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EXECUTIVE CABINET

Day: Wednesday
Date: 25 January 2023
Time: 1.00 pm
Place: Tameside One, Market Square, Ashton-Under-Lyne, OL6 6BH

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for the meeting from Members of the Executive Cabinet.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of Executive Cabinet.	
3.	MINUTES OF THE PREVIOUS MEETING To consider the Minutes of Executive Cabinet held on 14 December 2022	1 - 4
4.	MONTH 8 INTEGRATED FINANCE REPORT To consider the attached report of the First Deputy, Finance, Resources and Transformation / Interim Director of Finance.	5 - 18
5.	COUNCIL TAX BASE 2023/2024 To consider the attached report of the First Deputy, Finance, Resources and Transformation / Assistant Director, Exchequer Services.	19 - 32
6.	LOCAL COUNCIL TAX SUPPORT SCHEME 2023/24 To consider the attached report of the First Deputy, Finance, Resources and Transformation / Assistant Director, Exchequer Services.	33 - 198
7.	JOINT CONTRACTS WITH OLDHAM MBC To consider the attached report of the Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	199 - 208
8.	HS2 PHASE 2B UPDATE To consider the attached report of the Executive Leader / Chief Executive / Director of Place.	209 - 214
9.	ASHTON MOSS DEVELOPMENT FRAMEWORK: UPDATE To consider the attached report of the Executive Member, Inclusive Growth,	215 - 332

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, 0161 342 3050 or Carolyn.eaton@tameside.gov.uk, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
	Business and Employment / Director of Place.	
10.	WHITE RIBBON ACCREDITATION	333 - 338
	To consider the attached report of the Executive Member, Population Health and Wellbeing / Director of Population Health.	
11.	STAYING PUT POLICY - CONSULTATION FEEDBACK	339 - 386
	To consider the attached report of the Deputy Executive Member, Children and Families / Assistant Director, Children's Social Care.	
12.	UK SHARED PROSPERITY FUND (COMMUNITIES AND PLACE, TAMESIDE)	387 - 396
	To consider the attached report of the Executive Member, Inclusive Growth, Business and Employment / Director of Place.	
13.	URGENT ITEMS	
	To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	
14.	DATE OF NEXT MEETING	
	To note that the next meeting of Executive Cabinet is scheduled to take place on Wednesday 8 February 2023.	

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, 0161 342 3050 or Carolyn.eaton@tameside.gov.uk, to whom any apologies for absence should be notified.

EXECUTIVE CABINET

14 December 2022

Commenced: 1.00pm

Terminated: 1.10pm

Present: Councillors Cooney (Chair), Choksi, Fairfoull, Feeley, North (Joined the meeting virtually), Sweeton, Taylor and Ward

In Attendance:

Sandra Stewart	Chief Executive
Kathy Roe	Director of Finance
Stephanie Butterworth	Director of Adult Services
Alison Stathers-Tracey	Director of Children's Services
Julian Jackson	Director of Place
James Mallion	Assistant Director of Population Health
Suzanne Antrobus	Head of Legal Services

Apologies for absence: Councillors Wills and Kitchen (ex officio)

91. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Cabinet Members.

92. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the meeting of Executive Cabinet held on 23 November 2022 be approved as a correct record.

93. CONSOLIDATED 2022/23 REVENUE MONITORING STATEMENT AT 31 OCTOBER 2022

Consideration was given to a report of the First Deputy, Finance, Resources and Transformation / Director of Finance, which reflected actual expenditure to 31 October 2022.

It was explained that, from a healthcare commissioning perspective, the report looked at 9 months of expenditure based on indicative ICB plans (for the period 1 July 2022 to 31 March 2023). Month 7 was the fourth month in which the ICB had been operational. As such, final approved delegated budgets at locality level had not yet been confirmed. Work was ongoing to finalise budgets, but in the meantime the report presented indicative locality budgets. Plans for Tameside were submitted for a delivery of £595k surplus in 22/23. At Month 7 it was assumed that the plan would be delivered, which was in line with wider ICB reporting for Month 7. The plan to deliver a surplus required savings of £7.8m to be found, and, whilst there was risk of achievement, it was currently expected that Tameside would be on target, however work continued to ensure that savings identified became recurrent.

As highlighted previously, the Council was facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children's services, resulting in a significant forecast overspend by 31 March 2023 of (£3,548k). This represented a significant improvement of £4,649k since Month 6, due a number of mitigations now being included within the forecasts.

Significant work was still required to balance the financial position in 2022/23. Work was in progress to identify mitigating savings to reduce the forecast overspend on Council budgets, and address the forecast budget gap for 2023/24 and beyond. This was being done in the context of growing

inflationary pressures, including significant energy cost and pay inflation, with no indication that any additional funding would be provided either in 2022/23 or the next two financial years

RESOLVED

That the forecast outturn position and associated risks for 2022/23, as set out in Appendix 1 to the report, be noted.

94. CONTRACT AWARD FOR THE PROVISION OF A SUPPORT AT HOME SERVICE

The Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adults Services submitted a report, which explained that, on 24 August 2022, Executive Cabinet approved an extension to the existing Helping People to Live at Home and Extra Care Service contract from contract end date 30 October 2022 to 31 May 2023. At the same time, approval was given to tender the five contracts that comprise the Support at Home Service, rescheduled to commence 1 June 2023.

Following a comprehensive competitive procurement process, the five highest ranking providers were identified and the report sought approval to award the contracts as detailed in the report.

RESOLVED

That following the evaluation of tender submissions, the contracts be awarded to the highest ranking and most economically advantageous providers, as follows:

- 1. North Neighbourhood - Provider 2 - Careline,**
- 2. East Neighbourhood - Provider 1 - Able Care,**
- 3. South Neighbourhood - Provider 8 - Direct Care,**
- 4. West Neighbourhood - Provider 6 - Comfort Call,**
- 5. Extra Care Housing - Provider 22 - Creative Support.**

95. ALLOCATION OF WINTER PRIORITISATION FUND 2022/23

A report was submitted by the Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adult Services advising that DHSC had made additional funding available to health and social care systems to ensure required capacity and resilience across the winter period 2022/23. This took the form of one off grant funding namely the Health Winter Prioritisation Fund.

The report set out the conditions of the grant, the allocations to Tameside Adult Social Care and the recommended onward use of allocated funds.

The report concluded that the support from the two funding streams would help to alleviate the increased demand across the health and social care system by increasing capacity, as well as the historical lower staffing levels over the Christmas period, to ensure a resilient the workforce over the winter period.

It was also hoped that the retention payments would help moral in a sector, which had, for some months, been feeling the stresses/strains of the last 2½ years in trying to deliver services during very challenging times.

RESOLVED

- (i) That approval be given to accept the allocation of £1.195k funding from GM Integrated Care Board as part of GM £12m Winter Pressures to Care Home and Voluntary Sector Providers to increase in capacity in the workforce to enable us to use the “available” beds we have in our system.**
- (ii) That approval of allocation of the above funding be given as follows:**
 - £1.15k to the care home sector as outlined in section 3.9 of the report.**
 - £80k to support third sector providers as identified in section 3.10 of the report.**
- (iii) That further such allocations of funding be considered by the Locality Board chaired by**

the Executive Member for Health.

96. FAMILY HUBS AND BEST START FOR LIFE PROGRAMME

Consideration was given to a report of the Deputy Executive Leader, Children and Families / Director of Children's Services, which gave details of the delivery plan and projected expenditure for the Family Hubs Programme over the grant period.

It was explained that the DfE required the Council to submit a delivery plan by 31 December 2022 in order to release the funding. The grant allocation for 2022/23 had been confirmed as £799K. For 2023/24 and 2024/25, the DfE had provided a lower and upper range of indicative funding allocations. Funding for these financial years would be confirmed once the formal sign up process was complete. The total grant allocation was divided into specific strands. Each strand had a separate cost centre so that expenditure could be recorded, monitored and reported on.

Members were advised that the DfE Delivery Plan had, and continued to be, developed in partnership with members of the Family Hubs Steering Group, and therefore it was important to acknowledge the detail in the plan was subject to change. Tameside Council and its partners were committed to deliver the full expectations of the Family Hubs and Best Start for Life Programme and were working closely with the DfE Advisor, and the Early Intervention Foundation.

A copy of the draft Family Hubs and Best Start for Life Delivery Plan was appended to the report.

RESOLVED

- (i) That the delivery plan as appended to the report, be approved in principle for submission to the Department for Education (DfE);**
- (ii) That the delivery plan be agreed, taking note that the financial spend proposed is subject to change from partners and DfE. The Delivery Plan is expected to be a live document through the programme timeframe and will change over time, however the main themes and principles contained will remain the same;**
- (iii) That the proposed commissioning intentions be agreed, as outlined in section 4 of the report; and**
- (iv) That it be agreed to receive a further report detailing progression and further spending plans in March 2023.**

97. REVIEW OF REGULATION OF INVESTIGATORY POWERS POLICY AND PROCEDURE (RIPA)

The Executive Member, Climate Emergency and Environmental Services / Head of Legal Services advising Members of a formal review of the Council's Policy in relation to the Regulation of Investigatory Powers legislation and guidance. The Policy was last amended on 17 April 2019.

It was explained that the Council recently underwent a recent desktop inspection undertaken by the Investigatory Powers Commissioner's Office ['IPCO'] on 28 March 2022. The revised RIPA policy incorporated the recommendations from the inspection.

On 29 March 2022, the IPCO wrote to the Chief Executive with details of the Inspector's findings as follows:

'The information provided has demonstrated a level of compliance which removes, for the present, the requirement for a physical inspection. Your authority has been found to be in a good place. Your RIPA policy, as was the case in 2019, was found to be well formed. It was noted that your policy is due to be reviewed, imminently. This is timely, as my Inspector has identified that whilst our RIPA policy contained references to the keeping and management of records (Section D), the policy should also carry details regarding the data safeguards contained

within each Code of Practice, and to advise the reader as to the minimum standards required; who will undertake the required review of covertly obtained material; and the time period within which this review will take place, to determine if the material gathered will be retained or destroyed'.

The revised RIPA policy incorporated the recommendations from the inspection, and a copy was appended to the report.

RESOLVED

- (i) That the revised policy, as appended to the report, be agreed; and**
- (ii) It be agreed that Officers across the Council continue to engage in a corporate programme of refresher training led by the Director of Governance and Pensions in relation to the Regulation of Investigatory Powers legislation and guidance.**

98. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

99. DATE OF NEXT MEETING

RESOLVED

It be noted that the next meeting of the Executive Cabinet is scheduled to take place on Wednesday 25 January 2023.

100. CHAIR'S CLOSING REMARKS

The Chair announced that this was the last meeting of Kathy Roe, Director of Finance, who was leaving the authority at the end of December 2022. He thanked Kathy for her hard work and dedication during her time at TMBC and wished her well in her future endeavours.

CHAIR

Agenda Item 4

Report To:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member / Reporting Officer:	Cllr Jacqueline North –First Deputy (Finance, Resources & Transformation) Stuart Fair – Interim Director of Finance
Subject:	STRATEGIC COMMISSION AND NHS INTEGRATED CARE FOUNDATION TRUST FINANCE REPORT CONSOLIDATED 2022/23 REVENUE MONITORING STATEMENT AT 30 NOVEMBER 2022
Report Summary:	<p>This is the revenue financial monitoring report for the 2022/23 financial year, reflecting actual expenditure to 30 November 2022. Tameside Council (TMBC) forecasts are for a full 12 months, but only 9 months of budgets are included for the Tameside Locality of the Greater Manchester Integrated Care Board (ICB). The Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT) position looks at Year To Date only.</p> <p>Reporting for TMBC and ICFT continues as usual, but the CCG position has been replaced by budgets delegated to the Tameside Locality by the Greater Manchester ICB. The report no longer includes any health spend relating to Glossop, where commissioning responsibility was transferred to Derbyshire.</p> <p>Month 8 is the fourth month in which the ICB has been operational. Locality delegated budgets are in the process of being formally signed off, but in the meantime this report presents indicative locality budgets. Plans for Tameside assumed delivery of a £595k surplus in 22/23. At M8 we assume that this plan will be delivered with a further surplus of £208k being forecast.</p> <p>As highlighted previously, the Council is facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children’s services, resulting in a significant forecast overspend by 31 March 2023 of (£3,352k). This represents an improvement of £197k since M7 due to an increase in the level of investment interest.</p> <p>Ongoing demand and cost pressures on Council budgets have implications for the 2023/24 budget and work continues at pace to deliver mitigations for 2022/23, whilst plans are developed to ensure a balanced budget can be delivered for 2023/24.</p>
Recommendations:	That Executive Cabinet be recommended to note the forecast outturn position and associated risks for 2022/23 as set out in Appendix 1 .
Policy Implications:	Budget is allocated in accordance with Council Policy.
Financial Implications: (Authorised by the Section 151 Officer)	<p>This report provides the 2022/23 consolidated financial position statement at 31 October 2022 for the Strategic Commission and ICFT partner organisations.</p> <p>The Council set a balanced budget for 2022/23 in February 2022. This was achieved through the utilisation of one-off funding, very challenging savings targets and an increase in Council Tax. The</p>

budget assumed limited pay inflation, no general inflation and funded known demographic and cost pressures in Adults and Children's Social Care, but with a challenging savings target for Children's Services.

Since setting the Council Budget in early February 2022, the economic landscape has changed adversely, with significant inflationary pressures impacting both generally and in specific service areas. These changes present both cost pressures and challenges in delivering savings and additional income targets, presenting risks to the delivery of a balanced position in 2022/23.

2022/23 will be a year of significant change in the NHS, with the formation of Integrated Care Boards which replaced CCGs from 1st July. For Tameside registered patients, responsibilities have transferred to the Greater Manchester ICB. While commissioning responsibility for patients in Glossop has transferred to Derby & Derbyshire ICB, resulting in an alignment of healthcare commissioning footprints to those of the Local Authority, enabling more joined up health and social care services in the future. Due Diligence is still ongoing with colleagues in Derbyshire to ensure a safe transition of services, while calculating a true and fair split of resources between GM and Derbyshire in line with previously agreed principles.

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.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

As Members are aware The Local Government Act 1972 (Sec 151) states that "every local authority shall make arrangements for the proper administration of their financial affairs..." and critically the council has a statutory duty to deliver a balanced budget by the end of the financial year.

As such this revenue monitoring report is intended to track the council's progress in delivering this against the budget set at the start of the financial year and to provide Members with the opportunity to understand and probe the Council's financial position.

Members will note from the details in the appendix that the current forecast is predicting an over spend of £3.352m. This position has improved by £0.197m since month 7 but robust budget management will still be required on order to deliver a balanced budget.

Reserves cannot be relied upon to balance the budget as council has a statutory responsibility to ensure that it operates with sufficient reserves in place. The legislation does not stipulate what that level should be, rather that it is the responsibility of the council's 151 officer to review the level of reserves and confirm that the level is sufficient. Reserves by its very nature is finite and so should only be drawn down after very careful consideration as the reserves are unlikely to be increased in the short to medium term.

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.

Background Papers:

Background papers relating to this report can be inspected by contacting :

Caroline Barlow, Assistant Director of Finance, Tameside Metropolitan Borough Council



e-mail: caroline.barlow@tameside.gov.uk

Amanda Fox, Deputy Chief Finance Officer, Tameside Health Locality



Telephone: 0161 342 5626



e-mail: amanda.fox12@nhs.net

1. BACKGROUND

- 1.1 Monthly integrated finance reports are usually prepared to provide an overview on the financial position of the Tameside economy.
- 1.2 The report includes the details of the Integrated Commissioning Fund (ICF) for all Council services and the Tameside Locality of the Greater Manchester Integrated Commissioning Board (ICB). The gross revenue budget value of the ICF for 2022/23 is reported at £675 million. This includes a full 12 month of expenditure for the Council, but only 9 months for the ICB.
- 1.3 Please note that any reference throughout this report to the Tameside economy refers to the three partner organisations namely:
 - Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT)
 - Tameside Locality as part of GM ICB (ICB)
 - Tameside Metropolitan Borough Council (TMBC)

2. FINANCIAL SUMMARY (REVENUE BUDGETS)

- 2.1 This is the financial monitoring report reflecting actual expenditure to 30 November 2022. TMBC forecasts are for a full 12 months, but only 9 months of budgets are included for the ICB. The ICFT position looks at Year to Date only.
- 2.2 From a healthcare commissioning perspective this report looks at 9 months of expenditure based on indicative ICB plans (for the period 1 July 2022 to 31 March 2023). Month 8 is the fifth month in which the ICB has been operational. Locality delegated budgets are in the process of being formally signed off, but in the meantime this report presents indicative locality budgets. Plans for Tameside assumed delivery of a £595k surplus in 22/23. At M8 we assume that this plan will be delivered with a further surplus of £208k being forecast.
- 2.3 As highlighted previously, the Council is facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children's services, resulting in a significant forecast overspend by 31 March 2023 of **(£3,352k)**. This represents a small improvement of £197k since M7 due to an increase in the level of investment interest.
- 2.4 Significant work is still required to balance the financial position in 2022/23. Work is in progress to identify mitigating savings to reduce the forecast overspend on Council budgets, and address the forecast budget gap for 2023/24 and beyond. This is being done in the context of growing inflationary pressures, including significant energy cost and pay inflation.
- 2.5 Further detail on the financial position can be found in **Appendix 1**.

3. RESERVES

- 3.1 Detailed monitoring reports at period 3 and 6 have reported planned and approved use of reserves during 2022/23. Appendix 2 provides a summary of commitments from earmarked funds and reserves, and the forecast balances at 31 March 2023.

4. RECOMMENDATIONS

- 4.1 As stated on the front cover of the report.

Tameside Strategic Commission

Finance Update Report
Financial Year 2022/23
Month 8 – 30th November 2022

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Kathy Roe
Asif Umarji

Period 8 Finance Report

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This report covers spend across the Tameside Strategic Commission (Delegated Tameside Locality budgets from Greater Manchester Integrated Care Board (ICB), Tameside Metropolitan Borough Council (TMBC)) and Tameside & Glossop Integrated Care Foundation Trust (ICFT).

Forecasts reflect a full 12 months for TMBC, but only 9 months for the ICB for the period 1 July 2022 to 31 March 2023. It does not incorporate financial data for Tameside & Glossop CCG, which ceased to exist on 30 June 2022. The CCG closedown position has been reported separately.

The report does not capture any health spend relating to Glossop, where commissioning responsibility was transferred to Derby & Derbyshire ICB from 1 July 2022.

Finance Update Report – Executive Summary

Tameside & Glossop CCG formally closed down on 30th June 2022, with responsibilities transferring to either Greater Manchester ICB or Derby & Derbyshire ICB. As such the scope of this report is different to that of previous months. Reporting for TMBC and ICFT continues as usual, but the CCG position has been replaced by budgets delegated to the Tameside Locality by GM ICB. The report no longer includes any health spend relating to Glossop, where commissioning responsibility was transferred to Derbyshire.

Plans for Tameside were submitted for delivery of a £595k surplus in 22/23. At M8 we are forecasting to achieve the surplus plus a further £208k. The plan to deliver a surplus requires savings of £7.3m to be found, and whilst this has now been achieved work continues to ensure that savings identified become recurrent.

As highlighted previously, the Council is facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children’s services, resulting in a significant forecast overspend by 31 March 2023 of (£3,352k). This represents an improvement of £197k since M7 due to an increase in the level of investment interest.

A number of mitigations have been identified to offset against the non delivery of planned savings in year. Assuming that these mitigations are delivered will result in the forecast overspend being reduced to (£3,352k). The variances from M7 are set out on page 6.

Ongoing demand and cost pressures on Council budgets have implications for the 2023/24 budget and work continues at pace to deliver mitigations for 2022/23, whilst plans are developed to ensure a balanced budget can be delivered for 2023/24.

ICB Locality Position

Final delegated budgets are about to be signed off. As such indicative budgets have been reported, with an assumption that we will deliver a £595k surplus as per plan plus a further £208k.

Council Financial Position (£3,352k)

The forecast overspend on Council budgets has improved by £197k since M7. This assumes that a number of identified mitigations are delivered to offset pressures due to non delivery of planned savings.

ICFT Position (£966k)

M8 YTD adverse variance to plan, driven by a shortfall against efficiency target and continued pressures within Urgent and Emergency care and delayed discharges.

Forecast Position £000's	Forecast Position			Variance		Gross Budget (full year)	
	Budget	Forecast	Variance	Previous Month	Movement in Month	Expenditure Budget	Income Budget
ICB Expenditure	82,155	81,947	208	0	208	82,155	0
TMBC Expenditure	208,609	211,961	(3,352)	(3,548)	197	593,230	(384,621)
Integrated Commissioning Fund	290,764	293,908	(3,144)	(3,548)	405	675,385	(384,621)

Finance Update Report – Executive Summary

Forecast Position £000's	Forecast Position (Net)			Net Variance		Gross Budget (full year)	
	Budget	Forecast	Variance	Previous Month	Movement in Month	Expenditure Budget	Income Budget
Mental Health	6,788	6,412	376	218	158	6,788	0
Primary Care	36,068	36,126	(58)	66	(124)	36,068	0
Continuing Care	8,966	9,314	(348)	118	(466)	8,966	0
Community	27,078	27,434	(356)	(320)	(36)	27,078	0
NHS Estates	3,025	2,661	364	(82)	446	3,025	0
Efficiency Savings	230	0	230	0	230	230	0
ICB Expenditure	82,155	81,947	208	0	208	82,155	0
Adults	43,647	45,309	(1,662)	(1,658)	(3)	116,566	(72,918)
Children's Services	56,433	57,284	(851)	(851)	(0)	68,547	(12,114)
Education	7,097	8,163	(1,066)	(1,066)	0	33,772	(26,675)
Schools	0	0	0	0	0	130,223	(130,223)
Population Health	14,292	12,927	1,366	1,366	0	15,987	(1,694)
Place	27,333	33,809	(6,476)	(6,458)	(18)	92,127	(64,794)
Governance	9,128	9,098	30	30	0	71,572	(62,443)
Finance and IT	9,677	9,321	356	356	0	11,710	(2,033)
Quality and Safeguarding	97	97	0	0	0	340	(243)
Capital and Financing	4,513	2,525	1,988	1,770	218	8,680	(4,167)
Contingency	612	(2,366)	2,978	2,978	0	7,619	(7,007)
Corporate Costs	5,074	5,075	(0)	(0)	0	5,385	(310)
Levies	30,704	30,719	(15)	(15)	0	30,704	0
TMBC Expenditure	208,609	211,961	(3,352)	(3,548)	197	593,230	(384,621)
Integrated Commissioning Fund	290,764	293,908	(3,144)	(3,548)	405	675,385	(384,621)

Integrated Commissioning Fund – M8 ICB Locality Budgets

Tameside Locality

Month 8 is the fifth month in which the ICB has been operational. Locality delegated budgets are in the process of being formally signed off, but in the meantime this report presents indicative locality budgets. Plans for Tameside assumed delivery of a £595k surplus in 22/23. At M8 we assume that this plan will be delivered with a further surplus of £208k being forecast.

Mental Health – Forecast underspend £376k - Underspend primarily due to lower than expected placements, costs are anticipated to increase over Jan – Mar, however this has been factored in.

Primary Care – Forecast overspend £58k - There are some minor pressures within GP budgets in respect to ear micro-suctioning and pricing pressures within prescribing budgets.

Continuing Care – Forecast overspend £348k - Whilst placements are lower than expected, there is a high-cost placement that has been reported within the M8 position, which has moved the overall position to a forecast overspend.

Community – Forecast overspend £356k - The pressure within community budgets relates to both Termination of Pregnancy and Audiology services, work is underway to track historic costs to understand the variances against budget in further detail. Any changes to forecasts will be updated in M9.

NHS Estates – Forecast underspend £364k - Following a reconciliation of void and subsidy payments an underspend has arisen from the Q1 actual activity.

Efficiency Savings – Forecast underspend £230k - The updated savings target for Tameside is £7,325k. The original savings target was £7,800k, however this included savings now held at a GM level. At the present time we are expecting to overachieve the updated target by £230k, which has been generated from non-recurrent sources.

Greater Manchester Integrated Care

Overall, NHS GM is reporting being on plan delivering a surplus of £63.6m (FOT), including the impact of Q1 delivery in the 10 CCGs.

Gross risk of £130.8m has been reported, with potential mitigations available which would bring this down to £60.1m

The main pressures within the financial position relate to higher than budgeted activity within the private sector and higher volumes and average cost per case than budgeted for mental health placements.

The Month 8 forecast is for a significant net overspend by 31 March 2023 of (£3,352k). This represents an improvement of £197k since M7 due to an increase in the level of investment interest.

Council budgets continue to face significant pressures with continued challenges with the delivery of savings, combined with ongoing inflationary cost pressures around utilities and fuel costs, means that the forecast outturn position by March 2023 remains challenging.

Capital and Financing underspend £1,988k: There has been a £218k positive movement in the forecast outturn for Capital and Financing due to an increase in the level of investment interest expected to be earned by the end of March 2023. Increases in the Bank of England base rate continue to benefit the Council through higher rates of interest on deposits. Further increases in the base rate over the remaining four months of the year may result in some further benefit over the remaining few months.

Finance Summary Position – T&G ICFT Month 8 2022/23

Income & Expenditure summary	Current month				Year to date			
	Plan	Actual £000s	Variance	%	Plan	Actual £000s	Variance	%
Operating income from patient care activities	22,524	22,926	402	2%	177,786	178,757	971	0.5%
Other operating income	894	1,257	363	41%	8,001	10,273	2,273	28.4%
Total Operating income	23,419	24,183	765	3%	185,786	189,030	3,244	1.7%
<i>Of which COVID-19 Reimbursement</i>	<i>0</i>	<i>8</i>	<i>8</i>	<i>0%</i>	<i>1,264</i>	<i>1,294</i>	<i>30</i>	<i>2.4%</i>
Agency Pay	(660)	(1,194)	(534)	81%	(5,416)	(8,261)	(2,845)	52.5%
All other employee expenses	(16,947)	(17,445)	(497)	3%	(133,667)	(136,691)	(3,024)	2.3%
Operating non pay	(6,315)	(7,041)	(727)	12%	(50,767)	(53,437)	(2,670)	5.3%
Total operating surplus / (deficit)	(503)	(1,496)	(993)	197%	(4,063)	(9,358)	(5,295)	130.3%
Non operating items	(541)	(519)	22	(4%)	(4,352)	(4,238)	114	(2.6%)
Surplus / (deficit) before impairments and transfers	(1,045)	(2,016)	(971)	93%	(8,415)	(13,596)	(5,181)	61.6%
Technical adjustments	15	20	5	32%	123	162	39	32.1%
Adjusted financial performance surplus/(deficit)	(1,029)	(1,995)	(966)	94%	(8,293)	(13,434)	(5,142)	62.0%
I&E margin including COVID-19 Reimbursement	(4.4%)	(8.3%)	(3.9%)		(4.5%)	(7.1%)	(2.6%)	

Trust Efficiency Programme	1,209	916	(292)	(24%)	8,502	6,770	(1,732)	(20%)
Of which recurrent	602	746			28%	20%	(8.4%)	
Efficiencies as a % of Operating Expenditure	4.8%	3.4%			4%	3%	(1.0%)	

Capital Expenditure	1,382	1,222	(160)	(12%)	7,947	5,005	(2,942)	(37%)
CDEL	431	585	154	36%	3,150	1,428	(1,722)	(55%)
PDC	951	637	(314)	(33%)	4,797	3,577	(1,220)	(25%)

Cash and Equivalents					17,736	22,891	5,155	29%
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Trust Financial Summary – Month 8

In month 8 the Trust reported an overspend against plan of £966k, and a net deficit of £2m

The main driving factors behind the overspend position are unachieved TEP and continued spending pressure within Urgent and Emergency care, unfunded Pay Award and inflationary pressures

Efficiency target:

The Trust has delivered £916k of TEP in month against a plan of £1,209k, which is an under achievement against the in month plan of £292k

YTD Delivery shows a shortfall of £1,732k (the Trust has delivered 80% of the year-to-date plan)

The efficiency programme at month 8 is illustrating a probable case forecast delivery of £10.42m in efficiency savings, which equates to 3.8% of operating expenditure. This is however, a £3.21m shortfall to target

APPENDIX 2

Forecast use of reserves and earmarked funds

Category	Ring Fenced / Earmarked	Available	Total
Ring Fenced / Available	£000s	£000s	£000s
Opening Balance 1 April 2022	£162,504	£31,063	£193,567
Approved 2022/23 Capital Programme (Period 6, excluding GG & LUF)	(23,454)	-	(23,454)
Planned use of reserves approved as part of 22/23 budget - Approved February 2022 Council	(4,787)	(458)	(5,245)
Childrens managed social care service - Approved 28/09/22 Exec Cabinet	-	(255)	(255)
Use of ring-fenced grants	(1,726)	-	(1,726)
Childrens Social Care Improvement Plan funding for Childcare Legal Services - Approved June 2021 Exec Cabinet	(83)	-	(83)
S75 Risk Share - support Adults around COVID related pressures and Hospital discharge processes and for SEND CYP Parent Carer Forum (ISCAN) - Approved period 3 monitoring report	(814)	-	(814)
Investment in Adults and Children's IT systems - Approved 24/08/22 Exec Cabinet	(1,739)	-	(1,739)
S75 Risk Share - support Adults around COVID related pressures and Hospital discharge processes - Approved period 6 monitoring report	(3,500)	-	(3,500)
Remaining Funding owed to the council from the Cabinet Office in relation to the Parliamentary election 2019 - Approved period 6 monitoring report	92	-	92
Communication officer for the Godley Green Scheme - Approved period 6 monitoring report	(38)	-	(38)
Closing Balance 31 October 2022	£126,456	£30,350	£156,805
Items approved in November 2022	-	-	-
Closing Balance 30 November 2022	£126,456	£30,350	£156,805

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Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor North First Deputy, Finance, Resources and Transformation
Reporting Officer:	Ilys Cookson – Assistant Director (Exchequer)
Subject:	COUNCIL TAX BASE 2023/2024
Report Summary:	<p>The law requires that the calculation of the Council Tax Base for tax setting must be made between 1 December 2022 and 31 January 2023. The calculated tax base is used to determine the level of Council Tax income that the Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each dwelling. Failure to set the Council Tax Base for 2023/24 would prevent the Council from setting its budget for the 2023/24 financial year.</p>
Recommendations:	<p>That Executive Cabinet be recommended to agree that pursuant to the figures set out in the Report of the Assistant Director of Exchequer Services, and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012</p> <ol style="list-style-type: none">1. the amount calculated by Tameside Metropolitan Borough Council as its Council Tax Base for the year 2023/2024 shall be 63,532.5 properties.2. the amount calculated by Tameside Metropolitan Borough Council as the Tax Base for the Town Council of Mossley for the year 2023/2024 shall be 3454.6 properties.
Corporate Plan:	<p>The setting of the Council Tax Base underpins each of the Corporate Plan themes, as the calculation contributes to Council budget income requirements to fund vital services to all sectors of the community.</p>
Policy Implications:	<p>The law requires that the calculation of the Council Tax Base for Council Tax setting must be made between 1 December 2022 and 31 January 2023.</p>
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The Council Tax Base calculation is a key part of the annual budget cycle. The Calculated Tax Base is used to determine the level of Council Tax income that the Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each dwelling. Failure to set the Council Tax Base for 2023/24 would prevent the Council from setting its budget for the 2023/24 financial year.</p> <p>In December 2021, for the 2022/23 financial year, the forecast Tax Base for Tameside was based on 65,263.9 band D equivalent properties, with an estimated collection rate of 97% resulting in a Council Tax Base of 63,306.0. This was an increase in the Tax Base compared to the prior year, due to an increase in the number of properties and a reduction in the number of discounts. The actual Tax Base in October 2022 was</p>

65,353.4 band D equivalent properties, 90 properties in excess of the forecast.

For the 2023/24 financial year, the forecast number of properties in Tameside has again increased from 65,263.9 to 65,836.8 band D equivalent properties based on forecast growth of 483 new band D equivalent properties.

However, for the 2023/24 Tax Base, the assumed collection rate is to be reduced by 0.5% to 96.5% reflecting recent trends in Council Tax Collection rates. The assumed collection rate for the purposes of setting the Tax Base is based on the 6 year cumulative collection rate. Historically this has been comfortably in excess of 97%, but the current 6 year rate is now only just over 97% with collection for years 4 and 5 at 96%. Given the financial challenges facing residents due to current economic conditions, there is a risk that collection of Council Tax will become more difficult and therefore a reduced collection rate of 96.5% is to be assumed.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

The calculation of the Council Tax Base is governed by The Local Government Finance Act as detailed in the main body of the report.

As set out in the financial implications the Council is facing a period where Council Tax will become more challenging to collect and therefore the financial forecasting has estimated reduction in the collection rate which will have an impact on the council's budgetary position.

Risk Management:

Every effort has been made to ensure information used is as accurate as possible to ensure that the calculation is as accurate as possible. The Tax Base does include estimates both in terms of forecast new properties and collection rates. The assumption are based on available data and detailed review of building in progress but the risk of variation to forecasts cannot be fully eliminated.

Access to Information:

The following background papers have been used in the preparation of this report and can be inspected by contacting Tracey Watkin, Service Unit Manager, Exchequer Services on 0161 342 2368 or tracey.watkin@tameside.gov.uk

1. List of un-banded properties.
2. Planning Department new buildings forecast.
3. Provisional Council Tax Support calculation.

1 INTRODUCTION

- 1.1 A Council Tax billing authority is required to calculate the Council Tax Base for its area and notify the figure to the major precepting authorities in the period 1 December to 31 January in the preceding financial year in England. The purpose of this report is to consider the Council Tax Base calculation which is a key part of the annual budget cycle. The calculated Tax Base is used by Financial Management to determine the level of Council Tax income that the Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each dwelling

2 THE CALCULATION

- 2.1 The Local Government Finance Act 1992 requires a billing authority to calculate the basic amount of its Council Tax by calculating its budget requirement less any grants divided by its Tax Base.

- 2.2 The Tax Base is calculated by multiplying its best estimate of the number of Band D equivalent properties by its estimate of the collection rate for that year. The first stage of the calculation is to calculate the Tax Base as it currently is.

Existing Tax Base

- 2.3 The Council is required to provide details of its current Tax Base in an annual return (the 'CTB1) to the Department for Levelling Up, Housing and Communities (DLUHC) which is completed in October of each year. For the 2022 return, DLUHC specified that the number of properties on the valuation list as at 12 September 2022 should be used. The valuation list is compiled and maintained by the independent Valuation Office Agency and is used as the basis of the calculation for the Tax Base for Council Tax setting.

- 2.4 The CTB1 is compiled using standard data reports from the Council Tax system, written by the system provider. The return deducts all the various reliefs that are currently awarded, which result in the full Council Tax charge being reduced. This means that we calculate the current numbers of exempt properties, those subject to disabled relief and all properties which are subject to a single person discount. Annual reviews are undertaken to ensure that single person discounts and disabled relief are applied correctly.

- 2.5 Regular reviews of empty properties are also completed. Currently properties which remain empty for more than 2 years are required to pay an additional 50% Council Tax, and this is reflected in the calculation of the Tax Base.

- 2.6 Awards under the Council Tax Support Scheme are considered as a Council Tax discount and therefore affect the Tax Base. The Tax Base calculation includes an allowance for the number of awards under the Council Tax Support Scheme and converts this cost into an equivalent reduction in the number of band D properties.

- 2.7 All reliefs, discounts, exemptions and Council Tax Support are included in the Council Tax Base return (the 'CTB1) to DLUHC in October of each year.

Forecast growth in the Tax Base

- 2.8 To calculate the forecast Tax Base for the 2023/24 financial year, further adjustments are made to the figures in the CTB1 to reflect additions to the tax base due to new build and un-banded properties.

- 2.9 An adjustment is made to the tax base for forecast new buildings and un-banded properties. These are properties which are currently under construction, but not yet in the valuation list, or properties which have been completed but not yet placed in a Council Tax band and added to the list.

- 2.10 There is a robust process in place to ensure that the forecast for the Tax Base is calculated correctly. All new build sites are identified as soon as planning permission is granted. The site is inspected by Exchequer visiting officers and details of the number of properties to be built, the size and expected date of completion is collected. The sites are visited on a regular basis and on each visit the visiting officer assesses the stage of the build. Their knowledge and experience enable them to advise when the builds are due to be complete and ensure that completion notices are issued at the earliest possible time, therefore, bringing the properties into tax as soon as possible.
- 2.11 The Council shares data with the Valuation Office Agency on a weekly basis to ensure any un-banded properties are given a Council Tax band in a timely manner.
- 2.12 The records of new and un-banded properties are used to estimate the number of properties that will be brought into the tax during 2023/24. The size of the property is also used to determine the expected property band. Once the number of new builds is established, a percentage based on the current single person discount levels is also applied to the estimate to reflect the expected number of residents in each property. This ensures the Tax Base and income from properties is not overstated. There is also a new homes bonus paid to the Council in respect of new build properties and properties brought back into tax.
- 2.13 All of the adjustments for new or un-banded properties are converted to band D equivalents and added to the current Tax Base in order to give the best estimate for the forthcoming financial year.

Collection Rate

- 2.14 A final adjustment to the Tax Base is made in respect of the assumed cumulative collection rate. The cumulative collection rate reflects the level of Council Tax income that is forecast to be collected over the medium term (a 5-6 year period) and this is different to the in-year collection rate.
- 2.15 Prior to 2020, the assumed collection rate was 98% reflecting the cumulative 6 year collection rate in recent years. In 2020, as a result of reductions in the in-year collection rate (attributed to the impact of the Covid-19 pandemic), the assumed collection rate for the purpose of the tax base was reduced to 97%.
- 2.16 For the 2023/24 Tax Base, the assumed collection rate is to be reduced by 0.5% to 96.5% reflecting recent trends in Council Tax Collection rates. Whilst the cumulative collection rate has historically been comfortably in excess of 97%, the current 6 year rate is now only just over 97% with collection for years 4 and 5 at 96%. Given the financial challenges facing residents due to current economic conditions, there is a risk that collection of Council Tax will become more difficult and therefore a reduced collection rate of 96.5% is to be assumed.

3 THE TAX BASE CALCULATIONS

- 3.1 **Appendix 1** provides a summary of the calculation of the Tax Base for Tameside for the 2023/24 financial year. **Appendix 2** provides a summary of the calculation of the Tax Base for Mossley for the 2023/24 financial year.
- 3.2 **Appendix 3** is a copy of the CTB1 return for Tameside as submitted to DLUHC in October 2022. **Appendix 4** is a CTB1 equivalent for the Mossley Parish area (this is not required to be submitted to DLUHC).

