training (NEET) at the point of becoming homeless and many also lack independent living skills. This may be due to a disrupted education or difficult childhood experiences that also contributed to them becoming homeless. 21% of young people supported by homelessness agencies and 15% of those seen by local authorities had poor literacy or numeracy skills (HomelessLink, 2014).

10.2 Young homeless people are finding it difficult to find work due to poor qualifications and high support needs. Due to welfare benefit rules, young people can be no better off in work than on benefits (Centrepont, 2016).

## **11.0 SINGLE PEOPLE**

11.1 Single people and couples without dependent children are also at risk as local authorities do not have a statutory duty to find accommodation if they do not have priority need.

11.2 A report for Crisis UK focused on the experiences of single homeless people in Britain, finding that those who become homeless at a young age may become homeless several times and be trapped in a vicious cycle that leaves them vulnerable to violence and poor health (Mackie with Thomas, 2014). In a 2012 survey of transgender people, 19% of the 542 participants who answered questions on their housing reported they had been homeless at some point, while 11% had been homeless more than once (McNeil et al., 2012).

## **12.0 HOMELESSNESS AND HEALTH**

12.1 The health problems of homeless peoples are considerable and their life expectancy is well below the national average (Crisis, 2011). For homeless men, the average age of death in 2001–09 was 48 years, compared with 74 years in the general population (a reduction of 26 years in life expectancy), and 43 for homeless women, compared with 80 in the general population (a reduction of 37 years) (Crisis, 2011).

- 12.2 Examples of health problems which have been identified include physical trauma, skin problems, respiratory illness, mental ill-health, infections and drug/alcohol dependence (DH, 2010). There are higher numbers of reported incidents of physical ill-health, depression and substance misuse among those who are sleeping rough or living in precarious accommodation such as squats, than among other homeless people. In 2010, a national audit of over 2,500 homeless people found that 41% had long-term physical health problems, compared with 28% of the general population; 45% had a diagnosed mental health problem compared with 25%; and 36% had taken drugs in the past month compared with 5% in the general population (Homeless Link, 2014).

### **13.0 ACCESS TO HEALTHCARE**

- 13.1 Homeless Link (2014) has stated that homeless people use hospital services, including Accident and Emergency, between three and six times that of the general population (DH, 2010). Although, they access GPs between 1.5 and 2.5 times more than the general public, nevertheless, 7% of homeless people said they had been refused access to a GP or dentist within the past 12 months. Furthermore, although 40% said they had sufficient help with their health problems, 42% wanted some, or more, help
- 13.2 Evidence has shown that homeless people do experience barriers to accessing healthcare. These include poor staff attitudes and the fear of being judged or experience of being passed between agencies and receiving help from none, for example for people with dual diagnosis (substance misuse and mental health problems) (RCGP, 2013).

### **14.0 HOMELESSNESS AND AUTISM**

- 14.1 A research study, published on 12 June 2018 in the Autism Journal, has yielded evidence of a link between autism and homelessness. The National Autistic Society has stated that this is the first significant study on autism and homelessness. The research findings have suggested that autistic people may be at higher risk of becoming homeless than the general population. Alasdair Churchard, one of the researchers involved in this study said,
- 14.2 "It is well-known that life for homeless people is extremely mentally and physically hard, and those who are autistic are likely to have additional vulnerabilities which would only make their lives more difficult. Further research is required in this area, and we have been working with professionals in the homelessness field to raise awareness about the potential links between autism and homelessness."

### **15.0 THE SUB REGIONAL CONTEXT**

#### ***The GM Homeless Action Network Strategy, the GM Pledges and the GMCA Programmes for Tackling Homelessness***

- 15.1 Tackling homelessness is one of the GM Mayor's key priorities. A major focus to date has been on rough sleeping. This is the most extreme and visible form of homelessness. The GM Mayor has pledged that there is no need for anyone to sleep rough within GM by 2020 and has developed a GM Homeless Action Network Strategy. This is a strategy to end rough sleeping by 2020, and to develop a 10-year plan to tackle the issues of wider homelessness.
- 15.2 In the summer of 2018 the GM Mayor introduced a new pledge to further improve GM's approach to rough sleeping by aiming to provide a bed for every rough sleeper who needs and wants one from 1 November 2018 to 31 March 2019. This initiative has been named



“A Bed for Every Night” (ABEN). Tameside Council has signed up to this pledge and has put in place arrangements to take this forward.

15.3 The GMCA has developed a range of programmes to support local authorities work in tackling homelessness and to support the GM Mayor in his commitments on rough sleeping. The three main programmes of work are as follows:

- The Social Impact Bond (SIB) for Entrenched Rough Sleepers
- The Homelessness Prevention Trailblazer
- The Housing First Programme

***The SIB for Entrenched Rough Sleepers***

15.4 This payment by results programme is targeted at the most entrenched rough sleepers and aims to:

- find them suitable accommodation
- arrive at positive solutions and obtain support for general well-being (this includes support with substance misuse and mental Health issues)
- help them to enter into education, training or employment

***The GM Homelessness Prevention Trailblazer***

15.5 At a GM level there is a Homelessness Prevention Trailblazer Programme which has received funding from the Ministry of Housing, Communities and Local Government's (MHCLG). This focuses on the following themes to:

- Deliver a consistent approach to data and systems
- Create a network of Hub provision across GM
- Develop a GM-wide Social Lettings Agency
- Create a GM Homelessness Action Network to support and build capacity in the stakeholder sector
- Deliver a Housing First system across GM
- Develop meaningful and consistent customer pathways
- Develop an integrated health and homelessness offer

15.6 Tameside Metropolitan Council is fully engaged in combatting homelessness at a Greater Manchester level. They are represented on, and contributing to, Greater Manchester strategic groups such as the Greater Manchester Housing Providers' Group, the Greater Manchester Housing Needs Group and the Greater Manchester Health and Social Care Network. Tameside Council has also signed up to the Greater Manchester pledges relating to homelessness which are:

- To identify options that will increase rehousing opportunities for people who are currently in temporary and supported accommodation.
- To develop models of support for those who have experienced homelessness and are moving into a secure tenancy. Additional consideration to be given to women who tend to be unrepresented within current 'on the streets services.
- Increase affordable rehousing opportunities to homeless applicants through a shared model of living that works within LHA cost limitations.
- To identify eligible people, including those experiencing homelessness by referring them into the Motiv8 programme. The programme is aimed at helping those people who experience multiple barriers move closer to employment, and improve their life chances.
- To ensure all people working in rehousing and homelessness services have up to date knowledge and skills.
- To support the Manchester Housing First Programme with rehousing provision.

## **16.0 THE HOUSING FIRST PROGRAMME**

- 16.1 The MHCLG has awarded the GMCA 3 years funding to commission a Housing First programme across all 10 boroughs for people facing multiple needs and exclusion leading to them having difficulties in finding and sustaining suitable accommodation and increasing their risk of recurring homelessness. Housing First is a very innovative programme which has proved successful.
- 16.2 Housing First is designed for people who need significant levels of help to enable them to leave homelessness. This model focuses on the provision of housing as a starting point rather than an end goal.
- 16.3 Pleace (2016) describing what Housing First is states “rather than being required to accept treatment or complete a series of ‘steps’ to access housing, someone in a Housing First service leaps over the steps and goes straight into housing. Support is then provided to help Housing First service users to sustain their housing and promote their health and well-being and social integration, within a framework that gives service users a high degree of choice and control.”
- 16.4 Housing First service users are actively encouraged to minimise harm from drugs and alcohol and to use treatment but they are not required to do so.
- 16.5 This model is governed by the following 8 core principles:
- Housing is a human right
  - Choice and control for service users
  - Separation of housing and treatment
  - Recovery orientation
  - Harm reduction
  - Active engagement without coercion
  - Person centred planning
  - Flexible support for as long as required
- 16.6 Tameside Council is committed to, and actively engaged in, contributing to these programmes. This work will be integrated into the strategic action plan which supports this strategy.

## **17.0 TAMESIDE BOROUGH: ITS DEMOGRAPHY AND HOMELESSNESS**

### **Demographic Information**

- 17.1 Tameside Borough comprises nine towns which include: Ashton-under-Lyne, Audenshaw, Denton, Droylsden, Dukinfield, Hyde, Longdendale, Mossley and Stalybridge. The total population is approximately 220,800<sup>1</sup> and the landscape combines a mix of urban and rural areas.
- 17.2 The population breakdown shows that just over a half of the population of Tameside Borough (50.8%) are women. Almost a fifth (19.6%) of the population are under 16 years old, with slightly less (17.1%) being of pensionable age. The remaining 63.2% of the population are of working age (16 to 64 years old). Forecasts predict that over the next 20 years, the age profile of the population is expected to change significantly. The number of older people; residents aged 65 years and above are projected to increase by 64.9% by 2037 (from 37,000 to 61,000 residents in this age group).



19.3 The strategic action plan supporting Tameside Borough's Preventing Homelessness Action plan will incorporate actions relating to: promoting the health and wellbeing of homeless people and those at risk of homelessness, and making healthcare services more accessible to them.

## 20.0 HOMELESSNESS IN TAMESIDE

20.1 A review of homelessness in Tameside was undertaken. Details of this review are provided in the Appendices. Both quantitative and qualitative data informed this review. Qualitative data was gathered through undertaking extensive consultation with homeless people and with organisations working with the homeless in Tameside. The validity of the data was promoted by ensuring that the individuals interviewed had direct experience of homelessness or of working with homeless people in Tameside. The data gathered was triangulated to ensure its robustness. Respondent validation of the data was achieved by holding a strategic workshop in March 2018 and involving over 30 stakeholder organisations and services in discussing, assessing and evaluating the consultation findings. Details of the consultation findings are provided in Appendix A.

20.2 The following quantitative data was used to inform the review:

- The national statutory homelessness P1E data returns.<sup>1</sup>
- National research findings for example research reports published by the National Audit Office, HM Government, Crisis, Homeless Link, Barnardos and Centrepoint.
- Contract monitoring data of the homelessness services commissioned by Tameside Council
- Tameside service activity data
- Census data
- The Joint Strategic Needs Analysis for 2016/17
- Tameside's Housing Needs Assessment 2017

20.3 Key messages from the Homelessness Review are:

- It is difficult to calculate how many people are homeless since many homeless people are the "hidden homeless" and do not appear in the official statistics.
- Many people perceive homelessness to be sleeping rough on the streets and are not aware that homelessness can include people:
  - Staying with friends or family
  - Staying in a hostel or bed and breakfast accommodation
  - Squatting
  - At risk of violence or abuse in their home
  - Living in poor conditions that affect their health
  - Living apart from their family because they don't have a place to live together
- There are increasing numbers of households seeking assistance. Demand for assistance from the Tameside Housing Advice Service has increased by 47% during the year 2017/18 compared to the level of demand in 2016/17.<sup>2</sup>
- The top reason for homelessness in Tameside during 2017-18 identified in the P1E statutory returns is that other relatives or friends are no longer willing or able to

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<sup>1</sup> Each local housing authority is required to consider housing needs within its area, including the needs of homeless households, to whom local authorities have a statutory duty to provide assistance. The purpose of the quarterly P1E form is to collect data from English local housing authorities on their responsibilities under homelessness legislation.

<sup>2</sup> Telephone contacts are not included in this statistic.

accommodate. However the consultation undertaken in Tameside has revealed a wide range of factors which cause homelessness.

- During the year 2017/18 there was an increase of 11% in the number of placements into all types of temporary accommodation used by Tameside Housing Advice in comparison with the number of placements made in 2016/17.
- The high level of demand for supported housing in Tameside. In the year 2017/18, 151 referrals were received for supported housing commissioned by Tameside Council however only 57 placements were made.
- There are a wide range of services for homeless people within the borough but not everyone is aware of the services provided. There is a need to raise awareness of these.
- There are examples of numerous initiatives from the Faith Sector in Tameside to help the homeless and a desire to prevent homelessness. There are a large number of foodbanks in Tameside.
- There are untapped resources in the community which need to be nurtured and empowered to prevent homelessness.
- The Housing Needs Assessment has shown a 3.5% projected increase in the cohort aged 15-29 years and most notably an increase of 96.9% in the cohort aged 80+ years.
- There is a significant increase in the number of households active on the Tameside's housing register. As at 31st March 2018, there were 434 households active on the housing register in comparison to 301 for the same period in 2016/17. In quarter 4 of 2017/18, 421 new applications were received compared with 325 in the same quarter the previous year 2016/17
- The current housing offer in Tameside is focused around 2 and 3-bed properties with very few smaller and larger properties
- There is increasing demand for affordable housing, a very high demand for one bed accommodation and also a demand for housing for large families.
- Access to a wider range of affordable permanent accommodation options is needed. For example an increase in the range of affordable options for:
  - Large families
  - Single people
  - Young people
  - Care leavers
- There are continuing financial pressures and uncertain circumstances.
- There is a dramatic increase in levels of rough sleeping in Tameside and data collected during the implementation of cold weather arrangements suggests that the number of those sleeping rough is greater than the estimate undertaken on 2 November 2017. (It should be noted that the data collected for the estimate complied with strict national criteria and was verified, whereas the number of those presenting for shelter during cold weather was a count of those who presented.)
- During the period 29 November 2017 to 31 March 2018 cold weather provision was triggered on 37 nights and there were 414 placements made available.

## **21.0 THE CAUSES OF HOMELESSNESS IN TAMESIDE**

21.1 Statutory data which is collected every quarter through the P1E return has shown that the top 5 reasons for homelessness during 2017/18 were:

1. Other relatives or friends no longer willing or able to accommodate
2. Parents no longer willing or able to accommodate
3. Required to leave accommodation provided by Home Office as asylum support
4. Violent breakdown of relationship involving partner/non –violent breakdown of relationship
5. Termination of assured shorthold tenancy

- 21.2 Tameside Council's Homelessness Team has responded proactively to these findings and has already put in place a range of initiatives and investment in response. These include amongst other things: investing resources in developing a Mediation Scheme; developing an accommodation pathway for young people at risk of homelessness; appointing a housing resettlement support worker to work with Asylum Seekers who have been given leave to remain in the United Kingdom to assist them to make the best use of the housing options available to them; and putting in place a number of developments to increase access to private sector accommodation etc. Further details are provided in the introduction to the strategy.
- 21.3 The consultation undertaken in Tameside Borough revealed a wide range of factors which organisations and services identified as causes for homelessness in Tameside. Please see the table in the appendix A. The causes identified include: national policies such as the Welfare Reform, lack of finances leading to accrual of debt, the issuing of a section 21 notice<sup>3</sup> and eviction, low or no wages and lack of affordable housing, lack of housing options available, the breakdown in family relationships and family and friends no longer able to accommodate the person, substance misuse, poor mental health, people who become disabled and their current house is no longer accessible, a combination of factors, changes in circumstances, anti-social behaviour leading to eviction, people with offending histories, and operational issues experienced by agencies leading to delays in making homelessness decisions.
- 21.4 National policy, i.e. the impacts of Welfare Reform was identified as a key factor which has led to a significant increase in homelessness. This introduced changes such as the introduction of the bedroom tax, the benefits cap, the Housing Benefit limitations on those aged under 25 years and the introduction of Universal Credit.
- 21.5 The lack of finance was identified by agencies as a key reason why people became homeless. It was noted that people have higher expectations and are used to a certain standard of living that they are unable to sustain. The accrual of debts, low wages, the loss of employment, and changes to benefits arising through the welfare reform were identified as key financial factors causing homelessness.
- 21.6 The lack of housing options. The shortage of "affordable" housing. It was noted that even "affordable" housing is not affordable for some people and there are long waiting lists for social housing. The bedroom tax has stopped people from moving into available 2 bedroom properties.
- 21.7 The breakdown in family relationships and negative lifestyle choices leading to substance misuse, mental health issues
- 21.18 A combination of factors which may be interrelated such as mental health problems, drugs, finances etc.

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<sup>3</sup> A Section 21 Notice to quit is a legal tool, which the landlord can use to regain possession from a property which is let under an Assured Shorthold Tenancy. It gives the landlord the right to request you to leave the property, giving you two months of time under the rules of Section 21. This is the first step of the eviction process, but it itself is not considered an eviction.

## 22.0 PRIORITY GROUPS IN TAMESIDE BOROUGH

22.1 In Tameside Borough the groups below have been identified as being potentially the most at risk of homelessness. Actions need to be targeted at these groups to prevent this from occurring.

1. people released from prison or youth detention accommodation;
2. care leavers;
3. former members of the regular armed forces;
4. victims of domestic abuse;
5. people leaving hospital;
6. people suffering from a mental illness or impairment; and,
7. people with substance misuse issues
8. Asylum Seekers who have been issued with refugee status
9. young people on low/no wages
10. older people who become disabled and their current home is no longer accessible
11. Large families on a low income
12. Single people who do not meet priority need

### **People Released from Prison or Youth Detention Accommodation**

22.2 The consultation findings indicated that people with an offending history are a group which is potentially at risk of having recurring homelessness. The consultation findings showed that repeat offenders may experience recurring homelessness.

22.3 The consultation undertaken has raised a number of issues in Tameside relating to people with an offending history:

#### ***1.Lack of Communication when being taken into custody can cause a person to lose their accommodation and become homeless.***

22.4 The consultation revealed the importance of ensuring that communication is maintained with the individual's landlord and the DWP if they are taken into custody suddenly. Increasingly those with an offending history may be given short custodial sentences when they are in and out of custody and as a result their landlord and the DWP may be unaware of the current status of the individual. The lack of communication with the DWP has led to the cessation of benefit payments which in turn has led to the accrual of rent arrears. This has resulted in the loss of the person's tenancy through eviction.

22.5 The consultation findings show that in the event of a short custodial sentence it is important that the court picks up housing issues and a nominated person is identified to raise these issues with the offender's next of kin/contact person so that the landlord is informed that the tenant has been taken into custody, and given the keys of the accommodation and arrangements are made to collect the offender's main whilst he/she is in custody. Also DWP needs to be informed of a change in circumstances.

#### ***2.There is a shortage of support for those with an offending history and no accommodation in place for their release***

22.6 The consultation findings revealed the need for improved communication between the Prisons, Shelter who run the Through the Gate Programme in some prisons, Probation Services, GM and Cheshire CRC and Tameside Housing Advice Service.

22.7 The consultation showed that individuals who are released from prison have presented as homeless to Tameside Housing Advice on the day of their release. Consultees suggested that a more effective service could be provided to those being released from prison, if Shelter provide sufficient notice in advance (i.e. more than one week's notice) and send ID

to Tameside Housing Services, before the person presents. Appropriate advance notice would enable effective triaging to be undertaken.

- 22.8 The consultation findings showed that there are cases where someone is released from prison but does not present at Tameside Housing Advice straight away. They may stay with family and friends and then present some time later. In this instance they are not seen as a release from prison case. However their background history later reveals this.

### ***3. Barriers to Obtaining Housing Due to Committing Specific Offences***

- 22.9 The consultation indicated that there are different types of offenders who experience barriers to obtaining accommodation.
- 22.10 The commission of specific offences appears to exclude some individuals from housing. For example, an official highlighted that sex offenders appear to experience all the barriers to obtaining accommodation and the additional barriers of stigma and risk.
- 22.11 Tameside Council commissions Roots a service for high risk offenders. This includes sex offenders. The Roots service provides an intensive tenancy support and compliance service for a minimum of 10 offenders (at any 1 time). These are offenders who are subject to Multi-Agency Public Protection Arrangements (MAPPA) and Prolific and Priority Offender (PPO) arrangements. It provides housing related support to enable service users to successfully manage their tenancy. It facilitates access to appropriate housing for a client group that is typically excluded from housing but for whom appropriate housing is key to successful outcomes and an essential component to avoid reoffending.
- 22.12 The consultation showed that other offenders who have a history of violence, and those who have committed arson also experience exclusion from accommodation. The consultation revealed that the offence of arson may encompass a wide range of crimes which vary in level of severity and the risk they pose. Some arson convictions could be setting a wheelie bin alight and this could be a one-off event whereas others may be more serious arson convictions. The recording of the offence, its severity and frequency is important. The level of severity of the crime and its frequency should be taken into account when planning the resettlement of those with an offending history.

### ***4. The Impact of a History of Accruing Rent Arrears on Being Able to Secure Accommodation***

- 22.13 The consultation findings showed that it was very difficult for a person, who has an offending history and a history of accruing rent arrears, to obtain accommodation. This strategy recommends that offenders are given information about Tameside's Resettlement Scheme and other support available to help.

### ***5. Unwillingness to Accept Certain Types of Accommodation Such as Supported Accommodation***

- 22.14 The consultation revealed that some people who have an offending history are unwilling to accept supported accommodation. This issue requires further investigation. It may be that those with an offending history are unaware of the type of supported accommodation which is provided in Tameside. This strategy recommends that action is taken to identify from offenders why they are unwilling to accept supported accommodation. Do they know what supported accommodation is? The data collected appears to suggest that they may, mistakenly, think that supported accommodation in Tameside is a hostel. Some offenders do not want to go to hostel accommodation on their release from prison due to problems which may be encountered there such as disputes and drug abuse.



## **6. Poor Mental Health Resulting in the Inability to Hold Down a Tenancy**

- 22.15 The consultation findings have shown that it can be very difficult for a person to sustain a tenancy if they are a repeat offender, in and out of prison, and have poor mental health. A consultee explained “The person may have full housing duty but is unable to hold a tenancy and has ‘burnt all his bridges’... and Mental Health Services don’t know about him.” This shows the importance of further developing joint working between Probation Services, Adult Mental Health Services and Tameside Housing Advice Services to develop creative accommodation pathways to enable those with an offending history and poor mental health to obtain and sustain their tenancy.

## **7. Young Offenders aged between 18-25 finding it Difficult to Manage a Tenancy**

- 22.16 The Probation Services in Tameside have observed that young offenders aged 18 to 25 year old may have more chaotic lifestyles and find it very difficult to manage and sustain a tenancy.

## **23.0 CARE LEAVERS**

- 23.1 The Consultation raised the following issues relating to young people leaving care in Tameside which include the need for:

- *More Integrated working between the Leaving Care Team and Homelessness Services (e.g. Tameside Housing Advice, Tameside Council’s Homelessness Team etc.).*

To further develop joint working with the Leaving Care Service has recently set up a new Accommodation Panel to discuss the accommodation needs of Care Leavers with representatives of Tameside Housing Advice, Tameside Council’s Homelessness Team and other key services. Through closer working arrangements the Leaving Care Service are developing their understanding of Homelessness Services in Tameside and the housing options available.

In addition to this, the Senior Strategy Housing Officer from the Homelessness Service is working closely with the Manager of the Leaving Care Team, the Transition Support Team Manager and Care Leavers to develop appropriate actions to prevent homelessness. These actions will be incorporated into the strategic action plan which supports the strategy.

- *The Leaving Care Service to undertake earlier resettlement planning with Care Leavers involving the keys services and agencies*  
Consultees suggested that information about housing issues should be given to care leavers at an earlier stage.
- *Clear accommodation pathways for young people leaving care*  
A new Homelessness Project Officer has now been appointed by Tameside Council’s Homelessness Team to work with the Leaving Care Service to develop a clear accommodation pathway for young people leaving care.
- *A holistic response to helping young care leavers to sustain tenancies and prevent the accrual of rent arrears.*  
The evidence shows that some care leavers have a pattern of losing their tenancies due to rent arrears and therefore becoming “intentionally homeless”.
- *A planned approach to transition from children’s services to adult services*  
Emerging issues identified through the consultation undertaken in Tameside has identified that there are problems encountered during the transition from children’s’ services to adults’

services. A successful transition requires advance planning before the person reaches the age of 18 years. Without this a person may find that they lose all services once they reach the age of 18 years.

- *Affordable supported housing*

## **24.0 FORMER MEMBERS OF THE ARMED FORCES**

24.1 The 2011 Census identified that 522 residents in Tameside Metropolitan Borough are employed in the Armed Forces. Of these, 66.7% live in owner occupation and 33.3% live in a property rented from a Housing Association.

24.2 National evidence suggests that significant numbers of ex-armed forces personnel face difficulties after returning to civilian life, including financial hardship, poor physical and mental health, and low self-esteem. Housing is a key area where the armed forces community require support; SSAFA –the Armed Forces charity (formerly known as Soldiers, Sailors, Airmen and Families Association) has found that many working age veterans believe their housing situation has been disadvantaged by military service.