4 RESOURCE IMPLICATIONS

- 4.1 The calculated Tax Base is used to determine the level of Council Tax income that the

Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each band D equivalent dwelling.

5 SUMMARY

- 5.1 The calculation of the authority Tax Base for Council Tax setting purposes gives an estimated Band D equivalent of 65,836.8 properties. There are no Ministry of Defence properties in Tameside. An estimated collection rate of 96.5% gives a Council Tax Base of 63,532.5 properties.
- 5.2 The calculation of the Mossley Parish Tax Base for Council Tax setting purposes gives an estimated Band D equivalent of 3,579.9 properties. There are no Ministry of Defence properties in Mossley. An estimated collection rate of 96.5% gives a Council Tax Base of 3,454.6 properties.

6 RECOMMENDATIONS

- 6.1 As stated at the front of this report.

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Council Tax Base Return to MHCLG on 14 October 2022	Band A (with disabled relief)	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	TOTAL
Total number of band D equivalents after council tax support	40.1	24,295.8	12,530.4	15,580.2	6,507.5	4,404.3	1,273.6	682.0	39.5	65,353.4
Forecast New Build Band D Equivalents		174.6	41.5	199.7	38.1	18.8	5.9	2.8	2.0	483.4
Council Tax Base for 2022/23	40.1	24,470.4	12,571.9	15,779.9	6,545.6	4,423.1	1,279.5	684.8	41.5	65,836.8
Assumed Collection rate										96.5%
Council Tax Base for Precepts										63,532.5

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Council Tax Base Return to MHCLG on 14 October 2022	Band A (with disabled relief)	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	TOTAL
Total number of band D equivalents after council tax support	2.9	1,369.7	596.7	821.7	427.1	224.2	75.8	24.2	-	3,542.3
Forecast New Build Band D Equivalents		18.8	7.0	-	1.0	-	6.1	2.8	2.0	37.6
Council Tax Base for 2022/23	2.9	1,388.5	603.7	821.7	428.1	224.2	81.9	27.0	2.0	3,579.9
Assumed Collection rate										96.5%
Council Tax Base for Precepts										3,454.6

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CTB(October 2022)

Calculation of Council Tax Base

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Please select your local authority's name from this list

Surrey Heath
Sutton
Swaile
Swaileton
Tameside
Tarnworth

Check that this is your authority : **Tameside**
E-code : **E4208**
Local authority contact name : **Heather Green**
Local authority contact telephone number : **0161 342 2929**
Local authority contact e-mail address : **heather.green@tameside.gov.uk**

CTB(October 2022) form for **a. Tameside**

Completed forms should be received by DLUHC by Friday 14 October 2022

Dwellings shown on the Valuation List for the authority on Monday 12 September 2022

Band A entitled to disabled relief reduction

	COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
Part 1										
1. Total number of dwellings on the Valuation List		52,666	19,375	19,958	7,095	3,874	940	436	41	104,385
2. Number of dwellings on valuation list exempt on 3 October 2022 (Class B & D to W exemptions)		1,247	319	286	70	42	13	10	1	1,988
3. Number of demolished dwellings and dwellings outside area of authority on 3 October 2022 (please see notes)		0	0	0	0	0	0	0	0	0
4. Number of chargeable dwellings on 3 October 2022 (treating demolished dwellings etc as exempt) (lines 1-2-3)		51,419	19,056	19,672	7,025	3,832	927	426	40	102,397
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 3 October 2022		104	79	101	46	52	14	10	19	425
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	104	79	101	46	52	14	10	19		425
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	104	51,394	19,078	19,617	7,031	3,794	923	435	21	102,397
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 3 October 2022	31	24,925	6,701	5,260	1,361	570	123	59	1	39,031
9. Number of dwellings in line 7 entitled to a 25% discount on 3 October 2022 due to all but one resident being disregarded for council tax purposes	1	537	229	246	74	49	11	4	0	1,151
10. Number of dwellings in line 7 entitled to a 50% discount on 3 October 2022 due to all residents being disregarded for council tax purposes	0	30	13	15	25	15	9	24	2	133
11. Number of dwellings in line 7 classed as second homes on 3 October 2022 (b/fwd from Flex Empty tab)		64	23	22	4	0	4	1	0	118
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 3 October 2022 (b/fwd from Flex Empty tab)		718	268	190	59	25	4	2	0	1,266
13. Number of dwellings in line 7 classed as empty and receiving a discount on 3 October 2022 and not shown in line 12 (b/fwd from Flex Empty tab)		0	0	0	0	0	0	0	0	0
14. Number of dwellings in line 7 classed as empty and being charged the Empty Homes Premium on 3 October 2022 (b/fwd from Flex Empty tab)		167	35	26	6	5	2	3	0	244
15. Total number of dwellings in line 7 classed as empty on 3 October 2022 (lines 12, 13 & 14).		885	303	216	65	30	6	5	0	1,510
16. Number of dwellings that are classed as empty on 3 October 2022 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		509	142	99	27	17	5	3	0	802
#NAME?										
16a. The number of dwellings included in line 16 above which are empty on 3 October 2022 because of the flooding that occurred between 1 December 2015 and 31 March 2016 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
16b. The number of dwellings included in line 16 above which are empty on 3 October 2022 because of the flooding that occurred between November 2019 and February 2020 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
17. Number of dwellings that are classed as empty on 3 October 2022 and have been for more than 6 months and are eligible to be treated under empty homes discount class D (formerly Class A exemptions). NB These properties should have already been included in line 15 above. Do NOT include any dwellings included in line 16a above.		0	0	1	0	0	0	0	0	1
18. Number of dwellings that are classed as empty and have been empty for more than 6 months excluding those that are subject to empty homes discount class D or empty due to flooding (Line 16 - line 16a - line 16b - line 17) (equivalent to Line 18 in previous forms).		509	142	98	27	17	5	3	0	801
19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annex discount	72	25,734	12,099	14,069	5,565	3,155	778	345	18	61,835

CTB(October 2022)

Calculation of Council Tax Base

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20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	32	25,660	6,979	5,548	1,466	639	145	90	3	40,562
21. Reduction in taxbase as a result of the Family Annexe discount (b/fwd from Family Annexe tab)	0.0	1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2
22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	96.0	45,225.5	17,379.5	18,266.5	6,667.8	3,638.8	888.0	411.3	19.8	92,593.0
23. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
24. Total number of band D equivalents (to 1 decimal place) (line 22 x line 23)	53.3	30,150.3	13,517.4	16,236.9	6,667.8	4,447.4	1,282.7	685.4	39.5	73,080.7
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2022-23 (to 1 decimal place)										0.0
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										73,080.7
Part 2										
27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	96.0	45,225.5	17,379.5	18,266.5	6,667.8	3,638.8	888.0	411.3	19.8	92,593.0
28.Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	23.8	8,781.9	1,269.0	738.8	160.3	35.2	6.3	2.0	0.0	11,017.3
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	72.2	36,443.7	16,110.5	17,527.7	6,507.5	3,603.6	881.7	409.2	19.8	81,575.7
30. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
31. Total number of band D equivalents after allowance for council tax support (to 1 decimal place) (line 29 x line 30)	40.1	24,295.8	12,530.4	15,580.2	6,507.5	4,404.3	1,273.6	682.0	39.5	65,353.4
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2022-23 (to 1 decimal place)(line 25)										0.0
33. Tax base after allowance for council tax support (to 1 decimal place) (line 31 col 10 + line 32)										65,353.4

CTB(October 2022)

Calculation of Council Tax Base

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Please select your local authority's name from this list

Swale
Swindon
Tameside
Tamesworth
Tandridge
Teignbridge

Check that this is your authority :
E-code :
Local authority contact name :
Local authority contact telephone number :
Local authority contact e-mail address :

CTB(October 2022) form for a Tameside

Completed forms should be received by DLUHC by Friday 14 October 2022

Dwellings shown on the Valuation List for the authority on Monday 12 September 2022

Band A entitled to disabled relief reduction

	COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
Part 1										
1. Total number of dwellings on the Valuation List		2,795	896	1,046	456	193	53	13	1	5,453
2. Number of dwellings on valuation list exempt on 3 October 2022 (Class B & D to W exemptions)		62	3	11	1	0	0	0	0	77
3. Number of demolished dwellings and dwellings outside area of authority on 3 October 2022 (please see notes)		0	0	0	0	0	0	0	0	0
4. Number of chargeable dwellings on 3 October 2022 (treating demolished dwellings etc as exempt) (lines 1-2-3)		2,733	893	1,035	455	193	53	13	1	5,376
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 3 October 2022		6	3	5	4	0	0	0	1	19
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	6	3	5	4	0	0	0	1		19
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	6	2,730	895	1,034	451	193	53	14	0	5,376
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 3 October 2022	2	1,362	346	307	82	27	2	4	0	2,132
9. Number of dwellings in line 7 entitled to a 25% discount on 3 October 2022 due to all but one resident being disregarded for council tax purposes	1	33	6	12	3	3	0	0	0	58
10. Number of dwellings in line 7 entitled to a 50% discount on 3 October 2022 due to all residents being disregarded for council tax purposes	0	0	2	0	0	0	0	1	0	3
11. Number of dwellings in line 7 classed as second homes on 3 October 2022 (b/fwd from Flex Empty tab)		3	3	1	0	0	0	0	0	7
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 3 October 2022 (b/fwd from Flex Empty tab)		60	18	9	2	3	0	0	0	92
13. Number of dwellings in line 7 classed as empty and receiving a discount on 3 October 2022 and not shown in line 12 (b/fwd from Flex Empty tab)		0	0	0	0	0	0	0	0	0
14. Number of dwellings in line 7 classed as empty and being charged the Empty Homes Premium on 3 October 2022 (b/fwd from Flex Empty tab)		10	1	0	1	0	0	1	0	13
15. Total number of dwellings in line 7 classed as empty on 3 October 2022 (lines 12, 13 & 14).		70	19	9	3	3	0	1	0	105
16. Number of dwellings that are classed as empty on 3 October 2022 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		40	11	5	1	1	0	1	0	59
#NAME?										
16a. The number of dwellings included in line 16 above which are empty on 3 October 2022 because of the flooding that occurred between 1 December 2015 and 31 March 2016 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
16b. The number of dwellings included in line 16 above which are empty on 3 October 2022 because of the flooding that occurred between November 2019 and February 2020 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
17. Number of dwellings that are classed as empty on 3 October 2022 and have been for more than 6 months and are eligible to be treated under empty homes discount class D (formerly Class A exemptions). NB These properties should have already been included in line 15 above. Do NOT include any dwellings included in line 16a above.		0	0	0	0	0	0	0	0	0
18. Number of dwellings that are classed as empty and have been empty for more than 6 months excluding those that are subject to empty homes discount class D or empty due to flooding (Line 16 - line 16a - line 16b - line 17) (equivalent to Line 18 in previous forms).		40	11	5	1	1	0	1	0	59
19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annex discount	3	1,325	540	715	365	163	51	8	0	3,170

CTB(October 2022)

Calculation of Council Tax Base

Please e-mail to : ctb.stats@levellingup.gov.uk

Please enter your details after checking that you have selected the correct local authority name

Ver 1.0

20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	3	1,405	355	319	86	30	2	6	0	2,206
21. Reduction in taxbase as a result of the Family Annexe discount (b/fwd from Family Annexe tab)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	5.2	2,393.3	808.0	954.3	431.8	185.5	52.5	14.5	0.0	4,845.0
23. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
24. Total number of band D equivalents (to 1 decimal place) (line 22 x line 23)	2.9	1,595.5	628.4	848.2	431.8	226.7	75.8	24.2	0.0	3,833.5
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2022-23 (to 1 decimal place)										0.0
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										3,833.5
Part 2										
27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	5.2	2,393.3	808.0	954.3	431.8	185.5	52.5	14.5	0.0	4,845.0
28.Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	0.0	338.7	40.8	29.8	4.7	2.1	0.0	0.0	0.0	416.1
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	5.2	2,054.6	767.2	924.4	427.1	183.4	52.5	14.5	0.0	4,428.9
30. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
31. Total number of band D equivalents after allowance for council tax support (to 1 decimal place) (line 29 x line 30)	2.9	1,369.7	596.7	821.7	427.1	224.2	75.8	24.2	0.0	3,542.3
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2022-23 (to 1 decimal place)(line 25)										0.0
33. Tax base after allowance for council tax support (to 1 decimal place) (line 31 col 10 + line 32)										3,542.3

Agenda Item 6

Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor Jacqueline North – First Deputy (Finance, Resources and Transformation)
Reporting Officer:	Ilys Cookson – Assistant Director, Exchequer Services
Subject:	LOCAL COUNCIL TAX SUPPORT SCHEME 2023/2024
Report Summary:	<p>The Council must adopt a Council Tax Reduction scheme no later than 11 March before the start of the financial year to which the scheme applies in accordance with the Local Government Finance Act 2012 as amended by The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.</p> <p>The Council could decide not to set a scheme and the default scheme would apply in accordance with the Local Government Finance Act 2012. However, this would have significant financial impact on the Council as the default scheme affords a greater level of support to claimants of working age.</p> <p>The Council could also decide to set an alternative scheme however to do so without rationale and evidence from the operation of the current scheme in the timescales required would carry significant risk.</p>
Recommendations:	<p>That Executive Cabinet be recommended to recommend to Council that the Council:</p> <ul style="list-style-type: none">(i) continues the Council Tax Reduction Scheme adapted for 2022/2023, known as the Council Tax Support Scheme, as set out in Appendix 3; save for the following:<ul style="list-style-type: none">• the annual benefit upratings which are not yet released by DWP;• further guidance which may be released from The Department for Levelling Up, Housing and Communities• the amendment to the wording in the scheme as detailed at section 4 of the report(ii) approves a £50,000 hardship fund be in place in order to assist severe cases of hardship funded from existing budgets, to be administered by Exchequer Services under the Section 13A Policy.
Corporate Plan:	The Council Tax Support (CTS) scheme assists the most financially vulnerable in the Borough by providing means tested financial support towards Council Tax costs.
Policy Implications:	In line with Council policy and guidance from The Department for Levelling Up, Housing and Communities.
Financial Implications: (Authorised by the statutory Section 151 Officer)	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. For 2021/22, the 'cost' of the scheme, in terms of revenue foregone, was approximately £15.4m, compared to £14.7m in 2020/21. The cost of the scheme for 2022/23 is expected to increase to approximately £15.9m. If Council Tax rates increase in 2023/24 then the cost of the scheme will again increase, in line with

the increase in Council Tax. The revenue forgone as a result of the scheme is factored into the Council Tax base and Council Tax setting as part of the annual budget process.

The increase in the cost of the scheme over the last few years is in part due to increases in Council Tax payable, but during 2020 and 2021 this was also due to a significant increase in the number of Council Tax Support Claimants. This increase in claimant numbers was attributed to the economic impact of the COVID-19 pandemic and numbers did reduce in the latter half of the 2021/22 financial year. It is possible that the number of Council Tax Support Claimants will increase again over the coming months if economic conditions and employment levels deteriorate.

No changes are proposed to either the Council Tax Support Scheme or the Hardship Fund for 2023/24. If the Council chose to adopt the default scheme, rather than a local scheme, the 'cost' to the Council is estimated to be significantly greater than the cost of the local scheme. The Council could chose to adopt a less generous local scheme however any reduction in the level of support provided is expected to increase levels of uncollected Council Tax as those claimants in receipt of Council Tax Support are often the most economically vulnerable.

**Legal Implications:
(Authorised by the Borough
Solicitor)**


The recommendations as set out in this report ensures that council is compliant with The Local Government Finance Act 2012, as amended by The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.

Risk Management:

The scheme is legally compliant in the way it has been set and Risks are set out in Section 8 of this report.

Background Information:

The background papers relating to this report can be inspected by contacting Karen Milner, Service Unit Manager — Assess and Pay and Income and Collection.

 Telephone: 0161 342 5022

 e-mail: karen.milner@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Local Government Finance Act 2012, as amended by The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017, contained provision for each local authority to have its own locally set Council Tax Reduction Scheme from 1 April 2013. Councils wishing to implement a local scheme must have the scheme approved by 11 March each year.
- 1.2 The Department for Levelling Up, Housing and Communities do not provide a specific amount of funding for payment of the support or the administration of the Scheme.
- 1.3 The local scheme was funded in the first year by way of a fixed grant which the Department of Communities and Local Government (now The Department for Levelling Up, Housing and Communities) determined as being 90% of the 2011/2012 outturn for Council Tax Benefit expenditure. In real terms this reduction in funding equated to 17.3% for Tameside for 2013/2014 and so a local Council Tax Support Scheme was set taking into account the costing envelope available.
- 1.4 The scheme in Tameside is referred to as The Council Tax Support (CTS) Scheme. In consideration of setting the local CTS scheme for 2023/2024 this reports sets out:
- What the Council is required do
 - The operation of the Council Tax Support scheme in 2022/2023
 - Revisions to be effective from 1 April 2023 and the proposed Council Tax Support Scheme 2023/2024.

2. PROCEDURAL REQUIREMENTS

- 2.1 The procedural requirements are contained in the Local Government Finance Act 2012.
- 2.2 In setting a Council Tax Support scheme the Council must:
- 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 for persons of state pension credit age and default schemes (the same as the previous Council Tax Benefit scheme).
 - Ensure that claimants of state pension credit age continue to receive the same support under the scheme as they received prior to 1 April 2013, known as 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 the draft scheme, when applicable.
- 2.3 A procedural requirement in drafting the Council Tax Support Scheme is to consult with members of the public and precepting bodies when a change is made to the scheme. Consultation took place in respect of the initial scheme for 2013/2014 and for changes to the scheme for 2016/2017. The Executive Cabinet of 24 August 2022 determined that the scheme for 2023/24 was to remain unchanged from that set for 2022/2023, other than a change of wording in respect of the way the scheme is administered, it is not necessary to consult. Precepting bodies have been informed that the 2023/2024 scheme will be unchanged from that which was set in 2022, and therefore there will be no impact on the precept budgets as a result of this.

3. THE COUNCIL TAX SUPPORT SCHEME IN OPERATION

- 3.1 Tameside Council is committed to maximising the wellbeing of the people of Tameside; however cuts in funding from Government have a significant impact on how much the Council has to spend on services. The Council Tax Support Scheme must be set taking into account the finances that are available.
- 3.2 The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulation 2012 apply to all Council Tax Reductions Schemes in England and legislate on the support that must be given to claimants of pension age. Additionally, Tameside's Council Tax Support Scheme disregards 100% of any war pensions/war widows pension.
- 3.3 The Council Tax Support Scheme 2022/2023 for Tameside, set on 26 January 2022, contains the following provisions for claimants of working-age:
- Support is capped to that of a Band A property - Claimants living in Band B property and above have to pay the difference in full between a Band A property liability and that of the Band of their property.
 - The maximum CTS awarded under the present scheme is 75% of the weekly Council Tax liability for a Band A property.
 - There is no provision for a claim to be backdated.
 - Disability Allowances received are disregarded in full.
 - People in receipt of support due to being unemployed, who obtain employment, can keep the support provided whilst unemployed for a further four weeks, if they have been unemployed for 26 continuous weeks or more and were receipt of certain other benefits.
 - There are no deductions from a claimant's CTS for non-dependants residing in the household under the Council's Staying Put arrangement.
- 3.4 Additional support is available to all Council Tax Support claimants in respect of the Discretionary Hardship Policy administered under Section 13A(1)(c) of the Local Government Finance Act 1992, which can be found at Appendix 2. The purpose of the Hardship Fund is to mitigate the potential risk that some claimants may, in exceptional circumstances, suffer severe financial hardship as a result of the introduction of the scheme or changes to the scheme and may apply for additional monies to help pay their Council Tax.

4. PROPOSED CHANGE TO THE SCHEME FOR 2023/2024

- 4.1 Tameside has been progressive in moving from paper forms to electronic digital alternatives. The application process for Council Tax Support is an on-line form which can be commenced, saved and completed at a later date prior to submission.
- 4.2 Tameside's Poverty Strategy and the Poverty Truth Commission work undertaken in 2022/2023 has been considered, and in particular the concerns that there are a plethora of forms to be completed to access different forms of financial support. By way of example, Universal Credit claimants will complete an application form to claim support for personal expenses and housing costs from the Department of Work and Pensions (DWP) and then have to complete another claim form to access Council Tax Support for help with Council Tax payments from the Council.
- 4.3 The DWP notify the Council of a claim for Universal Credit via their digital system and such notifications are known as the Universal Credit Digital Service (UCDS). It is proposed that for Universal Credit claimants the notification of their claim from the DWP, via UCDS, would be taken as the application for Council Tax Support purposes. This means that Universal Credit claimants would not have to complete a separate claim form for Council Tax Support.
- 4.4 It is acknowledged that the UCDS notification does not provide all necessary information on which to pay Council Tax Support. For example, information on non-dependents is not always

included, nor is other income such as disability payments. The inclusion of non-dependents or additional income could have a bearing on the amount of CTS to be awarded, and which may result in a higher level of award. However, there are DWP systems available to check such entitlements, and, should queries remain, the claimant would be contacted for clarification before the claim is assessed and paid, as is current practice.

- 4.5 This proposed change is considered beneficial and therefore there will be no adverse effect on existing or new claimants, the scheme itself remains unchanged and in cases of minor and beneficial changes full consultation is not required.
- 4.6 The actual wording in the Council Tax Support scheme would need to be amended to reflect that notice via UCDS would be considered to be a claim for Council Tax Support purposes.
- 4.7 The suggested scheme wording would be included in Schedule 7, Part 1, paragraph 2 of the scheme to include the notifications received from the Department of Work and Pensions as an application for Council Tax Support as follows:
 - 2. An application may be made—*
 - (a) in writing,*
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule,*
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone, or*
 - (d) by notice via the Department of Work and Pensions Universal Credit Digital Service (UCDS) New claim notification*
- 4.8 The change would not affect the amount of Council Tax Support received by the applicant and as such have no financial bearing on the cost of the Scheme.

5. FACTORS TO BE CONSIDERED

5.1 In considering the setting of the local Council Tax Support Scheme 2023/2024, it has been important to examine the information arising from the continual review of the scheme to ensure that demand and cost of the scheme, communications and the recovery of Council Tax remained within projections which took place at the time the scheme was set.

Demand

5.2 As at the end of quarter two of 2022/2023 approximately 17,281 people claim Council Tax Support. Of this number, there are approximately 7,254 (42%) people of pensionable age who will be guaranteed protection under the CTS scheme. Therefore approximately 10,027 (58%) claimants are of working age. Demand on the scheme is monitored on a quarterly basis and, Table 1 details the decline in demand since the scheme was first introduced in April 2013.

Table 1 Demand on Local Council Tax Support Scheme

Year	Total claimants
01/04/2013	23,716
14/04/2014	23,231
10/04/2015	22,029
18/04/2016	20,889
04/04/2017	20,087
18/10/2018	19,140
01/10/2019	18,161
29/10/2020	18,155
01/10/2021	17,898
01/10/2022	17,281

Claimant caseload fluctuates on a daily basis and overall there has been a reduction in overall claimant numbers from 01 April 2013. The caseload continued to fall during 2022/2023 even though residents had more to pay in Council Tax due to the Council Tax rise in April 2022 and despite the impact of the Coronavirus pandemic and the continuing impact of the Cost of Living increases; however this decline appears to follow the pattern from previous years.

Scheme costs and impact on Council Tax collection

- 5.3 The regulations state that all Councils must include in their Council Tax Support (CTS) scheme protection for claimants who have reached the age for state pension credit, so that they receive the same support as they would have received prior to 1 April 2013. This means that any reductions in funding cannot impact on pensioners so the full impact falls entirely upon claimants below pension credit age.
- 5.4 The amount of funding for the Council Tax Support Scheme from the Department for Levelling Up, Housing and Communities is not specified or identifiable and it is entirely for local authorities to decide how much they are prepared to spend on Council Tax Support.
- 5.5 It has been important to continually monitor the cost of the scheme. Scheme costs, claimant numbers and equalities data is monitored every quarter. The amount of Council Tax Support expenditure fluctuates on a daily basis and the scheme costs have stabilised over the last 4 years as detailed in Table 2 below.

Table 2 Costs of scheme by year

Year	Costs
April 2013	£16.6m
April 2014	£15.9m
April 2015	£14.9m
April 2016	£14.3m
April 2017	£13.7m
April 2018	£13.8m
April 2019	£13.8m
April 2020	£13.9m
April 2021	£14.7m
April 2022	£14.9m

- 5.6 A social care precept and a Council Tax increase are expected from April 2023 which, with a potential increase in the mayoral precept, will impact on the scheme by increasing the cost. This however would be offset by any increase in Council Tax collected. Scheme costs will continue to be closely monitored every quarter.
- 5.7 The costs of the scheme have stabilised over the last 4 years and, despite the Coronavirus pandemic, the number of claimants has not increased significantly. The number of claimants will continue to be monitored for any impact caused by the increased cost of living.
- 5.8 Claimants in receipt of Council Tax Support are monitored in terms of ensuring that Council Tax liabilities are paid. All working age claimants have to pay at least 25% of their Council Tax liability. This is particularly important to support claimants to pay on time and not fall into arrears which can in some cases be difficult to recover for both the claimants and the Council.
- 5.9 A total of 60.39% of all Council Tax due this year for CTS claimants was collected as at 31 October 2022 totalling £2.8m. Of that £796k was collected from pensioners in receipt of CTS and £2m from working age claimants in receipt of CTS. The collection rates include reductions in payments for some Council Tax payers where the £150.00 Council Tax Energy Bill Rebate was credited to the Council Tax account.

- 5.10 Central government have awarded all households in Council Tax property bands A – D a £150 energy bill rebate. A discretionary top up payment of £25.00 has been awarded to all recipients of CTS in accordance with government guidance and funding provided for this purpose. The payment was sent to bank accounts where the bank details were known but for those who did not supply bank details, the rebate was credited to the Council Tax account.

6. OTHER FACTORS TO BE CONSIDERED

- 6.1 The Valuation Tribunal Service considers appeals by any resident with regard to Council Tax Support schemes. The Tribunal Service is independent of the Council. On occasion the Valuation Tribunal may advise a Local Authority to reconsider elements of the scheme which can be for a number of reasons and, bearing in mind that each Local Authority will set its own scheme, so any decision of the Tribunal can only be directed to the Local Authority scheme being considered at appeal. Tameside has not received any direction from the Valuation Tribunal Service in 2022/2023.
- 6.2 The Department for Levelling Up, Housing and Communities have not issued any legislation, including changes to The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulation 2012, to be included in local schemes for the forthcoming financial year. Should legislation be released by the Department for Levelling Up, Housing and Communities at a future date then this would be included in a revision to the scheme to be effective from 01 April 2023.
- 6.3 The Local Government Ombudsman (LGO) in their report of August 2019 to Local Authorities titled “Council Tax Reduction – Guidance for Practitioners” helped Local Authorities manage complex Council Tax reduction enquiries and complaints, and made a number of recommendations to all Local Authorities. It is considered best practice to recognise the recommendations by the LGO and provide clarity within the scheme. No recommendations have been received which may have an impact on the 2023/2024 scheme.
- 6.4 The law states that Universal Credit annual upratings must be used for claimants in receipt of Universal Credit.
- 6.5 The scheme is operating as expected and no specific negative impacts have emerged to date other than those which were identified when the scheme was set and when revised, and the caseload continues to show a downward trend. Therefore it is proposed to set in place the same scheme for 2023/2024 that was set in 2022/2023 and continue to use the annual DWP Housing Benefit upratings, and the annual uprated Universal Credit elements as applicable.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of: Age, gender, race, sexual orientation, gender re-assignment, marriage and civil partnership, disability, pregnancy and maternity, religion or belief.
- 7.2 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.

7.3 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.

7.4 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.

7.5 The population of Tameside is estimated at 231,071 residing in 99,527 households based on the 2021 Census population statistics from the Office for National Statistics (ONS). Trends show an ageing population. The number of people aged 65 years and over is now 40,509 according to the ONS and the gender split of Tameside's overall population is 49% male and 51% female.

7.6 Tameside has approximately 17,281 CTS claimants (as at October 2022), of these 7,254 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. A full equality impact assessment on the scheme is detailed at Appendix 1 undertaken in 2015 in consideration of changes to the scheme which became effective from 01 April 2016 and reviewed annually thereafter. The scheme to be adopted in 2023/2024 is the same scheme as that set for 2022/2023, other than a change of wording to reflect the beneficial change that Universal Credit notifications from the DWP will now be considered the claim and a separate application form is no longer required for Universal Credit claimants.

7.7 In addition to considering the effects on the key characteristic groups it is important to also consider:

- Economic vulnerability – 94% of the working age claimants (i.e. non-protected people below pension credit age) are out of work. This increases to 99% for those claimants with a disability (based on eligibility to Disability Living Allowance).
- Carers – 1,008 (6%) of all claimants receive Carer's Allowance.
- Maternity – 11 (0.1%) of working age claimants receive Maternity Allowance.
- War widows – 18 (0.1%) of all claimants are war widows (of which 4 are of working age).

(Data as at 05 October 2022)

7.8 To ensure that the Council Tax Support scheme complied with the statutory public sector equality duty and the child poverty strategy, quarterly reviews have been undertaken. It has been important to continually consider the equality impact to ensure that no adverse impacts emerged on the key characteristic groups of age, disability, gender, pregnancy and maternity, race, sexual orientation, gender re-assignment, marriage and civil partnership and religion and belief.

7.9 The detail of the quarter two review of the scheme for 2022/2023 (data taken as at 05 October 2022) and conclusions drawn from the evidence and analysis of the effects on equality on the key characteristic groups are detailed here:

Workers

7.10 As at the end of quarter two 10,027 or 58% of total claimant base are working age claimants and 94% of those working age claimants are out of work. Working age claimants have

decreased by 86 people between quarters one and two. Those on low incomes / or reduced means as a result of a previous period of unemployment are protected by virtue of keeping support for 4 weeks once back in employment after having been out of work for more than 26 continuous weeks. 582 working age claimants benefit from a disregard of 35% of their earned income.

Disabled

- 7.11 A total of 5,781 claimants are disabled (33% of total claimants) and of those 2,761 are pensioners and so must be fully protected. There has been a distinct increase in the number of working age disabled claimants from 2,699 between quarter two of 2021/2022 and 3,020 in quarter two of 2022/2023. The cause for this increase is not known but coincides with the COVID pandemic.
- 7.12 Of the 3,020 working age disabled claimants there has been an increase in the claimants that are given protection by the exclusion of Disability Living Allowance from their income taken into account when calculating CTS, which can be up to £156.90 per week (2022/2023 rates), from 793 in quarter two of 2021/2022 and 1,183 in quarter two of 2022/2023.
- 7.13 A total of 23 disabled claimants were working in quarter two; a decrease of 3 claimants from quarter two 2021/2022. A total of 1,008 claimants (6%) receive Carer's Allowance and have been provided with extra support by having an additional element of allowable income in the assessment. This is an increase of 128 from quarter two of 2022/2023.
- 7.14 The number of claimants in receipt of war pensions or war widow's pensions which are excluded from the assessment for Council Tax Support, has reduced from 21 at Quarter two 2021/2022 to 18.

Women

- 7.15 A total of 60% (10,369) of claimants are female. There are 2,631 lone parent households claiming CTS of which 2,420 (92% of all lone parent claims) are female. The number of female pensioners is 4,179 (24 % of total claimants and 58% of pension age claimants). The scheme has affected women more than men as expected as there are more female claimants.

Children and families

- 7.16 The Council are committed to eliminating the effects of child poverty and supporting the most vulnerable while reducing inequalities. There are 3,523 claimants with children, of which 3,509 are working age. The scheme continues to provide some protection for families with children by disregarding child benefit in full for those that do not receive maximum support. In quarter two, 2,561 working age claimants receive this protection (26% of working age claimants) of which 1,788 or 70% are lone parents and female. Child care costs are disregarded for claimants in work in 10 claims of which 8 (80%) are single parents and 2 (20%) are couples.
- 7.17 Child maintenance has been taken into account in the calculation for 23 cases where CTS is payable or 0.2% of the total working age case load. However, in the majority of these cases the claimants were found to receive high amounts of tax credits which then, with their earnings took them over the required amount to attract CTS.

War pensions

- 7.18 War pensions and war widow's pensions are disregarded in full from the calculation for CTS. 18 (0.1%) of all claimants are war widows (of which 4 are of working age).
- 7.19 The last quarterly review undertaken in October 2022 revealed that there continues to be no adverse impact on any specific equalities group. Further equalities analysis will continue to take place in each claimant category at the end of each quarter to enable the scheme to be continually monitored and to identify and investigate any unforeseen negative impacts should

they arise.

8. MITIGATION AND SUPPORT

Mitigation

- 8.1 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.
- 8.2 Wherever possible mitigations have been put in place to protect the following equalities groups in the following ways:

Workers on low incomes or reduced means as a result of a previous period of unemployment are protected by virtue of keeping support for 4 weeks once back in employment after having been out of work for more than 26 continuous weeks.

Disabled claimants of working age are protected by the exclusion of Disability Living Allowance from their income taken into account when calculating CTS, which can be up to £156.90 per week for the higher rate (2022/2023 rates). This benefits 1,183 disabled claimants as at quarter two. Disabled claimants in receipt of war pensions or war widow's pensions are protected as this income is also excluded from the CTS assessment.

Carers

1,008 claimants in receipt of Carer's Allowance are provided with extra support by having an additional element of allowable income in the assessment.

Women are affected more by the scheme than men because there are a higher proportion (60%) of female claimants. 2,420 (92%) of lone parents are female. Female pensioners account for 24% of claims. A total of 632 female single parent households receive maximum CTS benefit with the remainder being protected by the exclusion of Child Benefit from the CTS calculation.

Children and Families are protected by disregarding child benefit in full within the CTS calculation and child care costs being disregarded for claimants in work.

Staying Put Scheme: Non-dependent deductions are disregarded in households where there is an 18 year to 25 year old person living in the household who is subject to the Staying Put scheme after they have left local authority care. There are currently 26 people residing in Tameside in receipt of Staying Put payments.

Support

- 8.3 In setting the 2013/2014 local Council Tax Support scheme a Hardship Fund was put in place. Hardship payments are made these are paid under Section 13A (1) (c) of the Local Government Finance Act 1992. The purpose of the Hardship Fund is to mitigate the potential risk that some claimants may, in exceptional circumstances, suffer severe financial hardship as a result of the introduction of the scheme or changes to the scheme and may apply for additional monies to help pay their Council Tax. The Hardship Fund for 2022/2023 was £50k and this will remain the same for 2023/2024. Hardship funding is identified from existing budgets and is administered by Exchequer Services under the Section 13A Policy which is detailed at Appendix 2.
- 8.4 This amount of £50k does not exclude approved applications being granted should the maximum allocated funding being exceeded.
- 8.5 As at 7 December 2022, one application for Hardship Relief has been successful in 2022/23

for the total sum of £199.64. The circumstances of the claims do not suggest that any one equalities group has been adversely affected.

- 8.6 Residents may obtain advice and assistance on the Hardship Fund and Council Tax Support scheme from the Council's Benefits Service, Citizens Advice Bureau and Tameside Welfare Rights Service.
- 8.7 The Benefits and Council Tax service works closely with housing and voluntary sector colleagues who assist claimants in supported accommodation. There are links with local DWP Job Centre to ensure that claimants of Universal Credit also complete a claim for Council Tax Support at the point of becoming unemployed.

9. RISKS

- 9.1 In setting the local Council Tax Support scheme for 2023/2024 it is important to consider the risks in doing so. If a local scheme is not set by 11 March 2023 the default scheme will apply. The default scheme is the same as the Council Tax Benefit scheme, which ceased to exist in March 2013 however this Scheme is no longer funded by government and the Council has insufficient funds to pay for it without increasing Council Tax further.
- 9.2 There is a continued risk that demand for support could increase if the economic picture worsens due to the cost of living situation and potential strike action which may result in some residents, and existing claimants, not having an income for periods of time, however this cannot be predicted. We cannot predict the number of people that may claim Council Tax Support in the future. However the evidence gathered to monitor the effects of the scheme on a quarterly basis show a sustained decrease in demand since the scheme was introduced in April 2013 and a stabilising in the cost of the scheme in recent years.
- 9.3 Consideration must always be given to preventing poverty and the scheme aims to support as many Tameside residents as possible when in receipt of benefits or a low income. The cost of the scheme is borne by all Council Tax payers. To make the scheme more generous would impact on many residents of the Borough by way of increased Council Tax payments to fund any additional Council Tax Support scheme costs.
- 9.4 Implementation of the local scheme has meant that some working age people are paying 25% Council Tax. 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 have a hierarchy of attaching a debt to a benefit from source and Council Tax ranks below utility payments and other housing costs. There is a risk that Council Tax arrears may increase as a result.
- 9.5 There is also a continuing risk concerning provision of appropriate communication of the scheme to residents and in particular benefit recipients. To mitigate this communication on the scheme via the Councils web-site and on-line calculator 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

10. CONCLUSION

- 10.1 In setting a Council Tax Support scheme for 2023/2024 it has been important to consider the current operation of the scheme in terms of demand, costs, equalities, support and risks. The scheme is operating as expected and therefore no changes are proposed to the scheme other than a change of wording in respect of the way the scheme is administered, as detailed in section 4 of this report. Appendix Three details Tameside's Council Tax Support Scheme for 2023/2024

- 10.2 Demand for the CTS scheme has been stable throughout the year to date despite the economic impact of the cost of living increase. The scheme, when drafted, was designed to be as fair as possible and it appears sensible to continue to provide a Hardship Fund of £50k to be administered by Exchequer Services as part of the Section 13A Policy.
- 10.3 The public sector equality duty has been considered in relation to the live operation of the scheme. There will be no anticipated specific impacts negative or positive on the following protected characteristic areas as a result of the Council Tax Support scheme – ethnicity, marriage/civil partnership, sexual orientation religion and belief and gender re-assignment, disability, age and gender. There has been a reduction in overall caseload and categories of claimant as evidenced via the quarterly monitoring that has taken place.
- 10.4 The procedural requirements have been adhered to as the scheme will be adopted before 11 March 2023 before the start of the financial year to which the scheme applies. The prescribed requirements continue to be contained within the scheme and claimants of state pension credit age will continue to receive the same support as they received under Council Tax Benefit.
- 10.5 As it is not intended to change the basis of the scheme; no consultation other than that required to precepting bodies is believed to be required under the legislation. Precepting bodies have been notified that the same scheme is proposed to be adapted in 2023/2024 as that set in 2022/23.
- 10.6 Council Tax collection rates have been monitored throughout the year and support and advice has been made available to all CTS claimants. Additional support will continue to be provided via the Hardship Fund, continuing to provide the on-line calculator, up to date web pages and self-service account access.