24.3 Tameside Council commissioned Salford University to undertake a review of the level of demand for housing and housing related support among the armed forces community in Tameside in 2017. A report was produced in 2017 by Wilding entitled “Meeting the housing needs of the armed forces community in Tameside.” The Wilding (2017) review made the following recommendations:

- There needs to be better identification of armed forces applicants, along with more accurate recording and storing of data by all organisations working with the armed forces community on housing related issues;
- Given that ex-armed forces personnel do not always disclose their status and that this can be a sensitive issue, there is some scope for armed forces charities to provide guidance on ways of eliciting this information; All housing providers and community organisations providing housing related support should sign up to the Armed Forces Covenant and pledge to ensure that the armed forces community is not disadvantaged when using their services;
- Housing associations could work more closely with armed forces charities to tap into available support and expertise. One potential way of doing this is through participation in TASC; In order to ensure that ex-armed forces personnel are offered the full range of support available to them, housing providers should include a question on registration forms requesting permission to discuss their case with armed forces charities;
- Ex-armed forces personnel may also be more willing to disclose their status if they are aware of how this affects their housing rights. One way of increasing awareness is by distributing promotional materials through Tameside Housing Advice and the armed forces charities;
- Armed forces charities should look at producing guidance for housing providers in Tameside on the particular housing requirements of the armed forces community;
- There is a case for removing the time limit for prioritising the armed forces community, as many of the issues experienced by ex-armed forces personnel, including mental health problems can reoccur or be on-going for longer periods of time; Supported living networks should be further explored as a means of enabling the armed forces community to support each other whilst living among the wider community.

## 25.0 PEOPLE WITH SUBSTANCE MISUSE

25.1 The consultation data showed that this group may have very chaotic lifestyles and find it very difficult to hold down a tenancy. There are instances where those with a substance misuse issue have left a tenancy and entered a rehabilitation programme but failed to complete the programme. As a result they became homeless.

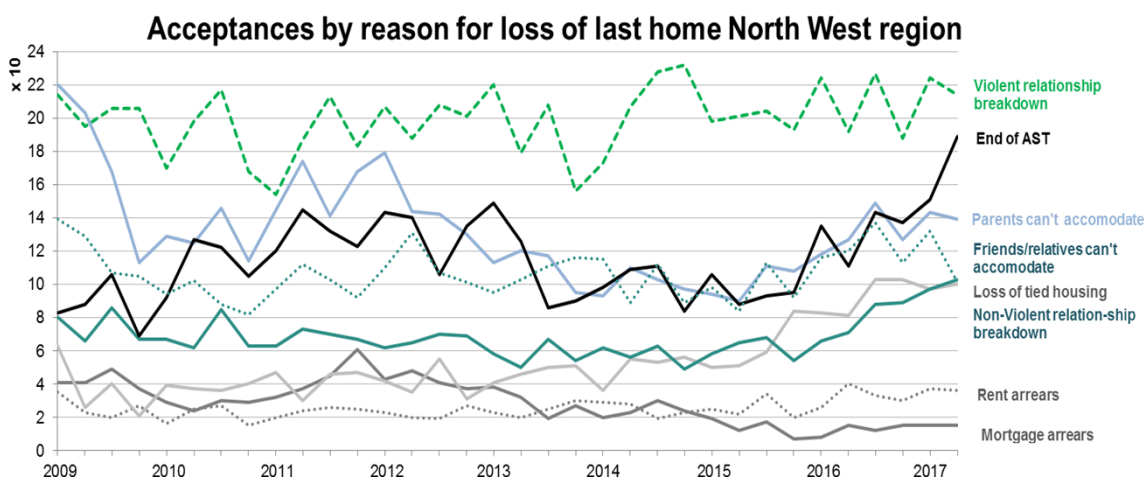
## 26.0 Victims of Domestic Abuse

26.1 In 2017 domestic abuse resulting in the breakdown of a relationship was the top reason in Greater Manchester for being accepted as statutory homeless. From 1 April to 31 December 2017, in Tameside borough there were a total of 4,265 incidences of domestic abuse, at all risk levels.

26.2 The consultation findings in Tameside indicated that victims of domestic abuse may also be victims of repeat homelessness. There is a range of information targeted to this group. E.g. by Police and Tameside Hospital. Tameside Council has recently run a campaign on male victims of domestic abuse.

26.3 Supporting victims of domestic abuse is identified as a priority in Tameside. Tameside Council has commissioned a range of services which are specifically targeted to victims of domestic abuse. These services include a 24 hour staffed women's refuge, dispersed tenancies in the community, Housing First provision, and a sanctuary scheme.

26.4 The provision of Sanctuary measures (security measures to enable the victim to remain living at home) is one of the single most effective homelessness prevention measures available to local authorities.



## 27.0 PEOPLE LEAVING HOSPITAL

27.1 The consultation indicated that people with mental illness who are sectioned in hospital may lose their tenancy due to the accrual of rent arrears. This can occur due to the patient being unable to contact the landlord and DWP to confirm that they were in hospital. This may occur, in particular, to young men with a dual diagnosis.

27.2 The consultation undertaken revealed that there is difficulty in finding permanent placements for homeless people who are leaving hospital. Family and friends are relied about as a temporary placement but more permanent accommodation is needed.

## **28.0 PEOPLE SUFFERING FROM A MENTAL ILLNESS OR IMPAIRMENT**

28.1 The consultation demonstrated the need for a holistic, multi-agency approach to tackling the needs of tenants with poor mental health to prevent them from becoming homeless. It was suggested that Tameside should have a multi-agency meeting focusing on tenants who are at risk of homelessness.

28.2 It was suggested that posters and leaflets about preventing homelessness and the services available are placed in Primary Care Centres and waiting areas and that doctors are asked to give them out to patients. Consultees stated that post cards or business cards are easy to give someone and they could carry them around if needed.

## **29.0 ASYLUM SEEKERS WHO HAVE BEEN ISSUED WITH REFUGEE STATUS**

29.1 Asylum Seekers are given support and accommodation from SERCO in Tameside but once they have been issued with refugee status they are given only 28 days' notice before they have to leave the SERCO accommodation. As a result the person lacks accommodation and support and income. They are unable to secure employment or benefits due to the lack of a national insurance number. The consultation revealed that it can take a while for the national insurance number to be issued.

29.2 Tameside Council has recruited a housing resettlement support worker to assist asylum seekers who have been issued with refugee status to assist them to secure accommodation.

## **30.0 YOUNG PEOPLE**

30.1 The consultation revealed that young people are at risk of homelessness. It should be noted that young people are particularly affected by the Welfare Reform. Young people who are on low wages may not be able to afford housing which is designated as "affordable." Tameside Council is currently developing accommodation pathways for young people and are piloting a shared tenancy initiative with Ashton Pioneer Homes aimed at providing young people with lower cost accommodation.

## **31.0 FAMILIES**

31.1 The Housing Needs Assessment (2017) has shown that over the last 12 months, there has been an increase in the number of families requiring large accommodation. This appears to be due to changes to national welfare policy and the implementation of a cap on benefits.

31.2 Families (that is couples and lone parents with children including adult children living at home) account for around 46.0% of households across Tameside. Of this number, 32.1% are couples and lone parents with dependent children and 13.9% are parents with adult children (2017 Household Survey data).

31.3 The Housing Needs Assessment (2017) has shown that the main property type occupied by families was semi-detached properties (around 42.0%). Around half of all family households would like a detached property but only 17.7% expect a detached a property.

In comparison only 3.2% would like a flat / apartment but 11.9% would expect to move to this type of property.

- 31.4 The evidence shows that families are more likely to live in unsuitable housing or experience homelessness. 60.8% of all families are in some form of housing need, compared with 9.1% across all households in Tameside.

### **32.0 SINGLE PEOPLE**

- 32.1 The Housing Needs Assessment (2017) In Tameside has shown that there is a lack of one bedroom accommodation available but increasing numbers of single people seeking this accommodation. The research has shown that young people on low wages are finding it increasing difficult to obtain accommodation. To help address this problem Tameside Council has commissioned an innovative pilot project from one of our registered providers, Ashton Pioneer Homes, to provide single people with shared accommodation. This enables them to have access to more affordable accommodation. Two bedroom accommodation has been converted to provide two bedrooms which can be locked and a shared kitchen and bathroom.
- 32.2 The homelessness data has shown the single people presenting as homeless at the Tameside Housing Advice Service appear to have more complex needs and lead chaotic lifestyles. They may have received many chances to obtain accommodation but failed to sustain their tenancy. They are at a place where their options are now very limited.

### **33.0 ROUGH SLEEPING**

- 33.1 The proportion of English rough sleepers from GM has nearly trebled since 2010 and the rates of increase in GM consistently and significantly outstrips the increase in England as a whole. In GM overall, 78% of identified rough sleepers are from 4 boroughs -Manchester, Salford, Tameside and Wigan.
- 33.2 Eliminating rough sleeping is a priority for the Greater Manchester mayor and extensive activity has been undertaken to tackle this issue. Access to emergency bedspaces has been increased across Greater Manchester and the response to Cold Weather Provision has been developed to provide a more coordinated approach. During the winter of 2017-2018 there has been an unprecedented number of referrals into accommodation during cold weather. In April 2018, an evaluation was undertaken of the response to winter/cold weather provision and the learning from this will be used to form recommendations for further improvements.
- 33.3 Tameside Council submitted a bid to the Ministry of Housing, Communities and Local Government (MHCLG) in 2018 for additional resources to provide new services to prevent and relieve rough sleeping. This bid was successful and will support the Council to provide the following additional services: a multi-agency assertive outreach service, a Rough Sleepers Co-ordinator Post and more accommodation options for those at risk of rough sleeping.

## Who is Sleeping Rough in Tameside?

A profile of rough sleepers in Tameside; numbers, support needs and demographics;

Category	Detail	Numbers/description
<b>Street Count 2017</b>	Estimate/ Count	43
	Previous count/estimate	19
<b>Person Specific – at the street count</b>	Gender	Male 39      Female 4
	Ethnicity	
	Age	16 – 25 - 4      25 – 59 - 30      60+ 0
	Nationality/Immigration status	UK 34      EU 4      Other 1
	Entrenched/revolving door	Over 40 referred to GM entrenched rough sleepers project
	Short term/intermittent	5
	Misc. couples, pets etc.	2 couples
	Not known (with reasons why)	Age not known of 9 people
<b>Category</b>	<b>Detail</b>	<b>Numbers/Description</b>
<b>Primary Support Needs of above (as far as is known)</b>	Drugs/Alcohol	7 linked to services
	Mental Health	10 known to secondary mental health services
	Other Health	
	Institutional history (care, prison, armed forces)	7 (offenders)
<b>Area Connections of above</b>	Local Connection to your LA	39
	England	
	UK (other than England)	
	NON- UK	4
	Not known	
<b>Service plans for above</b>	How many have a Single Service Plan/Multi Agency Plan in place	Most have been referred to Entrenched Rough Sleepers Project

### In addition to the people identified above, how many additional people slept rough or were prevented from sleeping rough in your local area during September to December 2017?

Cold weather numbers indicate higher numbers of rough sleepers than those captured in estimate.

We have collated the data on cold weather placements, referrals to the entrenched rough sleepers' project and all persons identified for the estimate (including those that weren't submitted as we couldn't meet the verification standards per the guidance).

This provides a figure of 131 individuals.

Includes 2 couples

13 women

59 unknown date of birth

8 aged 21- 25

23 aged 23 – 40

33 aged 40-50

8 aged 50-58

No over 60s

<p>43 referred to GM Entrenched rough sleepers project (SIB)</p> <p>7 have had applications for assistance under local welfare provision approved – this includes 5 who were supported via the SIB</p>
<p><b>Any other relevant information on rough sleeping in your area (e.g. particular local challenges, causes or concerns)</b></p> <p>Cold weather arrangements in place between 29 November and end of March 2018 414 placements made of 84 individuals.</p> <p>Lack of supported accommodation – funding was cut in 2016 by 60%</p> <p>No local assertive outreach</p> <p>Limited targeted resources</p> <p>Limited accommodation dedicated to rough sleepers</p>

### **34.0 A BED FOR EVERY NIGHT**

34.1 A Bed For Every Night is a GM commitment to provide a bed, welcome, hot meal and support for anyone sleeping rough in Greater Manchester during the period 1 November 2018 until 31 March 2019. This provision is offered regardless of the temperature. Tameside Council has signed up to this commitment and has put in place local arrangements from 1 November 2018.

#### **Tameside Housing Needs Assessment (HNA)**

34.2 To obtain a clear understanding of Tameside Borough's full housing needs the Council has undertaken a Housing Needs Assessment (HNA). The draft HNA was produced in September 2017.

34.3 The evidence presented in this draft HNA 2017 suggests that there are three main policy areas that require special attention from both a planning policy and social policy perspective:

- The challenge of enabling the quantity and mix of housing that needs to be delivered;
- The challenge of ensuring that the housing and support needs of older people are met going forward; and
- The challenge of driving up the quality of the private rented sector and increasing the sustainability of tenancies.

### **35.0 SECURING SUFFICIENT ACCOMMODATION FOR PEOPLE IN THE DISTRICT WHO ARE OR MAY BECOME HOMELESS**

35.1 Tameside Council undertook a 2017 Household Survey and collected a range of secondary data to provide a robust evidence base to assess housing need across Tameside Borough. One way of promote access to accommodation is by increasing the level of affordable housing and by improving access to good quality private sector accommodation.

35.2 The evidence presented in the Council's Draft HNA 2017 shows an annual imbalance of 421 affordable dwellings across Tameside each year. Tameside's Draft Housing Needs Assessment recommends that the Council should seek to reduce this through, for instance,

newbuild stock. The data shows variations by ward, designation (general needs and older person) and property size.

<b>Table 5.5 Net annual affordable housing imbalance by ward, property size and designation 2017/18 to 2027/28</b>				
<b>Ward</b>	<b>General Needs</b>		<b>Older Person</b>	<b>Total</b>
	<b>1/2 Bed</b>	<b>3+ Bed</b>	<b>1/2 Bed</b>	
Ashton Hurst	20	19	2	42
Ashton St Michael's	69	16	6	91
Ashton Waterloo	86	29	12	127
Audenshaw	30	51	17	98
Denton North East	21	46	12	80
Denton South	46	10	4	59
Denton West	-1	20	7	26
Droylsden East	33	16	10	59
Droylsden West	10	52	11	73
Dukinfield	21	35	2	58
Dukinfield Stalybridge	4	5	2	10
Hyde Godley	30	-86	-6	-62
Hyde Newton	17	-44	-57	-84
Hyde Werneth	-5	38	3	36
Longdendale	0	-12	-3	-15
Mossley	-11	-12	-5	-28
St Peter's	0	-6	-19	-25
Stalybridge North	0	-81	-32	-112
Stalybridge South	-7	-4	-2	-13
<b>Tameside Total</b>	<b>365</b>	<b>93</b>	<b>-37</b>	<b>421</b>

35.3 These is a significant increasing demand for assistance to prevent or relieve homelessness in Tameside Borough and to meet the needs of those who are owed the main housing duty. The Homelessness presentation figures show the following trends:

35.4 The Strategic Housing Needs Assessment has identified that there are 9,589 existing households in need which represents 9.1% of all households. The reasons for this housing need are provided in the table on the next page:

**Table 5.1 Summary of current housing need across Tameside**

<b>Category</b>	<b>Factor</b>	<b>Tameside Metropolitan Borough</b>
Homeless households or with insecure tenure	N1 Under notice, real threat of notice or lease coming to an end	284
	N2 Too expensive, and in receipt of housing benefit or in arrears due to expense	1,146
Mismatch of housing need and dwellings	N3 Overcrowded according to the 'bedroom standard' model	4,343



	N4 Too difficult to maintain	1,037
	N5 Couples, people with children and single adults over 25 sharing a kitchen, bathroom or WC with another household	1,916
	N6 Household containing people with mobility impairment or other special needs living in unsuitable accommodation	1,457
Dwelling amenities and condition	N7 Lacks a bathroom, kitchen or inside WC and household does not have resource to make fit	158
	N8 Subject to major disrepair or unfitness and household does not have resource to make fit	644
Social needs	N9 Harassment or threats of harassment from neighbours or others living in the vicinity which cannot be resolved except through a move	827
<b>Total no. households in need (with one or more housing need)</b>		<b>9,589</b>
Total Households		104,840
<b>% households in need</b>		<b>9.1%</b>

35.5 The HNA 2017 shows that the proportion of households in need varies across all the wards. The proportion is highest in ward of Ashton Waterloo (16.6%) and Denton North East (15.9%) and lowest in the ward of Stalybridge South (3.8%) and Mossley (3.9%).

### **36.0 TAMESIDE BOROUGH'S PREVENTING HOMELESSNESS STRATEGY**

36.1 Tameside Borough's Preventing Homelessness Strategy advocates a holistic and integrated response to preventing homelessness. It reinforces our commitment to prevent homelessness and to intervene at the earliest stage before households reach the point of crisis. It promotes increasing the resilience of vulnerable people and providing targeted support to prevent homelessness. This strategy sets out the actions we will take to help prevent even more people from becoming homeless and provide tailored support to those who are homeless or at risk of homelessness.

36.2 This strategy has been developed following extensive consultation with our partners and homeless people. These include our statutory partner organisations such as the NHS, Probation Services, the GM and Cheshire Community Rehabilitation Company (CRC), GMP, and the GM Fire and Rescue Service etc.; it also includes Registered Providers of Housing, commissioned and non-commissioned homelessness services, a wide range of third sector organisations and members of the Faith Sector. Homeless people have been involved in the development of this strategy and their experiences have shaped the priorities identified. The current challenges are to manage current and increasing demand for accommodation while implementing the new Homelessness legislation, which brings with it, increased duties and powers

36.3 This Preventing Homelessness strategy promotes working together to identify at an early stage potential risks and intervening at an earlier stage to prevent homelessness. This strategy has the support of all relevant local authority departments and partners. Corporate and partnership involvement was secured in identifying the strategic priorities and this has

helped to ensure that all relevant departments and agencies are committed to supporting their delivery.

- 36.4 This strategy has included consideration of the benefits of cross-boundary co-operation and forms part of a coherent approach to tackling homelessness with neighbouring authorities. This strategy is aligned with the Greater Manchester Homelessness Action Network strategy. A strategy to end rough sleeping by 2020, and develop a 10-year plan to tackle the issues of wider homelessness.
- 36.5 This strategy also links with other strategies and programmes that aim to address the wide range of factors that could contribute to homelessness in Tameside Borough. These strategies are listed in the Appendix.
- 36.6 These strategies and programmes encompass aspects of local health, justice and economic policy, poverty and Domestic Abuse amongst other things.
- 36.7 This strategy is co-ordinated with the Health and Wellbeing Strategy and our review of homelessness informs and is informed by the Joint Strategic Needs Assessment.
- 36.8 This strategy is based on realistic assumptions and has been developed and is owned jointly with partners who are responsible for its delivery. This strategy will be taken into account by housing and social services authorities when exercising its functions.

## **37.0 HOW THIS STRATEGY WAS DEVELOPED**

- 37.1 An inclusive and participatory approach was taken to develop this strategy. At the outset, key stakeholders were given the opportunity to shape the development of this strategy. The Preventing Homelessness multi-agency forum and the Registered Providers Forum were at the centre of its development and a project team with representatives from key services, led by the Senior Housing Strategy Officer, was set up.
- 37.2 Extensive consultation was undertaken to develop the draft strategy and this has included:
- Face to face interviews with senior managers from partner organisations which took place from September 2017 to March 2018
  - Two break out groups focusing on the Preventing Homelessness Strategy attended by members of the public and representatives of partner organisations. This took place at the Tameside Partnership Engagement Network (PEN) workshop held on 13 October 2017
  - Consulting Veterans at the Veterans Breakfast in November 2017
  - The Preventing Homelessness Workshop held on 16 November 2017
  - A Focus group with commissioned and non-commissioned service providers in November 2017
  - A focus group with staff at Tameside Housing Advice Service, Ashton under Lyne held on 15 December 2017
  - An interview with representatives of the Church of the Nazarene Ashton under Lyne held on 12 December 2017
  - A group interview with the manager and staff at the Women's Centre, Cavendish Mill on 6 March 2018
  - A group interview with homeless men living in temporary accommodation at Greystones on 7 March 2018
  - An interview with the Commissioning Officer for Supported Accommodation
  - Face to face interviews with people with offending histories held on 22 February 2018
  - A strategic workshop held on 14 March 2018 representing over 30 organisations and services (these are listed in the Appendix).

- A focus group with the Working Well Board on 23 March 2017
- Focus groups held with service users to inform the commissioning of services during the year 2017-18.

37.3 Once the strategy had been drafted the following wider consultation was undertaken from June to October 2018:

- The draft strategy was presented to the Population Health Service managers at their team meeting held in June.
- Meetings were held with the Chair of the Preventing Homelessness Forum and the Chair of the Registered Provider's Forum in June to discuss the draft strategy and obtain their comments
- Three workshops on the draft strategy were held with members of the public and partner organisations at the Public Engagement Network (PEN) Event on 27 June.
- Throughout July the public online consultation on the draft strategy was live on the Big Conversation Website/Webpage. This was widely publicised by Tameside Action Together.
- All councillors and all those who attended the PEN Preventing Homelessness workshops were informed about the online consultation and sent a link to this.
- On 5 July a Strategic Workshop on the draft strategy was held with a wide range of services and organisations who deliver services to homeless people in Tameside Borough.
- On 10 July a focus group on the draft strategy was held with Social Workers from Tameside Council's Adults Service.
- Individual meetings were also held with the:
  - Commissioning Officer responsible for monitoring the contracts relating to the Women's Centre and Domestic Abuse
  - Officer responsible for implementing sanctuary measures to enable victims of domestic abuse to remain in their home safely once the perpetrator of abuse has left.
  - Partnership Manager for Tameside and Oldham from the Department of Works and Pensions
- In August the draft strategy was sent out to the members of Tameside Borough's Community Safety Partnership for comment
- On 11 September a meeting was held with the Chair of Tameside Adults Safeguarding Partnership Board (TASPB) and the draft strategy was presented to the Board.
- On 17 October, a presentation on the draft strategy was delivered to the Hyde NDG meeting.

## **38.0 OUR APPROACH TO PREVENTING HOMELESSNESS**

38.1 Our approach is a proactive approach to work together to identify those at risk of homelessness at the earliest stage and to prevent people losing their homes.

38.2 Our Strategic Priorities

38.3 Eight strategic priorities emerged from the extensive consultation undertaken. These include:

- A holistic and integrated response to preventing homelessness
- Proactive information management and provision of advice

- Raised awareness of the causes of homelessness and services , and a shared understanding that preventing homelessness is everyone's business
- Early intervention before a crisis
- Increased resilience and targeted support
- Preventing rough sleeping
- Access to a wide range of affordable, permanent accommodation options
- Identifying, cultivating and empowering untapped resources in the community

38.4 Each strategic priority will be discussed in turn.

### **39.0 A HOLISTIC AND INTEGRATED RESPONSE TO PREVENTING HOMELESSNESS**

39.1 The consultation undertaken clearly identified the need for more integrated holistic responses to homelessness issues and key to this is effective cross service and multi-agency working in partnership at the outset of the issue. Working in partnership to prevent homelessness is vital in order to address the complexity of issues which may result in homelessness such as: poor mental health, debt, domestic violence, disability, an offending history, leaving care, leaving the armed forces, being discharged from hospital etc. A combination of factors may lead to a person being homeless for example, a young person leaving care, may have substance misuse problems, have poor mental health and is unemployed.

39.2 Each factor needs to be addressed. A multi-disciplinary and multi-agency approach to arriving at solutions is needed to provide a holistic response. A range of skills, knowledge and resources need to be deployed to address the factors giving rise to homelessness.

39.3 In Tameside, services and organisations identified barriers which are hindering effective partnership working and examples of some of these barriers are:

39.4 Some key services are not fully engaged in the preventing homelessness agenda

- The lack of a named contact for key services
- The difficulty of forging links with key services to obtain referrals. It is vital that the links established are kept in place.
- Some services, which have a significant impact on homelessness, were not fully engaged in this agenda. Is staff turnover and restructures a factor?

39.5 Examples of some actions the draft strategy proposes to promote a holistic and integrated response to preventing homelessness include:

- A signed Tameside Preventing Homelessness Charter supported by all key stakeholders to reinforce their commitment to working together to prevent homelessness
- Multi-agency protocols and procedures followed by all key services for reaching joint solutions to preventing homelessness
- Early resettlement planning and clear accommodation pathways for those groups at risk of homelessness
- Designated homelessness champions for each key service in the Council and partner organisations.