11. RECOMMENDATIONS

- 11.1 As set out at the front of the report.

Equality Impact Assessment Form

Subject	Local Council Tax Support Scheme (original changes to scheme agreed in 2013)	
Service / Business Unit	Service Area	Directorate
Benefits	Exchequer	Governance and Resources
EIA Start Date (Actual)	EIA Completion Date (Expected)	
August 2015	December 2015	

Lead Contact / Officer Responsible	Ilys Cookson
Service Unit Manager Responsible	Michelle Bowler

EIA Group (lead contact first)	Job title	Service
Ilys Cookson	Assistant Executive Director	Exchequer
Michelle Bowler	Service Unit Manager	Exchequer
Karen Milner	Operations Manager	Exchequer

SUMMARY BOX
<p>The Welfare Reform Act 2012 abolished Council Tax Benefit from 31 March 2013 and all Local Authorities, including Tameside Council, were required to design and run their own scheme or use the government default national scheme which would have resulted in a short fall in funding in real terms at that time of approximately £4.2 million.</p> <p>The Government stipulated that certain claimants, such as those of pensionable age, must remain protected from any cuts. This means that any reduction in support cannot impact on pensioners and so the full impact falls entirely upon claimants of working age.</p> <p>Tameside's Council Tax Support Scheme was introduced, after consultation, from 1 April 2013. The scheme, which is supported by a full Key Decision on 21 December 2012 and Equality Impact Assessment, still provides financial assistance to some Council Tax Charge payers on a low income whether they rent or own their home, or live rent-free. The effect of receiving Council Tax Support is a reduction in the amount of Council Tax they have to pay.</p> <p>Since 2010 the Council has had £104 million less to spend on services due to funding cuts from</p>

Equality Impact Assessment Form

the Government. Over the next 5 years we know the Government will continue to make further cuts to our funding. We expect that will mean at least another £90 million less to spend on services.

Cuts in funding from Government have a significant impact on how much the Council has to spend on services.

To meet this challenge a range of proposals across the Council are currently being considered including changing the Council Tax Support Scheme for 2016 / 2017 to reduce the cost of the scheme.

Tameside Council have considered and consulted on the following proposed changes to the Council Tax Support Scheme;

1. Capping Council Tax Support to a Band A
2. Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%
3. Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

Section 1 - Background

BACKGROUND

The Welfare Reform Act 2012 abolished Council Tax Benefit from 31 March 2013 and all Local Authorities, including Tameside Council, were required to design and run their own scheme or use the government default national scheme which would have resulted in a short fall in funding in real terms of approximately £4.2 million.

The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012 must be included in the Councils own scheme and provide protection to claimants of pensionable age so that they must remain protected from any cuts. This means that any reduction in support cannot impact on pensioners and so the full impact falls entirely upon claimants of working age.

Tameside's Council Tax Support Scheme was introduced from 1 April 2013. The scheme still provides financial assistance to some Council Tax Charge payers on a low income whether they rent or own their home, or live rent-free. The effect of receiving Council Tax Support is a reduction in the amount of Council Tax they have to pay. The caseload of claimants is currently 11,760 working age and 9,753 pensioners as at September 2015 and the current cost of the scheme is £14.8 million.

Council Tax Support is accessed by a claim form which is available on-line on the Council's

Equality Impact Assessment Form

website and a paper form can be provided when necessary. Help is also available to support those who may have difficulty applying.

Cuts in funding from Government have a significant impact on how much the Council has to spend on services.

To meet this challenge a range of proposals across the Council are currently being considered including changing the Council Tax Support Scheme for 2016 / 2017 to reduce the cost of the scheme.

Tameside Council have considered and consulted on the following proposed changes to the Council Tax Support Scheme;

1. Capping Council Tax Support to a Band A
2. Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%
3. Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

Although the changes being proposed will protect approximately 9,753 pensioner claims there are 11,760 working age claims who are currently receiving Council Tax Support who will be affected by the proposed amendments to the new scheme.

The table below shows the Council Tax Support caseload by area.

	Pension age				Working age				
	Band A	Band B	Band C	Total	Band A	Band B	Band C	Total	
Audenshaw	308	84	71	463	339	48	46	433	896
Ashton	1706	232	212	2150	2686	278	164	3128	5278
Denton	1076	158	372	1606	1023	161	94	1278	2884
Droylsden	677	301	96	1074	1414	220	68	1702	2776
Dukinfield	757	81	125	963	869	59	64	992	1955
Hyde	1306	221	213	1740	1828	210	136	2174	3914
Longdendale	212	80	44	336	231	60	36	327	663
Mossley	293	42	51	386	391	36	22	449	835
Stalybridge	803	104	128	1035	1144	76	57	1277	2312
Total	7138	1303	1312	9753	9925	1148	687	11760	21513

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Of these 21,513 claimants, 59% are female, and 41% male. Amongst this same 21,513 cohort there are 5,007 claimants with children, of which 4,929 are working age, 3,317 being single parents that are working age claimants. 93% are working age lone parents that are female.

Some protection will continue to be given to the non-passported benefit claims where child benefit is received. This equates to almost 1,017 claims of which 43% are single parents and primarily single mothers.

In addition some protection is also being given to 282 standard working age claims in receipt of Disability Living Allowance income. This would limit the impact of proposal C as claimant's who are in receipt of some elements of Disability Living Allowance income will be protected.

Section 2 – Issues to consider & evidence base

ISSUES TO CONSIDER

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.

The Council has also taken into consideration the Welfare Reform Act 2012 and The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012.

Financial considerations.

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.

The caseload of claimants is currently 11,760 working age and 9,753 pensioners as at September 2015 and the current cost of the scheme is £14.8 million.

Cuts in funding from Government have a significant impact on how much the Council has to spend on services.

To meet this challenge a range of proposals across the Council are currently being considered and consulted on including changing the Council Tax Support Scheme for 2016 / 2017 to reduce the cost of the scheme.

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It is estimated that the proposed changes will make the following financial efficiencies:

Proposal A – Capping support to a band A property - Based on the current Council Tax Support caseload, the potential saving would be £234,000.

Proposal B – Reduce the maximum limit of Council Tax Support that can be paid - Based on the current Council Tax Support caseload, the potential saving would be £357,000.

Proposal C - Changing the amount deducted in respect of non-dependants residing in the household - Based on the current Council Tax Support caseload, the potential saving would be £104,000.

Consultation, engagement & feedback

A robust consultation process was undertaken to gain views from the public and stakeholders.

The consultation commenced on 14 September 2015 and ran until 30 November 2015 on the three proposals.

The consultation was conducted as follows:

- Precepting Bodies: Consultation took place with the Police Authority and Fire and Rescue Authority by email.
- Via the Council's online Big Conversation consultation portal
- Two advertisements in local press.
- Paper copies of the questionnaire were made available on request.
- Stakeholders and local voluntary organisations were also contacted by letter to inform them of the consultation, including;
 - CAB
 - Welfare Rights
 - Customer Services
 - Housing Options
 - MINT
 - CVAT
- Notice was given at a Registered Social Landlord Forum
- Notices of the consultation were also sent out to benefit claimant with benefit notification letters and enclosed with Council Tax bills.
- Notices were also sent with approximately 40,000 electoral registration reminders, making a total notice circulation of 58,000.
- Fifty posters were displayed in supermarkets, doctors surgeries and public buildings
- A message about the consultation was also put on the Benefits and Council Tax telephone lines.
- Awareness messages were put on the benefits and Council Tax Council webpages
- Article was placed in the Tameside staff newsletter "The Wire"
- Promoted via social media channels e.g. Council's Twitter account, Contour Housing

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Twitter account

The responses to the consultation have been analysed on a weekly basis.

In total, 21 consultation responses were received. All of these were received via the Big Conversation consultation portal.

An analysis of the 21 consultation responses follows:

Proposal	Agree	Disagree	Neither Agree/ Disagree	Don't know	Total
Cap CTS to Band A properties	14	6	0	1	21
Award a maximum of 75% CTS	10	9	1	1	21
Align non-dependent deductions with the prescribed scheme	16	1	2	2	21

Respondent details:

A member of the public	16
A community or voluntary group	0
A partner organisation	1
A business /private organisation	0
Other	3

Gender

Male	9
Female	9

Age

Aged 18 – 25	1
Aged 26 – 35	4
Aged 36 – 45	1
Aged 46 – 55	7
Aged 56 – 65	2
Aged 65 years and over	0

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Disability

Where day-to day activities are limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months, including problems related to old age.

Yes, limited a lot	2
Yes, limited a little	2
No	15

Ethnicity

White - English / Welsh / Scottish / Northern Irish / British	15
White - Irish	
White - Gypsy or Irish Traveller	
Other White background	
White & Black Caribbean	
White & Black African	
White & Asian	1
Other Mixed background	
Black/Black British – African	
Black/Black British – Caribbean	
Other Black / African / Caribbean background	
Asian/Asian British - Indian	
Asian/Asian British - Pakistani	1
Asian/Asian British - Bangladeshi	
Asian/Asian British - Chinese	
Other Asian background	
Arab	
Any other ethnic group	

Carers

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Where the respondent looks after, or gives any help or support to, family members, friends, neighbours or others because of either:

- Long term physical or mental ill-health / disability
- Problems due to old age

No	15
Yes, 1-19 hours a week	1
Yes, 20-49 hours a week	2
Yes, 50 or more a week	1

LIST OF EVIDENCE SOURCES

- Communities and Local Government Department Guidance – Localising Support for Council Tax - Vulnerable people – key local authority duties
- The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012, as amended.
- Big Conversation results analysis
- Capita reporting module
- Quarterly monitor of current Council Tax Support scheme Equality Impact Assessment data

Section 3 – Impact

IMPACT

TAMESIDE POPULATION – COUNCIL TAX SUPPORT CLIENT BASE

The population of Tameside is estimated at 219,324 in the March 2011 Census (Office for National Statistics), of which 176,616 are aged 16 years and over. There are an estimated 100,968 properties in Tameside. The population of Tameside is estimated at 220,800 based on the 2014 mid-year population. Trends show an ageing population. The number of people aged 65 years and over has increased by 18.7% between 2001 and 2014. The gender split of Tameside's overall population is 49.1% male and 50.9% female. There are an estimated 100,968 households in Tameside as at 2015.

Age (16 and over)

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- Population – 16 to 65 / over 65 – 142,415 65% / 34,201 16%
- CTS client base – working age / pension age – 55% / 45%

The age profile of the CTS client base has a greater proportion of older people compared than the Tameside population. The percentage of claimants of pension age has remained consistent since the Council Tax Support Scheme came into effect in April 2013.

Gender

- Population – Male / Female – 107,650 49% / 111,674 51%
- CTS client base – Male / Female – 41% / 59%

The gender profile of the CTS client base has a greater proportion of females compared to the Tameside population.

Disability

- Population aged 16 and over – Disabled / Not disabled – 25% / 75%
- CTS client base – Disabled / Not disabled – 24% / 76%

The disability profile of the CTS client base is indicative of the Tameside population aged 16 or over.

Note: receipt of disability related benefits or premiums have been used as a proxy for disabled people within the CTS client base figures.

Ethnicity

- Population aged 16 or over – White / Non-white – 92% / 8%
- CTS client base – White / Non-white – 90% / 10%

The ethnicity profile of the CTS client base is indicative of the Tameside population aged 18 or over.

Religion & belief / sexual orientation / gender re-assignment / pregnancy & maternity / marriage & civil partnership

Specific data is not available on those protected characteristics for the CTS client base.

Single People / Couples / Families

Information within the Council Tax Support system allows us to model data on family make-up. The data below is indicative and looks at family status and the breakdown between pensioners and non-pensioners.

- Single person households – approximately 14,640 (7,340 – pensioners / 7,300 – non-pensioners).
- Lone parent households – 3,357 (40 – pensioners / 3,317 – non-pensioners).
- Couples with children – 1,650 (38 pensioners / 1,612 – non-pensioners).
- Couples with no children – 3,185 (2,307 pensioners / 878 – non-pensioners).

Note: of the 3,317 non-pensioner (i.e. working age) lone parent families, 93% of these are female.

Equality Impact Assessment Form

Other considerations

- *Economic vulnerability* – 90% of the working age claimants (i.e. non-protected people below pension credit age) are out of work. For those with a disability this rises to 99.5% (although this is a function of disability benefits being used as a proxy for disability).
- *Carers* – 558 (3%) of all claimants receive Carer's Allowance.
- *Maternity* – 23 (0.2%) of working age claimants receive Maternity Allowance.
- *War widows* – 40 (0.2%) of all claimants are war widows (of which 7 are of working age).

IMPACT ON CLIENT BASE – PROPOSALS FOR COUNCIL TAX SUPPORT SCHEME

Tameside has approximately 21,513 claimants of Council Tax Support (CTS). Of these, 9,753 are pensioners (i.e. reached pension credit age) and are therefore fully protected under the legislation and will not see any change in their benefit entitlement.

The remaining 11,760 claimants are all potentially affected by the changes proposed in the LCTSS consultation and proposals. The general impact will be that residents of working age will not receive the same level of CTS as in previous years. This will have economic impacts on a variety of groups of people who will face additional cost pressures due to changes in benefits more generally such as the introduction of Universal Credit and changes to Tax Credits.

Pensioner age – 9,753 (45%) of claimants are fully protected. Almost half of current claimant base will be subject to no impact as a result of the final scheme. Similarly, there will be no change to the 100% war pensions/war widows pension disregard for working age claimants.

Disabled people – 5,224 (24%) of claimants are disabled. Of these, 2,812 (54%) are pensioners so are already covered by the full protection afforded to people who have reached pension credit age. The remaining 2,412 disabled claimants may be affected to varying degrees depending on whether they fall into any of the categories below.

PROPOSAL A - Capping Council Tax Support to a Band A

Currently Council Tax Support is limited to claimants living in band A and band B properties. Claimants living in a band C property and above can only claim to a maximum of 80% of a band B liability and have to pay the difference in full.

As at 1 September 2015 the majority of Council Tax Support claimants, over 84%, live in Band A properties

It is proposed to reduce the level of support given to people living in larger properties, by limiting the maximum award of Council Tax Support for people living in a band B property or above to the maximum level of a band A property.

The effect of this restriction means that those claimants living in more expensive properties with have a larger shortfall. This change would affect the following working age groups:

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Age

1,835 working age claims reside in a property band B or above, 16% of the working age caseload and 9% of the total caseload.

1,135 (10%) of which reside in a band B property.

Gender

1,268 claims in a band B or above are female, which is 69% of all claims in Band B and above. 43% are female and reside in a band B property.

18% are male and reside in a band C property or above.

Ethnicity

91% of the people affected are white and 9% are Non-white.

Disability

22% of the people affected have a disability.

Carers

166 (9%) of the people affected are carers.

Children

620 (34%) are single people with children, of which 589 (95%) are female.

400 (35%) reside in a band B property.

253 (14%) are couples with children

War Pensioners

There is 1 working age war pensioner who would be affected by this change.

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.

PROPOSAL B - Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%

Currently support is limited to a maximum discount of 80% for all working age claimants.

It is proposed that the maximum discount would be reduced to a limit of 75%.

All working age households would receive less support, leaving households having to pay at least 25% of their Council Tax.

Age

11,760 (55%) of claims are working age.

Equality Impact Assessment Form

Gender

61% of the people affected are female, which is 33% of the total CTS caseload.

Ethnicity

Of those people who have informed the Council of their ethnic origin, 8141 are white and 841 are Non-white.

Disability

There are 2,412 working age claims where it can be determined that there is a disability, which is 21% of the affected claims.

282 of these claims have received some protection as Disability Living Allowance income is not taken into consideration in the calculation of the CTS award.

Carers

558 (5%) of the people affected are carers. 65 carers are pension age.

Children

3,317 (28%) of those affected are single people with children, of which 93% are female.

400 single people with children reside in a band B property.

1,612 (14%) are couples with children

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.

PROPOSAL C - Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

A non-dependant is a person who normally resides with a claimant on a non-commercial basis, such as an adult family member or friend. A deduction is made from a claimant's Council Tax Support dependant on the non-dependant's income.

Currently only non-dependants with a net weekly earned income of £189.00 or above contribute £7.00 per week towards the household Council Tax liability for working age claimants.

This proposal would align the deduction income levels and amounts to pension age claimants, which are prescribed amounts i.e. set by the Government. The prescribed amounts are not currently set for 2016 / 2017.

The deduction for all non-dependant's aged 18 or over residing with working age claimants would increase.

Equality Impact Assessment Form

Non-dependant deductions do not apply to some claimants with entitlement to specific components of Disability Living Allowance and would be protected from the proposed change.

Age

1015 claims with a non-dependant, of which 617 are working age claims or 5% of the working age caseload and 3% of the total caseload.

Gender

461 claims (75%) of the people affected are female

Ethnicity

63% of the people affected are white and 12% are Non-white. The other 25% of working age claims have not declared their ethnicity.

Disability

139 (22%) of the people affected have a disability.

Carers

64 (10%) of the people affected are carers.

Children

134 (22%) are single people with children.

100 (16%) are couples with children

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.

The Council has a hardship fund to support people suffering severe financial hardship as a result of the changes to the Council Tax Support Scheme.

Section 4 – Proposals & Mitigation

PROPOSALS & MITIGATION

PROPOSALS

Tameside Council have considered and consulted on the following proposed changes to the Council Tax Support Scheme;

1. Capping Council Tax Support to a Band A
2. Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%

Equality Impact Assessment Form

3. Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

MITIGATION

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. The Hardship Fund will remain at £5k in 2016/7 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.

Mitigations will continue to be in place to protect the following equalities groups in the following ways:

Workers on low incomes / or reduced means as a result of a previous period of unemployment are protected by virtue of keeping support for 4 weeks once back in employment after having been out of work for more than 26 continuous weeks.

Disabled claimants of working age are protected by the exclusion of Disability Living Allowance from their income taken into account when calculating CTS. Claimants 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.

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 93% of all lone parent households. There are 5,571 female pensioners. A total of 2,702 female single parent households receive maximum CTS benefit with the remainder being protected by the exclusion of Child Benefit from the CTS calculation.

Children and Families are protected by disregarding child benefit in full within the CTS calculation and child care costs being disregarded for claimants in work

There is no anticipated impact on the following protected characteristic groups – ethnicity, marriage/civil partnership, sexual orientation, religion and belief, gender re-assignment.

Section 5 – Monitoring

MONITORING PROGRESS

Ilys Cookson – Assistant Executive Director / Michelle Bowler – Service Unit Manager

Equality Impact Assessment Form

Issue / Action	Lead officer	Timescale
Ensure that changes to the Council Tax Support scheme are communicated appropriately (i.e. different media) and in a timely manner.	Ilys Cookson	On-going
Monitoring (by protected characteristic group where appropriate) those presenting to the Council with concerns over Council Tax Liability, eligibility for Council Tax Support, and access to help / advice.	Ilys Cookson	On-going

NB – The version sent to Corporate Performance should be the version agreed and signed off by the relevant Senior Manager.

Sign off

Signature of Service Unit Manager	Date
Signature of Assistant Executive Director / Assistant Chief Executive	Date

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POLICY IN RESPECT OF SECTION 13A OF THE LOCAL GOVERNMENT FINANCE ACT 1992

Tameside MBC – Discretionary Council Tax Relief

1. Background

Section 13A of the Local Government Finance Act 1992 allows the Council to reduce the amount of Council Tax payable. It can be considered for individual cases or the Council may determine classes of case in which liability is eligible for reduction.

All Section 13A awards are funded by Council Tax payers of the Borough.

Section 13A relief is discretionary; an applicant does not have a statutory right to a reduction.

Council Tax Support is considered under Section 13A(1)(a) and (2) of the Act.

Alternative discretionary reductions, care leavers discretionary reductions and hardship scheme reductions are considered under Section 13A(1)(c) of the Act. Each type of discount is detailed in this Policy.

2. Types of Section 13A Discretionary Reduction

2.1 Council Tax Support

Section 13A(1)(a) and (2) of the Local Government Finance Act 1992 requires the Council to have a Council Tax Support Scheme. The purpose of the Council Tax Support Scheme is to provide means tested financial support to residents on a low income to meet Council Tax liabilities. Tameside's Council Tax Support Scheme, and the application form, can be found at <https://www.tameside.gov.uk/ctax/counciltaxsupport>

2.2 Alternative Discretionary reductions

Section 13A(1)(c) allows the Council to consider reducing the Council Tax payable for individuals or classes, even if they have already had a reduction under Section 13A(1) the Council Tax Support Scheme.

3. How to claim a Discretionary reduction

The application for a Section 13A discretionary reduction should be submitted as follows:

- The application must be made by the liable person to pay Council Tax or by someone authorised to act on their behalf.
- Applications for Section 13A reductions must be made to the Council Tax Team under the title of Discretionary Discount Application to:
Council Tax Service, PO Box 304, Ashton-under-Lyne, Tameside OL6 0GA
or email counciltax@tameside.gov.uk
- The Council may request any reasonable evidence in support of an application. Separate claims must be made in respect of different dwellings and/or council tax accounts.

Each application shall include the following information:

- The level of discount being requested (i.e. is this for the full year's council tax or part of it);
- The reason for the request;
- Period of time the discount is to cover;
- Steps that have been taken to meet or mitigate the council tax liability;
- Individual needs and circumstances;
- Reasonable supporting evidence to substantiate the request. This may include, but is not limited to:
 - ✓ income & expenditure statements;
 - ✓ any sources of credit such as cash cards, credit cards, store cards, cheque cards, cheque accounts, overdraft facilities, loan arrangements;
 - ✓ any help which is likely to be available to the applicant from other sources;
 - ✓ any other documentation available to support the application

4. Discretionary Relief Considerations?

Each application will be considered on its individual merits. However some or all of the following criteria should be met for each case:

- There must be evidence of financial hardship or personal circumstances that justifies a reduction in council tax liability. Where an application is made in respect of financial hardship, evidence of all income and expenditure will be required to enable a full assessment to be undertaken.
- The charge payer must satisfy the Council that all reasonable steps have been taken to resolve their situation prior to application.
- All other eligible discounts / reliefs / benefits have been awarded.
- The charge payer does not have access to other assets that could be used to pay council tax.
- The situation and reason for the application must be outside of the charge payer's control.
- The amount outstanding must not be the result of wilful refusal to pay or culpable neglect.
- The power to reduce under this section will be considered taking account of all circumstances and any reduction will take into consideration the public purse as Council's council tax payers fund Section 13 (A) discounts.

Where a reduction relates to a Government Scheme, the features of that scheme will be as defined by Government or, where local discretion is allowed, as defined by the Council for that specific purpose. All discretionary decisions are made at the absolute discretion of the Council.

5. Classes of Reduction

There are currently 2 classes of reduction which attract a discretionary payment and these are as follows:

- Care Leavers
- The Council Tax Support Scheme Hardship payments

By the introduction of these schemes Tameside Council has recognised that it must be able to respond flexibly to the needs of taxpayers within the borough to support strong and sustainable local communities.

5.1 Care Leavers Discount

A local discretionary discount was approved by the Councils Executive Cabinet in November 2018 to support Care Leavers up to the age of 25 years of age.

Corporate parenting is a statutory function whereby children and young people are looked after by local authorities rather than their own parents for a variety of reasons. The children and young people who are 'looked after' by local authorities are considered to be a vulnerable group within society. Managing a budget can be very challenging for most people on low incomes and particularly financially vulnerable young people as they transition into adulthood and adjust to living by themselves. A local authority continues to have responsibility for a Care Leaver up to the age of 25 years old.

Further information regarding the discretionary discount decision for Care Leavers can be found at

The on-line application form can be found at:

[Council Tax - Care Leavers Discount Application \(tameside.gov.uk\)](https://www.tameside.gov.uk/council-tax/care-leavers-discount-application)

5.2 The Council Tax Support Scheme Hardship Payments

In accordance with 13A(1)(c) of the Local Government Finance Act 1992 as amended in 2012, the Council Tax Support Hardship Fund is an additional payment which has the effect of reducing council tax liability for the liable person. To be eligible to be considered for a hardship payment 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 as set out below, so applicants must not rely on a payment being made.

Each request will be considered independently and no single factor will determine if an award is to be made.

The following will be considered when making the decision, however the list is not exhaustive:

- 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 as a result of the Council Tax Support Scheme
- 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
- Repayment of monies as a result of fraud
- It is reasonable that applicants may be able to manage money better

5.3 Additional types of Discretionary Awards.

From time to time Government may introduce a specific scheme in response to an event such as a natural disaster (e.g. flooding). Where such schemes are introduced, funding is normally fully met by Government without impact on the local Council Tax. Any such schemes that are introduced, in so far as they fall to be administered under Section 13A of The Local Government Finance Act 1992, will be administered in accordance with instructions and guidance set out by Government.

6. Amount of relief

The Council will decide how much to award based on all of the applicant's circumstances and in relation to the schemes in operation at set out in this policy. Any relief to be awarded is entirely at the Council's discretion.

Where a scheme relates to a Government Scheme, the award of any discount will be as set out by Government or, where local discretion is allowed, as defined by the Council for that specific instance.

The maximum paid would be no more than the amount of Council Tax outstanding after all other eligible discounts / reliefs / benefits have been awarded.

Usually such payments are a 'one off' payment and will not be repeated.

Any Discretionary Payment award granted will be made by crediting the award value to the Council Tax account to which it applies reducing the amount of council tax outstanding.

Applicants will not receive cash or any other type of payment or refund.

7. Decision Notice and Appeals

The Council will notify the applicant in writing of the outcome of their request. Where the request for a discretionary discount award is unsuccessful, or not met in full, the Council will explain the reasons why the decision was made.

Any award is discretionary and the applicant may submit a written request for an explanation or review of a discretionary discount refusal which must be submitted within one calendar month of the date of notification of the decision. The Council will then consider whether the customer has provided any additional information against the required criteria that will justify a change to the decision.

Applications should be titled 'Section 13A Review' and be sent to Council Tax Service, PO Box 304, Ashton-under-Lyne, Tameside. OL6 0GA or email counciltax@tameside.gov.uk

A written explanation of the decision or review if requested, will be provided by the Council within one calendar month of the request by the applicant. Where the Council decides that the original decision should not be revised, written reasons will be provided to the applicant.

Under Section 16 of the Local Government Finance Act 1992, if the applicant remains dissatisfied with the outcome of their claim, an appeal may be made to the independent Valuation Tribunal. Further details on this process will be notified with the outcome of any review mentioned above.

8. Overpayments and Fraud

If the Council becomes aware that the information contained in an application for a Section 13A discount award was incorrect or that relevant information was not declared, either intentionally or otherwise, the Council will seek to recover the value of any award made as a result of that application. The award will be removed from the relevant council tax account and any resulting balance will be subject to the normal methods of collection and recovery applicable to such accounts and which may incur additional costs.

The Council is committed to the fight against fraud in all its forms. Any applicant who tries to fraudulently claim a Section 13A discount may have committed an offence under the Fraud Act 2006. If the Council suspects that fraud may have occurred, the matter will be investigated as appropriate and this could lead to criminal proceedings.

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Tameside Metropolitan Borough Council Council Tax Support Scheme 2023 - 2024

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 1st 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 29th April 2013 and has been rolled out throughout the country.

The Universal Credit Regulations 2013 were passed on 25th 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 2023-2024

THE SCHEME

PART 1

General

1. Citation, commencement and application

(1) This scheme may be cited as the Tameside Council Tax Support Scheme 2023-2024 and comes into force on 1 April 2023.

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;

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“child benefit” has the meaning given by section 141 of the SSCBA;

“child disability payment” has the meaning given by regulation 2 of the DACYP Regulations;

“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, stepson, 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;

“the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021”;

“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;

“Grenfell Tower support payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person –

(a) From the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund; (b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;

“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; “historical child abuse payment” means a payment made under –

(a) Part 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019;

(b) Part 4 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021”;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“an income-based jobseeker’s allowance” and “a regular 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 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7 July 2005;

“the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017; “lone parent” means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

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

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

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

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

“the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;

“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;

“parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996; “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) a person in respect of whom a Grenfell Tower support payment, a historical abuse payment or a Windrush payment has been made or 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, the Windrush Compensation Scheme, the National Emergencies Trust 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 nondependants 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;

“statutory parental bereavement pay” means a payment to which a person is entitled in accordance with section 171ZZ6 of the Social Security Contribution and Benefits Act 1992;

“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 6th April in one year and ending with 5th April in the next; “training allowance” means an allowance (whether by way of periodical grants or otherwise) payable -

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills

Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, 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 30th May 2017;

“the Windrush Compensation Scheme” means—

(a) the scheme of that name operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom, and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances” which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;

(c) “Windrush payment” means a payment made under the Windrush Compensation Scheme (Expenditure) Act 2020”

“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; or
 - (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”

- (1) In these Regulations a person is –
- (a) a “pensioner” if -
 - (i) he has attained the qualifying age for state pension credit; and
 - (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.
- (2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during the relevant period.

(3) In this regulation – “assessment period” has the same meaning as in the Universal Credit Regulations 2013;

“relevant period” means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends.

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 if they were a married couple or civil partners.

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 whom 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 nondependant 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, parental bereavement 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;
- (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 such Regulations) of such a jobseeker;
- (b) regulation 16 of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation.
- (4A) (a) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- (4B) Paragraph (4A)(b) does not apply to a person who –
 - (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
 - (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b).
- (5) A person falls within this paragraph if the person is—
 - (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of –
 - (i) The Afghan Relocations and Assistance Policy; or
 - (ii) The previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the exgratia scheme)
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
 - (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a);
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 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 1st April 2012
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 or
 - (iv) granted under the Afghan Citizens Resettlement Scheme;
 - (f) a person who has humanitarian protection granted under those rules;
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
 - (h) in receipt of income support or on an income-related employment and support allowance; or
 - (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4);
- (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 national” has the meaning given in regulation 2(1) of the EEA Regulations; “EEA Regulations” means the Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.; and “family member” has the meaning giving in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and 5(ca); “Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006. “relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.

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 11th December 1953) or a state which has ratified the Council of European Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (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.

16. Provision for all applicants: energy rebate scheme 2022

- (1) A scheme must include provision that any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining –
- (a) an applicant’s entitlement to a reduction under the scheme; or (b) the amount of any reduction to which the applicant is entitled.
- (2) In this regulation –
- “ the Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022”

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 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 (2) 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;
 - (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;
 - (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 subparagraph (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 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st 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 subparagraph (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.

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), a person's maximum council tax support amount in respect of a day is 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, $\text{£}12.85 \times 1/7$;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\text{£}4.20 \times 1/7$.
- (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 $\text{£}224.00$, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than $\text{£}224.00$ but less than $\text{£}389.00$, the deduction to be made under this paragraph is $\text{£}8.55$;
- (c) not less than $\text{£}389.00$ but less than $\text{£}484.00$, the deduction to be made under this paragraph is $\text{£}10.70$.
- (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 him normal 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 incomerelated 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, child disability payment, 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, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and
 - (ba) any Grenfell Tower support payment which is paid as income in kind (see sub-paragraph (13)) (bb) any historical child abuse payment;
 - (bc) any Windrush payment;
 - (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, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006); (aa) any Grenfell Tower support payment;
 - (ab) any historical child abuse payment;
 - (ac) any Windrush payment;
 - (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 or from a Grenfell Tower support payment 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 or from a Grenfell Tower support payment 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 or from a Grenfell Tower support payment, 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 or from a Grenfell Tower support payment, 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—
- (i) any payment of income or capital made under or deriving from any of the Trusts referred to in paragraph (a); or
 - (ii) a Grenfell Tower support payment;
- (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 subparagraph (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 sightimpaired 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 subparagraph (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—
 - (zi) universal credit;
 - (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;
 - (xvia)
 - (xvib) statutory parental bereavement pay under Part 12ZD of that Act;
 - (xvii) statutory shared paternal pay payable under Part 12ZA of that Act;
 - (xviii) statutory adoption pay payable under Part 12ZB of that Act;
 - (xx) carer's allowance supplement payable under section 81 of the Social Security (Scotland) Act 2018;
 - (xxi) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
 - (xxii) funeral expenses assistance given in accordance with section 34 of that Act;
 - (xxiii) any Scottish child payment assistance given in accordance with section 79 of that Act;
 - (xxiv) any assistance given in accordance with the Carer's Assistance (Young Carer Grants)(Scotland) Regulations 2019;
 - (xxv) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018;
 - (xxvi) winter heating assistance given in accordance with regulations under section 30 of that Act; (xxvii) 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 shared 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, and
 - (bb) that needs to be met to avoid a risk to the well-being of an individual; or
 - (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;
 - (ja) statutory parental bereavement pay under 12ZD of that Act;
 - (jb) statutory shared paternal 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, statutory parental bereavement 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 under this sub-paragraph 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 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 Finance Act 2004.

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 by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; 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 subparagraph (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; (aa) in respect of whom child disability payment is payable:
 - (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 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, parental bereavement 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, parental bereavement 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 parental pay by virtue of section 171ZU or 171ZV of that Act, statutory parental bereavement pay by virtue of section 171ZZ6 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, parental bereavement 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 parental pay, statutory parental bereavement 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 parental pay, statutory parental bereavement 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(10)(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 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 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 1st April 2013) or support under the authority's scheme (for the period on or after 1st 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 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.

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 subparagraph (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 incomerelated 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 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 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 support in council tax 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 within any 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 subparagraph (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; (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 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.

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 nondependant 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 authority's 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 subparagraph (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) an authority or a person—

(i) authorised to carry out any function of an 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).

PART 9 **Applications**

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 form) 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.
- (9) For the purposes of sub-paragraph (1)(f) the date an electronic application form was issued shall be the date of first contact on the on-line application form.

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 in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 6(1)(a) of Schedule 1.

Column (1)	Column (2)
Person or couple	Amount
(1) Single applicant or lone parent who has attained pensionable age before 1 st April 2021	(1) £197.10
(2) Couple where one or both members have attained pensionable age before 1 st April 2021	(2) £294.90
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 st April 2021 -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £294.90
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £97.80
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	(4) £182.60
(5) Couple where both members have attained pensionable age on or after 1st April 2021	(5) £278.70
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021 -	(6)
(a) for the applicant and the other partner to the marriage;	(a) £278.70
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £96.10

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)
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; (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	(a) £70.80
	(b) £70.80

(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

(1) 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 £17.85 in respect of a reduction week which begins in the period beginning 1st April 2016 and ending with 30th April 2016;

(b) is nil in respect of a reduction week which begins after 1st May 2016.

(2) Subject to paragraph (3), the end date of 30th April 2016 in sub-paragraph (1)(a) and, sub-paragraph (1)(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.
- (3) 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.
- (4) 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. (1) 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 care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations 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 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
 - 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—
- 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;
 - 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;
 - 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;
 - 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)—
- 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
 - 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-
- 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;
 - (aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations; 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
- (aa) is in receipt of child disability payment; 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) £69.40;
(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) £69.40; (ii) £138.80

(2) Enhanced disability premium.	(2) £27.44 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) £68.04 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium	(4) £38.85 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
- (b) 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 £222.00 per week; (ii) is not less than £222.00 per week but less than £288.00 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 subparagraph (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 subparagraph, 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 (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) or regulation 7 of the Employment and Support Allowance Regulations 2013 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 subparagraph (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 subparagraph (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 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
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) £61.05 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 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

25. Any victims' payment under the Victims' Payments Regulations 2020.

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, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or (b) the Independent Living Fund (2006).

(1A) Any Grenfell Tower support payment.

(1B) Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.

(1C) Any historical child abuse payment.

(1D) Any Windrush Payment;

(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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment 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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment 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 –
- 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.
- (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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment where—
- 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
 - the payment is made either—
 - to that person's parent or step-parent; or
 - 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 step-parent, 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 or from a Grenfell Tower support payment, where—
- 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
 - the payment is made either—
 - to that person's parent or step-parent; or
 - where that person at the relevant date was a child or a student who had not completed his fulltime education and had no parent or step-parent, 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; or
 - a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment **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—
- 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;
 - in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
 - 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—
- purchasing premises which the applicant intends to occupy as his home; or
 - 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;
- by way of compensation for the late payment of benefit;
 - 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).
 - (g) to rectify, or compensate for, an error made by an officer of the Department of Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant’s entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply.
- (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;
 - (q) universal credit;
 - (r) maternity allowance under section 35 of the SSCBA (state maternity allowance for employed or self-employed earner);
 - (s) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
 - (t) funeral expense assistance given in accordance with section 34 of that Act;
 - (u) any Scottish child payment assistance given in accordance with section 79 of that Act; (v) any assistance given in accordance with the Carer's Assistance (Young Carer Grants)(Scotland) Regulations 2019;
 - (w) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018; or
 - (x) winter heating assistance given in accordance with regulations under section 30 of that Act.
- (3) In sub-paragraph (1) “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.
- 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 or an error on a point of law 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.
- (1A) Subject to paragraph (3), any payment of £5,000 or more received by the applicant in full on or after the day on which the applicant became entitled to a reduction under an authority's scheme which has been made to rectify, or compensate for, an error made by an officer of the Department of Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant's entitlement to contributory employment and support allowance.
- (1B) In sub-paragraph (1A) “contributory employment and support allowance” has the meaning in paragraph 21(3).
- (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;
 - (g) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014;

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), (1A) 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

(ii) 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 1st 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 subparagraph (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.

29D. Any lump sum payment made in accordance with regulation 24 of the Victims' Payments Regulations 2020.

29E. Any sum paid by means of assistance in accordance with the Carer's Assistance (Young Carer Grants)(Scotland) Regulations 2019.

29F. Any sum paid by means of winter heating assistance in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018.

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,
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone, or
 - (d) by notice via the Department of Work and Pensions Universal Credit Digital Service (UCDS) New claim notification
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. (1) Where an application made in writing is defective because—
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
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, giving reasons for that belief; or
 - (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 any provision 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 ("the current 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 13 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 in paragraph (3) 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 is 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 11A (discounts) of that Act, it takes 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 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 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. Information and evidence

- (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

practicable after the change occurs, whichever is later.

(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, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund;

(aa) a Grenfell Tower support payment,

(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).

10. Amendments to support and recovery

- (a) Where, on the revision of a decision allowing support under this scheme to a person, it is determined that the amount previously allowed was more than the amount to which that person was entitled, the authority shall amend the award of the support from the date of the change and recover the amount incorrectly paid from the Council Tax account, increasing the amount of Council Tax to pay equivalent to the amount of support incorrectly paid.
- (b) Where support has been incorrectly calculated due to Council error and the Authority considers that it would not be reasonable for the person to whom the support was paid to know that the support was incorrect, then the Authority shall not recover/reverse any amount incorrectly paid for any period prior to the date of the revision. As the previous decision on the amount of the support awarded will have included future entitlement to the end of the relevant financial year, any future support relating to that Council error will be recovered/reversed, even where a Council error has occurred. The start of the 'future date' will be the first date the Council were notified of the error or identified the error, whichever is the earliest date.
- (c) Where, on the revision of a decision allowing support under this scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must make good any shortfall in support which is due to that person, by reducing any future payments he is liable to make in respect of the Council Tax as it has effect for the financial year until that shortfall is made good.

PART 3

11. Decisions by the authority

This Part applies to persons who are pensioners and persons who are not pensioners.

12. Decision by authority

The authority must make a decision on an application under its scheme within 14 days of paragraphs 5 and

13. 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(1);
 - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) setting out the circumstances a change in which might affect entitlement to the 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,
 - (c) 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

14. Circumstances in which a payment may be made

This part applies to persons who are pensioners and persons who are not pensioners.

15. 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

(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 3 and 4 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-paragraph (a) for a couple and for a single claimant 25 & over, 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, £12.85 x 1/7;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.20 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 £224.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
 - (b) not less than £224.00 but less than £389.00, the deduction to be made under this paragraph is £8.55; (c) not less than £389.00 but less than £484.00, the deduction to be made under this paragraph is £10.70.
- (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; 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-dependant’s weekly gross income—
- (a) any attendance allowance, disability living allowance, child disability payment, 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, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006) which, are paid as Income in kind see sub-paragraph (13);
 - (ba) any Grenfell Tower support payment which is paid as income in kind (see sub-paragraph (13))
 - (bb) any historical child abuse payment;
 - (bc) any Windrush payment,
 - (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, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006);
- (aa) any Grenfell Tower support payment;
 - (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 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 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 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-dependant 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 selfemployment;
 - (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.

27. Capital treated as income

- (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 sub-paragraph (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 subparagraph (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; (aa) in respect of whom child disability payment is payable.
 - (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 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 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 by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; 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 subparagraph (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 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 InPatients) 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 paternal 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 costs in 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.
- (7) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (8) 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, partweek) 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 subparagraph if the applicant makes a further claim for council tax support and the conditions in subparagraph (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 redetermination 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.

PART SIX

Students

38. Interpretation

(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 and Awards 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;

(b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(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;

(c) 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;

(d) 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;

(e) 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;

(f) 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;

(g) 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 subparagraph 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 subparagraph 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 subparagraph (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 subparagraph (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 subparagraph (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 subparagraph (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 1st 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 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan 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 subparagraph (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
 - (b) 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 zone 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;

(g) 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

(h) 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.

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 on 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 (or such longer period as the authority considers reasonable) 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.

(9) For the purposes of sub-paragraph (1)(d) the date an electronic application form was issued shall be the date of first contact on the on-line application form.

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;
 - (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 occupied 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 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;
 - (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 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st 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

Element	Amount
Standard allowance single claimant under 25	£61.05
single claimant 25 or over & Lone Parents joint claimants both under 25	£77.00
joint claimants where either is 25 or over	£121.05
Child element first child or qualifying young person	£70.80
second and each subsequent child or qualifying young person	£70.80
Additional amount for disabled child or qualifying young person:	
lower level	£68.04
higher level	£95.48
LCW and LCWRA Elements limited capability for work (includes Support component and Disability premium)	£40.60
limited capability for work and work related activity (includes Work Related Activity component)	£30.60
Carer Element	£38.85
Child care costs disregard maximum amount for one child	Amount variable £175.00
maximum amount two or more children	£300.00

PART 1 Elements

- 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—
- For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if—
 - paragraph 10 of this Schedule is satisfied in relation to the applicant; or
 - the applicant is entitled to a converted employment and support allowance.
- (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

- 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.
- 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.
- The following premiums, namely—
 - a disabled child premium to which paragraph 16 of this Schedule applies; and
 - 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 care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations 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, a child disability payment 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, a child disability payment 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.

PART 3

Transitional Addition

- 20.**(1) The applicant is entitled to the 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 in accordance with regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance

- (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 incomerelated 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 , the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, 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, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund. (collectively referred to in this paragraph as “the Trusts”), the Independent Living Fund (2006), Any Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.
- (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 or from a Grenfell Tower support payment a historical child abuse payment or a Windrush payment, 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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment 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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment 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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment to which sub-paragraph (1) refers, where—
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and (b) the payment is made either—
- (i) to that person’s parent or step-parent; or
- (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment.

(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 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 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) £58.90, 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 amounts, calculated on a weekly basis, which are used to—

(a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and

(b) meet any amount due by way of premiums on— (i) that policy; or

(ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

31. Any payment of income which by virtue of 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 subparagraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
- (i) to that person's parent or step-parent, or
- (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and (b) the payment is made either—
- (i) to that person's parent or step-parent, or
- (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose 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 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 45.** Any council tax benefit to which the applicant is entitled for any period prior to 1st 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 (direct 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) £12.85
 - (b) £4.20
- (2)
 - (a) less than £224.00
 - (b) not less than £224.00 but less than £389.00, deduction £8.55;
 - (c) not less than £389.00 but less than £484.00, deduction £10.70.

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

Column (1)	Column (2)
Person or couple	Amount
(1) Single applicant or lone parent who has attained pensionable age before 1 st April 2021	(1) £197.10
(2) Couple where one or both members have attained pensionable age before 1 st April 2021	(2) £294.90
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 st April 2021 -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £294.90
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £97.80
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	(4) £182.60
(5) Couple where both members have attained pensionable age on or after 1st April 2021	(5) £278.70
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021 -	(6)
(a) for the applicant and the other partner to the marriage;	(a) £278.70
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £96.10

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) £70.80
(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) £70.80

2. Child or young person amounts

Part 2 3. Family premium

£17.85

Part 4

Provision	Amount
(1) Severe Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £69.40;
(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) £69.40;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) 138.80
(2) Enhanced disability premium.	(2) £27.44 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) £68.04 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied (4)
(4) Carer Premium.	£38.85 in respect of each person who satisfies the condition specified in paragraph 9.

12. Amounts of premium specified in Part 3

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 £222.00

(ii) not less than £222.00 per week but less than £288.00 per week

Schedule 9: People who are not Pensioners

Part 3 8. Non-dependant deductions

- (1)
 - (a) £12.85
 - (b) £4.20
- (2)
 - (a) less than £224.00
 - (b) not less than £224.00 but less than £389.00, deduction £8.55;
 - (c) not less than £389.00 but less than £484.00, deduction £10.70.

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

Column (1)	Column (2)
Element	Amount
Standard allowance single claimant under 25	£61.05
single claimant 25 or over & Lone Parent joint claimants both under 25	£77.00
joint claimants where either is 25 or over	£121.05
Child element	
first child or qualifying young person	£70.80
second and each subsequent child or qualifying young person	£70.80
Additional amount for disabled child or qualifying young person:	
lower level	£68.04
higher level	£95.48
LCW and LCWRA Elements	
limited capability for work (includes Support component and Disability premium)	£40.60
limited capability for work and work related activity (includes Work Related Activity component)	£30.60
Carer Element	£38.85
Child care costs disregard maximum amount for one child	£175.00
maximum amount two or more children	£300.00

(In relation to Schedule 9, Part 2, paragraph 4 – Personal Allowances)

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	£265.31
single claimant 25 or over	£334.91
joint claimants both under 25	£416.45
joint claimants where either is 25 or over	£525.72
Child element	
first child or qualifying young person	£290.00
second and each subsequent child or qualifying young person	£244.58
Additional amount for disabled child or qualifying young person:	
lower level	£132.89
higher level	£414.88
LCW and LCWRA Elements	
limited capability for work	£132.89
limited capability for work and work related activity	£354.28
Carer Element	£168.81

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Agenda Item 7

Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor John Taylor, Executive Member for Adult Social Care, Homelessness & Inclusivity.
Reporting Officer:	Stephanie Butterworth, Director of Adult Services. Tracey Harrison, Assistant Director of Adult Services.
Subject:	PROCUREMENT OF SERVICE AND MAINTENANCE CONTRACT AND SUPPLY OF LIFTING AND HOISTING EQUIPMENT IN COLLABORATION WITH OLDHAM COUNCIL
Report Summary:	To agree to collaborate with Oldham Council on the procurement of a new contract for the supply and installation of Lifting and Hoisting Equipment which Oldham Council will lead, and the procurement of a new Service and Maintenance Contract for old lifting and hoisting equipment which Tameside MBC will lead. The maintenance contract will be for a period of 4 years, commencing 05 June 2023 until 4 June 2027 whilst Oldham Council have indicated they will procure the lifting and hoisting contract for 5 years (4 years with an option to extend by a further year), commencing 1 June 2023 until 31 May 2028.
Recommendations:	That Executive Cabinet be recommended to agree that: <ul style="list-style-type: none">(i) Approval is given to collaborate with Oldham Council for the procurement of a contract for lifting and hoisting equipment commencing 1 June 2023 until 31 May 2028.(ii) Approval is given to procure a new service and maintenance contract in collaboration with Oldham Council where Tameside MBC will lead, commencing 5 June 2023 until 4 June 2027.(iii) With regard to the lifting and hoisting equipment contract, to delegate authority to the Director of Adult Services, in consultation with the Executive Member for Adult Social Care, Homelessness & Inclusivity, to enter into agreements with Oldham to allow Tameside to call off works on the Lifting and Hoisting Contract.(iv) With regard to the service and maintenance contract, to delegate authority to the Director of Adult Services, in consultation with the Executive Member for Adult Social Care, Homelessness & Inclusivity, to approve the successful contractor.
Corporate Plan:	Both of the current contracts deliver and maintain adaptations across a wide spectrum of the population. They support a number of themes in the Corporate Plan: <ul style="list-style-type: none">(6) Nurturing our Communities: increase access, choice and control in emotional and mental self-care and wellbeing;(7) Longer and Healthier Lives: increasing physical and mental health life expectancy, improve the wellbeing of our population;

(8) Independence and activity in older age and dignity and choice: increasing the number of people helped to live at home, reduce hospital admissions due to falls, increase levels of self-care and social prescribing; prevention support outside the care system.

Policy Implications:

Improving and maintaining the independence of disabled and vulnerable people within the borough is a key theme in the Corporate Plan. The agreement to collaborate with Oldham Council will continue the joint working enjoyed by the two Councils over a number of years.

**Financial Implications:
(Authorised by the statutory
Section 151 Officer)**

From a financial perspective, the collaboration with Oldham MBC will ensure we continue to receive significant cost benefits, through reduced unit price, staff resource and effective service and maintenance provisions over a longer period. Should TMBC go alone on this, it would expose the council to higher costs and create delays in service delivery and increases the risk of failure on the council to meet the needs of service users. Collaboration represents value for money and TMBC will continue to access DFG / Housing Assistance grant funding that will support with equipment purchase, service and maintenance.

The budget for the lifting and hoisting equipment are funded via the Disability Funding Grant (DFG), which is an annual capital allocation of £2.8m. Spend on individual grants requests are as per the housing financial assistance policy.

TMBC currently commits an annual core revenue budget of £120k that supports the contract for the service and maintenance element set out in the paper.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

As set out in the main body of the report, the council has a statutory duty to deliver adaptations within their boundaries. The authority has a duty to provide necessary and appropriate adaptations to meet the assessed needs of the disabled person, and are also "reasonable and practicable" in relation to the age and condition of the property to be adapted.

The cost and funding provision for these adaptations are set out in the financial implications.

It is also the duty of the council to ensure best value when spending public money as such it is often advisable for council's undertake joint procurement exercises in order to benefit from combing their buying power and benefit from economies of scale.

Advice is being sought from STAR procurement in relation to the procurement exercise to ensure that a compliant exercise is undertaken which also delivers best value for the councils.

Risk Management:

Should the Council decide not collaborate with Oldham Council and procure its own contract it is unlikely to be able to obtain the same competitive rates due to the lower numbers involved and lower numbers make the lifetime warranty less likely to be cost effective for bidders.

A decision to return to individual quotes for each grant application would put pressure on already stretched resources in Adult and Children's Services as well as Housing Adaptions. There would be


no lifetime warranty and this would also create pressure on Council resources when extended warranties expire.

Should the Council decide not to collaborate with Oldham to procure a new service and maintenance contract would create issues as noted in the body of the report and would increase pressure on Council services as equipment fails.

Procuring a Tameside only contract would not achieve the same cost benefits generated by collaborating with Oldham Council.

Background Information:

The background papers relating to this report can be inspected by contacting Jim Davies, Housing Adaptations Manager, Capital Programmes, Strategic Property, Place, by:

 Telephone: 0161 342 3308

  e-mail: jim.davies@tameside.gov.uk

1 INTRODUCTION/ BACKGROUND

- 1.1 Legislation in the form of the Housing Grants, Construction and Regeneration Act 1996 (plus subsequent amendments) places a statutory duty on local housing authorities to deliver adaptations within their boundaries. The authority has a duty to receive and approve eligible applications where the Council considers the adaption to be “necessary and appropriate” to meet the assessed needs of the disabled person, and “reasonable and practicable” in relation to the age and condition of the property to be adapted.
- 1.2 Funding for Disabled Facilities Grant (DFG) has been included within the Better Care Fund (BCF) since 2015-16. It operates under Section 75 of the National Health Service Act 2006 (pooled budget arrangements between NHS GM ICB and the local council). Provision of this annual capital funding is from Department of Levelling Up, Housing and Communities (DLUHC) and Department of Health and Social Care (DHSC). However, the provision of DFG for those who qualify for the service remains a statutory duty upon the local housing authority.
- 1.3 The Council offers an Agency Service to disabled and vulnerable residents of the borough to assist them in making an application for a DFG where an Occupational Therapist from Adult Services and Children’s Services prepares an assessment of need. Government regulation currently limits maximum individual grants to £30,000 in England including all on costs and VAT as appropriate.
- 1.4 In 2018 the Council introduced its Housing Financial Assistance Policy as required within the terms of the Regulatory Reform (Housing Assistance)(England and Wales) Order 2008 including the introduction of a number of alternative discretionary grants to speed up the delivery of lifting and hoisting equipment.
- 1.5 A substantial proportion of adaptations recommended by Adult and Children’s Services relate to Lifting and Hoisting equipment (stairlifts, ceiling track hoists, through floor lifts and step lifts). Mechanical and electrical items require regular and specific types of maintenance in order to allow them to function safely and to prevent injury to the disabled person and their carers.

Lifting and Hoisting Equipment

- 1.6 In 2014, discussions in the Greater Manchester DFG Subgroup led to detailed discussions with Oldham Council on the issues with lifting equipment and long-term maintenance. Oldham Council had piloted a scheme with a single supplier where they included a long-term warranty in the purchase price. Oldham Council asked Tameside Council to join them as a partner and they procure a tender as a means to achieving best value and with the intention of reducing delivery times.
- 1.7 In 2014, and in order to test the market, Oldham and Tameside decided to include in the tender what was termed a “lifetime” warranty for each piece of installed equipment. Such a warranty places responsibility for future maintenance and future servicing of any installed equipment on the supplying contractor thus securing long-term revenue savings for each of the authorities. This is achieved by the supplier including in the installation cost what they think will be required to fund the service over what they think is an average period of use based upon their business data. This arrangement is unique in that it releases each Council from any long-term maintenance costs funded through revenue. Both Councils decided it would be in our best interests to re-procure in 2018.
- 1.8 Within the terms of the Disabled Facilities Grant, it is possible, and encouraged by DLUHC and DHSC, to include an extended warranty as part of the capital grant awarded. Once the initial warranty expires grant cannot fund a further warranty because this is pure maintenance and therefore revenue. The “lifetime” warranty is in effect an extended warranty and therefore it is possible to capitalise it within the grant award.
- 1.9 This supply contract has delivered, over the last 8 years, large numbers of hoisting and lifting

equipment and has contributed to the reduction in long-term maintenance costs by also replacing a large number of equipment from the Service and Maintenance contract.

- 1.10 It would remain advantageous to Tameside and its residents to continue with this arrangement through Oldham Council. Oldham Council is willing to act as lead authority once more with this procurement.

Service and Maintenance

- 1.11 Prior to the “lifetime” warranty arrangement, Tameside’s policy was to install equipment with a fixed extended warranty of up to 5 years. Upon expiry of this warranty, the unit was transferred to Tameside’s Service and Maintenance Contract. The cost of providing this particular contract in Tameside currently falls to Adult Services revenue budget.
- 1.12 Prior to the procurement of the service and maintenance contract in 2013, advice from Legal Services was requested on the potential option of not continuing with the contract once it had expired. The advice suggested that, due to the length of time the Council had been providing the service and maintenance arrangement, there was concern that withdrawing the service could be challenged due to the detrimental effect it would have on vulnerable and disabled people having to cover the costs.
- 1.13 Advice also suggested that the associated costs to the Council of trying to assist individuals with alternative arrangements would be resource intensive and may not be successful. In addition to this, there would potentially more serious cost implications for the Council when clients request assistance when their equipment fails.
- 1.14 In 2013 and 2018, Tameside MBC acted as lead authority to procure a Service and Maintenance contract with Oldham MBC as partner. The joining of the two authorities allowed a more advantageous price compared with each authority sourcing their own arrangement. Along with the general service and maintenance arrangements, the contract includes a requirement for the supplier to advise both authorities when equipment in their area is beyond economical repair so that it can be replaced under the “lifetime” warranty arrangement. This is another advantage of the joint working with both contracts.
- 1.15 The current Service and Maintenance Contract offers a 24hr and 365day call out arrangement and includes a specific inspection under the Lifting Operations and Lifting Regulations 1998 (known as the LOLER regulations). In order to offer the service and maintenance contract the Council owns all the equipment installed in residential properties and as such the LOLER inspection protects the Council by highlighting potential repair issues outside the normal servicing regime.
- 1.16 To date a substantial number of units has been removed from the Service and Maintenance contract, for both authorities reducing the call on revenue funding and the potential for costly failures. The number of units relating to Tameside addresses on the contract since 2013 has reduced from over 1500 to around 800. This will continue to reduce over the lifetime of any new contract and both Councils are committed to replacing all the equipment with “lifetime” warranty equipment.
- 1.17 Oldham MBC has expressed its desire to continue with the arrangement should Tameside agree to procure a new contract in 2023.
- 1.18 Whilst the Council is required to provide adaptations as a mandatory requirement, it is not required to provide a long term service and maintenance arrangement once the equipment is installed and any warranty has expired. The benefits of continuing with this contract, for the next 4 years is more beneficial than not having it at all.
- 1.19 Oldham Council report requesting permission to procure the Lifting and Hoisting Equipment contract, and requesting permission to collaborate with Tameside Council on the Service and

Maintenance Contract is going through their governance process.

2 PROCUREMENT REQUIREMENTS

- 2.1 With regard to the procurement of a contract to supply and install Lifting and Hoisting equipment, Oldham Council will follow the required procurement procedures for the tender process and the tender will be offered via The Chest to prospective bidders. STAR procurement will advise on the process from Tameside Council's perspective.
- 2.2 With regard to the procurement of the Service and Maintenance contract, the Procurement Standing Orders have been consulted The Contract value based upon the value of work carried on behalf of both authorities will be in the region of £500,000 over a 4 year period and as such will be the subject of a OJEU Notice. Procurement of the contract will be carried out via STAR procurement and the tender will be offered on The Chest (North West Procurement Portal).
- 2.3 STAR Procurement have requested both procurement procedures to allow for other GM LAs and bodies to be allowed to benefit from these contracts when let.
- 2.4 STAR Procurement were requested to provide comments on this report. In an email dated 28 November 2022, they state, "STAR will liaise with Tameside to ensure compliance and correct procedures are adhered to".

3 VALUE OF THE CONTRACTS

Lifting and Hoisting

- 3.1 The value of the Lifting and Hoisting contract procured by Oldham MBC is estimated to be in the region of £850,000 per year. The split between the two authorities is estimated as Tameside £470,000 per year and Oldham £380,000 per year based upon current number of installations and current unit rates. The Contract will commence 01 June 2023 until 31 May 2028 including the one year extension should it be agreed.
- 3.2 The actual expenditure for both Tameside and Oldham is difficult to predict due to a number of factors:
 - the number of referrals received from Occupational Therapists depending upon staffing levels
 - the number of units from the service and maintenance contract replaced depends upon the numbers failing or the number actively pursued for replacement: depending upon staffing levels;
 - the cost of materials and labour rising over the term of the contract as this will affect the bid.

Service and Maintenance

- 3.3 The value of the Service and Maintenance contract procured by Tameside is expected to be between £220,000 and £275,000 per year. The split between the two authorities is expected around £120,000 - £150,000 for Tameside and £100,000 - £125,000 per year for Oldham. This will reduce over the term of the contract as equipment is replaced. The Contract will commence 05 June 2023 until 04 June 2027.
- 3.4 The actual expenditure with this contract is wholly dependent upon the numbers of the equipment being serviced, the age of that equipment and the number of call outs and repairs.
- 3.5 As of the end of November 2022, there are 478 pieces of lifting equipment on the current contract. 21 pieces are at least 20 years old; 91 are 15 - 20 years old, 95 are 10 – 15 years old and 271 are less than 10 years old. Some older units are less reliable than others are and

cost more to repair due to availability of parts becoming scarcer. The oldest lifting equipment will be targeted for replacement as a priority.

4 OPTIONS CONSIDERED IF COLLABORATION WITH OLDHAM IS NOT AGREED

4.1 Lifting and Hoisting Equipment

Option 1 - The Council could decide not to join with Oldham Council on the supply of Lifting and Hoisting Equipment and procure an individual contract.

4.2 Option 2 - The Council could decide not to join with Oldham Council and also decide not to undertake a separate procurement exercise. It could take the decision to obtain quotes three quotes for each referral received.

4.3 Option 3 - The Council could choose to join an existing framework.

4.4 Service and Maintenance

Option 1 - The Council could choose not to procure the Service and Maintenance contract with Oldham Council as a partner and go it alone with an individual procurement exercise.

4.5 Option 2 - The Council could choose not to join with Oldham Council and not procure its own Service and Maintenance contract and allow the current arrangement to end.

4.6 Option 3 - The Council could continue a procurement with Oldham Council or its own contract and pass some or all of the costs of the contract onto those currently enjoying the benefits of the service and maintenance contract.

5 RISKS IF CONTRACTS ARE NOT PROCURED

5.1 There are a number of risks associated with not continuing with the procurement of these contracts from increased costs, staff resources and continued requests to Adult and Children's Services for assistance.

5.2 Lifting and Hoisting Equipment

Option 1 - If Tameside Council decided not to join Oldham Council, it could arrange for its own procurement exercise to supply this equipment. The main negative issue with this option would be an increase in unit costs. Two Councils buying the equipment would result in unit costs that are more favourable. To go it alone would not offer the same volume to the bidders and would see our costs increase. In addition, the fact that both Councils wish to continue with the lifetime warranty makes the volume of equipment a more attractive option to suppliers who may not be able to provide a competitive cost for such an option on lower volume.

5.3 In this option where a supplier may not be able to provide a lifetime warranty the Council may have to purchase extended warranties leading to similar long-term issues as noted in Option 2.

5.4 Option 2 - If Tameside Council decided not to join with Oldham Council and decided not to procure its own contract then the Council would revert to obtaining 3 quotes for each individual referral. This option is not the best for quick delivery or the best use of officer time.

5.5 Obtaining individual quotes puts more pressure on Occupational Therapists because they would have to meet individual suppliers at a person's property to ensure they can provide exactly what is required. The Council would then have to rely on suppliers to submit their quotes in a timely manner, leading to delays in the process. In addition, suppliers are unlikely to be able to provide the lifetime warranty based on individual purchases, or if they can the cost is likely to be more expensive than currently offered, increasing costs and therefore an extended warranty is the most likely option. Even though the funding is not Tameside capital

the Council still has an obligation to provide value for money. This then creates issues when the extended warranty expires.

- 5.6 An additional consideration for individual purchases is what will happen when the extended warranty expires. The grant to provide equipment is awarded to the individual and as such, the equipment belongs to them, not the Council. The Council has no obligation to do anything other than provide the grant and ensure the clients assessed need is met. Suppliers are most likely to offer the person a new warranty, for which they will have to pay. There is no grant for warranty in this scenario because now the warranty is a revenue cost. Adding to (front loading) the capital purchase with an extended warranty, or lifetime warranty is deemed a capital cost and can be included in the initial grant award.
- 5.7 It is highly likely that once the warranty expires the majority of people will choose not to pay for any further arrangement. This is likely because of the annual cost, anything from £250 per year for a stairlift and upwards of £750 per year for a through floor lift depending upon the level of service offered. This will result in many units not being serviced or repaired and subsequently failing. The person requiring the unit will then call on Adult Services or Children's Services for assistance. If the equipment is not working, the person then has an unmet need and is likely to require some form of assistance from the Council increasing pressure on already stretched services. An assessment of need will be required and most likely result in an urgent new application for grant to replace the equipment. This will then put pressure on Housing Adaptations to replace these whilst trying to deliver adaptations for other people who may already have been waiting for their work.
- 5.8 In the case where a client chooses not to purchase a service and maintenance contract the fact that their unit has failed and they are then in the position of not being able to access facilities in their home the cost to the Council to meet what is now an unmet need will be considerable.
- 5.9 Option 3 - Choosing to not procure but join an existing framework is problematical because although frameworks are available for lifting and hoisting equipment none offers the lifetime warranty option that Oldham and Tameside have developed. The effect of a purchase framework would leave Tameside in the same position had we procured the equipment ourselves. The matter of extended warranties and what happens when they expire will be a major problem.
- 5.10 These 3 options are considered not viable in terms of the offer of removing the long-term maintenance liability from the Council, staff resource or value for money.
- 5.11 **Service and Maintenance**
Option 1 - Tameside Council could decide not to include Oldham in the procurement exercise. The numbers of equipment between the two Councils offers a better option for bidders. Therefore the costs are likely to be higher should Tameside decide to go it alone.
- 5.12 Option 2 - The Council could decide not to enter into any procurement exercise and allow the current contract to expire. The consequences of this option could have a considerable effect on people, on Adult Services and Children's Service. Hundreds of people would find themselves with no service or maintenance offer. The current supplier would likely offer an arrangement to each person but the costs would not be as favourable as those included in a large contract would. 24hr call out services are expensive to provide if the numbers do not stack up.
- 5.13 It is reasonable to assume that few people would choose to fund such costs, especially in the current financial climate. The reality is that the equipment would go on for a time and then it would breakdown. This would lead to people calling the Adult and Children's Services for assistance with daily living.

- 5.14 Option 3 - The Council could choose to procure a Service and Maintenance Contract with Oldham or go it alone but pass the running costs onto the people who are using the service. If this were an option for consideration, it would mean the current equipment would have to be transferred into the ownership of the person using the equipment. This would be problematical because take up is likely to be quite low.
- 5.15 In this option, the equipment would not require the LOLER inspection, as the Council would not own them. In order to offer a reasonably affordable cost effective service it would probably be necessary to reduce the service provided to exclude 365-day call out, 24 hr call out and remove the low-level repairs from the initial cost.
- 5.16 The cost of setting up this kind of arrangement would involve a considerable amount of officer time arranging paperwork and obtaining agreements for the transfer of equipment; arranging for invoices to be raised each year and for the collection of unpaid invoices; dealing with queries about repair costs, etc. The cost to each person would be dependent upon how many signed up so even in this option the cost could be similar to an individual warranty arrangement. The Council would also still have to deal with those people who decided not to take up the offer and would then call upon the Council for assistance when the unit failed.
- 5.17 These three options are not considered viable when taking into consideration the effect on Council services.

6 CONCLUSION

6.1 Lifting and Hoisting Equipment

The best option for the Council, its vulnerable and disabled residents is to continue with the collaboration with Oldham for a further 5 years. The advantages of a contract that allows the Council to provide much needed equipment to its residents without taking on any long-term responsibility for the maintenance of said equipment outweighs the alternatives.

- 6.2 The Council can continue to provide its statutory obligations under the terms of the DFG legislation and the Housing Financial Assistance Policy without having to call upon its own stretched financial resources.

6.3 Service and Maintenance

The Council has an obligation to assist its disabled and vulnerable residents but with this type of service, it is not a statutory obligation and the resources for this type of contract are limited. However, not providing this service, whilst saving revenue would only increase calls for service within Adults and Children's Services thereby increasing the pressure on already limited resources.

- 6.4 The Council should re-procure this contract for a final time and formulate a program to increase efforts into replacing the equipment over the 4-year period of the contract. This will have the double effect of reducing the revenue cost over the contract period and increase expenditure for the DFG budget, which is currently under committed.

7 RECOMMENDATIONS

- 7.1 As set out at the front of the report.

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Agenda Item 8

Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor Gerald P Cooney – Executive Leader
Reporting Officer:	Sandra Stewart – Chief Executive Julian Jackson – Director of Place
Subject:	HS2 PHASE 2B UPDATE
Report Summary:	<p>The report provides an update on the objection of Tameside Metropolitan Borough Council (the Council) the High Speed Rail (Crewe-Manchester) Bill. Notwithstanding the Council's overall support for HS2, the Bill as currently drafted includes provision for the full closure of the Metrolink Ashton Line for a circa two year period. The Council has therefore petitioned against the Bill and is seeking to secure the necessary changes to make appropriate provision of sustainable travel modes during the construction period.</p>
Recommendations:	<p>That Cabinet be recommended to:</p> <ul style="list-style-type: none">(i) Note the progress in the Council's opposition to the High Speed Rail (Crewe to Manchester) Bill ("the Bill").(ii) Agree that a total budget of up to £50,000 is allocated to support all related expenditure of the petition including any subsequent professional and technical advice that is required in advance of the Council's objection hearing before a select committee of MPs together with supporting any legal costs of any witnesses including advocacy and other costs required to support the case in favour of the council. The budget allocation will be financed via the Business Rates 100% retention reserve.
Corporate Plan:	<p>Key aims of the Corporate Plan are to ensure modern infrastructure and a sustainable environment that works for all generations and future generations. The proposed delivery of HS2 will support the delivery of these aims, subject to appropriate provision of sustainable travel modes during the construction period.</p>
Policy Implications:	<p>The proposed delivery of HS2 will support the policy aims of the Council's Inclusive Growth Strategy 2021, Tameside Climate Change & Environment Strategy, the Council's growth priorities agreed at Council February 2020 and the draft Greater Manchester Places for Everyone joint development strategy, subject to appropriate provision of sustainable travel modes during the construction period.</p>
Financial Implications: (Authorised by the statutory Section 151 Officer)	<p>This report provides an update to the Council's objection to the full closure of the Metrolink Ashton Line for an approximate two year period. Ashton Moss has been identified as the preferred location for a stabling and maintenance depot constructed on the Ashton Line to enable continuity of Metrolink services as far into Manchester City Centre as possible during HS2 construction works.</p>

The related financing arrangements of the alternative Ashton Moss depot proposal are not contained within the report. However, it is assumed that there will be no cost liabilities on the Council if this alternative proposal is subsequently approved as there is no budget provision to support such a proposal. The assumption being that all related costs will be wholly financed via the Government, TfGM or GMCA.

It is proposed that a total budget of up to £50,000 is allocated to support all related expenditure of the petition including legal, advocacy and other costs associated with the process required in advance of the Council's objection hearing before a select committee of MPs (section 4 of the report refers). To date the Council has incurred £4,000 in legal advice fees. The budget allocation will be financed via the Business Rates 100% retention reserve.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

This is a timely update report for Members setting out the actions taken to date and the further steps that will be required as the matter progresses to the Select Committee stage.

Risk Management:

The proposed severance of the Ashton Metrolink line for two years without appropriate provision for sustainable travel modes during the construction period would result in reduced connectivity, increased traffic congestion and vehicle emissions, and a significant negative impact on the Tameside economy.

Background Information:

Further information can be obtained by contacting Mike Reed – Head of Major Programmes



Telephone: 07974 111 756



e-mail: mike.reed@tameside.gov.uk

1. INTRODUCTION

- 1.1 This report provides an update in relation to the High Speed Rail 2 (HS2) Phase 2b project, specifically, the petitioning by Tameside Metropolitan Borough Council (the Council) against the High Speed Rail (Crewe-Manchester) Bill.
- 1.2 The Council's petition against the Bill was submitted in August 2022 in accordance with the motion approved at Full Council on 21 March 2022 and Executive Decision Notice (EDN) of 3 August 2022.

2. BACKGROUND

- 2.1 The Government plans to implement a new high speed rail network (HS2), including Manchester to London, Manchester and Leeds. This is a major national infrastructure proposal that is being progressed over several decades, by two Hybrid Bills through Parliament. Phases One and 2a of the network, between London and the West Midlands and between the West Midlands and Crewe have already been consented. Phase 2b, between Crewe and Manchester, will be progressed through a Hybrid Bill, which was deposited in Parliament on 24 January 2022, which is the subject of this decision.
- 2.2 On 24 January 2022, the Government's High Speed Rail (Crewe-Manchester) Bill (the Bill) was deposited in Parliament to the House of Commons and this is the start of the formal parliamentary process to obtain royal assent.
- 2.3 The HS2 Phase 2b Bill has now gone through the following stages:
- High Speed Rail (Crewe – Manchester) Bill deposited to Parliament on 24 January 2022.
 - Environmental Statement and Equality Impact Assessment Consultation period closed on 31 March 2022.
 - Independent Assessors Report regarding consultations published on 6 June 2022.
 - Second Reading of the Bill in the House of Commons on 20 June 2022 which commenced the Select Committee stage (i.e., petitioning stage) of the parliamentary process with all petitions returned by the 4 August 2022. A petition is a summary of objections to particular aspects of a Bill, to be heard before a Select Committee of MPs, and can be submitted if petitioners' concerns are not addressed in advance of the Bill's petitioning stage.
 - Members of the Hybrid Bill Select Committee were announced on 7 December 2022 and formally confirmed on 13 December 2022.

3. THE COUNCIL PETITION

- 3.1 Notwithstanding the Council's overall support for HS2, the Council has identified a number of areas, which it considers to be critical in maximising benefits and minimising negative impacts of HS2 on the Borough.
- 3.2 The Council has the power to petition against a Hybrid Bill contained in Section 239 of the Local Government Act 1972 where it is satisfied that it is expedient to oppose the Bill. Under the Local Authority (Functions and Responsibilities) Regulations 2000 this power must be exercised by Full Council. On 21 March 2022 the Council resolved the following :
- (i) That it is expedient for Tameside Council to oppose the High Speed Rail (Crewe to Manchester) Bill ("the Bill");
 - (ii) That, subject to the above, that authority is delegated to The Leader, in consultation with the Chief Executive , to take all such steps as may be necessary or expedient to carry the above resolution into effect including all those steps required for the Council to submit any petition and thereafter to maintain and if considered appropriate withdraw its petition in respect of the Bill and to instruct the Director of Governance and Pensions accordingly;

and

(iii) Authorises the corporate seal of the Council being affixed to any documents required to be sealed in connection with the submission of its petition and the subsequent opposition to the Bill.

3.3 The decision of 3 August 2022 gave approval for the Council to complete and submit the petition against the Bill to the House of Commons by the deadline of 4 August 2022.

3.4 The Council's petition set out our objections to the Bill for the following reasons. It is essential that the construction methodology for the HS2 infrastructure is focused on limiting disruption to Metrolink operations. The Bill as currently drafted includes provision for the full closure of the Metrolink Ashton Line for a circa two year period. To address this, the Bill should be amended to enable the construction of a new depot at Ashton Moss to enable a tram shuttle service to operate between Ashton and New Islington instead of the full closure of the Ashton Line and the provision of ancillary works, to enable the Ashton Metrolink line to remain open throughout the construction of HS2 to avoid the economic impact that such closure will cause.

3.5 The Indices of Deprivation (IMD) combine a range of economic, social and housing indicators to provide a measure of relative deprivation, i.e. they measure the position of areas against each other within different domains. Tameside is ranked 23 most deprived out of 333 authorities; based on the IMD average rank. It is a weighted average of the seven IMD domains: Income Deprivation, Employment Deprivation, Health Deprivation and Disability, Education Skills and Training Deprivation, Barriers to Housing and Services, Living Environment Deprivation, and Crime. Specifically, with regards to income deprivation, Tameside is ranked 34 most deprived out of 333 authorities; based on the IMD average rank. The Annual Survey of Hours and Earnings (ASHE) is conducted in April each year to obtain information about the levels, distribution and make-up of earnings and hours worked for employees. In Tameside, median gross annual earnings are £27,706, this is below the All English single tier local authorities figure of £31,877 and below the England figure of £31,490. This data therefore provides some useful context in terms of economic resilience and the potential impact on local residents due to the reduced transport connectivity associated with the severance of the Ashton Metrolink line.

3.6 The Council require that the existing Metrolink Ashton Line should be kept connected to the remainder of the Metrolink network for as long as practicable during construction of the HS2 station and modified Metrolink infrastructure and, when the line has to be disconnected from Piccadilly, trams are able to operate as far into Manchester City Centre as possible, with bus services provided to bridge the gap. There will be a need for a number of enabling works to facilitate this approach, including a stabling and maintenance depot constructed on the Ashton Line, with a preferred location identified at Ashton Moss. In the Council's view, adequate provision has not yet been made for them within the Bill and it is essential that omissions are incorporated. It is the Council's position that any additional or modified powers needed to construct and operate the Metrolink enabling works must be obtained by HS2 Ltd. This means that the Bill needs to be amended to include these powers.

3.7 In addition to the Council's petition the three MPs representing Parliamentary Constituencies within Tameside petitioned against the Bill on the basis of the impacts on their constituents caused by the severing of the Ashton Metrolink line. The Department for Transport (DfT) and HS2 Ltd have challenged the rights of the Tameside MPs to be heard at Select Committee on the basis that they have not shown that their constituencies are directly affected. It is noted that the right of the Council to be heard in respect of these matters is not challenged.

4. NEXT STEPS

4.1 Council officers continue to work closely with HS2 Ltd and representatives from DfT, in partnership with GM partners, to ensure that necessary provisions are provided and seek to

negotiate agreements accordingly. As part of this process it will be important to engage with Members and the Tameside MPs in early 2023.