## **40.0 PROACTIVE INFORMATION MANAGEMENT AND PROVISION OF ADVICE**

40.1 The consultation revealed the need to have a proactive approach to giving and receiving information to ensure that prompt action can be taken to prevent homelessness and timely decisions can be made about homelessness. It also demonstrated the importance of having an effective approach to obtaining a client's consent at the earliest opportunity to prevent homelessness and ensuring that this consent covered all the partners who are engaged in this. Barriers to the sharing of informing included:

- Data protection issues. This includes the need to ensure that all partners understand the legislative requirements and the need to develop effective data sharing arrangements and safeguards which comply with the law.
- There are issues around differences in the information sharing protocols e.g. of DWP and Housing Benefit which caused barriers to the sharing of information
- The difficulty of contacting the client to obtain their consent which caused delays
- Long waiting times on the telephone trying to make contact with a key service
- The lack of communication with key services such as the Prisons due to the lack of a named contact. This impacted upon the ability to prevent homelessness and to support homeless people being discharged from prison.
- The lack of clear referral pathways for those being released from prison so that these referrals can be supported in the community

40.2 Examples of some actions the draft strategy proposes to promote proactive information management and the provision of advice include:

- Developing information sharing protocols to promote the timely sharing of information between services and partners to prevent homelessness.
- Developing a new joint approach to obtaining client consent for sharing data to prevent homelessness.
- Having named contacts and direct lines to key services.
- Effectively targeting tailored information to those at risk of homelessness
- Providing Preventing Homelessness Surgeries co-located with Health Neighbourhood Teams.

## **41.0 RAISED AWARENESS OF THE CAUSES OF HOMELESSNESS AND SERVICES AND A SHARED UNDERSTANDING THAT PREVENTING HOMELESSNESS IS EVERYONE'S BUSINESS.**

41.1 The consultation revealed the need to raise the awareness of the general public, key decision makers, and strategic stakeholders of who homeless people are, the causes of homelessness and the preventing homelessness services which are available to homeless people. There was a perception held by some that homeless people are people who live rough on the street. There was a lack of awareness of the other forms of homelessness. There was also a lack of knowledge about some of the homelessness services available and a need to raise awareness about the new homelessness legislation.

41.2 The consultation indicated the need to work with schools and colleges to target those aged 16, 17 and 18 to provide information about housing, preventing homelessness, and to enable them to develop realistic expectations about the accommodation options which may be available.

41.3 Examples of some actions the draft strategy proposes to raise awareness of the causes of homelessness and services, and a shared understanding that preventing homelessness is everyone's business include:

- The development of a Preventing Homelessness Communication Strategy and targeted training.
- Preventing homelessness sessions integrated into the curriculum of schools and colleges.
- Preventing Homelessness training for GPs and practice staff, the Community Mental Health Team and other key staff.
- Running the Public Health Campaign alongside the launch and implementation of the Preventing Homelessness Strategy.
- A Directory of services.

## **42.0 EARLY INTERVENTION BEFORE A CRISIS**

42.1 The main theme emerging from the consultation was that homeless people are not a priority until they reach crisis point. This could make people lie or put themselves at greater risk to get help. This strategy aims to promote intervention at the earliest opportunity and put in place triggers for the early identification of those at risk of becoming homeless.

42.2 Examples of some actions the draft strategy proposes to promote early intervention before a crisis include:

- Having triggers in place to identify earlier those at risk of homelessness.
- Early referrals and clear referral pathways.
- Forward planning and accommodation pathways.
- Investment in Prevention Tools such as:
  - Mediation
  - the Pre-Eviction Protocol and the early intervention of the Debt Team
  - Schemes to enable people to remain in their existing home (e.g. handy person scheme, and sanctuary measures).

## **43.0 INCREASED RESILIENCE AND TARGETED SUPPORT**

43.1 The consultation suggested that there were gaps in support. For example: there were occasions where support was being withdrawn too early and that this can impact upon a tenant's ability to maintain their tenancy. This strategy advocates a targeted approach to support to those who need it and the importance of promoting resilience.

43.2 Since 2010 funding from central to local government has been reduced by half and as a result the budgets of all Tameside Council services – including support and provision for people at the risk of homelessness – have been reduced over recent years. One impact of this has been the need to decrease the number of available spaces for placement in supported housing. However while some provision such as this has had to be scaled back other targeted initiatives have continued or newly developed and achieved positive results. Examples include Housing First initiative for female offenders, women experiencing domestic abuse and for those with other complex problems, the Hospital Discharge Project and the Sanctuary Scheme.

43.3 This strategy advocates a targeted approach to support to those who need it and the importance of promoting resilience. Examples of some actions the draft strategy proposes to increase resilience and provide targeted support:

- Promoting effective move on from temporary accommodation and providing 4 weeks of tailored support to those that need it.
- Providing on-going floating support where required.
- Delivering training on promoting wellbeing, and managing a tenancy.

- Providing training and volunteering opportunities to homeless people to support them into employment.
- Amending relevant external contracts to include employment opportunities for homeless people.

#### **44.0 PREVENTING ROUGH SLEEPING**

44.1 The intelligence collected for the annual Rough Sleepers Estimate on 2 November 2017 revealed that 43 people were rough sleeping compared to 19 who were estimated to be rough sleeping on 10 November 2016. This is a 126.32% increase. This data complies with strict national definitions and criteria. The data collected in 2017 has shown an increase in the number of younger people who are rough sleeping, and that there are some couples who are rough sleeping. Also there appears to be an increase in the number of rough sleepers becoming entrenched rough sleepers and in the number of rough sleepers who have mental health issues.

44.2 Tameside Council have emergency arrangements in place to provide shelter for rough sleepers during cold weather. Cold weather arrangements were in place between 29 November 2017 and the end of March 2018. The data relating to placements during cold weather has shown that a total of 414 placements were made of 84 individuals. This suggests that there is a higher number of rough sleepers in Tameside than the number captured in the estimate on 2 November 2017.

44.3 Tameside Council has been successful in a bid to the Ministry of Housing, Communities and Local Government for additional resources to provide new services to prevent and relieve rough sleeping. This will enable the Council to provide a co-ordinated and pro-active response to people who are at risk of and who are rough sleeping. This will enable the Council to expand their existing service provision for rough sleepers. Examples of the actions to be taken include:

- Expanding our existing outreach provision by having a multi-agency team to provide assertive outreach.
- Developing our intelligence on those rough sleeping.
- Providing a gender specific Housing First accommodation for 6 female rough sleepers per year.
- Making referrals to the Greater Manchester Social Investment Bond project for entrenched rough sleepers which provides an opportunity for a new approach to rough sleepers.
- Employing a Rough Sleeper Co-ordinator to work with community and faith groups to identify options for winter provision.

#### **45.0 ACCESS TO A WIDER RANGE OF AFFORDABLE ACCOMMODATION OPTIONS**

45.1 The data revealed that the housing labelled “affordable” was not in fact affordable. It showed the lack of affordable housing, the lack of large houses for families, and the need for longer term accommodation options for single people.

45.2 Tameside Council does not have its own housing stock. It was the first council to undertake a total stock transfer around 2000. Jigsaw (formerly known as The New Charter Housing Trust) holds the majority of the housing stock which is around 15000 properties comprising a mixture of stock. Tameside Council has a very small housing register which is managed by the Jigsaw under a contract. This housing register is targeted to those in extreme need.

45.3 Tameside Council is seeking to secure more housing nominations from Registered Providers for its housing register. Innovations have also been undertaken to modify

existing housing stock to meet the need of more affordable housing for single young people e.g. the Sharing Pilot which is being run by Ashton Pioneer Homes. In addition to increasing access to social housing, we are seeking to increase the number of homes available for rent in the private sector and Tameside Council has appointed an officer within Tameside Housing Advice to promote close partnership working with local landlords. We have also increased the funding available for bonds to secure private rented accommodation, appointed an additional housing standards officer to promote improved standards in the private rented sector, and appointed a dedicated support worker to support people rehoused into the private rented sector.

45.4 Examples of some of the actions which the strategy proposes to take to provide access to a wider range of affordable accommodation options include:

- Increasing the range of affordable options for:
  - large families.
  - single people.
  - young people.
  - care leavers.
- Extending the Housing First Model with Public Health Investment for single people with additional needs.
- Developing clear accommodation pathways for those at risk of homelessness.
- Evaluating and rolling out shared tenancies.
- Providing greater access to empty properties.
- Increasing access to more private sector properties.

#### **46.0 IDENTIFYING, CULTIVATING AND EMPOWERING UNTAPPED RESOURCES IN THE COMMUNITY**

46.1 The consultation demonstrated a commitment within the community to prevent homelessness and a desire to provide help but in some instances they lacked the technical skills, contacts and knowledge to take forward initiatives. This strategy aims to identify, cultivate and empower untapped resources and remove barriers which could prevent them from playing a full part in working together to prevent homelessness.

46.2 Some examples of some of the actions which the strategy proposes to take to identify, cultivate and empower untapped resources in the community include:

- Undertaking an audit of formal and informal support provided to homeless people in the community.
- Identifying any training or advice required by those providing support in the community.
- Developing a Tameside Preventing Homelessness Network to provide support, training and disseminate best practice to those helping to prevent homelessness

#### **47.0 PREVENTING HOMELESSNESS STRATEGIC ACTION PLAN**

47.1 The Preventing Homelessness Strategy will have a strategic action plan and a range of actions aimed at achieving the 8 strategic priorities. This action plan will have resources allocated to it and officers assigned to each action. This is currently under development.



## **48.0 EQUALITY AND DIVERSITY**

- 48.1 National research evidence has shown that homeless people suffer from multiple disadvantages. Homelessness is not just one of the most extreme forms of physical deprivation; it also defines a group that is subject to extreme forms of discrimination and violence.
- 48.2 When developing the Preventing Homelessness Strategy for Tameside Borough, an Equality Impact Assessment (EIA) was undertaken. All the equalities issues raised by the Equality Impact Assessment and the actions identified to address these will inform the development of the Preventing Homelessness Strategic Action Plan. This will ensure that Tameside Borough's Preventing Homelessness Strategy and its Strategic Action Plan will have a positive impact upon all the protected groups.

## **49.0 IDENTIFYING HOMELESSNESS ISSUES AND COLLECTING MONITORING INFORMATION**

- 49.1 Monitoring information is collected each quarter to assess the performance of Homelessness Services against their service specifications. Monitoring information on Homelessness and the prevention of homelessness is collected through a national statutory framework. A new system called HCLIC has been implemented from April 2018 to collect a wider range of information relating to homelessness and its prevention.
- 49.2 Homelessness issues will also be identified through:
- the Monitoring of Commissioned Homelessness Services
  - conducting Focus Groups on specific themes
  - the Partnership Engagement Network (PEN)
  - the Youth Parliament
  - the statutory monitoring of homelessness
  - the monitoring of complaints and the review of homelessness decisions
  - the Preventing Homelessness Forum and the Registered Providers Forum
- 49.3 We will continue to build on and improve data collection and the sharing of intelligence on homelessness and its prevention between key agencies. We hope to identify any data gaps around the profile of homeless people in Tameside and take action to fill these gaps in order to tackle homelessness more effectively. The information collected will be used to monitor the effectiveness of the Strategy and Action Plan.
- 49.4 The Council has a Homelessness Team which will ensure that any homelessness issue is dealt with appropriately.
- 49.5 Tameside Council has a Preventing Homelessness Forum which meets every two months. The Forum's membership includes a wide range of statutory and third sector organisations engaged in activities aimed at preventing homelessness. Homelessness issues are identified and discussed at this Forum.

## **50.0 MEASURING PROGRESS**

- 50.1 We will use a range of performance indicators to measure our preventing homelessness activity each quarter. Examples are given below.

Indicator Reference	Description
LPI 1	Total number of cases where positive action was successful in preventing homelessness
LPI 2	Number of households able to remain in existing home as a result of: <ol style="list-style-type: none"> <li>i. Mediation using external or internal trained family mediators</li> <li>ii. Conciliation including home visit for family/friend threatened exclusions</li> <li>iii. Financial payments from a homeless prevention fund</li> <li>iv. Debt advice</li> <li>v. Resolving Housing Benefit problems</li> <li>vi. Resolving rent or service charge arrears in social or private rented sector</li> <li>vii. Sanctuary scheme measures for domestic violence</li> <li>viii. Crisis intervention – providing emergency support</li> <li>ix. Negotiation or legal advocacy to ensure that someone can remain in accommodation in the private rented sector</li> <li>x. Providing other assistance that will enable someone to remain in accommodation in the private rented sector.</li> <li>xi. Mortgage arrears interventions or mortgage rescue</li> <li>xii. Other</li> <li>xiii. Total number of cases able to remain in existing home</li> </ol>

50.2 The Homelessness Forum will be measuring progress against this strategy and the annual action plan at their meetings which take place every two months.