- 4.2 The objections within the Council petition will now be heard before a Select Committee of MPs, the membership of which was formally confirmed on 13 December 2022. Whilst formal confirmation on the programme and timescales for this stage is still awaited, it is considered likely that the Select Committee will start holding public meetings in/around mid-late January 2023. The Select Committee will then likely to be firming up its approach to preparing for evidence hearings (including potential site visits) and to taking evidence (including sequencing of different topics/issues) though January; challenge hearings may also be held from late January/early February 2023. The Council is continuing to work closely with GM Partners as part of the Select Committee stage; this will include provision of appropriate support to the Tameside MPs in respect of the challenges on their right to be heard.
- 4.3 The Council will need to determine who will attend from an officer perspective as its expert witness able to respond to questions, technical enquiries, and cross examination. In terms of political representation, the strategy for this will need to be agreed in the context of further engagement with the GM Mayor and Council's Executive Leader, Members and the three Tameside MPs
- 4.4 To date expenditure in relation to the petition, including the relevant professional and technical advice, has been resourced through GMCA with no cost to the Council with the exception of £4,000 to date associated with Council specific legal advice. It is recommended that a further £46,000 of funding is allocated for Council specific legal advice in support of the Select Committee stage i.e. a total budget of up to £50,000. This will be financed via the Business Rates 100% retention reserve.
- 4.5 It is noted that Ashton Moss has been identified as the preferred location for a stabling and maintenance depot constructed on the Ashton Line to enable continuity of Metrolink services as far into Manchester City Centre as possible during HS2 construction works. A draft Development Framework for the Ashton Moss site is currently being prepared by the Council. The emerging options for the draft Development Framework identify specific areas of the site, which could be used to accommodate the proposed depot or for employment uses should the depot not come forward.

5. RECOMMENDATIONS

- 5.1 As set out at the front of the report.

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Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor David Sweeton, Executive Member (Inclusive Growth, Business & Employment)
Reporting Officer:	Julian Jackson, Director of Place Gregg Stott, Assistant Director, Investment, Development & Housing
Subject:	ASHTON MOSS DEVELOPMENT FRAMEWORK: UPDATE
Report Summary:	The report provides an update on the preparation of the Development Framework for the Ashton Moss strategic employment site and the ongoing work to facilitate its future development as Ashton Moss Innovation Park.
Recommendations:	That Executive Cabinet be recommended to: <ul style="list-style-type: none">(i) Approve the draft Ashton Moss Development Framework that will form the basis for the progression of the delivery strategy and ongoing engagement with land owners.(ii) Note the ongoing work to support new development and investment at Ashton Moss Innovation Park, including examination hearings regarding Places for Everyone (PfE).(iii) Approve that the estimated remaining non-recurrent Council reserve balance of £184,000 (Appendix 2 refers), previously allocated to the Place Directorate to support the further development of Ashton Moss, be utilised for this purpose in 2023/24 to progress the delivery strategy subject to further governance setting out exactly what will be delivered within this budget envelope.
Corporate Plan:	Key aims of the Corporate Plan are to provide opportunities for people to fulfil their potential through work, skills and enterprise and to ensure modern infrastructure and a sustainable environment that works for all generations and future generations. Future development at Ashton Moss Innovation Park will deliver against these aims in the areas of job creation, modern infrastructure and a sustainable environment.
Policy Implications:	The proposed interventions to create the Ashton Moss Innovation Park will support the policy aims of the Council's Corporate Plan, proposals within Places for Everyone agreed at Council 20 July 2021, the Tameside Inclusive Growth Strategy 2021, Tameside Climate Change & Environment Strategy, the Council's growth priorities agreed at Council February 2020 and the Council's Unitary Development Plan.
Financial Implications: (Authorised by the statutory Section 151 Officer)	The report provides an update on the work that is progressing on the Ashton Moss strategic employment site. The related costs of the work carried out to date and forecast to 31 March 2023 is financed via a total budget of £850,000. This is

resourced via £575,000 non-recurrent Council revenue funding and £275,000 Evergreen 2 grant funding.

Appendix 2 provides a summary of the cumulative actual and forecast expenditure to 31 March 2023 together with the resourcing of this expenditure. It should be noted that the Evergreen 2 grant funding has to be expended by 31 March 2023.

There is an estimated balance of £ 184,000 remaining at the end of the current financial year that is currently within Council reserves. The report requests use of this balance in 2023/24 to support the further development of the site, the details of which are provided in section 3 of the report.

It is essential that all expenditure relating to this site continues to be procured in accordance with the Council's contract procedure rules with advice and guidance provided via STaR as appropriate.

In addition the attainment of value for money should also be clearly evidenced on any further expenditure incurred together with supporting details of the benefits that the development of the site will realise for the Council.

**Legal Implications:
(Authorised by the
Borough Solicitor)**

This report provides Members with a helpful update in relation to the Innovation Park.

Advice from legal and the other enabling services is ongoing particularly in relation to any procurement exercises together with the ongoing consideration of any subsidy control implications.

Risk Management:

A risk register for the project is in place and regularly reviewed. The main risks are summarised in Section Five below.

Background Information:

The background papers relating to this report can be inspected by contacting Mike Reed - Head of Major Programmes



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1. INTRODUCTION

- 1.1 Ashton Moss is a strategic employment site located on the edge of Ashton-under-Lyne Town Centre in close proximity to Junction 23 of the M60 Manchester orbital motorway. Ashton Moss is split in to two definable areas, Ashton Moss East (AME) (also known as Plot 3000) identified with the Council's Unitary Development Plan as part of allocation E1(1) and Ashton Moss West (AMW) identified as a proposed allocation within Places for Everyone, extending collectively to approximately 70 hectares.
- 1.2 All of the land, critical to delivery, is in private ownership, has challenging ground conditions to varying degrees and level differences, particularly on AMW. AME is allocated for employment uses, whereas AMW is currently designated as Green Belt but is a proposed employment allocation of the Council within Places for Everyone (PFE), currently at Examination.
- 1.3 Ashton Moss is the largest employment opportunity site within Tameside and provides the opportunity for higher paid and skilled jobs for residents in the Borough in line with the Tameside Inclusive Growth Strategy. The site is well located on the road, tram, bus and active travel networks and is adjacent to the Ashton Moss retail, leisure, commercial and industrial area.
- 1.4 In 2022 the Council agreed a Memorandum of Understanding (MoU) with each of the principal landowners at Ashton Moss (Muse Developments, Staley Developments and Arqiva) to help facilitate the delivery of new development and secure much needed inward investment and jobs to Tameside. The Council has worked closely with the private sector landowners via a multi-disciplinary team of specialists procured via STaR over the last 12 months to progress a Development Framework for the location, undertake site investigations and complete support studies. This work has been funded via £275,000 of external grant funding secured via the Greater Manchester Combined Authority (GMCA) from Evergreen II, matched by the Council. A report to Executive Cabinet dated 26 August 2020 established the background to the work to be funded from Evergreen II. For completeness a copy of the report can be reviewed using the following link – [ITEM 5f - Evergreen FINAL.pdf \(moderngov.co.uk\)](#).
- 1.5 The site forms part of the identified the Ashton Innovation Corridor, comprising Ashton Moss, St Petersfield, and Ashton Town Centre, as a priority area to deliver high innovation growth and implement the objectives of the Tameside Inclusive Growth Strategy 2021-26. Proposed interventions across this area are being progressed in the context of the Ashton Mayoral Development Zone (AMDZ) currently being considered with the GMCA and other relevant organisations and agencies to work in partnership to deliver a joined up approach to realising the full potential of this area.

2. THE DEVELOPMENT FRAMEWORK

- 2.1 The Ashton Moss Development Framework (the Framework) (**Appendix 1**) has been prepared to consider collectively the AME and AMW areas; this combined site is referred to as 'Ashton Moss Innovation Park'. The Framework considers the site's background, context, planning status and ownership. An analysis of current market forces and potential for employment generation has informed the site's constraints and identified opportunities.
- 2.2 The Framework will be used as an economic and planning tool to guide and enable the future development and masterplanning of the site, in accordance with existing and proposed planning policies. It clearly outlines the infrastructure required to enable and unlock the full potential of the site, as well as the key delivery considerations and development options. Further work will be needed to establish the ground conditions in detail, infrastructure design, site levels, drainage and any remediation of the site to inform technical delivery.

- 2.3 The baseline engagement with specialist agents has identified unprecedented demand for spaces to support a wide range of industrial, manufacturing and other industries. This informs the view that the Ashton Moss Innovation Park is optimally positioned to both provide jobs for local people and attract specialist talent from around the region.
- 2.4 To inform preparation of the Framework the multi-disciplinary team has engaged with a number of Council officers (highways, planning, estates, open space, digital), Tameside College, TfGM, other key stakeholders and land owners, Members, and the Tameside Inclusive Growth Board. As specific proposals and opportunities at Ashton Moss Innovation Park emerge these will be subject to a formal consultation process alongside further Member engagement and any application for planning permission where this becomes necessary.
- 2.5 The Framework envisions the provision of employment uses focusing on advanced manufacturing at Ashton Moss Innovation Park. Tameside has a strong Advanced Manufacturing cluster and the immediate and wider area has demonstrated a need for business and innovation opportunities to support “move-on space” for business incubators and draw on those links to higher education and research. This supports the strategic ambitions of both the Council and GM.
- 2.6 The site has several strategic advantages; offering significant levels of sustainable travel access options, proximity to the town centre and surrounding amenities, easy access to the M60 and potential for high quality green infrastructure.
- 2.7 According to the Index of Multiple Deprivation (2019), Tameside is ranked 23/317 for average summary measure. This represents an increase in deprivation from 2015 where Tameside ranked 34. The LSOAs around Ashton Moss are a mixture of 10 to 40% most deprived areas, although the sub 10% is a more accurate reflection of the wider area. In total, around 13.4% of Tameside residents live in income deprived households. In 2020, jobs density across Great Britain was recorded to be 0.84, this was significantly lower in Tameside at around 0.56. The delivery of employment at Ashton Moss Innovation Park will help to address the high levels of economic deprivation experienced in the borough and improve quality of life for residents.

Vision and Objectives

- 2.8 The baseline research and analysis has informed the strategic vision and objectives for Ashton Moss Innovation Park which will define its growth over the coming years.
- 2.9 The vision for the site is to create a dynamic, attractive and thriving innovation park, embedded in and contributing to a greener, cleaner society for Tameside. Its highly accessible location and position adjacent to a large number of facilities makes it ideally positioned to generate inward investment, jobs and deliver positive green infrastructure and active travel networks.
- 2.10 The strategic objectives for the Ashton Moss Innovation Park are as follows:
- A Connected Employment Hub that maximises its strategic location and accommodates a multitude of potential future uses.
 - An Outward Facing Offer that responds positively to the landscape setting of the site
 - An Active Environment that connects into the local pedestrian and cycle movement networks promoting movement within and around the site.
 - A Good Neighbour with development that appreciates sensitive green edges, residential amenity, and the industrial and commercial settings.
 - A Natural Place that understands its existing environmental assets and minimise its impacts and its footprint overall.
 - Forward Looking maximising the potential to offer employment for existing and future populations and creating opportunities for businesses of various scales to build in flexibility.

2.11 The High Speed Rail 2 (HS2) Phase 2b Bill as currently drafted includes provision for the full closure of the Metrolink Ashton Line for a circa two year period. The Council submitted a petition against the Bill in August 2022 in accordance with the motion approved at Full Council on 21 March 2022 and Executive Decision Notice (EDN) of 3 August 2022. This petition seeks an additional provision in the Bill to enable the construction of a new Metrolink depot to enable a tram shuttle service to operate between Ashton and New Islington instead of the full closure of the Ashton Line. This would enable the Ashton Metrolink line to remain open throughout the construction of HS2 to avoid the economic impact that such closure will cause. Ashton Moss has been identified by TfGM as the preferred location for a stabling and maintenance depot constructed on the Ashton Line. The Framework has therefore been prepared in the context of this potential requirement with a specific area of the site, which could be used to accommodate the proposed depot or for employment uses should the depot not come forward.

The Structural Framework

2.12 The Structural Framework for the site sets the underlying strategic components from which development at Ashton Moss Innovation Park should respond. It consists of the following elements:

- Landscape Framework
- Pedestrian and Cycle Movement Framework
- Infrastructure Framework

2.13 These components set the structure for the development and defines a development envelope in the form of three development areas as set out in the Framework (EMP.01, EMP.02, EMP.03). These development areas could be delivered individually or as part of a site-wide development proposal.

2.14 The Framework has identified four different technical solutions to delivering various quantum of development.

- Framework Option 1 - Country Park and Development
 - EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.
 - EMP_02 - Development provided adjacent to M60. Employment plots accessed existing signalised junction. Central Country Park.
 - EMP_03 - Development plot served by existing junction arrangements.
- Framework Option 2 - Full Development
 - EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.
 - EMP_02 - A large development platform created to accommodate a number of development plots. Autonomous bus loop connecting to a potential new station at Littlemoss.
 - EMP_03 - Development plot served by existing junction arrangements.
- Framework Option 3 - Development and Metrolink Depot
 - EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.
 - EMP_02 - Metrolink Depot provided adjacent to M60. Park and Ride relocated. Employment plots accessed from existing signalised junction. Development plot platforms to be confirmed, but will sit at a higher level to the depot site. Existing Right of Way diverted and re-provided.
 - EMP_03 - Development plot served by existing junction arrangements.

- Framework Option 4 - Country Park and Metrolink Depot
 - EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.
 - EMP_02 - Metrolink Depot provided adjacent to M60. Park and Ride relocated. Central Country Park.
 - EMP_03 - Development plot served by existing junction arrangements.

2.15 The Framework options provide flexibility both in terms of accommodating either the Metrolink depot and/or employment on one of the plots in the short to long term, and further technical work informing mitigation requirements while creating development platforms across the whole site.

3. DELIVERY STRATEGY

3.1 The Framework is intended to be flexible, to allow the evolution of the design process to respond to market changes in delivering the Ashton Moss Innovation Park and allow the development to support a variety of potential occupiers who may require different scale and types of units. Market analysis work completed demonstrates that the preference for logistics and/or advanced manufacturing occupiers is likely to range from 850 sq.m to 45,000 sq.m. A mix of unit types is therefore likely appropriate, which will broaden the appeal of the site to potential occupiers.

3.2 The delivery strategy has considered the challenges faced to create a site which is able to attract investment and occupiers. Critical to achieving this will be the need for the Council to continue to engage with the landowners across the site and formulate an approach to delivery of infrastructure and enabling works. This will require further detailed assessments and investigations relating to ground conditions, traffic and transport, ecology, and utilities via the appointed multi-disciplinary team.

3.3 This work will inform the preparation of business cases/submissions to future external funding opportunities, as they become available, to assist in delivering the full potential of the site and Tameside and Greater Manchester's wider growth and development aspirations.

4. FINANCIAL MANAGEMENT

4.1 Additional non-recurrent revenue budget of £575,000 was allocated to the Place Directorate in 2020/21 and 2021/22 to support the further development of Ashton Moss. In addition the Council has been successfully awarded Evergreen 2 grant funding via GMCA of £275,000 that must be expended by 31 March 2023. This provides a total budget of £850,000. A summary of the budget expended to date and commitments to 31 March 2023 is set out in **Appendix 2**. All services have been procured via STaR procurement to ensure value for money.

4.2 There is an estimated remaining budget available at 1 April 2023 after budget expended to date and commitments of £184,000. It is recommended that this remaining budget is utilised in 2023/24 to progress the delivery strategy work as set out in Section 3.

4.3 The delivery strategy work will incorporate further detailed assessments and investigations relating to ground conditions, traffic and transport, ecology, and utilities. In addition to the work completed to date this will support the business cases/submissions to future external funding and provide the initial investment required to unlock the full potential of the Ashton Moss site. Value for money will be secured through the procurement of all external services via STaR procurement.

5. RISK MANAGEMENT

5.1 The main risks associated with the Framework and Ashton Moss Innovation Park are identified in the table below.

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
Delivery	Lack of interest in the market to demonstrate deliverability of the scheme in the masterplan.	Yellow	Early market appraisal work has been undertaken by CBRE which has demonstrated sufficient interest from the property market to deliver development at Ashton Moss.	Green
Delivery	Site is in a number of private ownerships.	Yellow	The Council continues to work proactively with the private landowners to agree shared objectives and opportunities for future development. The two primary landowners associated with Ashton Moss West positively support the principal of the proposed allocation within Places for Everyone, as set out within associated representations and hearing statements.	Green
Financial	External funding available for enabling infrastructure to accelerate delivery.	Yellow	Opportunities for funding will be actively monitored. The work completed to date will inform future submissions seeking external funding.	Yellow
Planning	The AMW part of the site is currently within the Green Belt land	Red	The AMW site is included in the PfE Joint Development Plan, currently at Examination, to be removed from the Green Belt and re-designated as employment land.	Yellow
Programme	Part of the site may be required to a Metrolink depot.	Yellow	Flexibility has been built into the Framework to ensure the potential Metrolink depot can be accommodated if required.	Green
Programme	Lack of resource capacity to undertake workstreams in line with expectations.	Yellow	Internal resource has been identified to meet expectations.	Green

6. NEXT STEPS

6.1 The Council remains committed to working with the various land owners to bring forward Ashton Moss as an exemplar Advanced Manufacturing location in the North of England to create the Ashton Moss Innovation Park. The establishment of the AMDZ will further support delivery of the Council's growth ambitions at Ashton Moss and help to maximise the full potential of this area.

6.2 The Council's ongoing work in relation to this strategic employment site provides a proactive and positive response for the delivery of inclusive growth within Tameside. It is

recommended that in the 2023/24 financial year the Council progresses further detailed assessments and investigations to inform the preparation of any business cases/submissions to future external funding opportunities as they become available, support the identification of any strategic delivery partners and support PfE.

7. RECOMMENDATIONS

7.1 As set out at the front of the report.



Ashton Moss Innovation Park Development Framework

FOREWORD



Councillor David Sweeton,
Tameside Council Executive
Member for Inclusive Growth,
Business and Employment

Ashton Moss presents us with a fantastic opportunity to build on our strengths and heritage in the manufacturing industry and develop an employment site that would bring unprecedented benefits to the local economy by creating jobs and attracting talent, cutting straight to the heart of our ambition for inclusive growth across the borough.

We need to find new ways to gain higher skilled jobs for our existing and future residents and provide growth space for the manufacturing and engineering sectors. Allowing the borough to compete for inward investments by advanced manufacturers in sectors such as electric vehicles, green energy infrastructure and advanced materials. It will join up our plans to regenerate our town centres with mixed use sites and create more homes and places for people to visit to help attract new residents to Tameside as well retain existing ones.

The development framework will put us on the right page for a sustainable and inclusive development which will fit into the context of Places for Everyone and the GM Strategy which emphasise and recognise the importance of advanced manufacturing.

Placed within both the Ashton Mayoral Development Zone and the Eastern Growth Cluster it is high on the list of growth priorities for Tameside and Greater Manchester and the current demand for space to support manufacturing industries offers a unique opening to provide a base for growing innovative businesses.

Ashton Moss' location brings abundant advantages, on the edge of Ashton Town Centre it is well connected with excellent local transport links and in close proximity to the M60 and M62, giving industrial hubs easy access across the region. By rail, it's just a train ride to nearby cities and the Northern Powerhouse with Manchester Airport just a twenty-minute drive away.

This means that it can reap the benefits of being close to the North West's advanced manufacturing, research and sectoral focus on advanced materials, alongside health/life sciences and technology. Projects such as HS2 and Transport for The North will also only add to the infrastructure and network access boosting current connectivity further.

Additionally, the site is not just situated next to the current Ashton Moss employment area but it is closely linked to St Petersfield, another regionally significant site primed to provide high quality office space alongside new homes. It is also perfectly placed to reap the benefits of being in one of the most digitally connected boroughs in GM, an advantage of being surrounded by the dark fibre network as well as blue and green infrastructure.

The development framework is a step in the right direction and I am really excited to see the story of Ashton Moss unfold over the next months and years and move forward a new chapter for Tameside.

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Comment: Final Report
This document has been prepared and checked
in accordance with ISO 9001:2000.

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1.0

INTRODUCTION

1.0 Introduction

1.1 The Site and Project Background

This document has been prepared on behalf of Tameside Metropolitan Borough Council (TMBC) and sets an ambitious comprehensive approach to employment growth in Tameside. It considers the sites known as Ashton Moss West (AMW) and Ashton Moss East (AME) (formerly 'Plot 3000') (see figure 1.1), which have been identified collectively as a strategically important employment site, with the potential to generate high-value jobs and support the local economy.

This Development Framework considers the two parcels, located to the west and east of the M60 respectively, to deliver a comprehensive approach to development on these sites in order to achieve employment growth for Tameside.

TMBC secured Evergreen funding from the Greater Manchester Combined Authority (GMCA) to further the ambitions of adopted and emerging employment allocations for the sites and to develop the vision to the next level of detail (i.e. through this Framework). The combined site is referred to as Ashton Moss Innovation Park.

Ashton Moss Innovation Park is envisioned to provide employment uses focusing on advanced manufacturing and innovation. Tameside has a strong Advanced Manufacturing cluster and the immediate and wider area has demonstrated a need for business and innovation opportunities to support 'move-on space' for business incubators and draw on those links to higher education and research.

This ambition is supported by the Greater Manchester (GM) Strategy which frames the approach to building on core economic strengths of the city region including a globally competitive manufacturing sector, a vibrant digital sector, excellent air connectivity and a dynamic regional centre driving growth. The GM Strategy seeks to heighten the importance of town and district centres by generating jobs and building on the existing GM workforce, including one of the largest graduate pools in Europe. Opportunities for job creation are focused on strong employment locations, well associated with residential areas in order to support sustainable and inclusive development. The Strategic Plan of nine Greater Manchester Authorities, Places for Everyone (PfE), has considered the need for employment land in both quantitative and qualitative terms considering employment forecasting.

The site is well positioned in close proximity to Ashton town centre, the Metrolink and the M60, and can provide job opportunities with easy access to existing nearby residential areas and amenities in order to realise the ambition for sustainable employment development in Tameside.

The baseline analysis has identified unprecedented demand for spaces to support a wide range of industrial, manufacturing and other industries. This site is optimally positioned to both provide jobs for local people and attract specialist talent from around the region.

//

We are seeing unprecedented demand for spaces to support a wide range of industrial, manufacturing, assembly and other industries. Ashton Moss Innovation Park is optimally positioned to both provide jobs for local people and attract specialist talent from around the region.

//

1.2 Purpose of the Document

This Development Framework is an investment, planning and economic tool to guide and drive forward development on the site. It provides a flexible strategy, identifying scenarios available to potential occupiers, investors and developers.

The document clearly identifies and outlines the site's constraints and opportunities for development, as well as the key delivery considerations and options for the site. It furthers earlier conceptual work undertaken to establish the site's potential and sets the basis for more detailed work.

It should be noted that this document provides a Framework for development, and does not seek to identify or resolve a strategy for development of the site. Much more detailed baseline assessment work and mitigation strategies would be needed to inform development proposals for the site.

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Further detailed design work to establish the ground conditions, infrastructure design, site levels, drainage and the remediation of the site will be required to determine its delivery. It identifies the potential next steps and further due diligence required as well as a strategy for delivery of an employment focused development.

The intention is for this Framework to be taken forward to detailed design and deliver significant economic growth for Tameside, along with social, environmental and infrastructure enhancement for the area.



Figure 1.1: Location of the site within Ashton-under-Lyne context

1.3 Shaping the Framework

In order to structure and inform this Development Framework, a series of steps have been taken to ensure a rigorous understanding of the site. Due diligence has included a review of previous work (including baseline in support of the PfE proposed allocation) and the existing and proposed planning allocations. Additional studies and surveys undertaken in spring/summer 2022 have underpinned this Development Framework, which have included:

- townscape and movement analysis
- topographical survey
- arboricultural condition survey
- ecological baseline walkover
- biodiversity net gain feasibility assessment
- utilities searches

The site is within private ownership, with three major landowners. We have sought to engage these land owners and understand their views and aspirations for the development of the site. We have also engaged extensively with the Council's officers, including highways, planning and environmental services.

TMBC have a crucial role in driving the opportunities that the site presents for job creation and economic growth, including considering land assembly, infrastructure delivery and site priorities. Input from GMCA, Transport for Greater Manchester (TfGM) and MIDAS has also been sought to understand the policy implications, investor trends, regional business opportunities and emerging infrastructure plans.

1.4 Structure of the Document

This Development Framework considers the site's background and context, including the site's status in terms of planning, history, process and ownership. An analysis of the site's context is presented considering the planning status and risk, market forces, and opportunities for employment generation. This has informed the site's constraints and key opportunities.

Our baseline research and analysis has informed the Vision and Objectives for the Site, which in turn inform the development scenario testing and framework options presented within this document. The final sections provide delivery and phasing strategy recommendations including infrastructure investment required to support delivery of the options.



The Context

An appraisal of the strategic, regional, city region and local context of Ashton Moss to understand how the place is structured and existing opportunities and constraints.

The Vision

Defining a strategic vision and objectives for Ashton Moss which to inform its growth over the coming years

The Framework

An illustrative Spatial Framework is presented for the site which defines key scenarios for growth and sets out options for delivery of access, landscape, development and infrastructure requirements.

The Delivery Strategy

An overview of planning, delivery and phasing considerations for the site.

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The two sites known as Ashton Moss West and Ashton Moss East are considered cumulatively within this Development Framework. Situated in a prominent edge-of-centre location adjacent to Ashton-under-Lyne town centre and on the outskirts of Greater Manchester, the site benefits from its **proximity to major employment, retail and leisure parks** and benefits from excellent **public transport links**. The Metrolink runs along the southern border of the site, with two stops available adjacent, while **Ashton Railway Station is less than 1km to the East** and **Guide Bridge Station 600m to the South**. Several bus services run from the A6140 and the site has easy road access to Junction 23 of the M60 which dissects the site itself.

The site is well served by a **dark fibre network** and surrounding **blue and green infrastructure**, presenting itself as a **logical extension** of the current Ashton Moss employment area.

Figure 2.1: The site

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2.0

STRATEGIC CONTEXT



2.0 Strategic Context

Ashton Moss Innovation Park has the potential to contribute employment floorspace and create high-value jobs in Tameside. In order to position the site within the wider employment and advanced manufacturing context, the national, regional and local picture has been reviewed. This helps to define the wider successes and forecast the market opportunities for the site. It also confirms that the site is strategically well placed within Greater Manchester (GM) and the wider North West (NW) region to benefit from a diverse talent pool.

The industrial sector is a segment of the economy made up of businesses that aid other businesses in manufacturing, shipping or producing their products. The industrial sector makes up what is often called the secondary sector. Each of the sectors is made up of distinct industries, all of which perform a common role in production.

The industrial and logistics sector in real estate terms relates to all industrial sub-sectors, of which advanced manufacturing and warehousing & logistics come under, as well as automotive, aerospace, retail and wholesale, etc.

When analysing the occupier blend of industrial parks, there is often a mix of various industrial sub-sectors that cluster together to benefit from the concentration of resource, energy and skills.

Rather than clusters being comprised of a singular use, they are in fact made up of diverse but complimentary set of companies, suppliers, distributors, service providers, educational, research and specialised training institutions. Collectively they fuel the regional economy, generate payrolls that can sustain families and create strong innovation.

2.1 The UK Industrial Sector

The Industrial and Logistics¹ (I&L) sector is a key component of the UK economy, creating 3.8 million jobs and generating £232 billion in GVA.

This sector has wider benefits given the supply chain links. For every 10 warehousing jobs created, 7 additional jobs are created across supply chains. In terms of manufacturing, this is even greater, as 12 supply chain jobs are generated for every 10 jobs (Potter Space, 2022²).

Over the last 10 years, jobs within the industrial and logistics sector have grown by 26% as opposed to only 14% for the economy as a whole, in part supported by Covid and Brexit. 2021 was a record-breaking year for the I&L sector, with take up nationally at 78 million square foot, surpassing the previous record set in 2020 by 29%. Occupational activity was led by the retail and wholesale sector with Amazon being the most active single player, accounting for 12.5 million sq ft of space across 32 deals.

Alongside this, there was a fall in demand for second-hand stock, with take-up at its lowest proportion ever recorded (21%); evidence that occupiers are increasingly focusing on Environmental, Social and Governance (ESG) credentials, and looking for modern units that help them achieve a move to low carbon and negate rising energy costs.

There are various growth drivers for the I&L Sector, including growth in online sales, and the drive to greater on-shoring with a preference for UK-focused warehousing and manufacturing space to be more resilient to supply concerns overseas. Whilst this is all positive, the current economic climate is challenging and with inflationary pressures, some investors and developers are struggling to make development sites work, given the viability gap.

Both investors and occupiers are now waiting for the market to stabilise, while company insolvencies are expected to increase. Data from 2022 Q3 suggests occupier demand has fallen by 28% compared to the previous quarter, with take up reducing from 16.2m sqft to 11.6m sqft in the North West. Investment yields have moved outwards in a short-space of time to reflect falling land values and increased risk. This market shift will impact the supply of new sites over the shorter-term, until the current recessionary cycle is over.

Positively, the market fundamentals are strong and there remains an undersupply of good quality space. 90% of occupiers expect to require the same or more warehouse space in the next three years³. The demand for industrial space will continue, and this pause in development will only exacerbate the current imbalance, suggesting the current market turbulence may have a limited impact on development at Ashton Moss given the expected delivery timescales.

¹ The industrial and logistics sector in real estate terms relates to all industrial sub-sectors, of which advanced manufacturing and warehousing and logistics come under, as well as automotive, aerospace, retail and wholesale, etc

² Potter Space 2022. Big Things in Small Spaces: Lifting the lid on the strength and opportunity in England's sub-100k sq. Available at: <https://www.potterspace.co.uk/storage/app/media/BIG%20things%20in%20small%20boxes%20report%20FINAL.pdf> (ft. logistics property sector)

³ Spotlight: European Real Estate Logistics Census – Autumn 2022 (Savills, 20th September 2022) Available at: https://www.savills.co.uk/research_articles/229130/333187-0

2.2 National Innovation Policy Context

Advanced Manufacturing is an important focus for Government, given its potential to promote innovation, research and development and generate high-value jobs. Greater emphasis has been placed on the importance of innovation with the announcement in the Autumn Statement (November 2022) of greater investment for research and development.

Public spending on Research and Development (R&D) is set to increase to £20bn a year by 2024-25, an increase of a third compared to 2021-22. The UK's most innovative programmes will be supported directly through an increase of £2.6bn in innovative UK programmes during this period. Funding for the catapults, where the application of research is accelerated and new technologies are further developed, will increase by 35%.

The Made Smarter programme, which helps SME manufacturers to innovate and create new opportunities and technologies in the process will continue to be supported and rolled out to the East Midlands following its success in the North West, North East, West Midlands and Yorkshire and the Humber.

Government will continue to increase the availability of the Seed Enterprise Investment Scheme which helps to generate funding for new businesses and has indicated that it may also do the same for the Enterprise Investment Scheme. There may be changes to encourage greater institutional investment into innovation which could mean pension funds being encouraged to support high technology firms.

Whilst the general principle of Investment Zones survives, these will now be focused in developing a limited number of high potential clusters for new growth industries and leveraging research strengths to do so.

This focus on developing high quality clusters is emphasised by the proposed changes to EU regulations in five growth industries namely digital technology, life sciences, green industries, financial services and advanced manufacturing. The UK's Chief Scientific Adviser is to review changes to regulations to better support the safe and fast introduction of new emerging technologies.



Regatta Building, Trafford, Manchester

2.0 Strategic Context

2.3 Employment in the North

There is a well established and growing manufacturing and logistics cluster in the North of England and Greater Manchester (GM). This forms the fulcrum of a number of innovation, advanced manufacturing, industrial and logistics corridors reaching to Liverpool and out through Cheshire. Liverpool Freeport has unlocked a significant trade route with the Humber Freeport creating an east-west corridor, known as the Atlantic Gateway.

The Northern Powerhouse has established a regional focus around national and international trade. A key economic focus of the region is manufacturing, innovation and logistics. This maximises the established and emerging skills base, as well as supporting an improving strategic transport network, including Transport for the North and High Speed 2 (HS2).

The site is positioned within a high-performing sub-region in the North West, which benefits from sectoral clustering of advanced manufacturing (circa 4,000 companies), research and a focus on advanced materials, alongside health/life sciences and technology.

Despite the city-region's manufacturing industry employing 110,000 people and generating £8bn of economic output each year, there is a recognition that in recent years the balance of employment has shifted to lower productivity sectors and therefore a greater emphasis is needed to create higher-skilled, innovation-led jobs.

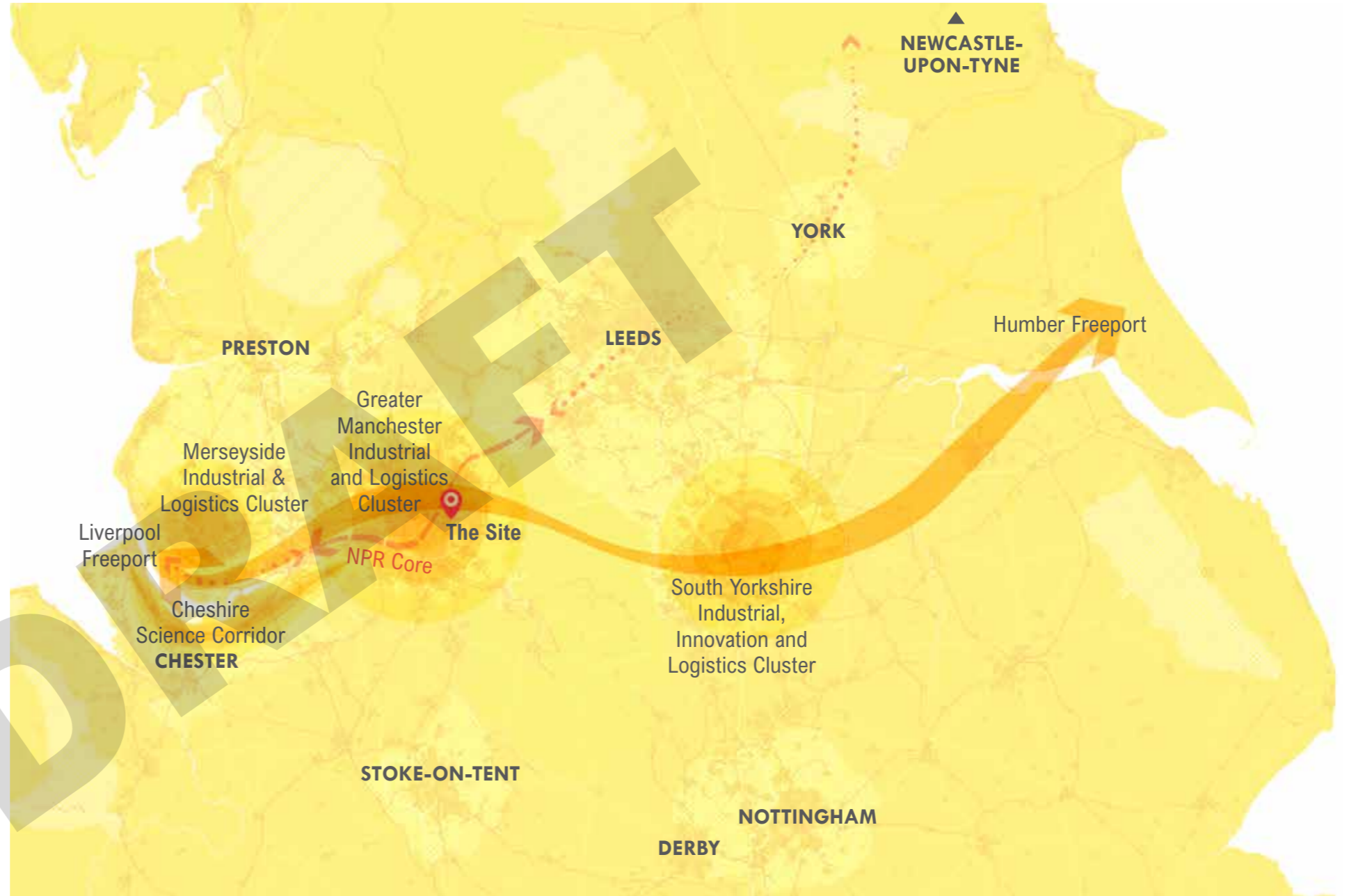


Figure 2.1: A network of innovation in the north of England

2.4 The North West

The North West is the UK's second-largest region in terms of gross value add (GVA). The entire region makes up almost a tenth of the UK economy. The manufacturing sector here accounts for 14.3% of the region's total output, above the UK average of 9.6%. The three subsectors that dominate North West manufacturing include Transport Equipment (15.8%), Chemicals (15.3%), and Pharmaceuticals (14.8%). There were 335,000 manufacturing jobs in the North West in 2021, accounting for 9% of the region's total workforce and 1% of the UK's total workforce.

Manufacturing productivity is at 109.8%, above the UK average, ranking third across all regions. The North West region has seen significant increases in those employed in manufacturing jobs (16,000 2021-2022), amongst a climate of employment decline amongst most regions. Business confidence in the North West is joint second highest of all regions (BDO, 2022)¹.

Greater Manchester

A Local Innovation Plan is in place for Greater Manchester which acknowledges the potential for Greater Manchester to be a 'national innovation-led growth pole', given its connectivity to key talent (7 million people live within 1 hour of the city region), existing innovation corridors (such as Oxford Road and Salford Innovation Triangle) and key innovation-led projects which are in the pipeline (such as ID Manchester). The Greater Manchester Local Industrial Strategy (June 2019) seeks to position Greater Manchester as a world-leading city-region for innovative firms to experiment with, develop and adopt advanced materials in manufacturing.

A key priority for Greater Manchester is to focus on growth and innovation in sustainable advanced materials and manufacturing, health innovation and life sciences, digital and creative and net zero.

These industries will be delivered across six growth locations, including Atom Valley, the North West's largest development site focused on high-value manufacturing and Research and Development (R&D), and the Eastern Growth Corridor which includes the Ashton Moss site.

Greater Manchester is looking to capitalise on devolved health powers (£6bn) and its' recognised research capabilities in health innovation to improve the population's health, while also creating new industries and new jobs.

Graphene and other 2D advanced materials will be commercialised and supported by a complementary advanced manufacturing base with strengths in materials and textiles, chemicals, and food and drink. The University of Manchester is delivering a Graphene City in the centre and an Advanced Materials City in the North East Growth Corridor.

It is important to recognise that these sectors do not exist in isolation; there are key synergies between them that need to be exploited; a key benefit for the Ashton Moss site is its' location and connectivity within the wider Greater Manchester sub-region.

¹ BDO, 2022. Manufacturing Outlook Report: Q3 2022

2.0 Strategic Context

2.5 Northern and Greater Manchester Connections

The Greater Manchester Strategy sets out a collective ambition and strategy to harness the strengths of Greater Manchester's (GM) people and place to create a more inclusive and productive city region. This also sets the framework for the local Industrial Strategy to build on core strengths including a concentration of science, research and innovation assets driven by the universities; a competitive manufacturing sector with a niche in advanced materials, textiles, chemicals and food and drink. There is a vibrant digital sector and a strong cultural and sporting economy. These opportunities are able to build on local and strategic transport networks including air, road, rail and water connectivity.

There are a number of key documents which support this strategy including:

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- The Greater Manchester Spatial Framework
- The Greater Manchester Investment Strategy
- Greater Manchester's Digital Strategy
- Greater Manchester 2040 Transport Strategy
- Climate Change and Low Emissions Implementation Plan
- Greater Manchester Work and Skills Strategy
- Northern Powerhouse Independent Economic Review and Strategy

The site benefits from its position at the centre of the Northern Powerhouse region, in proximity to the urban hub of the city and to the local national parks.

There are also a wide range of other regional employment, logistics and business hubs around the GM region. Although these are in some respects competition for the Ashton Moss Innovation Park site, they also provide a complementary offer around the region which can be seen as a positive attribute.



Figure 2.2: The site within the Greater Manchester context

2.6 Infrastructure Growth

Ashton Moss benefits from being well-connected to the existing strategic road network (Junction 23 M60), as well as excellent connections via public transport (buses, and Metrolink and associated Park and Ride, Ashton railway station), and the potential for a future railway station in proximity to the site (proposed within Places for Everyone). This local connectivity and access to a key talent pool within an hour's commute of the site solidifies its attractiveness as a key employment location.

HS2 is a potential opportunity and consideration for Ashton Moss Innovation Park. Phase 2b, which includes two stations in Manchester, at Manchester Piccadilly and Manchester Airport, will bring new jobs, training opportunities and business for local residents and companies. Support was confirmed by Government in the Autumn Statement (2022).

Northern Powerhouse Rail is now to be scaled back to a 'core' version which references the Integrated rail plan, for a high-speed line between Warrington, Manchester and Marsden. The new line from Liverpool to Leeds via Manchester and Bradford will not go ahead, nor will a new station in Bradford. There are also planned upgrades to regional rail routes including the Transpennine Railway and the Hope Valley Line Upgrade.

Dark Fibre Network GM

Tameside offers secure and world class digital infrastructure. Swift Wi-Fi provides free community wi-fi. Tameside Digital Infrastructure Cooperative Dark Fibre offers high upload and download speeds and reliability for commercial ISPs. The area is at the forefront of the 5G rollout. Openreach will provide Fibre to the Premises (FTTP) connectivity.

Virgin Media (Business) has invested £23.8m into the deployment of a 2,700km long 'full fibre' network in Greater Manchester, designed to connect 1,700 public sector sites which is estimated to have already delivered an £11.8m economic boost to the local economy. Ashton is home to a powerful data centre, located at the nearby Ashton Old Baths, which provides secure and high-speed connectivity to the whole of Tameside. This makes Tameside the best digitally connected borough in Greater Manchester and within the top 15 within the UK.

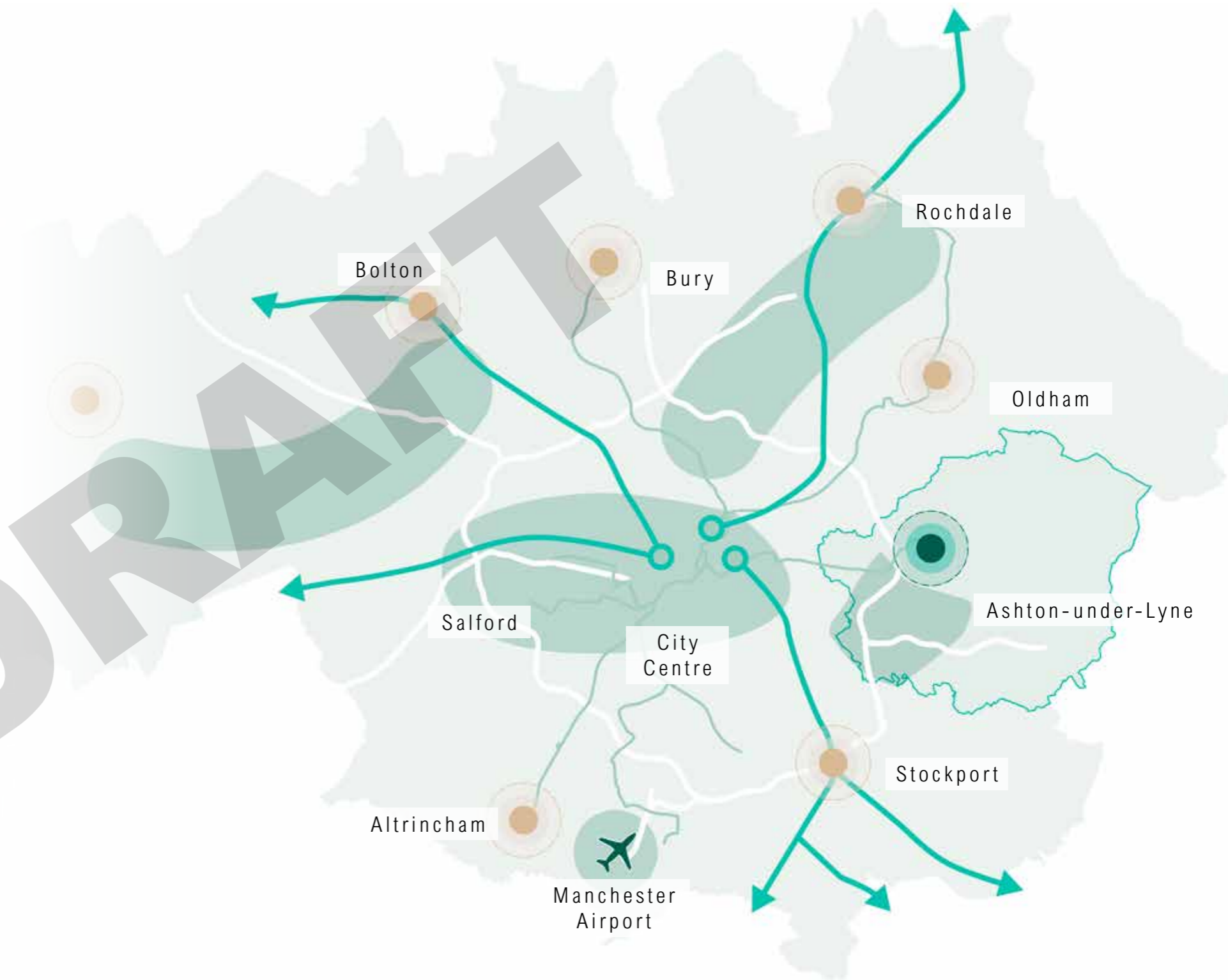


Figure 2.3: Transport and economic connectivity around Greater Manchester

2.0 Strategic Context

2.7 Places for Everyone

The site is allocated in the Places for Everyone Plan (PfE) which sets out a long-term plan, up to 2037, for nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) for jobs, new homes, and sustainable growth.

The submitted PfE plan recognises the importance of industrial and warehousing accommodation to advanced manufacturing and logistics, and its importance to other parts of the economy and efforts to reduce inequalities.

The supporting text notes that advanced manufacturing is a particular strength, supported by the city-region's high concentration of research assets. Greater Manchester is recognised as an internationally important test-bed for new products and services, renowned for its ability to drive adoption of approved innovations at pace and scale. Enabling the success of this sector will be important for the wider prosperity of the North of England.

Greater Manchester's (GM) long-term economic success will partly depend on the ability to continually renew and enhance the supply of accessible industrial and warehousing premises, responding to changing business practices and demands. Rising levels of automation and digitisation, increased customisation, greater integration of product services, and demands for more functionally and energy efficient premises are all leading to the need to increase the supply of new high quality floorspace, often with larger floorplates (PfE).

The PfE policy (Policy JP-J4) notes the need to provide for 'at least 3,330,000 sqm of new, accessible, industrial and warehousing floorspace will be provided in the Plan area over the period 2021-2037'. The draft policy recognises the need to ensure choice and flexibility, offering a range of opportunities, making the most of key locations and increasing the supply of high-quality sites to bolster competitiveness.

The Policy sets out the potential for employment sites delivering more than 100,000sqm to provide (inter alia) opportunities for advanced manufacturing.

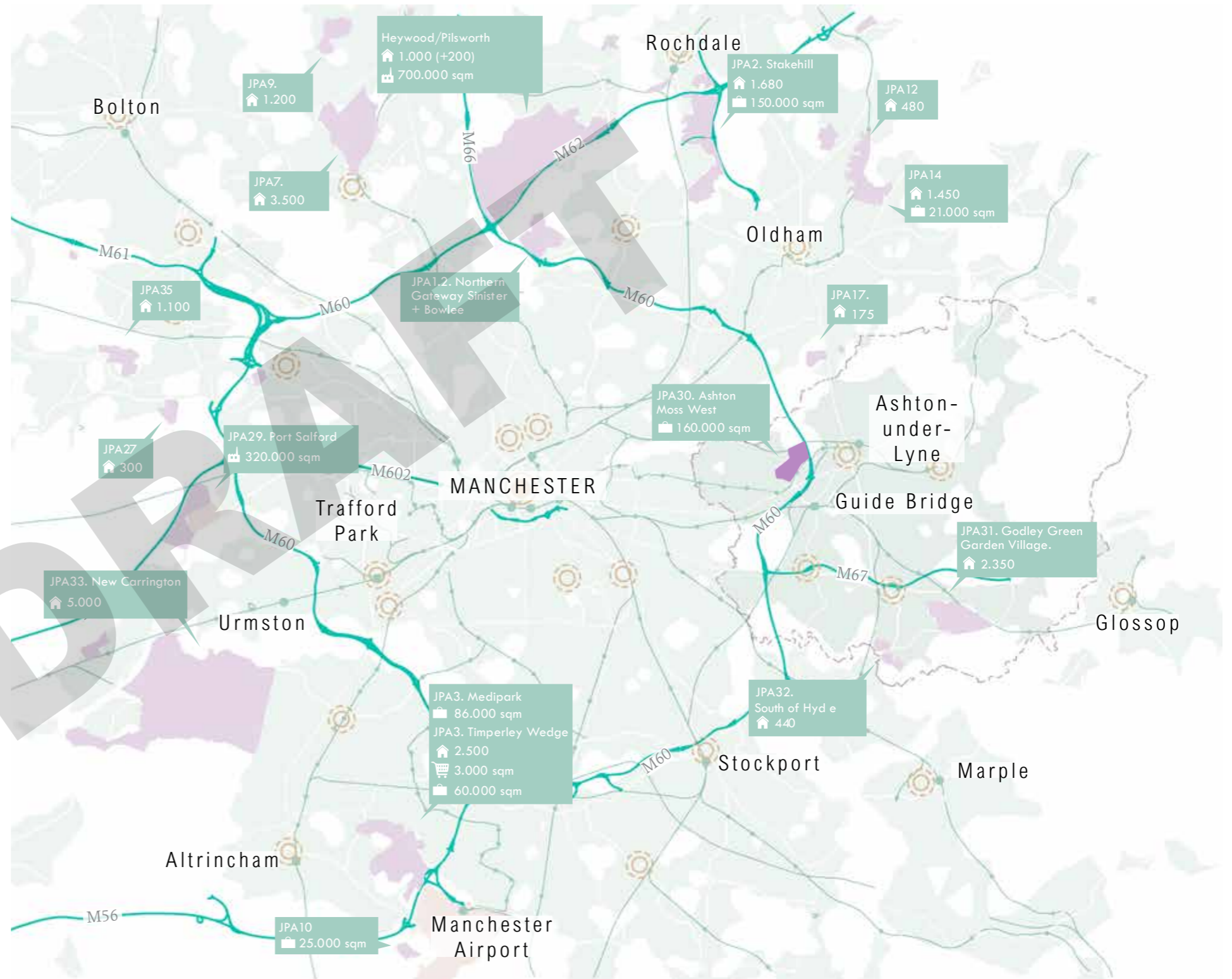


Figure 2.4: Places for Everyone proposed employment allocations

2.8 Tameside and the Local Context

Industrial Market Review

Tameside’s industrial/employment land pipeline comprises 59 sites, capable of delivering 155,786 sqm industrial floorspace. Seven of these sites are larger than 1 hectare in size, the largest being Ashton Moss East, although the majority comprise smaller site opportunities. A full breakdown is provided in Table 2.1

Some of the industrial sites are identified as they have extant planning permission for an extension to existing employment premises, for example, proposed delivery of additional units to support existing employment uses.

Site Name	Brownfield/ Greenfield	Construction Status	Planning Status	Developable Area (Ha)	Additional Information
Ashton Moss Plot 3000 (Ashton Moss East) Lord Sheldon Way, Ashton-under-Lyne	Greenfield	Not started	Permitted	8.75ha	Development has not commenced. Awaiting reserved matters application.
Shepley Industrial Estate Extension Shepley Road, Audenshaw	Greenfield	Not started	Full planning application (21/01348/FUL) approved in November 2022 for the erection of five mixed employment units and a timber manufacturing facility.	2.12ha	Development has not commenced, but permission now granted for 5 no industrial units and timber manufacturing facility.
Oxford Street Mills Oxford Street East, Ashton-under-Lyne	Brownfield	Not started	Pending decision for full planning application (ref. 21/01080/FUL) for the erection of 3 no. B8 units.	1.43ha	Permission currently pending for a scheme consisting of 3no industrial units. Assume multiple units built out in phases over a number of years.
Ashton Street / Gate Street, Dukinfield	Brownfield	Not started	Not permitted	1.13ha	Development has not commenced. No employment planning permission in place. Assume multiple units built out in phases over a number of years.
Off Hattersley Road West, Hattersley, Hyde	Greenfield	Not started	Not permissioned (for employment use) but full planning (12/00813/FUL) secured for a new access road in November 2012. The permission has since been implemented.	3.62ha	Hattersley and Mottram SPG (March 2004) confirms site has been constrained by market demand and requirement for improved road access (now implemented). No employment planning permission in place. Assume multiple units built out in phases over a number of years.
Former Total Petrochemicals Globe House, Bayley Street, Stalybridge	Brownfield	Not started	Previous consents for demolition of previous operational buildings (12/00897/NDM) (13/00389/NDM), and consent granted for new office (16/00716/FUL) on part of the site.	3.8ha	Development has not commenced. No employment planning permission in place. Assume multiple units built out in phases over a number of years.
Moss Way / Audenshaw Road DOA	Brownfield	Not started	No planning permission (previous applications for mixed use development were withdrawn – reference: 07/00767/OUT). Proportion of site seeking change of use for waste transfer station (21/00071/FUL) awaiting determination.	4.87ha	Portion of site has been developed for a waste transfer station (seeking retrospective approval).

Table 2.1: Allocated Employment Sites over 1ha in size (Strategic Housing and Economic Land Availability Assessment (2022))

2.0 Strategic Context

2.9 Tameside Socio-Demographics

Tameside (OL7 Postcode area straddling Ashton and Droylsden) has a greater proportion of 0-24 year olds than Tameside and the wider North west region, and comparatively fewer people aged 55 and over. The local area also presents a greater proportion of 25-34 year olds.

In terms of population forecasting, over the next five years there is expected to be a 14% increase in 5-19 years olds and a 16.5% 35-44 year olds (for OL7 postcode area). This is positive as the area immediately surrounding the site has a growing working age population.

This also highlights the importance of bringing Ashton Moss Innovation Park forward, and creating high-value employment opportunities, and to help to stem out-commuting.

Tameside is ranked 23rd most deprived Local Authorities in the Index of Multiple Deprivation (2019). Its position has worsened since 2015 when it was ranked 34th.

The area immediately surrounding the site is characterised as a deprived catchment, with many of the Lower Super Output Areas (LSOAs) being within the top 10% most deprived, particularly for health and life expectancy.

A PROMIS report suggests Ashton contains a significantly above average proportion of adults of working age categorised within the least affluent D and E social groups (which includes those in skilled and unskilled manual employment, the unemployed and those on state benefits); social group C2 (which includes those in skilled manual employment) is also over-represented. In contrast, the most affluent AB social group (which includes those in managerial and professional occupations) is particularly under-represented within the Ashton area and social group C1 (which includes junior non manual employees) is moderately under-represented.

The level of car ownership in the locality is significantly below average overall, although a key benefit is the connectivity of the site via public transport modes, which should support in attracting more local workers to the site once a development comes forward.

Tameside's proportion of residents with no qualifications is in line with the North West and slightly above the GB average. The disparity in education begins to emerge at GCSE level, and increases to almost 9% points below Northwest at A-level qualifications, and 11.6% at university degree level, which provides a challenge to prospective businesses in Tameside, particularly businesses within the knowledge economy. This indicates that there needs to be a programme of upskilling to go alongside the proposed development, forging links with existing local educational institutions such as Tameside College.

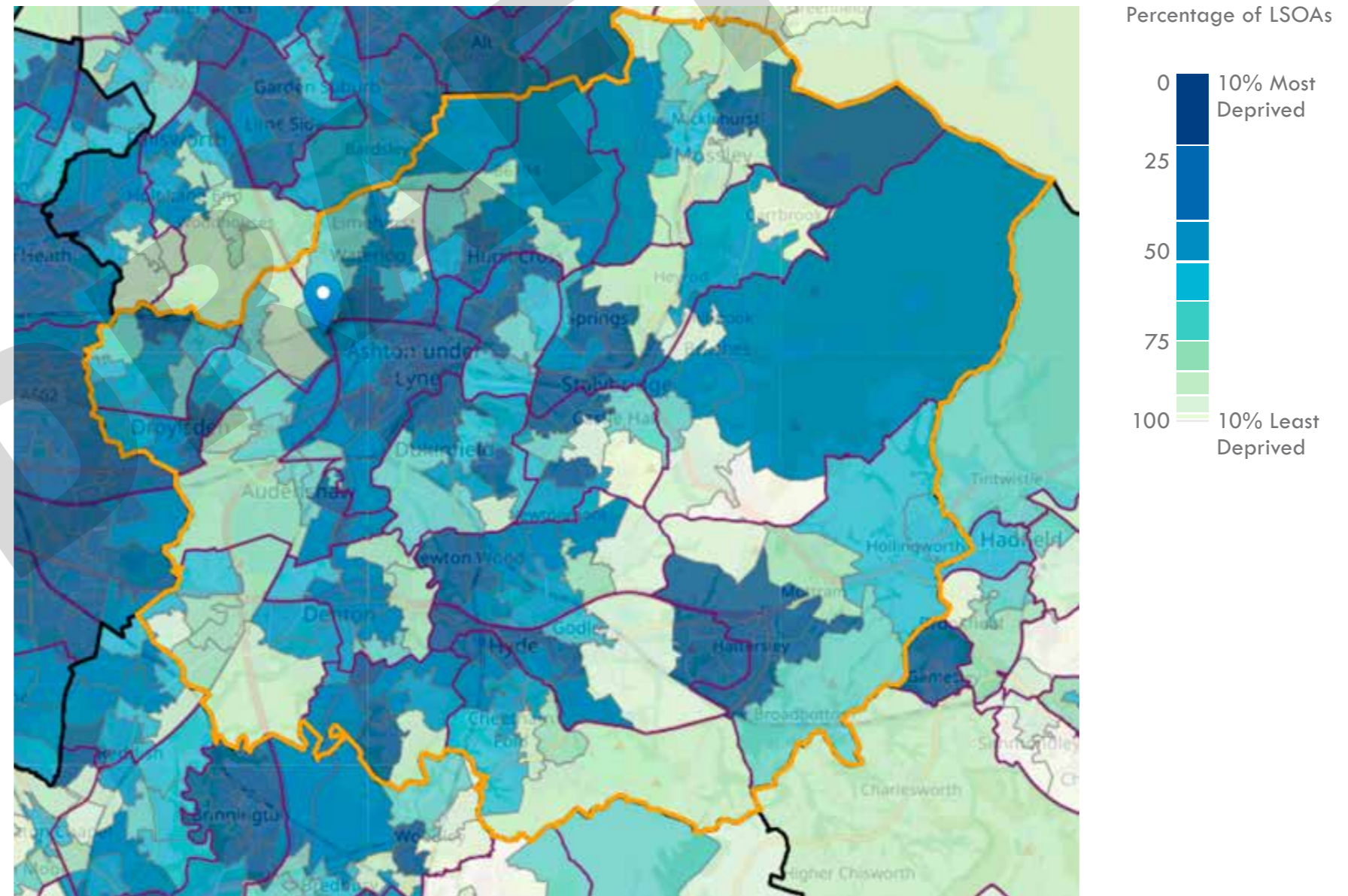


Figure 2.5: Index of Multiple Deprivation (2019) in Tameside (Source Department for Communities and Local Government, 2019)

Tameside (Local Authority area) has a relatively weak local economy, having grown by 8% between 1999 and 2016, compared to 24% in Rochdale and 54% in Salford. Since 2014, productivity growth has been -0.8%, although there is a growing business base in the Borough.

Unemployment is lower than the North West (NW) and Great Britain (GB) average, although there are a higher proportion of workless households (17.4%) compared to 15.5% for the NW as a whole.

Tameside residents are employed primarily in skilled trades, associate professional and professional occupations, and have relatively high proportions of residents working in skilled trades, sales and plant and machine operation, relative to NW and GB. The low number of residents in professional occupations is shown in the graph adjacent, demonstrating that businesses in Tameside may currently find it difficult to recruit highly skilled labour from within the borough, with neighbouring boroughs gaining preference.

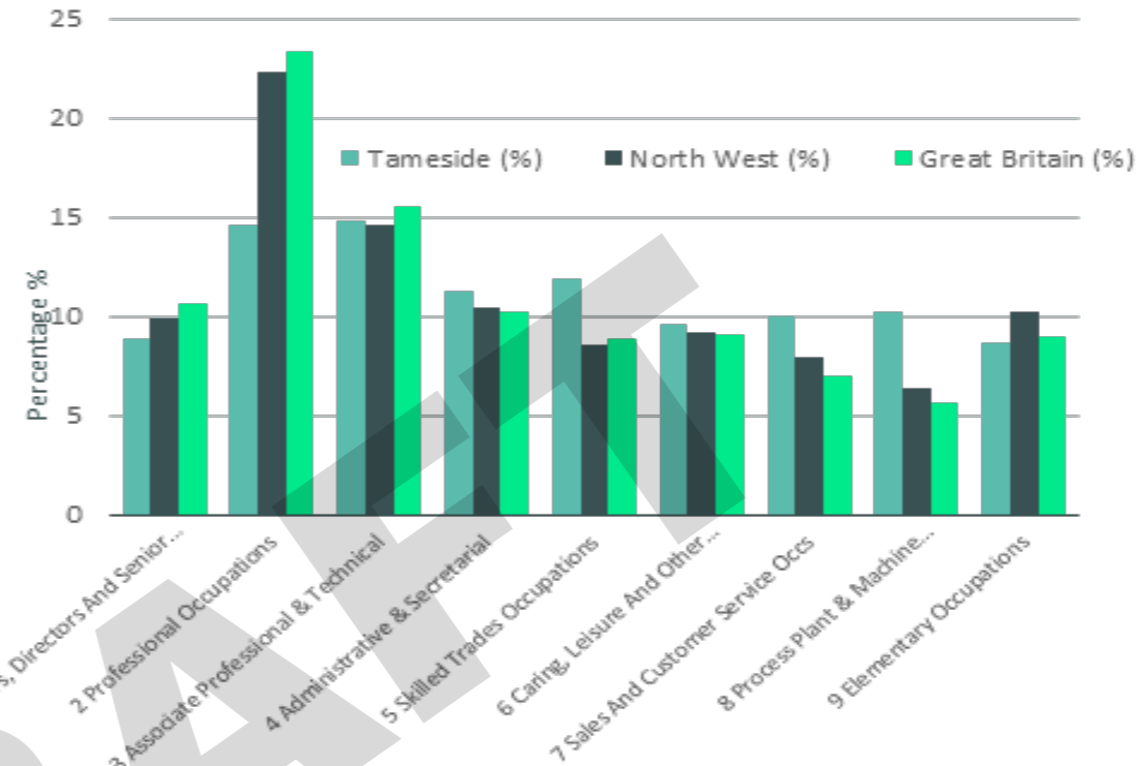


Figure 2.6: Employment by Occupation (Source: Experian, 2021)

The most prevalent industries in Tameside are retail, health and social care and manufacturing.

There has been a decrease in the proportion of jobs within knowledge economy sectors which include digital and creative, health, clean growth, and advanced manufacturing. An 8% decrease was evident between 2013 and 2018, compared to a 14% growth in England and GM. This presents a significant challenge and at the same time an opportunity to increase the share of knowledge economy jobs in Tameside, including in advanced manufacturing.

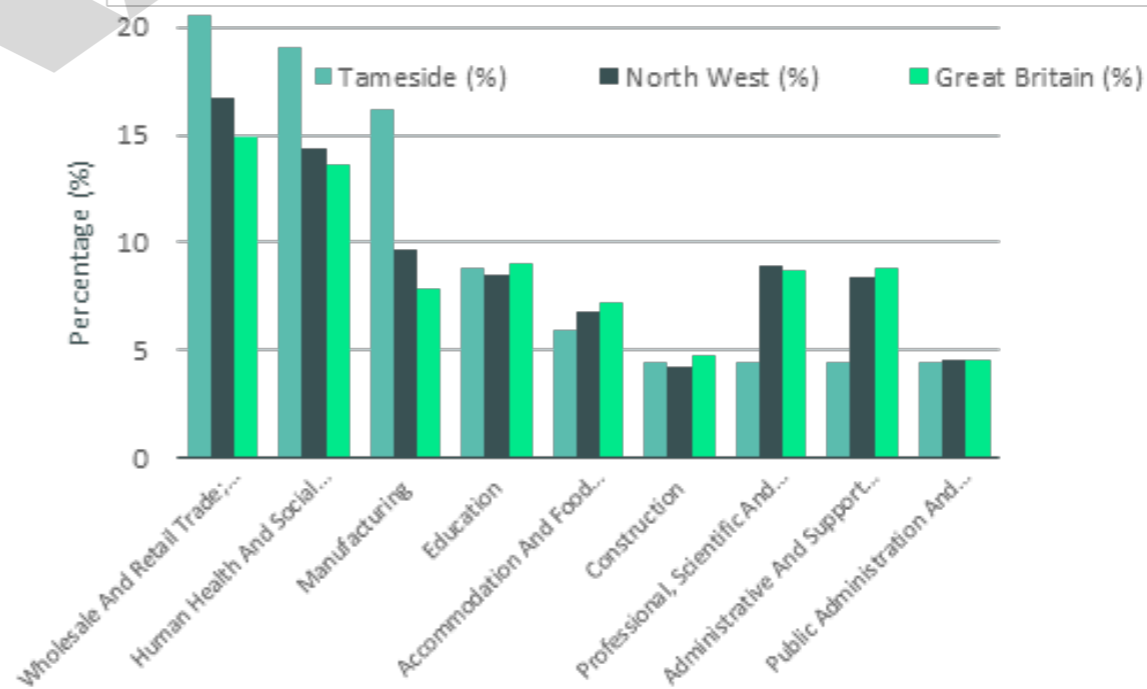


Figure 2.7: Employee jobs by industry (Source: Experian, 2021)

2.0 Strategic Context

2.10 Tameside Growth Strategies

Eastern Growth Cluster

The site falls within the Eastern Growth Cluster identified by the Tameside Inclusive Growth Strategy (2021). This cluster comprises Ashton Moss, St Petersfield and Ashton Town Centre. This strategy identifies the strengths of Ashton Moss as it's location and quality of life; connectivity - digital and strategic infrastructure; and the diverse manufacturing and engineering sector. St Petersfield is also identified, for its primary quality office development associated with the Ashton Old Baths Innovation Centre, and the wider town centre which offers a range of opportunities for residential, retail, health, cultural and leisure development.

Combined, this cluster is envisaged to create a significant new employment engine and to take advantage of the borough's city region leading digital connectivity. The Eastern Growth Cluster also lies in proximity to Hyde Triangle, where there is an outline planning permission sought for up to 2,350 new homes at Godley Green Garden Village. This would further bring a wider employment pool to the area. The build out rate is anticipated to be 132 dwellings per annum commencing in 2028/29 and completing in 2045/46.

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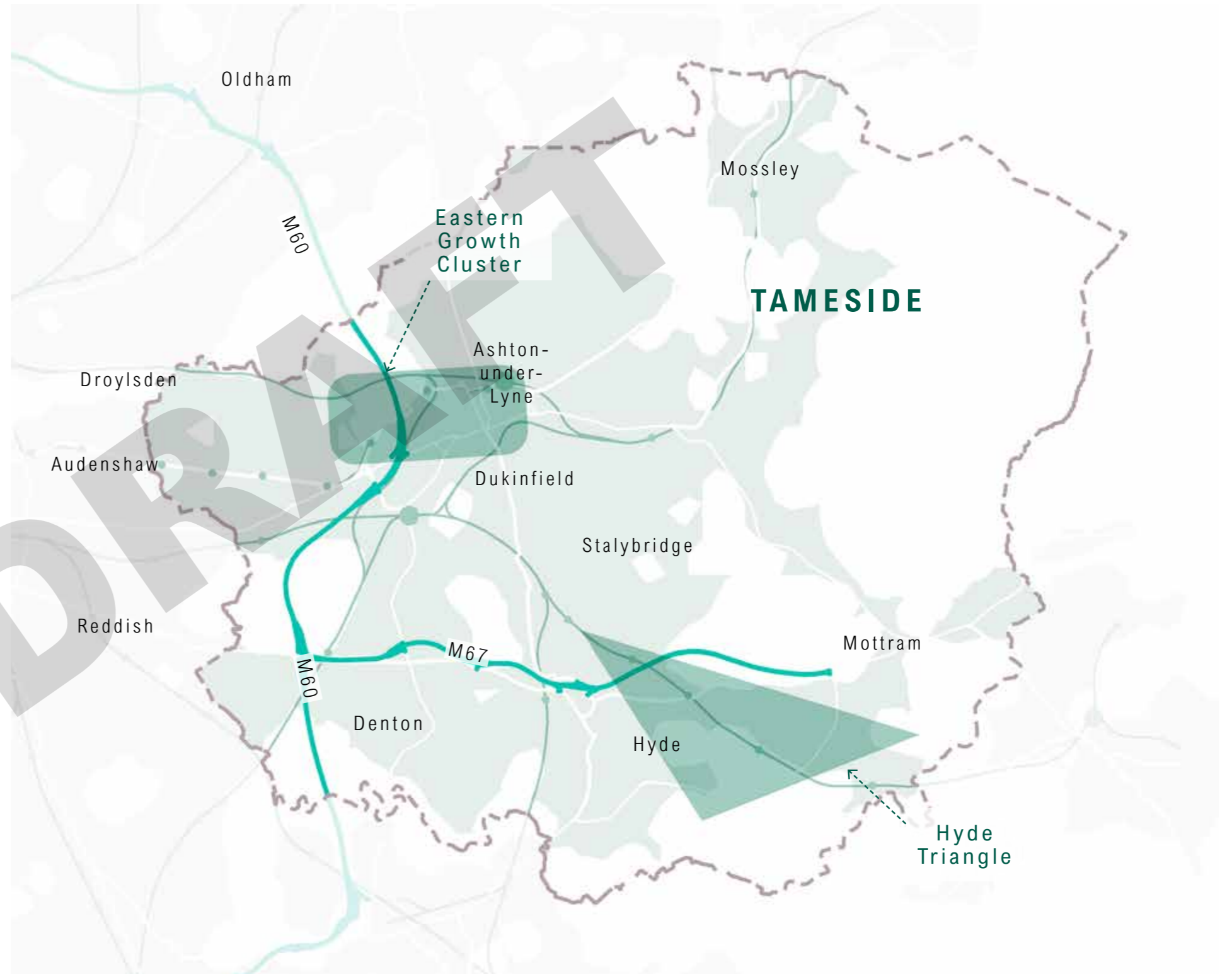


Figure 2.8: Tameside Eastern Growth Cluster

2.11 Ashton Mayoral Development Zone

The locations within the Eastern Growth Cluster form an 'innovation corridor' which has been approved by Tameside Council's Executive Cabinet as Ashton Mayoral Development Zone (AMDZ) which will boost the profile of Ashton and Tameside in general, helping to secure future funding and investment for the area. This is intended to be brought forward in partnership with the Greater Manchester Mayor's office. This Development Framework is being prepared as part of that Development Zone strategy and funding to scope the future potential of the site in more detail and its relationship to the wider area.

The AMDZ encompasses St Petersfield, a strategic mixed-use commercial destination, Ashton Town Centre and Ashton Moss. The works within Ashton Town Centre include significant public realm enhancement, Levelling-Up Funded works, as well as works to the Market Hall, Town Hall and the town's two shopping centres.

This highlights the strategic importance of the site at Ashton Moss Innovation Park as a regeneration opportunity and focus for investment and growth with the synergy that can be created by viewing the sites as part of a wider growth corridor.



Figure 2.9: Ashton Mayoral Development Zone

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3.0 LOCAL CONTEXT



3.0 Local Context

3.1 Strategic Context

Ashton Moss Innovation Park lies in close proximity to the west of Ashton-under-Lyne town centre and 8.4km to the east of Manchester city centre.

The site and the town is well connected via road, rail, bus and tram making it a highly connected location. The proximity of the site to the Peak District to the east and nearby country parks to the north and south provides easy access to the surrounding countryside.

Ashton-under-Lyne is a key town within Greater Manchester and Quality Bus Transit between Rochdale-Oldham-Ashton is proposed to provide greater integration at the outer core of the Greater Manchester area.

The Site's positioning as part of the Eastern Growth Cluster and Ashton Mayoral Development Zone, alongside investment in other sites such as Ashton Town Centre, Ashton Old Baths and St Petersfield will support the delivery of high innovation growth.

3.2 Strategic Connectivity

The site straddles the M60, Greater Manchester's outer ring road, connecting a large number of the key boroughs within the city region. The site links directly into J23 to the south on the strategic road network. Road connectivity along Ashton Old Road (A635) into Manchester City Centre also feeds from the A6140 directly to the south of the site. To the east this road leads into Stalybridge towards Glossop and the Peak District.

The railway line to the north of the site connects Ashton-under-Lyne railway station directly into Manchester Piccadilly with connections to the wider city region as well as other areas of the Northern Powerhouse, south to London and north to Glasgow and Edinburgh. The local station at Guide Bridge also serves stations to Manchester Piccadilly to the west and Glossop to the east.

The TfGM Metrolink network runs directly to the south of the site, with two stops serving the site itself. Eastbound services serve Ashton-under-Lyne and westbound services run into Manchester city centre and continue to termini at MediaCityUK and Eccles. Stations within the city centre provide connections onto East Didsbury, Altrincham, Bury and Rochdale with a planned extension north to Middleton.

Manchester Airport is located to the south of Greater Manchester, accessible along the M60 or via rail and tram links.

The site also sits in proximity to green infrastructure networks including the Beeline cycle network and Ashton Canal providing connectivity around the Greater Manchester region and into Manchester city centre.



The site has several strategic advantages; offering significant levels of sustainable travel access options, proximity to the town centre and surrounding amenities, easy access to the M60 and high quality green infrastructure.





Figure 3.1: Strategic Connectivity in Greater Manchester (road, rail and metrolink)

3.3 Landscape Setting

The site is located at the urban fringe, nestled between developed areas to the east, west and south, and swathes of undeveloped farmland to the north. The western site is currently designated Green Belt with the area to the north also falling within this designation. Although the site itself is greenfield land, it is a logical site between Droylsden and Ashton-under-Lyne which lends itself to delivering a complementary use to its surrounds.

To the north of the site lies the River Medlock valley and Daisy Nook Country Park. To the south is the River Tame. The area of the site rises up with the site itself forming an elevated area which is visible from the surrounding landscape. Stalybridge Country Park and the Peak District beyond lie to the east of the site, encompassing Tameside and marking the edge of Greater Manchester.

The Greater Manchester Landscape Character and Sensitivity Report (LUC, 2018) identified the site has having a moderate-high sensitivity for commercial/industrial development.

The elevation of the site is due in part to the inherent landscape of the area, but has been artificially raised due to spoil deposition creating a more pronounced elevated platform within the site.