50.3 A bi-annual report on progress will be presented to the Single Executive Leadership Team and the Cabinet.

**51.0 STRATEGY IMPLEMENTATION AND THE MONITORING AND REPORTING OF PROGRESS**

51.1 The Preventing Homelessness Forum will oversee the implementation of the strategy and quarterly monitoring reports will be presented to the Forum.

**52.0 REVIEWING THE EFFECTIVENESS OF THE STRATEGY AND THE ACTION PLAN**

52.1 The Strategy and Action Plan will be kept under review and amended as required to ensure that it is effective and meets the set targets.

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## **THE APPENDICES**

The following Appendices are contained in a separate document

Appendix A: The Consultation Findings

Appendix B: The Joint Strategic Needs Assessment


Appendix C: Tameside Homelessness Review

Appendix D: Linkages with Key Strategies

Appendix E: Draft Housing Needs Assessment

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<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/Reporting Officer:</b>	Councillor Warren Bray – Executive Member, Strategic Development and Transport. Peter Taylor – Head of Planning
<b>Subject:</b>	<b>SITES OF BIOLOGICAL IMPORTANCE AND REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES REVIEW UPDATE</b>
<b>Report Summary:</b>	This paper provides an update on changes which have occurred to designated Sites of Biological Importance (SBI) and Regionally Important Geological and Geomorphological (RIGs) sites within the Borough. These are sites which have been surveyed by or under the supervision of the Greater Manchester Ecology Unit in 2016.
<b>Recommendations:</b>	That the changes to the Boroughs SBI and RIGS designated Sites of Biological Importance (SBI) and Regionally Important Geological and Geomorphological (RIGs), be approved.
<b>Links to Community Strategy:</b>	SBI are a designation introduced in the 1980's and have been adopted as a key planning guide and environmental protector by Greater Manchester. RIGs have received recent support for designation across Greater Manchester as a local designation. Both are closely linked to the Community Strategy, making Tameside a more attractive place to live.
<b>Policy Implications:</b>	SBI and RIGs are integral to retaining Tameside's biological and geological diversity and underpin the Authority's existing Local Plan the Unitary Development Plan, proposed Local Plan and the Tameside Countryside Strategy.
<b>Financial Implications: (authorised by Section 151 Officer)</b>	There are no direct financial implications as a result of this report.
<b>Legal Implications: (authorised by Borough Solicitor)</b>	The designation and review of SBI are non-statutory functions. However, the designation and evidence base behind it would be material considerations in considering any development that might affect the land concerned. It is important that we ensure any planning documentation are aligned and do not contradict each other before published.
<b>Risk Management :</b>	The consequence of not adopting the revisions to Tameside's existing SBI and RIGs will result in the Council failing to utilise the most recent and up to date specialist ecological and geological advice available. This may result in the Council determining planning applications, formulating policy, managing its countryside or providing advice, based on out of date information and evidence.
<b>Access to Information :</b>	The background papers relating to this report can be inspected by contacting Graham Holland, Senior Planning Policy Officer

 Telephone:0161 342 3102

 e-mail: [graham.holland@tameside.gov.uk](mailto:graham.holland@tameside.gov.uk)



## 1.0 BACKGROUND

- 1.1 Sites of Biological Importance (SBI) are a non-statutory designation used by all Greater Manchester Combined Authorities (GMCA) to protect locally valued sites of biological diversity and ecological importance. Sites are based on a detailed survey, first carried out between 1980 and 1983 in conjunction with key naturalist groups.
- 1.2 Regionally Important Geological and Geomorphological Sites (RIG's) are a local designation recognising locations which are the most important places for geology and geomorphology outside of statutorily protected land such as Sites of Special Scientific Interest (SSSI) and are used across GMCA.
- 1.3 The review process of SBI's is conducted on an annual basis and updated by the Greater Manchester Ecology Unit (GMEU), guided by selection criteria adopted in 2008 and recently updated in 2016. The full criteria can be viewed online at [www.tameside.gov.uk/ecologyunit/sbi](http://www.tameside.gov.uk/ecologyunit/sbi). The annual review usually covers around 15% of sites, by number, within any one Borough. It may therefore be several years since the sites listed below in Table 1 were last reviewed.
- 1.4 The review process of RIGs is undertaken by a group of suitably qualified volunteer geologists from the Greater Manchester RIGs Group associated with the Manchester Geological Association, assessing sites in accordance with nationally agreed guidance and overseen by the Greater Manchester Ecology Unit.
- 1.5 The SBI site review process may propose a number of changes including to boundaries, site suitability, list descriptions, reclassify grades, include new sites or delete existing ones. As the review process is seasonal in nature and conducted across GMCA, there is typically a lag between the onsite survey, write up and spatial mapping of information and therefore the review being presented to all councils.
- 1.6 Although there are a large number of potential RIG's across Greater Manchester, for a number of years these have not been brought forward for formal adoption until relatively recently as a result of a more positive policy position contained within the National Planning Policy Framework (NPPF) and professional capacity to survey such locations. RIG's unlike SBI are not graded (detailed further below) with updates either confirming sites for selection or not, amending boundaries or updating descriptions.
- 1.7 It is the results of the 2016 review of SBI and RIGs which are presented.
- 1.8 The council is obliged to adopt advised updates to enable them to be covered by local plan policy. SBI and RIGs are given protection from inappropriate development in section 15 of the National Planning Policy Framework (NPPF) and Unitary Development Plan (UDP) policies N1a (International Nature Conservation Sites), N1b (National Nature Conservation Sites) and N2 (Locally Designated Nature Conservation Sites).
- 1.9 A grading system (detailed below, 1.10) is used in selecting SBI in order to reflect the range of both ecological and landscape characteristics of an area and the diversity of habitats which sites support rather than the level of planning protection afforded. Sites identified as grade C therefore do not necessarily have lesser protection from development through the planning system, as the merits of sites are considered on an individual basis.
- 1.10 SBI grade designated dependent on type and condition. These are:
  - Grade A: Of Regional or County Importance
  - Grade B: Of District Importance
  - Grade C: Of importance within the identical geographical locality.

- 1.11 A summary of the outcomes of the Tameside SBI Review and reported by the GMEU to the Council are detailed below in Table 1. A series of maps at **Appendix 1** indicate the boundaries of each site.

**Table 1 – Results of the Tameside 2016 SBI Review**

2016 Site Reference	2016 Grade <sup>1</sup>	Change	Area change (hectares)	Reason
Pole Bank (North)	B	Area Loss	- 0.4 ha	Gained 0.1 due to the inclusion of a pond but lost 0.5ha for technical reasons, due to advances in GIS mapping accuracy and new aerial photography.
Hartshead	B	Description	+/- 0.0ha	Resurveyed with revisions to site description or qualifying features only.
Apethorne House (North)	A	Description	+/- 0.0ha	Resurveyed with revisions to site description or qualifying features only.
Castle Clough	B	No change	+/- 0.0ha	Resurveyed with no changes or updates.
Great Wood	A	No change	+/- 0.0ha	Resurveyed with no changes or updates.
Clough at Hattersley	B	No change	+/- 0.0ha	Resurveyed with no changes or updates.
Brooklands at Buckton Vale	-	Not suitable for selection	+/- 0.0ha	Surveyed for potential designation, however did not meet the SBI selection Guidelines.
Streamside at Buckton Vale	-	Not suitable for selection	+/- 0.0ha	Surveyed for potential designation, however did not meet the SBI selection Guidelines.
Stamford Park Lake	-	Not suitable for selection	+/- 0.0ha	Surveyed for potential designation, however did not meet the SBI selection Guidelines due to ongoing management works.

<sup>1</sup> – See 1.7 above

- 1.12 Tameside has 56 SBI in total across the borough, a position which has neither increased nor decreased since the last survey presented for consideration, the 2015 review. When surveying first commenced in 1984 initially 30 sites were designated.
- 1.13 Of the 56 designated sites, 20 are Grade A, 20 Grade B and 16 Grade C a position which has remained the same since the last survey presented to Members.
- 1.14 In total 1,438.8ha of the borough is designated as SBI a marginal decrease of 0.1% as part of this survey update, primarily due to technical advances in GIS resulting in the deletion of areas at Pole Bank (North) although a small pond has also been included.

1.15 Full details of Tameside's SBI review and a complete list of SBI are given at **Appendices 2 and 3**.

1.16 There are a total of two RIG sites in Tameside, both of which were identified through the 2015 review. They are former quarry faces at Arden Bridge, Denton and Park Bridge, Ashton. No further sites have been identified through this 2016 review.

## **2.0 CONCLUSION**

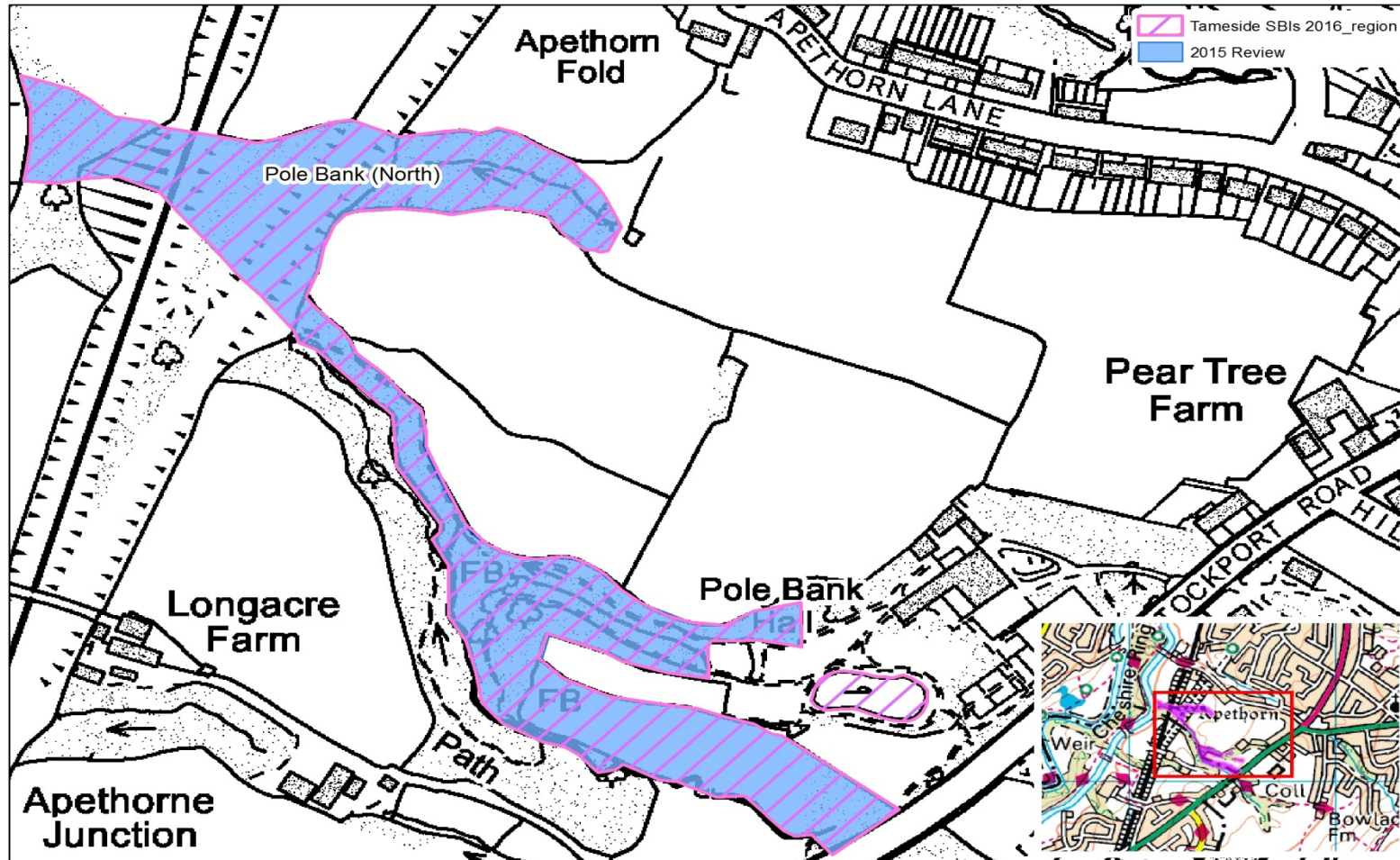
2.1 The GMEU review process provides consistency in reporting, recording and monitoring across Greater Manchester in supporting existing and forthcoming planning policy and the wider management and protection of local nature conservation assets.