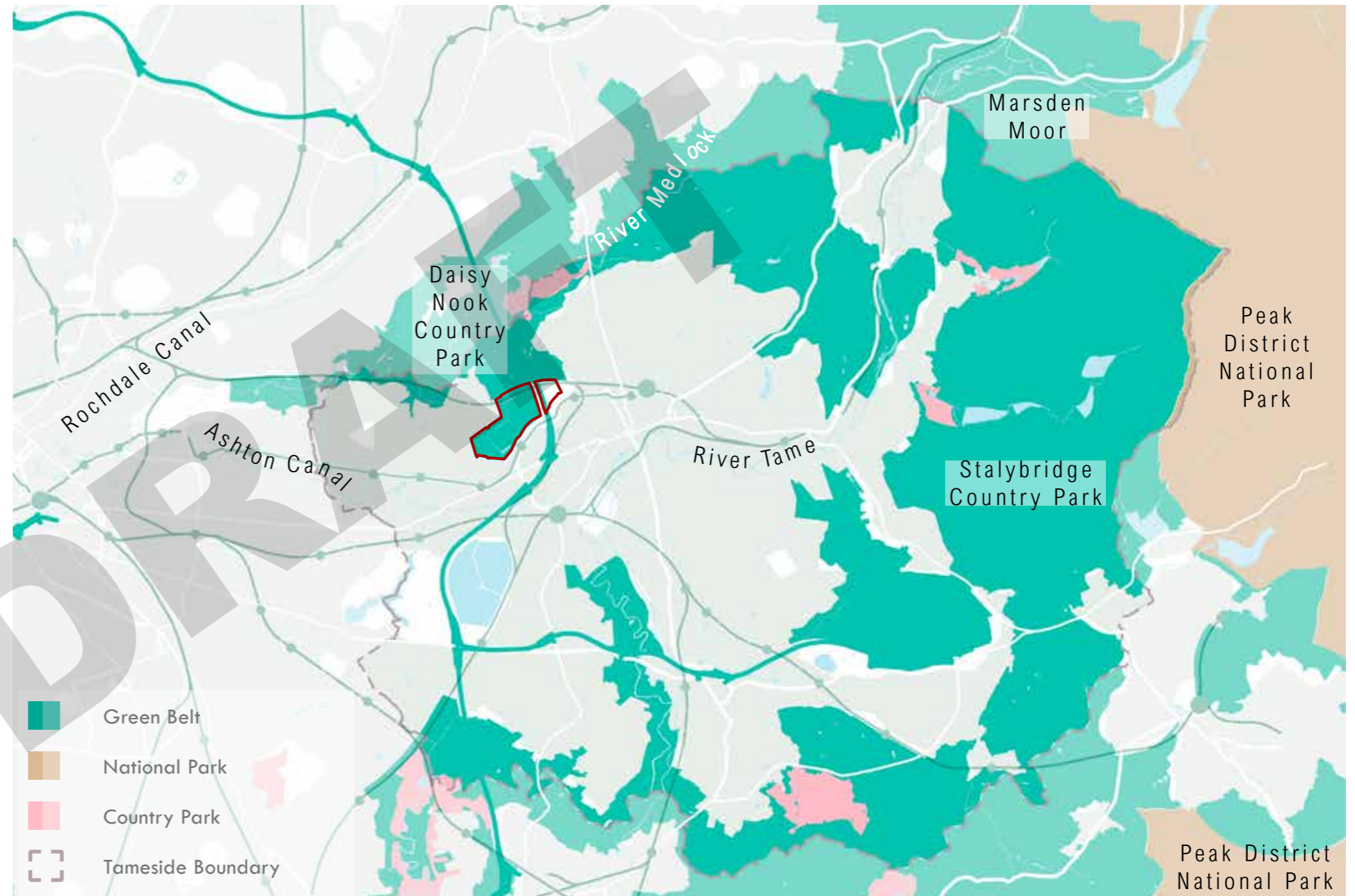


Figure 3.2: Landscape setting

3.4 Green and Blue Infrastructure

The site is currently well used by local residents for walking and recreation, however it does not have any formal designation as open space or otherwise, and although footpaths are found across the site, these are generally informal created through fences. There are a number of Public Rights of Way (PRoW) across the site. A north/south off road route runs to the west of the site from Little Moss in the north to the A6140. The nearest park to the site is Lees Park, just to the west serving the residential area.

To the east and north east of the site lie a number of playing fields including Ashton Cricket Club, East Cheshire Athletic Club and Tameside Cycle Circuit.

Blue/green networks in the form of the Ashton Canal and River Tame are found to the south of the site which provide linear recreational and active travel links.

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Figure 3.3: Green and Blue Infrastructure

3.5 Leisure and Amenities

The site is well situated with a strong local and regional scale leisure and retail offer as well as a range of other amenities. In close proximity to the east and north east of the site there are a football and athletics club, a cricket club, and a cycle circuit.

Located to the south of Lord Sheldon Way (A6140) are two retail and leisure complexes. The Ashton Leisure Park offers bowling and a cinema, and a range of F&B options. This is complemented by a hotel and a gym. The local area is home to a number of large box retail and light industry, including car sales and trading sites. The site also includes office buildings, including Nexus House. Further to the south of the site is Snipe Retail Park, home to a series of large box retail and fast food. The Notcutts Garden Centre and Mockridge Nurseries (garden centre) are within the south west corner of the site. The Sheldon Arms pub and a Travelodge hotel are located outside of the site to the south, on Lord Sheldon Way. A small row of local convenience stores are located to the west, adjacent to Audenshaw tram stop, which form a local centre. To the east, there are two large supermarkets, beyond which is Ashton town centre and IKEA within walking distance of the site.

These facilities already in situ provide an ideal environment for new businesses and employment uses, complementing the existing offer and generating further support for the facilities.

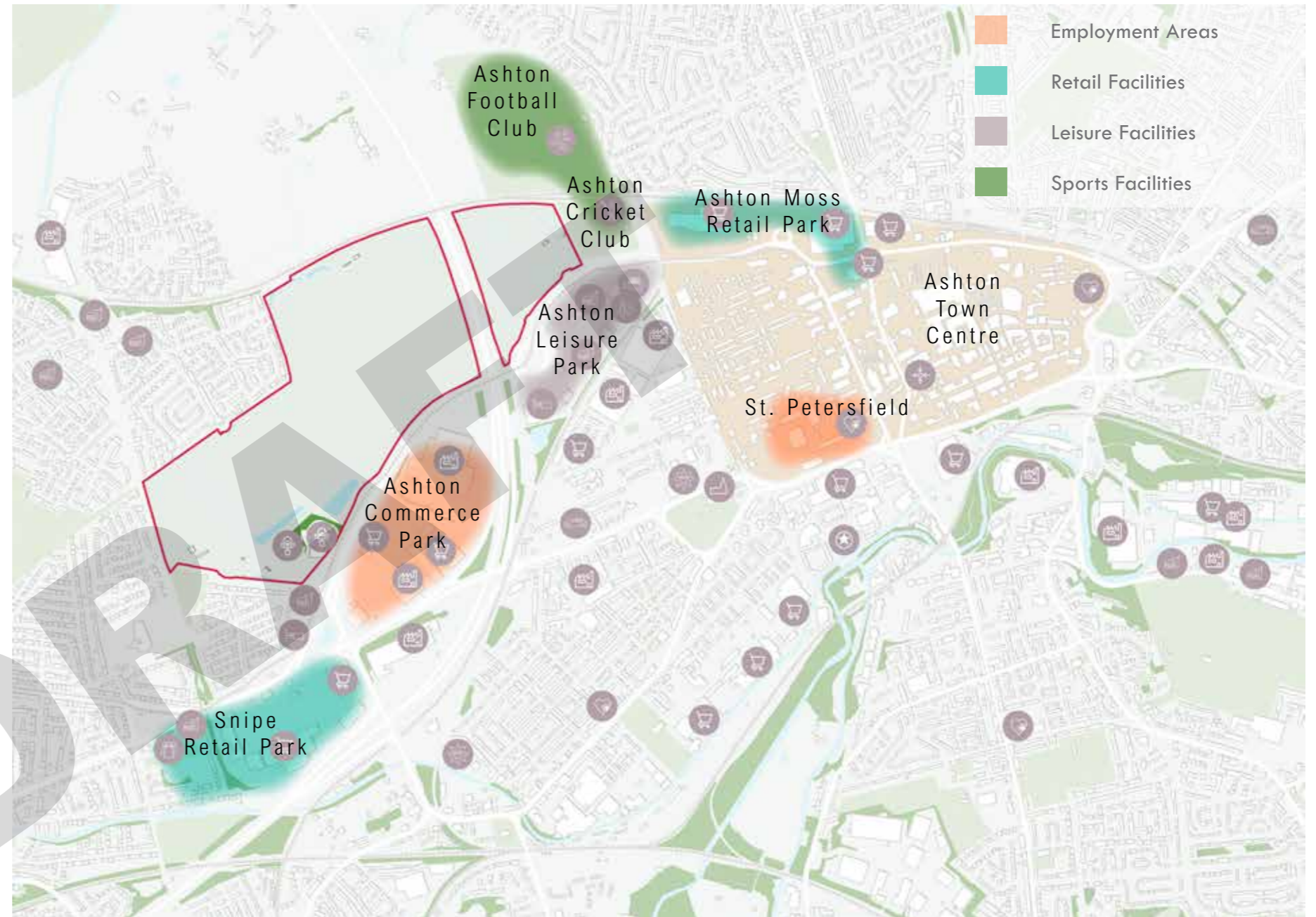


Figure 3.4: Leisure and Amenities

3.6 Educational Facilities and Employment Hubs

There are a number of schools within 2km of the site including Laurus Ryecroft High School, Ashton West End Primary School, Moorside Primary School and Hawthorns Primary Special School. Buses running past the site also service St Damian's RC Science College to the north of Ashton.

Tameside College is located to the east of Ashton town centre providing educational and higher education opportunities for school leavers and adults as well as a range of apprenticeships and university level course. Clarendon sixth form College, located in Ashton town centre provides a range of courses including 'A' Levels and Vocational training, such as engineering and applied science.

St Petersfield is designated as an established employment area and sits within Ashton town centre. Redevelopment, supported by its position as part of the Ashton Development Zone is envisaged to develop employment floorspace, hinged on the recent regeneration of Ashton Old Baths. The local retail and leisure parks also form substantial employment offerings.

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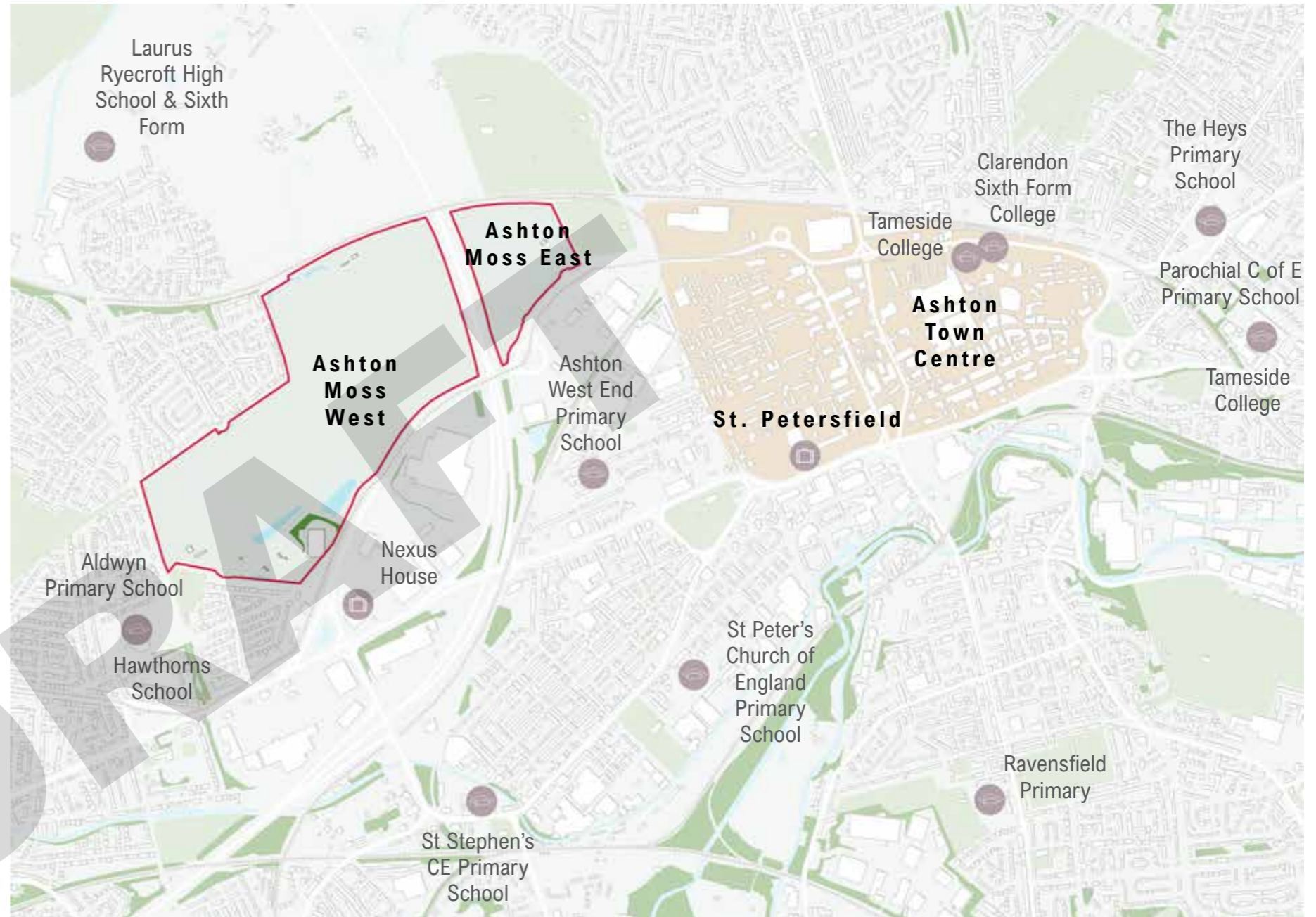


Figure 3.5: Education and Employment

3.7 Planning Status

Existing Planning Allocation

The eastern part of the site (Ashton Moss East) is allocated as a Regional Investment Site/ Strategic Regional Site for employment use (Policy E1) within the adopted Tameside Unitary Development Plan (UDP) (2004). This confirms that high quality employment development is to be encouraged, with careful consideration of design, external areas and landscaping, with a focus on environmental quality.

The allocation relates to a wider area than solely Ashton Moss East (as identified in figure 3.1). Much of the allocation has already been developed, with the creation of Ashton Leisure Park, completed in 2017, leaving only Ashton Moss East undeveloped.

The policy notes that the following uses will be acceptable:

B1b research and development, B1c light industry, B2 general industry, B8 storage and distribution and sui generis employment uses similar in character to industry warehousing, including car showrooms and C1 hotel uses.

The western parcel is currently within the Green Belt (Policy OL1) and as such inappropriate development is not permitted unless very special circumstances apply. Notwithstanding this, the western site is being promoted for employment uses within the emerging Places for Everyone plan, which is going through Examination (see below).

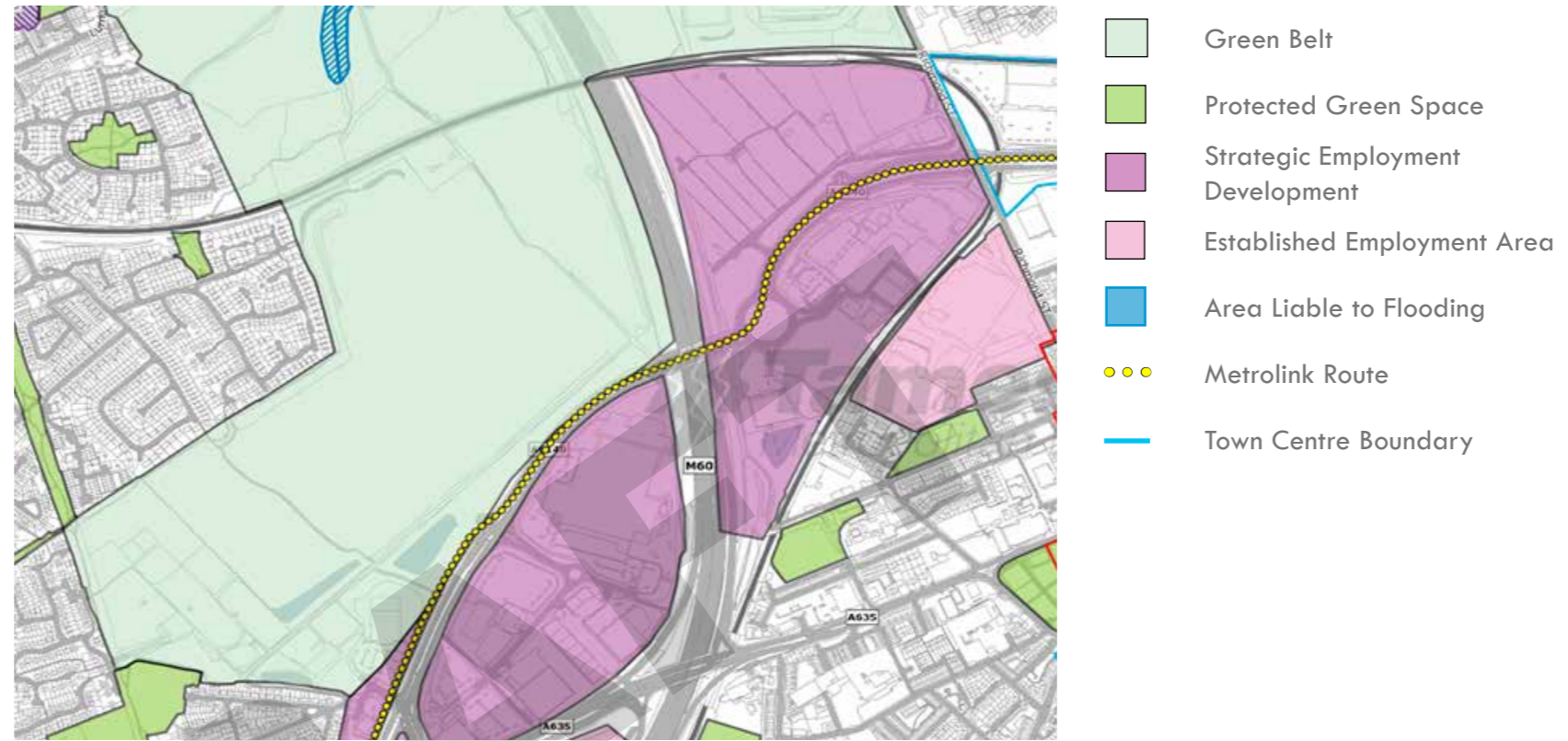


Figure 3.6: Extract from Tameside UDP (2004) adopted Policies Plan

Proposed Planning Allocation

Places for Everyone (PfE) sets out a long-term plan, up to 2037, for nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) for jobs, new homes, and sustainable growth.

PfE puts forward a proposed employment allocation for the western parcel (Policy JPA 30- Ashton Moss West), noting the 'development site will be required to deliver around 160,000 sqm of employment floorspace, primarily within the E(g)(ii) - Research and Development, E(g)(iii) - Light and Industrial and B2 - General Industrial use classes' and will be 'aimed at delivering facilities suitable for identified areas of economic strength and key growth sectors within Tameside and Greater Manchester: life sciences; health technologies, advanced manufacturing and materials science/fabrication'

As part of emerging Policy JPA 30, there is a requirement for the following:

- Developer contributions – towards transport and other infrastructure as deemed appropriate.
- Masterplanning – A comprehensive masterplan, phasing strategy and design code which is approved by the Local Planning Authority will be required for the whole site, developed through engagement with the local community, Council and other appropriate stakeholders.
- Public realm will need to be high quality, incorporating street tree planting and public open space, aligning with the Council's Open Space Review.
- Access will need to be provided from the A6140 (Lord Sheldon Way).

- Innovative and creative architecture is encouraged which respects and integrates into the surrounding landscape. A key consideration is the interface between proposed and existing development, including neighbouring heritage assets and protecting the amenity of nearby residential properties.
- Heritage assets – consideration of heritage assets beyond the site boundary as potential sensitive receptors to the proposed development.
- Ecology – Key landscape and ecological features will need to be protected and enhanced, including trees and woodlands, watercourses and ponds;
- Connectivity – Active travel including clear footpaths and cycle ways will need to be provided as part of proposed development. The plan proposes a potential train station to the north east of the site, however has not been tested or designed as part of the PfE proposal.
- Remediation – a detailed earthworks and remediation strategy will be required to underpin the masterplan/ proposed development on the site.

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PfE is in the process of undergoing Examination, with hearings having commenced in November 2022 and due to complete in Spring 2023. Matters, issues and questions have been raised by the Inspector as part of this process. Tameside Council has confirmed their support to the release of the site from the Green Belt and concurs with the conclusions drawn in the site allocation topic paper. Specific landowners however have noted the potential for mixed use development on the site and scope for logistics-based employment, in amongst broad support for the allocation.

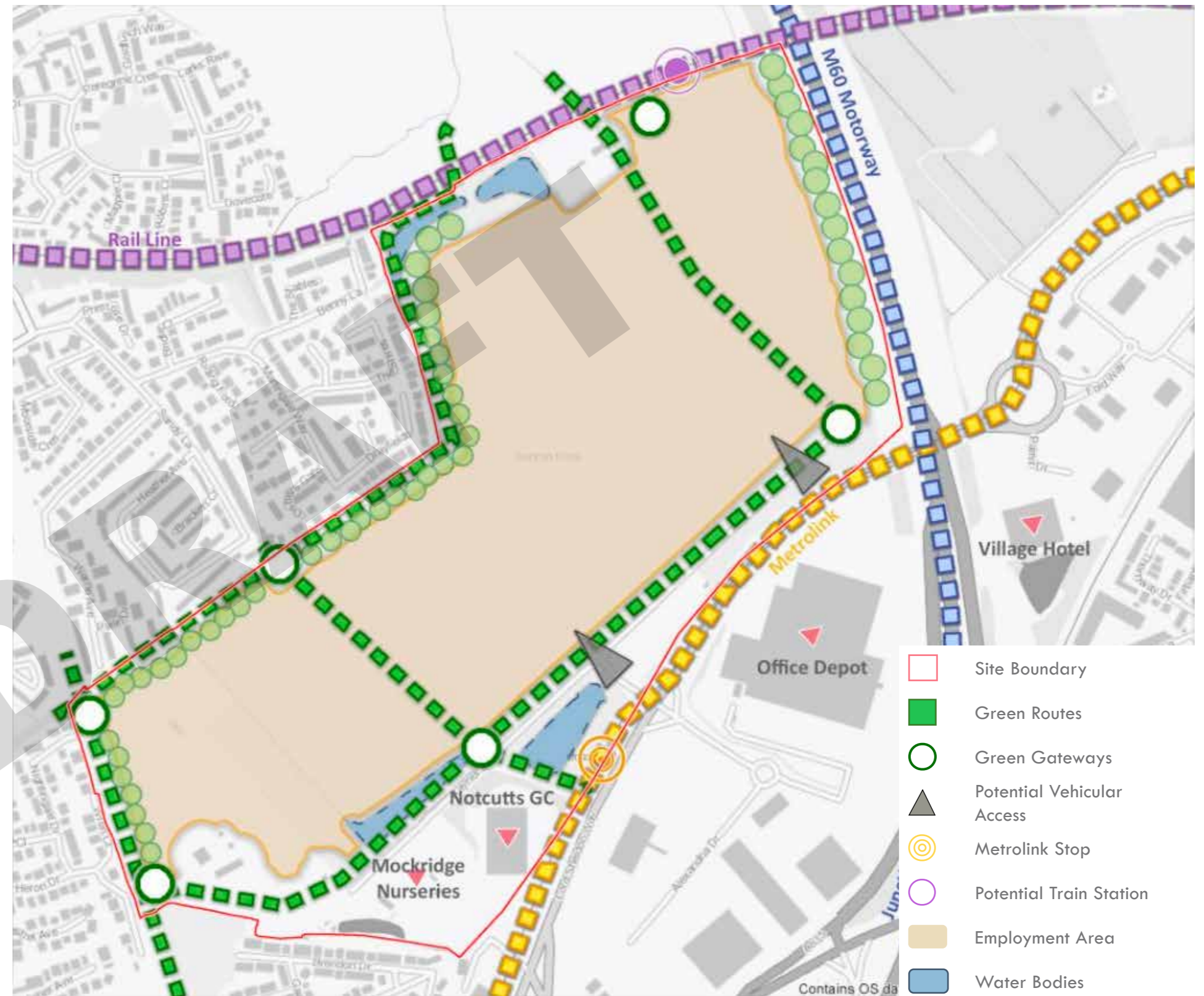


Figure 3.7: Places for Everyone draft allocation JPA30 concept plan

3.8 Planning History

A review of the planning history of the site has been undertaken as well as the immediate vicinity within the site. This confirms that the site has previously secured planning permission for a new 9-hole golf course and associated football facility (planning reference 09/00821/FUL), which was granted in December 2009. This application was never implemented, for reasons unknown.

Other recent developments on the site relate to the property at Moss Lane Farm and various planning applications associated with the Metrolink Park and Ride, which was approved in April 2012 (planning reference: 04/04/2012) and provides 192 car parking spaces to the south of Rayner Lane. The planning history also confirms the presence of the radio masts on the Arqiva land.

The eastern part of the site has benefitted from historic planning permissions and the retail and leisure elements have been constructed as part of the Ashton Leisure Park which is located to the south of Ashton Moss East (planning reference: 90/00141/UT). There have also been previous proposals mooted for a hotel although this application was subsequently withdrawn.

A full breakdown of the planning history for the site is provided in Table 3.1.

Reference	Site Address	Description	Status
21/00746/FUL	Land Off Lord Sheldon Way Ashton-under-Lyne Tameside	The proposed development is for an industrial unit with B8 & B2 use class with hard and soft landscaping	Approved 15/11/2021
20/00461/FUL	Detailed planning application for the construction of 1no. Self-Storage Facility (Use Class B8) with ancillary B1 uses	Detailed planning application for the construction of 1no. Self-Storage Facility (Use Class B8) with ancillary B1 uses	Approved 04/06/2020
09/00821/FUL	Vacant Land Off Gardeners Way Ashton-Under-Lyne Tameside	Proposed Golf Driving Range, Par 3, 9 Hole Golf Course, Training and Members Area, Five-a-Side and Eleven-a-Side Football Facility. Golf Club Complex Building, Football Changing facility and Greenkeeper's compound.	Approved 11/12/2009
09/00693/FUL	Ashton Moss Metrolink Station Gardeners Way Ashton-Under-Lyne Tameside	Proposed Ashton Moss Metrolink Station and Park and Ride Facility (Resubmission of 04/00671/FUL)	Approved 11/11/2009

Table 3.1: Planning application history on and around the site

3.9 Other Planning Designations and Considerations

The site is within an Air Quality Management Area (eastern parcel and adjacent to M60 and A6140). Mitigation measures may be required within development proposals to ensure air quality will not be worsened as a result of the development (Figure 3.8).

The site is within a Mineral Safeguarding Area of Brick Clay and Coal (Greater Manchester Joint Minerals DPD). Whilst this should not constrain development on the site, regard would need to be had to this policy within any future planning application and potential need to extract minerals in accordance with the policies within the plan.

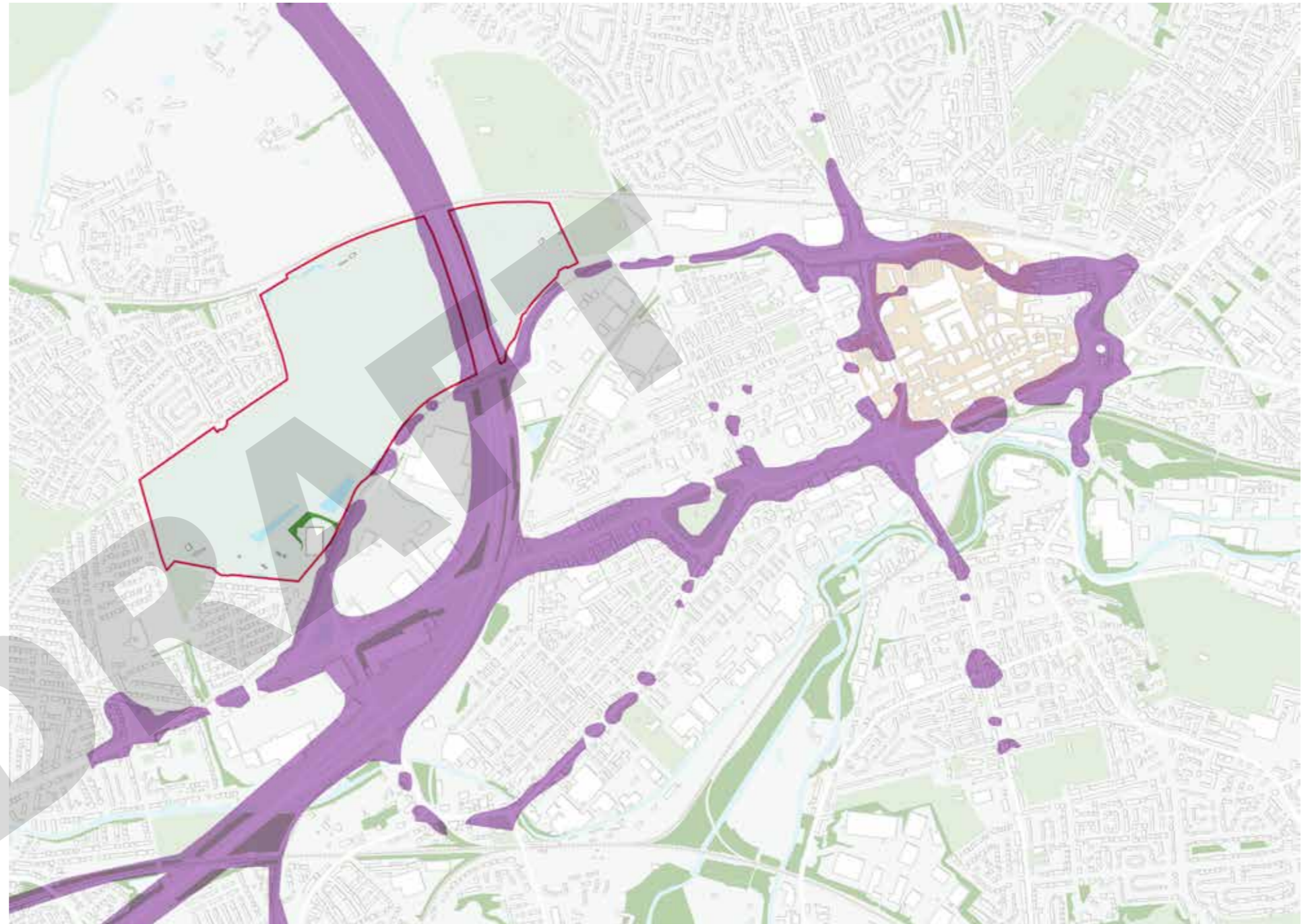


Figure 3.8: Ashton Air Quality Management Area (AQMA) shown in purple

3.10 Site Access and Transport

The site benefits from its proximity to major employment and leisure parks as well as retail offering, with excellent pedestrian and public transport links. The site is within the acceptable walking distances (800m) of the Ashton Moss Metrolink and Ashton West Metrolink stops. A large number of other facilities are within walking or cycling distance of the site, including Ashton town centre. The infrastructure which connects the site is generally good and there are well lit, wide footways with a number of controlled pedestrian and cycle crossing points. Pedestrian crossing points across the A6140, however, are limited.

The Greater Manchester Transport Strategy 2040 sets out work to identify potential to provide rapid transit between Oldham/Ashton and Stockport. The opportunity for a passenger station has also been considered at Little Moss to the north of the site along the Manchester to Ashton line.

The tram network currently operates at a 12 minute frequency. The local bus stops provide access to serves 7, 7A, 7B, 217 and 831. These provide services between Ashton and Stockport, Ashton-under-Lyne Interchange - Piccadilly Gardens, and Droylsden - Lily Lanes (College Service to Damian's RC Science College).

The site has excellent access to the M60 (J23), via Manchester Road (A635) and Lord Sheldon Way (A6140). The junction has good capacity, however upgrades to junctions between A635 and A6140, as well as signalling review, may be needed.

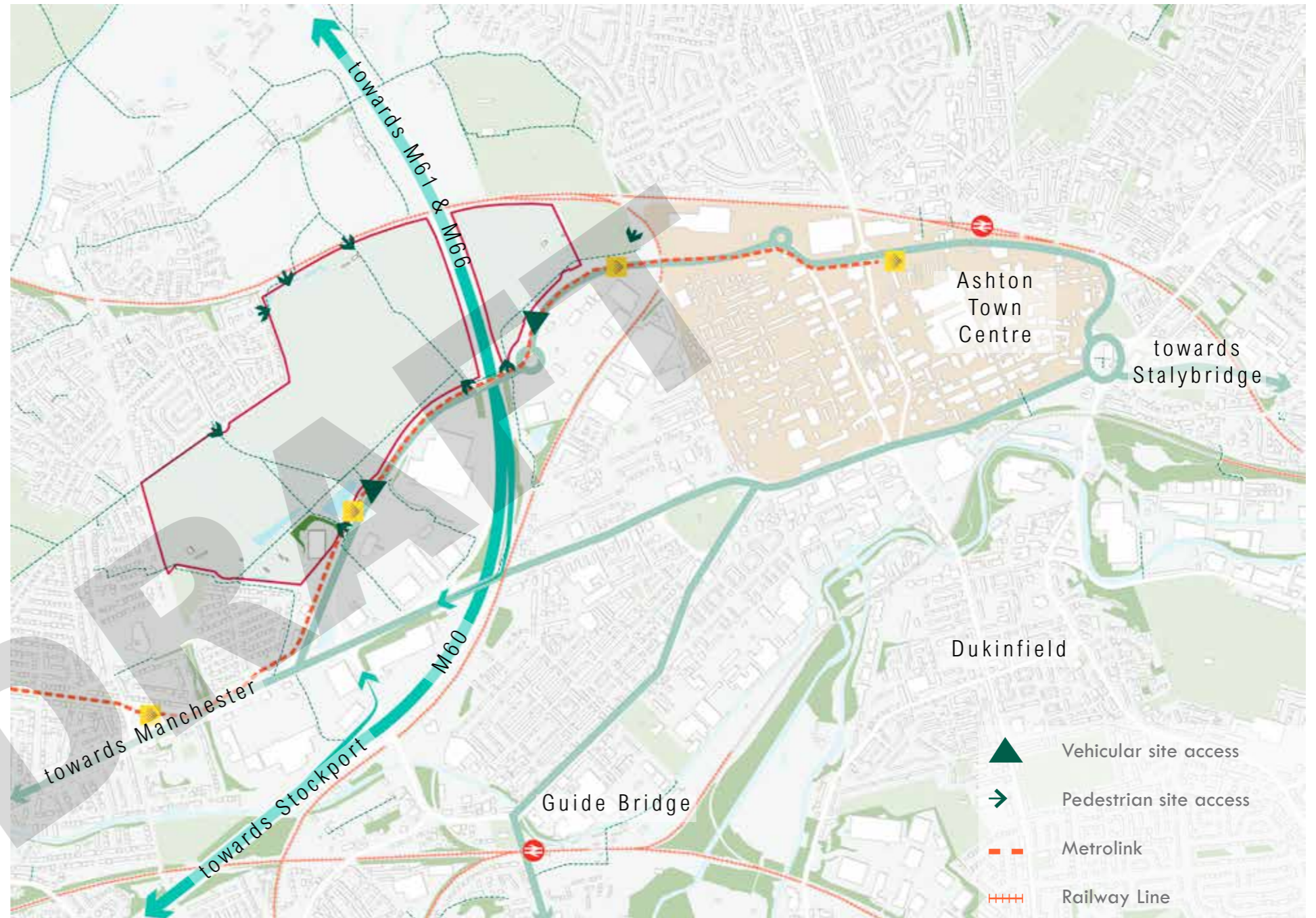


Figure 3.9: Local access and connectivity (existing)

3.11 Site History and Heritage

The Site was historically a peat bog which is believed to have begun forming around 5000 BC and has been continually reclaimed and exploited meaning the peat source has been truncated and diminished. There is a building on the western site called Moss Side Farm which is likely to have been constructed in at least the mid-18th century. Rayner Lane which runs along the southern boundary of the site is believed to have been formally laid out in 1831 as part of the reclamation of the Moss which has since been truncated by the construction of the M60. Moss Lane could be Medieval in date and is believed to have evolved as a routeway across the mossland.

In the modern industrial era, the area of Ashton Moss became the chief market gardening area which is thought to have been intimately linked with the development and redesign of Ashton town centre from the later 18th century. The Moss continued to be used for market gardening until the 1990s. The nearest Conservation Area to the site is Ashton town centre (see figure 3.10).

The site has more recently been used for extensive spoil deposition to the west of Moss Lane. The site has some potential for archaeological remains and recommendations from the Historic Environment Assessment (prepared by University of Salford in support of the PfE evidence base, September 2020) set out the need for archaeological field investigations which should feed into the next stage of design to ensure any archaeological remains are appropriately addressed. The archaeological potential of the remaining peat is unknown at this stage.

There are two designated built heritage assets located to the north of the site at Buckley Hill Farmhouse (Grade II*) and the barn to the west (Grade II). Cinderland Hall Farmhouse (Grade II) is further to the north west. These assets should be considered in the context of key moves and views. Development should consider the setting and significance of these structures and seek to minimise harm. There is a listed Grade II mile marker on Manchester Road, moved to its current location in 2000 meaning the setting does not make a positive contribution to its significance.

The history of the site is important in terms of the industrial heritage and connection with Ashton town centre, which should be considered in order to create a sense of place and maintain links to the site's past.