2.2 It is important, therefore, that revisions to SBI and RIGS are noted and agreed by the Council.

## **3.0 RECOMMENDATIONS**

3.1 As set out on the front of the report

## : Individual Site Reference Plans Indicating Amendments Pole Bank (North) | Grade B | Overall Area Loss

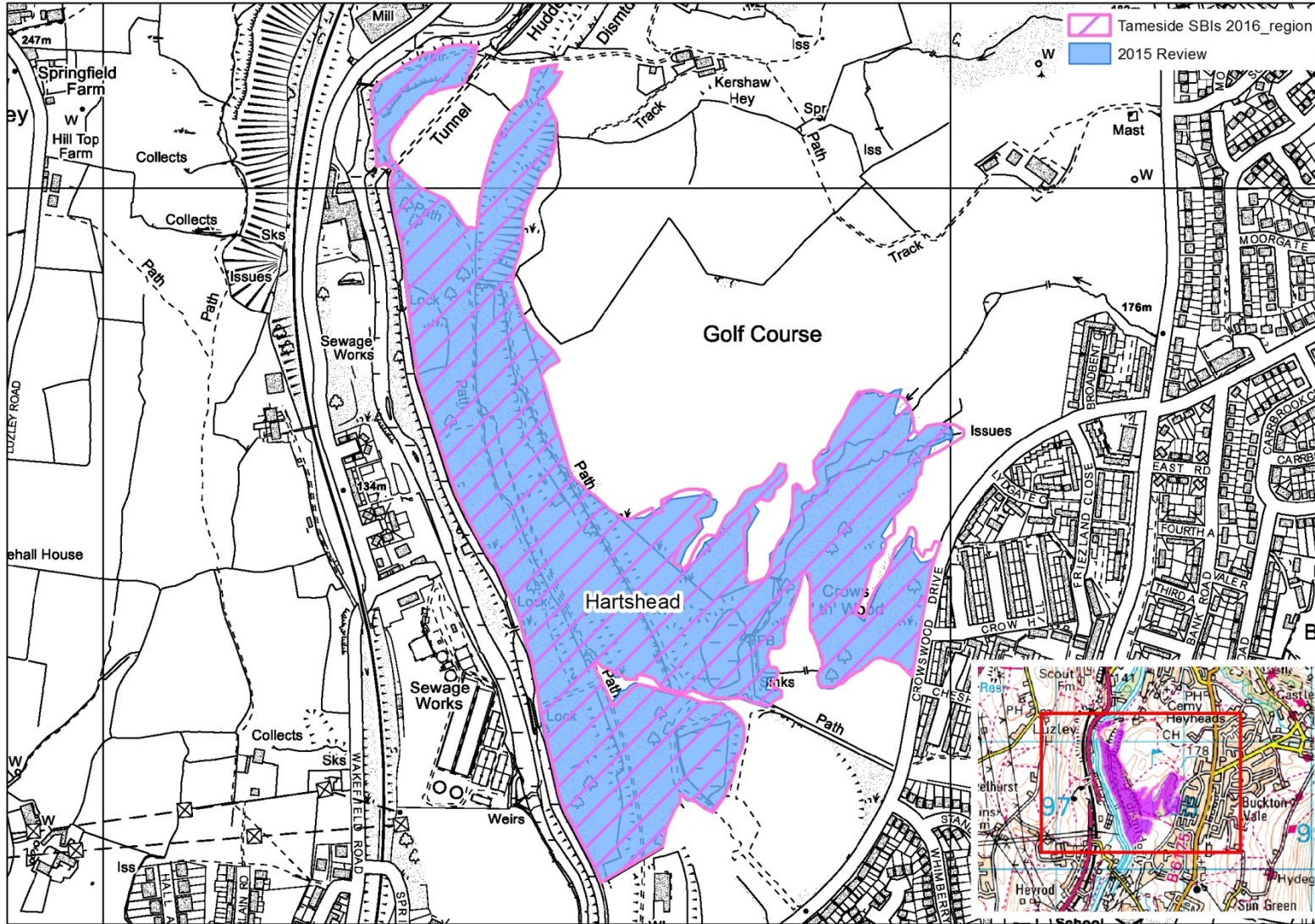


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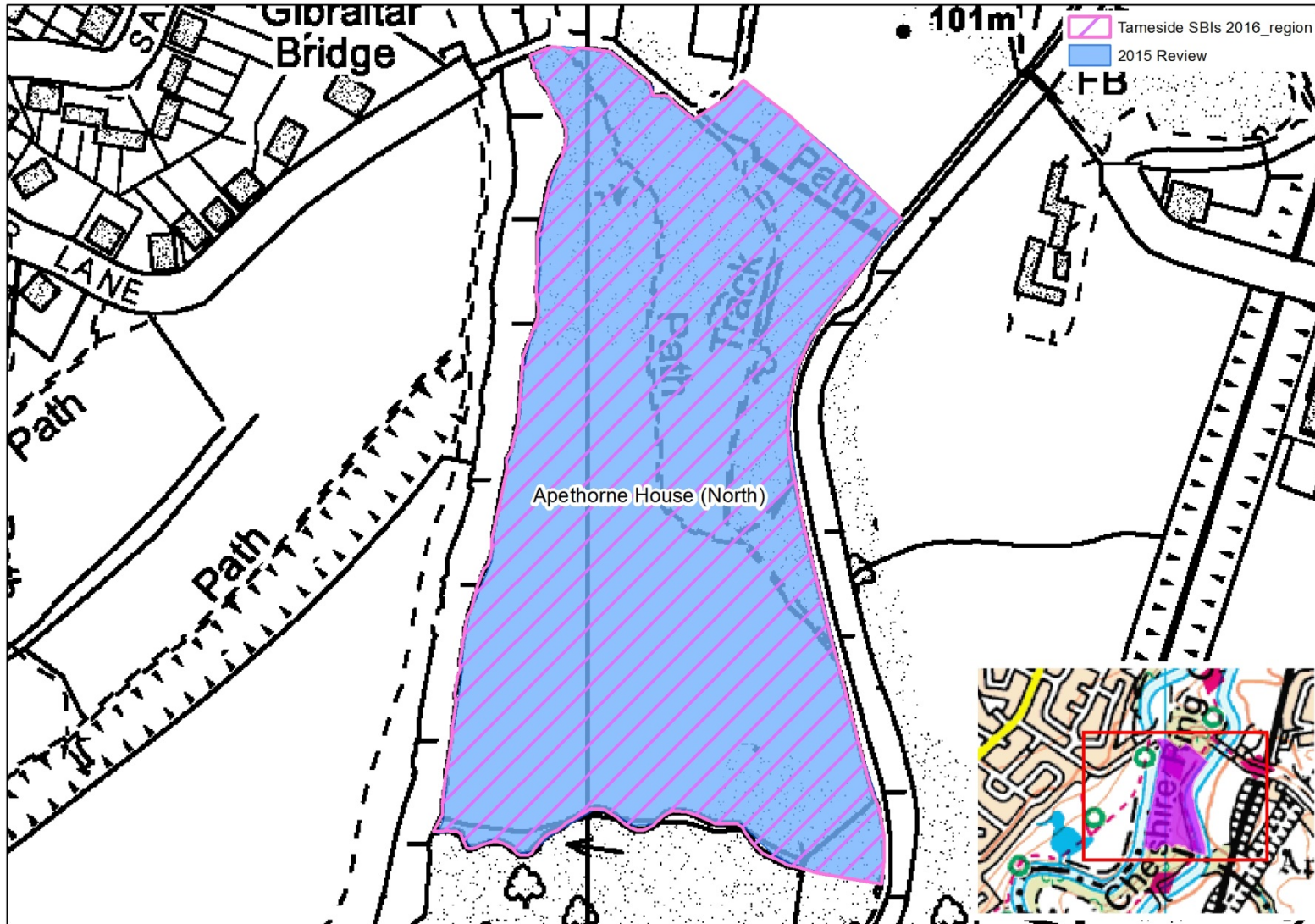
# Hartshead | Grade B | Description Change

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Apethorne House (North) | Grade A | Description Change

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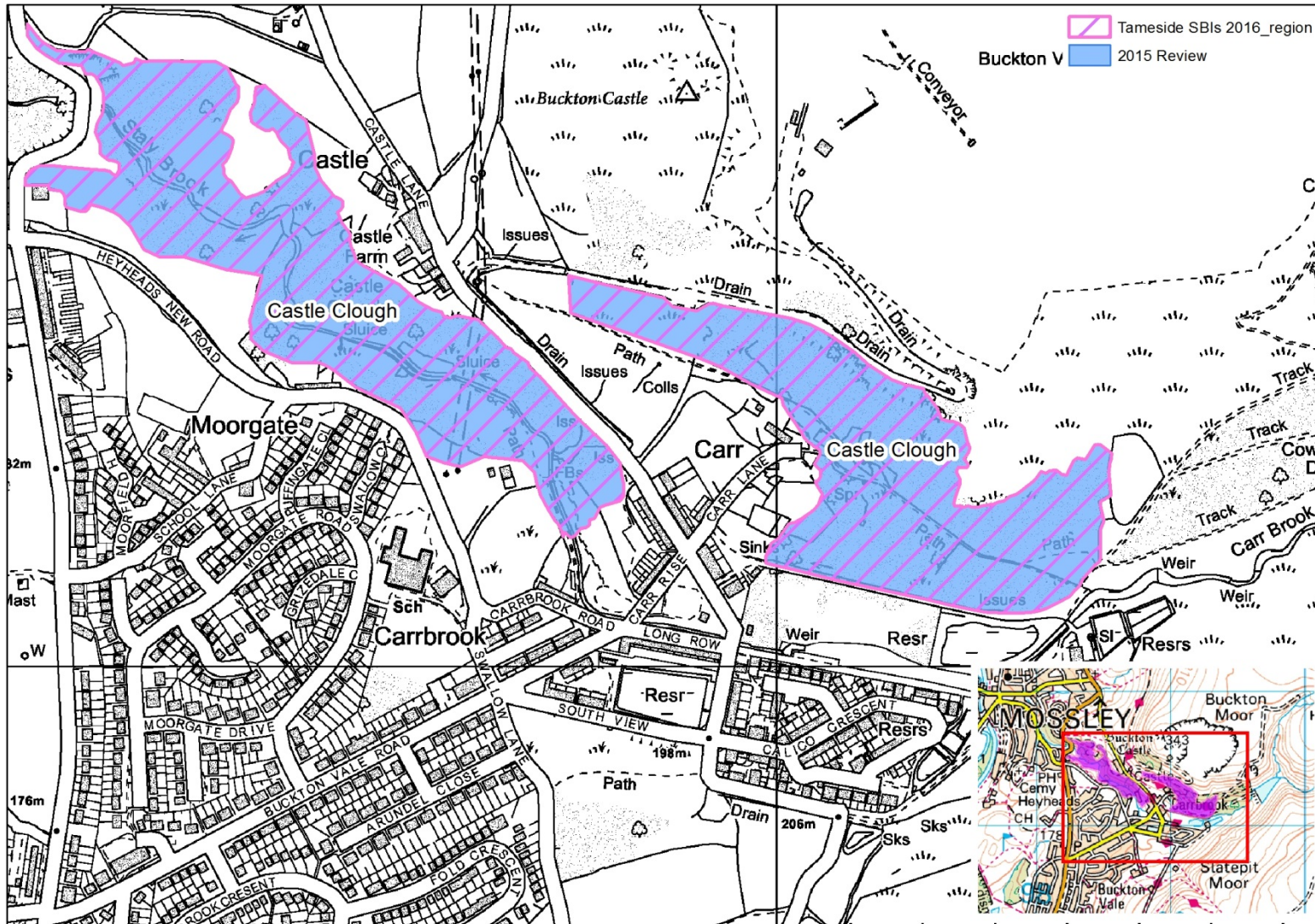


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Castle Clough | Grade B | No Change

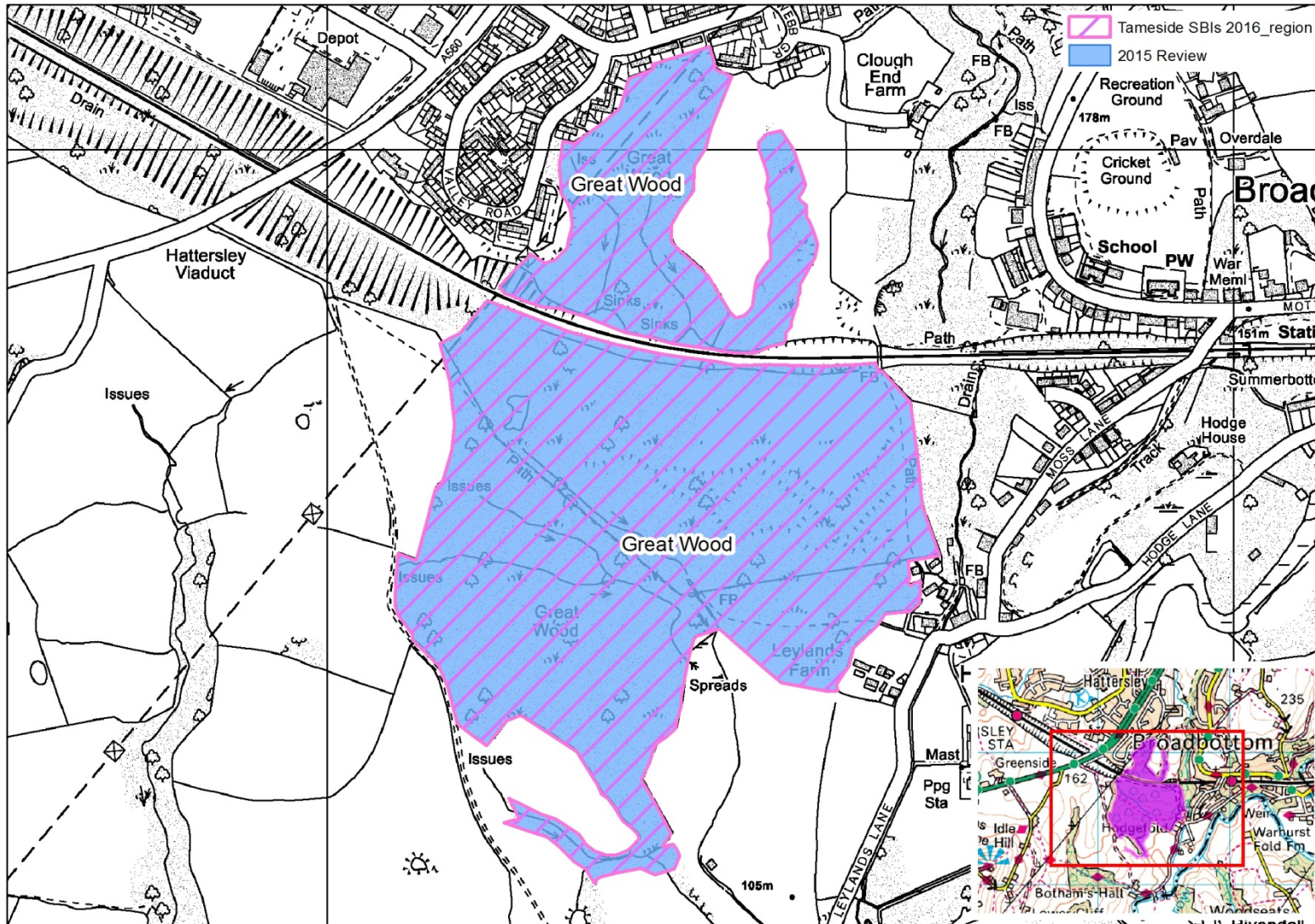
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Great Wood | Grade A | No Change

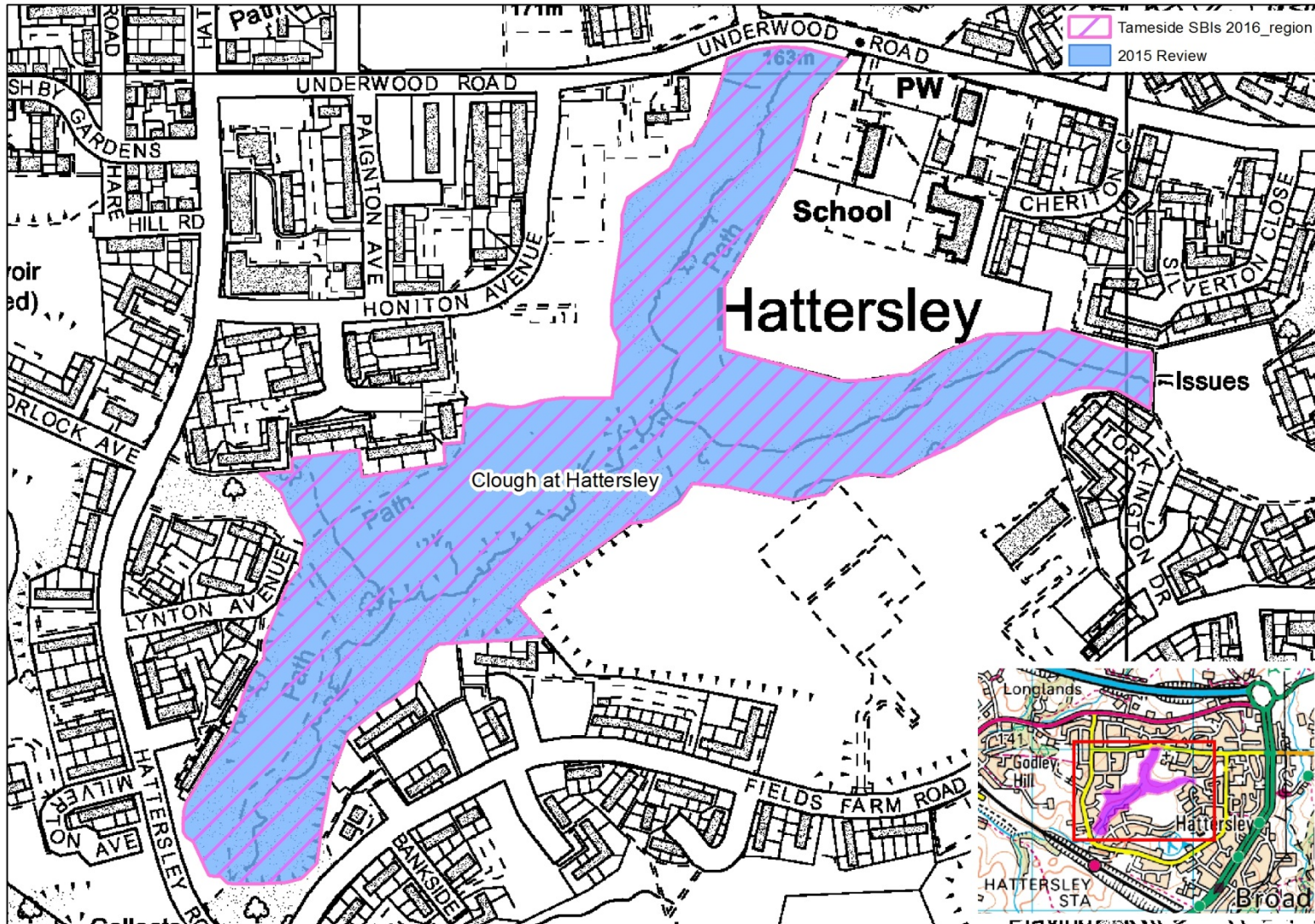
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Clough at Hattersley | Grade B | No Change

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## APPENDIX 2:

<b>Tameside Sites of Biological Importance 2016 Review Summary</b>				<b>Net Change 2015 – 2016</b>	
<b>All areas given are in Hectares</b>					
	<b>1984</b>	<b>2015</b>	<b>2016</b>	<b>No.</b>	<b>%</b>
<b>TOTAL NUMBER OF SBIS</b>	30	56	56	-	-
<b>TOTAL AREA OF SBIS</b>	587.7	1439.2	1438.8	-0.4	-0.1
<b>TOTAL NUMBER GRADE A</b>	12	20	20	-	-
<b>TOTAL AREA GRADE A</b>	362.1	1048.5	1048.5	-	-
<b>TOTAL NUMBER GRADE B</b>	10	20	20	-	-
<b>TOTAL AREA GRADE B</b>	183.7	319.6	319.2	-0.4	-0.1
<b>TOTAL NUMBER GRADE C</b>	8	16	16	-	-
<b>TOTAL AREA GRADE C</b>	41.9	71.1	71.1	-	-
<b>Grid Ref</b>	<b>Change in Grade of existing SBI</b>			<b>2015</b>	<b>2016</b>
-	-			-	-
<b>Grid Ref</b>	<b>New Sites</b>			<b>Grade</b>	<b>Area</b>
-	-			-	-
<b>Grid Ref</b>	<b>Site Deleted in Part or in Total</b>		<b>Grade</b>	<b>Area lost</b>	<b>Present Total</b>
SJ942933	Pole Bank (North)		B	0.4	3.0
<b>Grid Ref</b>	<b>Partial Gains</b>		<b>Grade</b>	<b>Area Gained</b>	<b>Present Total</b>
-	-		-	-	-
<b>Grid Ref</b>	<b>Site visited with no overall change/change to description only</b>				
SD975005	Hartshead				
SJ940935	Apethorne House (North)				
SD986013	Castle Clough				
SJ983935	Great Wood				
SJ977947	Clough at Hattersley				

## APPENDIX 3:

<b>All Sites of Biological Importance in Tameside</b>		
<b>Site Name</b>	<b>Grid ref</b>	<b>Grade</b>
Daisy Nook (East)	SD924008	A
Taunton Brook Clough	SD929004	C
Pond North of Holden Clough	SD937015	B
Holden Clough	SD939013	A
Rocher Vale (South)	SD944024	C
Silversprings	SD958000	B
Greenhurst Clough	SD951013	A
Old Kiln Lane Quarry	SD965035	C
Huddersfield Narrow Canal (South )	SJ935984- SD981037	B
Hartshead	SD975005	B
Cliffs at Mossley	SD971010	B
Castle Clough	SD986013	B
Puddle Clay Pits	SD981028	B
Alphin Pike & Buckton Moor (South)	SD995021	A
Swineshaw Moors & Boar Flat	SE000000	A
Ashton Canal (East)	SJ890980 - SJ935984	A
Grassland by Denton Wood	SJ906941	C
Denton Wood	SJ909944	C
Ponds at Denton Golf Course	SJ904960	B
Grassland opposite Kings Road Farm	SJ905971	B
Medlock Vale & Lumb Clough (South)	SJ903995	C
Marsh South of Hyde Hall	SJ916937	C
Horse Close Wood	SJ919941	B
Audenshaw Reservoir	SJ914965	A
Hollinwood Branch Canal	SJ910994- SD917002	B
Hulme's & Hardy Woods	SJ927936	A
Lower Haughton Meadows	SJ928933	C
Mill Race & Pasture in Haughton Dale	SJ938935	C
Dunkirk Wood	SJ939958	C
Apethorne House (North)	SJ940935	A
Pole Bank (North)	SJ942933	B
Clay Pit Meadows ( <i>Formerly known as Old Clay Workings at Gee Cross</i> )	SJ942938	A
Gibraltar Wood	SJ940941	A
Peak Forest Canal (North)	SJ934984- SJ941933	A
Gower Hey Wood	SJ942941	A
Higher Higham Meadow	SJ958932	C
Werneth Low Country Park	SJ964933	B
Werneth Brook	SJ960942	B
Pond at Oaklands Hall	SJ962948	A
Godley Hill	SJ969950	C
Etherow Country Park & Roach Wood (North)	SJ976924	A
Brookfold Wood	SJ970943	A
Clough at Hattersley	SJ977947	B
Westwood Clough & Longlands Hall	SJ972953	A

Clough at Matley	SJ973962	A
Eastwood & Acre Clough	SJ971974	A
Marshes at Staley Hall	SJ974995	C
Back Wood	SJ979930	A
Stalybridge Country Park	SJ982991	B
Great Wood	SJ983935	A
Hurst Clough	SJ987941	B
Roe Cross Quarry	SJ988966	C
Wild Bank Hill	SJ984980	B
Brushes	SJ996993	B
Woodland & Grassland at Landslow Green	SK001971	B
Hollingworth Hall Wood	SK007976	B