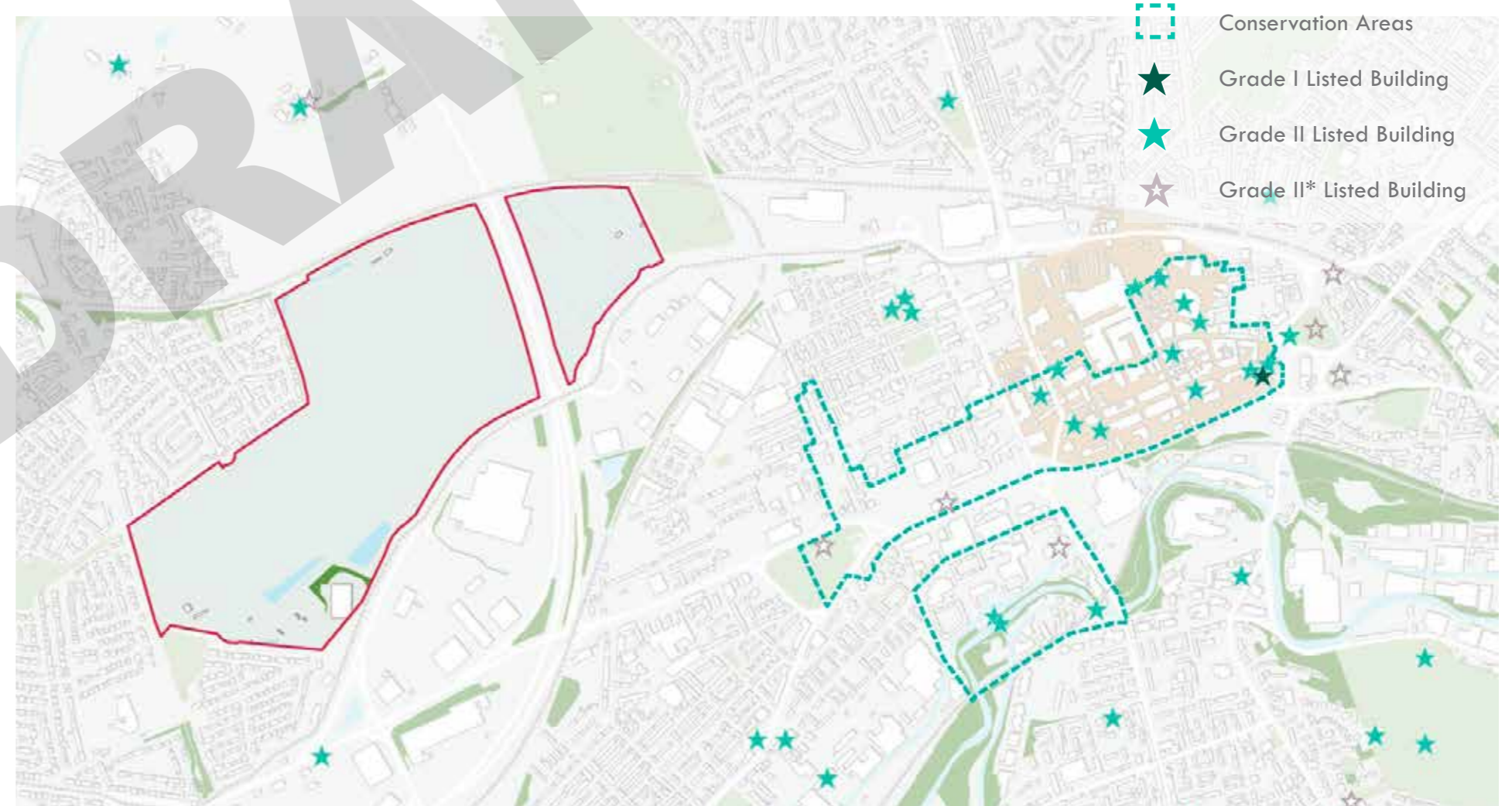


Figure 3.10: Heritage Designations

Strategic Advantages for Ashton Moss West

- In proximity to research and innovation hubs at Universities in Manchester, Huddersfield, Sheffield, Salford as well as connected hubs at Sheffield Advanced Manufacturing Park and Rochdale's Advanced Machinery and Productivity Institute.
- Direct access to the Metrolink network and adjoining the railway line.
- Within the Eastern Growth Cluster and Ashton Mayoral Development Zone
- Existing employment base and anticipated future population increase provided by Godley Green Garden Village, for example.
- Access to skilled employment base within Tameside and Greater Manchester Within walking distance of Ashton-under-Lyne town centre and leisure/ retail/ F&B offerings.
- Direct access to M60 and wider strategic road network.
- Strategic connectivity along green infrastructure corridors of the Ashton Canal.
- Beeline networks and alignment with strategic cycle network
- Access to educational facilities, especially Tameside and Clarendon Colleges providing higher education and apprenticeships in advanced manufacturing-related courses
- In proximity to retail, leisure and sports facilities to support an employment base
- Strategic views and connections to the wider landscape of the Peak District and country parks at Daisy Nook and Stalybridge

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4.0 SITE CONTEXT

4.0 Site Context

4.1 Site Context and Considerations

The site of Ashton Moss Innovation Park comprises two parcels of land straddling the M60 (Manchester Outer Ring Road). The area to the west of the M60 is approximately 60ha and the area to the east of the M60 is approximately 6ha.

To the south runs the A6140 (Lord Sheldon Way), to the north runs a railway line providing freight and passenger services between Manchester and Ashton-under-Lyne. The closest station is Ashton Railway Station to the east. Residential properties lie to the north west and west of the site, forming the residential area of Droylsden. To the south of the site is Notcutts Garden Centre Mockridge Nurseries.

A large pond referred to as 'Ashton Moss Nature Reserve' (known as Looba's Lake, and not formally designated) and a Park and Ride associated with the adjacent Metrolink station (Ashton Moss) form part of the site to the south west. Other structures within the site include active radio transmission masts and their associated infrastructure, within the most western and eastern portions of the site. A series of smaller farm buildings in private ownership are located within the western parcel to the north.

The Lord Sheldon Way corridor is home to a large number of big box retail, light industry and storage units, including CarShop Manchester, Office Depot, Selco Builders Warehouse and Screwfix. The Ashton Moss Leisure and Retail Park, to the east of the site, is home to a mix of retail, leisure, food & beverage and hospitality, including Frankie & Benny's, McDonalds, Village Hotel, Hollywood Bowl and Cineworld Cinema. Further to the east is the Ashton West Metrolink Park & Ride.

Ashton Cricket Club lies to the east of the site, accessed via Ashton Moss East. The railway line to the north separates the site from the adjacent Tameside Stadium, Football Club and Cycle Circuit. To the east, Richmond Street and the railway line separate the site from a large Marks and Spencer and Sainsbury's complex, and Ikea beyond. Richmond Street is at a higher level than the site. To the south west of the Ashton Moss East site, a SureStore Self Storage building has recently been completed with associated access improvements.



View from Ashton Moss Metrolink station looking north along Lord Sheldon Way



View of Moss Lane Farm looking south from the railway bridge



View along footpath at Ostlers Gate



View of Looba's Lake

4.2 Land Ownership

The entire site ownership is split between 10 parties, with the vast majority of western plot owned by Stayley Development, and Arqiva as the second most substantial landowner within the western plot and the most substantial at Ashton Moss East. Muse Developments also have a large interest in Ashton Moss East including shared ownership with Stayley.

Ownership and the subdivision of the site will need to be considered for delivery of development, and cooperation between the various landowners is likely to be a prerequisite for a successful outcome.

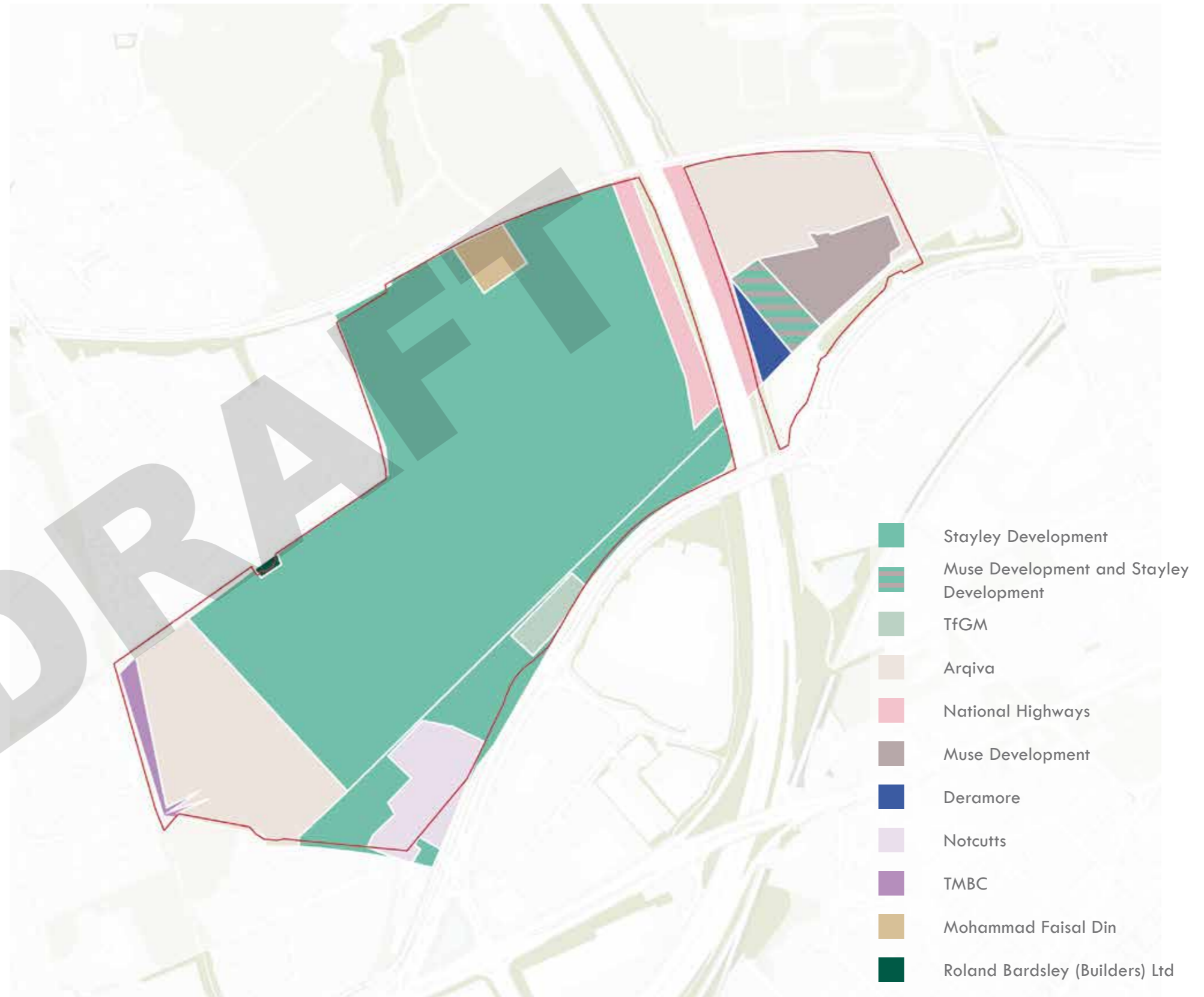


Figure 4.1: Land ownership

4.0 Site Context

4.3 Technical Constraints

Topography and Ground Conditions

There is a large volume of geotechnically poor quality Made Ground, which was placed on the site from the construction of the M60, and underlying soft compressible natural Peat soils. The underlying natural Peat and soft organic soils within the Made Ground are also expected to be producing ground gases although further testing is required.

The western site has substantial changes in levels across it, largely as a result of Made Ground deposition. The perimeter of the western site is relatively flat with an overall fall of circa 5m, while the centre of the site is mounded up to a level of 115m AOD (approx 15m higher than the periphery) with steep slopes.

The eastern site (Ashton Moss East) is relatively flat with a gentle fall from east to west, suggested by the extent and orientation of the existing site drainage. The opportunity to create development platforms will require sensitive ground improvement options for the soft peat layer present at the surface of this site.

Natural Peat is present underlying the Made Ground, with a thickness of up to 2.5m on the western site. Extensive volumes of geotechnically poor quality Made Ground up to 18m thick with steep side slopes overlie the natural Peat on the western site. Appropriate ground improvement measures and piled foundations to take any structural loads through the Made Ground and underlying soft Peat are possible for the Ashton Moss West site, which will avoid the removal of the natural Peat soils. In addition, slope stability modelling is being undertaken to understand the possibility to create stable slopes for cuttings within the Made Ground which currently forms the central mound area in the western site.

A preliminary cut and fill review has been undertaken to assess the framework options presented in this Development Framework and the degree to which the existing Made Ground can be reused and relocated within the site.

The existing topography and ground condition is a key constraint when designing suitable development plateaus and access to them.



Figure 4.2: Existing general site wide levels

Utilities and Infrastructure

A high pressure gas main runs along Rayner Lane within the western site. Easements will be required for access and maintenance to the below ground pipeline, and there can be no built structures within this zone. The existing utilities located within Moss Lane are subject to further discussions and should not be treated as a constraint for the forthcoming development.

There are masts within Ashton Moss East and to the west of the western site. These are part of operations by Arqiva who have indicated the masts will be decommissioned. These masts have not been treated as a constraint to development.

Based on the available information, it is assumed that there currently isn't an adopted sewer network that Ashton Moss East could connect into via gravity and therefore a pumping station would be required. The ability to drain foul water from the western site via gravity would be subject to proposed development levels, re-use of the mounded materials, and verifying the depths of the existing sewers via CCTV survey. The western site may also require a pumping station, which could be in the form of a single large station with a deep rising main, or a number of smaller, shallower pumping stations to serve different plots.

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Figure 4.3: Utilities

4.0 Site Context

Environmental Constraints

The site is rich in landscape features, including key priority habitats such as ponds, drains and ditches, hedgerows and wet woodlands. A Preliminary Ecological Appraisal of the site was undertaken in summer 2022 to understand the ecological potential of the site and obtain initial advice for mitigation and enhancement of biodiversity. This identified three nationally/locally designated sites within 2km of the site with the closest found 900m to the northwest. The site contains several Habitats of Principal Importance including wet woodland, hedgerows and ponds and Local Biodiversity Action Plan (BAP). Habitats including native woodland, marshy grassland and reedbed. Further surveys will be required to understand the presence of priority species on site.

A Biodiversity Metric 3.1 habitat condition assessment was carried out (Ecology Services Ltd). No statutory designated sites or irreplaceable habitats would be directly impacted by development on the site. Enhancements for species would also be recommended in line with the requirements, following completion of further species surveys on the site.

The site is host to wet woodland, reedbed and ponds (priority habitat) and their loss would need to be compensated with the same habitat. The loss of other woodland, and other habitats would require compensation with the same broad habitat or a higher distinctiveness habitat. More habitat units would be achieved by retaining and enhancing existing habitat where possible.

A tree survey was also carried out in summer 2022. This identified the location and spread of trees and tree groups on the site (as illustrated by figure 4.4). There are a large number of trees and tree groups within the site, however, none of them have Tree Preservation Order (TPO) status or are 'A' category (high quality). Ashton Moss East is heavily wooded with wet woodland across most of the site. The western site has groups of trees dotted around, and the area between Moss Lane and the M60 is also very wooded.



Figure 4.4: Site habitats

Highways and Movement

The site is crossed by a number of existing Public Rights of Way following Rayner Lane and Moss Lane, as well as crossing north/south from Sandy Lane to Rayner Lane. Informal footpaths used by local residents also cross the site. A segregated walking and cycling route along Rayner Lane is being promoted by TMBC.

The site is well connected to the surrounding highways network with direct access from Lord Sheldon Way and in close proximity to M60 junction 23. However, indicative assessments undertaken to inform the Locality Assessment (Tameside Transport Locality Assessments, November 2020) shows employment development of up to 165,000sqm has the potential to increase congestion on the local highway network.

It is likely that mitigation would be needed to ensure that these impacts would not be severe. The key off-site junction which has been identified as a specific area for potential mitigation is the A635 Manchester Road / A6140 Lord Sheldon Way / A635 Signalised Crossroads. Additional technical analysis will be required as part of any future more detailed proposals and Transport Assessment to verify and refine the existing assessment.

The highways network also represents a barrier to pedestrian movement in particular to the south, where additional pedestrian crossings would be beneficial. The internal routes will require upgrading to support all types of movement, at present they are fairly informal routes, with minimal maintenance.

An important consideration is the current proposal within the High Speed Rail 2 (HS2) Phase 2b Hybrid Bill for the full closure of the Metrolink Ashton Line for a circa two year period as part of the proposed construction works at Manchester Piccadilly station to deliver HS2. GMCA, TfGM, Manchester City Council and TMBC have petitioned the bill to seek an additional provision that would enable the construction of a new Metrolink Depot at Ashton Moss. This would enable a tram shuttle service to operate between Ashton and New Islington instead of the full closure of the Ashton Line. The Framework has therefore been prepared in the context of this potential requirement.

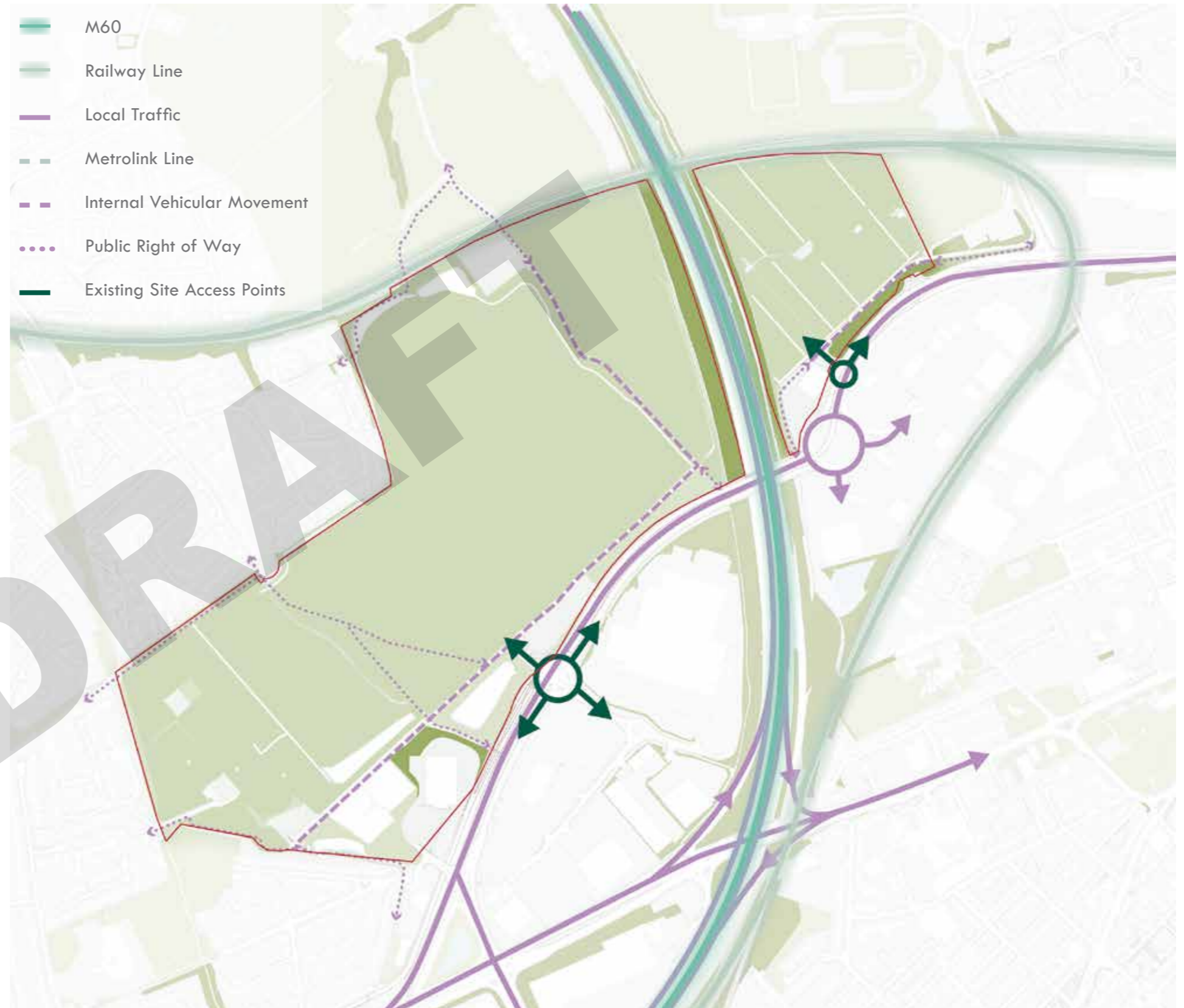


Figure 4.5: Site movement and highways context

4.0 Site Context

Flooding and Drainage

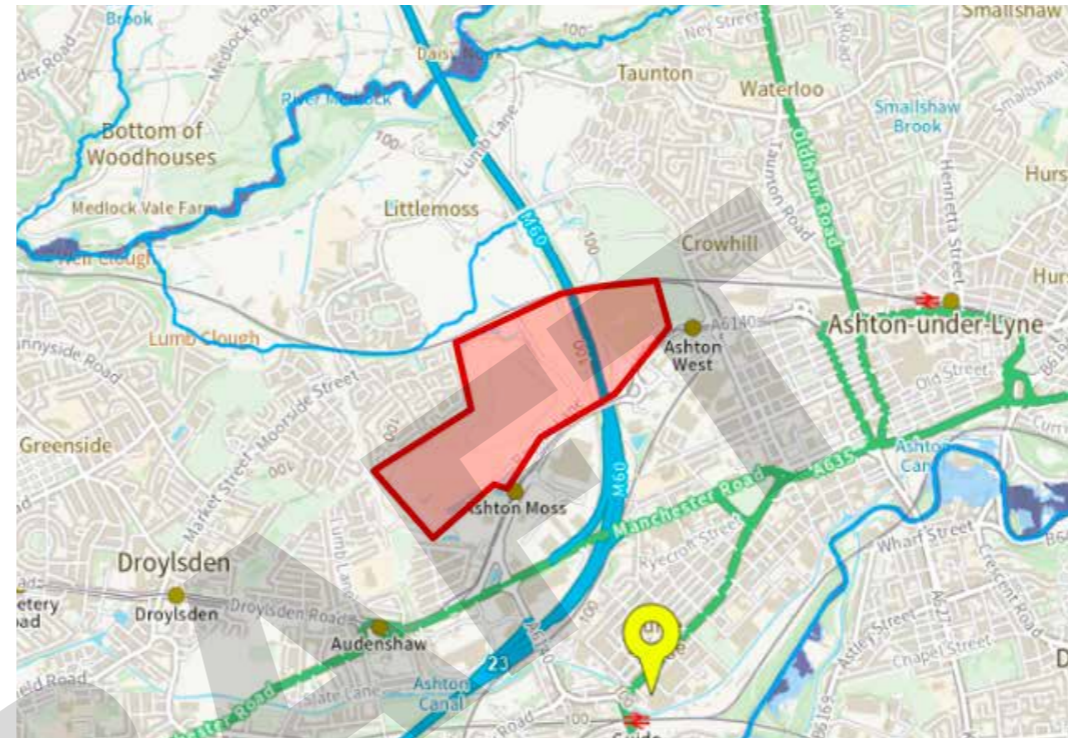
The site is within Flood Zone 1 (low risk of flooding), however there are some areas of medium and high risk of pluvial flooding. This is likely due to the low spots shown on the lidar level data and can be mitigated as part of a scheme through levels design and surface water drainage.

There are a number of ditches present within the boundary of both sites providing surface water drainage connections. On the eastern site, there is understood to be a series of interconnected ditches that act to drain the site. The new development of the Sure Self storage unit proposes a soakaway for disposal of surface water.

To the western site, there are also a number of interconnected drainage ponds which were believed to have been installed to drain the mound created as part of the development of the motorway. It is assumed these ditches connect into the wider drainage network.

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The site is not located within a Critical Drainage Area and is not considered to be at risk from groundwater flooding, flooding from reservoirs or having shallow ground water.



- FZ3 (High Risk)
- FZ2 (Low Risk)
- FZ1 (Very Low Risk)



- FZ3 (High Risk)
- FZ2 (Low Risk)
- FZ1 (Very Low Risk)

Figure 4.6: Fluvial flooding (top) and surface water flooding (bottom) context

4.5 Site Opportunities

Existing Access Infrastructure

Both the east and western sites benefit from existing highway infrastructure that can be utilised for future development with little intervention, subject to detailed traffic modelling and assessment of capacity.

The eastern site can be developed with the existing junction arrangement where there is an opportunity to formalise the existing bell mouth which provides left turn access and two way egress. Implementing this junction to the east of the site would be required to allow for higher levels of movement subject to assessment. There is a significant (c4m) level change to facilitate this access into the site.

Page 271 Subject to future demand, the possibility of creating an all movement signal controlled junction can be explored, which would need to consider the interface with the tram network. This would be subject to further engagement with Transport for Greater Manchester (TfGM) and Metrolink.

The western site is access off one signalised “all movement” junction to the centre of the site. Further access junctions may need to be considered to meet future demand and the need for emergency access. A Metrolink Park & Ride car park is located at the entrance and will need to be considered within the development.



Figure 4.7: Access opportunities and constraints

4.0 Site Context

Sustainable Travel

Both the eastern and western sites benefit from sustainable public transport options, being located adjacent to the Ashton Moss Metrolink stop and Park and Ride, and the Ashton West Metrolink stop in addition to local bus stops along both the A6140 and A635. This overall accessibility of the site to conventional public transport options is reflected in the site's above average scoring against the Greater Manchester Accessibility Levels model (GMAL). This site is the only proposed PfE allocation (employment) which meets site selection criteria for public transport accessibility.

Heavy rail connections are also available at Guide Bridge (1.5km) and Ashton-under-Lyne (2.3km) stations.

A potential option for locating a new station on the northern boundary of Ashton Moss West has been explored through the GM New Stations Feasibility Study. It was confirmed, however, that the opportunity has not been explored in detail by the rail industry. It is also unclear whether the feasibility study extended to include local conditions and constraints such as land ownership, topography, rail line capacity and ground conditions.

Dedicated off-carriageway cycle lanes including Beeline routes, and multiple Public Rights of Way (PRoWs) currently provide existing walking and cycling infrastructure around Ashton Moss West. Improvements to existing walking and cycling routes are proposed through the Mayor's Challenge Fund, including works along Rayner Lane within the site to improve accessibility through the neighbourhood area. This would involve resurfacing of paths and widening, lighting and access control to extend the facilities completed in 2019.

In addition to the existing and proposed pedestrian/cycle infrastructure, the Ashton Moss West site benefits from being located on a proposed section of the Bee Network. This includes a section along Rayner Lane and the proposed construction of a cycle/pedestrian bridge over the A635 Manchester Road and the Ashton Metrolink Line. These proposals are supported in GM's Five Year Transport Delivery Plan 2021-2026.



View south west past Ashton Moss Metrolink station



View of railway line to the north of the site, looking east from pedestrian railway bridge



View north crossing the tram lines from Lord Sheldon Way

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4.0 Site Context

Light Rail Network (Metrolink)

The proximity of the sites to the Metrolink network presents a significant opportunity in terms of sustainability and promoting travel by non-car modes of transport. The tram provides access across Manchester with a 12 minute frequency in each direction towards Manchester city centre and Ashton town centre.

The tram line itself, however, provides a constraint in terms of vehicular access into the sites. Whilst there is existing highway infrastructure which can be utilised in order to gain access into the sites from the A6140 Lord Sheldon Way, engineering works would be required in order to deliver infrastructure to cross the existing tram lines and provide new all-movement signal controlled junctions.

Any proposal to deliver significant highway works along Lord Sheldon Way will require further engagement with Tameside Council, TfGM and Metrolink.

Public Rights of Way

As noted previously, there is an existing network of Public Rights of Ways/Bridleways that cross the site and provide connections between the residential areas to the north and Rayner Lane/Lord Sheldon Way.

The existing network provides a clear function, however, there is an opportunity to rationalise the routes across the site whilst maintaining the same level of connectivity and improving the infrastructure currently provided.

The alignment of the Public Right of Way between Sandy Lane and Rayner Lane will need to be broadly retained which will dictate the form of development plots and provide opportunity for a characterful greenway within the site.

The proposal should build on the opportunities of the existing on-site and surrounding infrastructure to deliver a development framework focused around sustainable travel.



View looking along Moss Lane



View looking north along PROW within site.

Townscape and Landscape setting

Due to the site's topography, parts of the site are visible in short and longer range views from the surrounding area. The elevation within the site also provides significant long views from its plateau, reaching as far as Oldham to the north, Manchester to the west, and the Peak District to the south and east. Although the site itself is greenfield land, it has been subject to ground works through its use for spoil deposition resulting in its current landform. The elevation of the site means that the site will be highly visible from the surrounding urban and rural context.

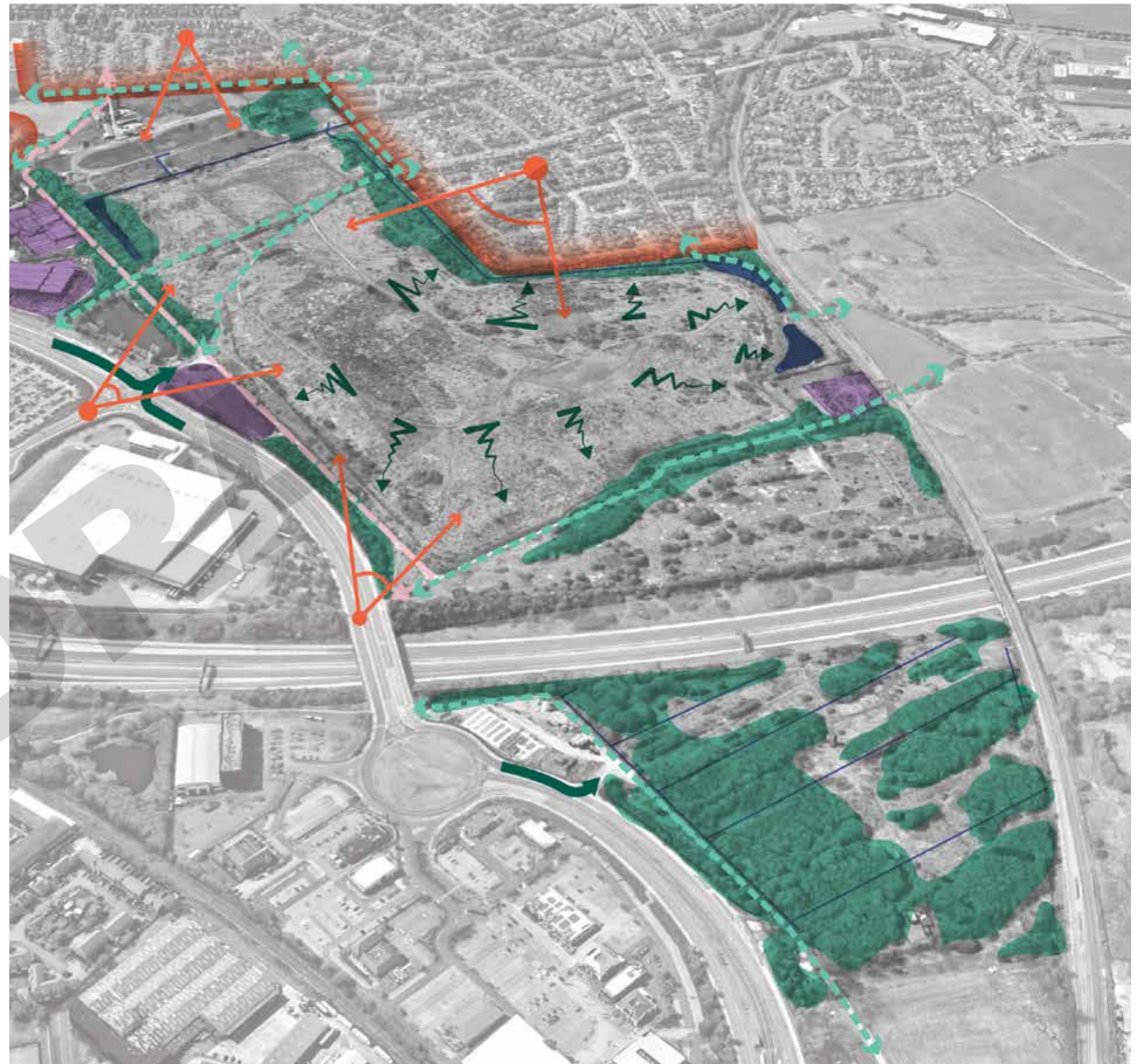
A large amount of residential properties are located to the north of the site and, therefore, there are sensitive receptors with views into the site. This is compounded by the increase in level on the site. The site is also popular with walkers and horse riders, offering an amenity value to residents. Local views to the south of the site are less sensitive and offer opportunities for a "commercial front door" to Lord Sheldon Way.

The site is located at the urban fringe, nestled between developed areas to the east, west and south, and undeveloped farmland to the north. Development to the west and north west is low density residential housing arranged around streets and cul-de-sacs primarily constructed in the 1970s and 1980s. To the south lies predominantly large floorplate commercial and retail development and surface car parking.



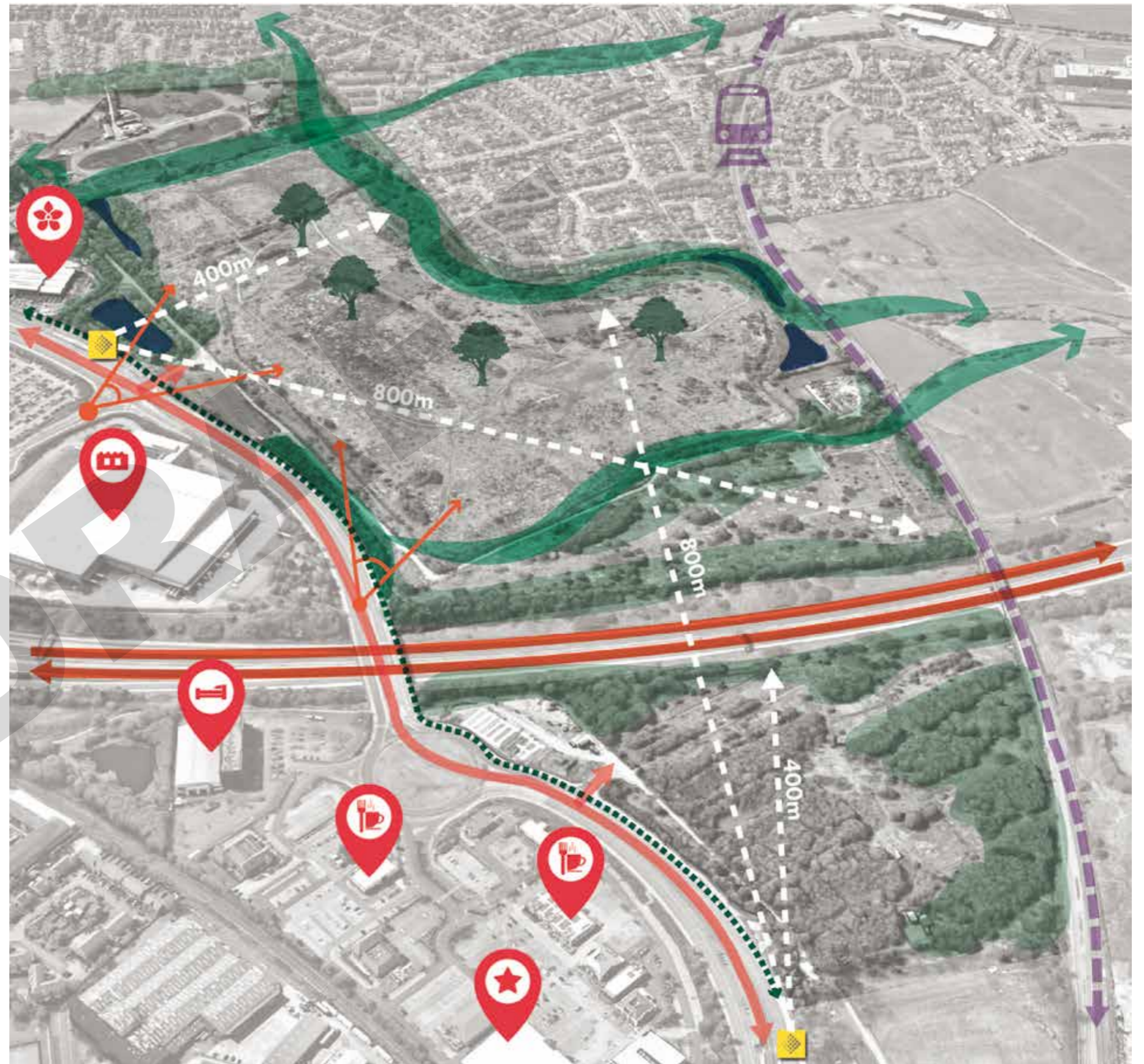
Key Constraints to be addressed:

- Topography - the existing condition is one of dramatic changes in levels across the site which need to be addressed to create plateaus or development platforms.
- Ground Conditions and Peat - the site is underlain with peat of varying thicknesses. More detailed site investigations are required to understand the full extent, location and condition of the ground including peat.
- Habitats and Ecology - an early walkover survey has established the potential presence of a range of biodiversity. The extent, condition and mitigation of impacts to minimise harm needs to be understood.
- Land ownership - the land is within multiple ownerships.
- Access - existing arrangements provide a starting point but may not be sufficient to support the intended quantum of development on the site and may require upgrades, or additional access points.
- Views - due to sensitive edge towards the west and significant elevation gain within the site above the surrounding the proposal needs to consider the visual impact on the local area.
- Amenity - relationship of development within the site to the surrounding residential uses needs to be considered and sensitively addressed.
- Public Rights of Way - consideration for access rights across the site.
- Existing utilities and easements - consideration for utilities corridors and impacts on development parcels.



Key Opportunities to build on:

- Location - the site is well situated in proximity to existing amenity, leisure, retail and existing hotels; educational institutions; skilled and labour workforce
- Well connected - access to the site via Metrolink, local and strategic road network, rail network, green infrastructure corridors for active travel routes.
- Great vehicular connectivity into the local and regional/national traffic thanks to existing site access points and close proximity of M60.
- Excellent public transport connectivity with Metrolink and bus services running along the southern edge of the site.
- Potential for a future railway station at Little Moss or within site to be explored.
- Strategic positioning - the site is within the Ashton Mayoral Development Zone and has strategic links to St Petersfield and Ashton town centre regeneration.
- Green Infrastructure - opportunities to strengthen existing green infrastructure networks and create offline cycle and pedestrian networks tying into existing.
- Landscape - existing landscape features which can drive the landscape proposal within the development proposal.
- Amenity - surrounding facilities which would support employment development on the site, providing amenities for workers.



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5.0 THE VISION

A PLACE FOR PEOPLE AND BUSINESSES TO THRIVE IN THE FOURTH INDUSTRIAL REVOLUTION

Ashton Moss Innovation Park will deliver a strategic advanced manufacturing park at the gateway between Manchester and Tameside, offering excellent strategic connectivity and significant growth potential within a town centre context. Ashton Moss will offer a benchmark in modern industry at one of greater Manchester's most connected locations, within the most digitally connected borough in the north of England. A beacon of digital and health manufacturing, Ashton Moss will be a place where things are made with a diverse range of employment opportunities set within an accessible and beautiful landscape.

INNOVATION - INDUSTRY - MANUFACTURING - PLACE - LANDSCAPE - LEARNING

5.1 Strategic Objectives for Ashton Moss

Ashton Moss Innovation Park is one of the key opportunities in Tameside for delivering jobs on a sustainable site, well located with easy access to existing facilities, Ashton town centre and the local talent pool, as well as to further afield by bike, rail, road and tram. The site's design objectives respond to the existing ecological value, topography, and utilities and drainage networks.

A Connected Employment Hub

Drawing on its strategic location, benefitting from its links to the M60, rail and tram network with clearly defined access that accommodates a multitude of potential future uses.

An Outward Facing Offer

Understanding the landscape setting of the site and its prominent, highly visible location is important in shaping how the site will develop, and defining a productive heart.

An Active Environment

Connecting into the local pedestrian and cycle movement networks and understanding the positioning of the site within the wider green and blue infrastructure networks as well as the opportunities they present for active travel. Promoting movement within and around the site.

A Natural Place

Creating a place that understands its existing assets of biodiversity, water, woodland and is able to minimise its impacts and its footprint overall. Utilising and enhancing existing values for the benefit of the environment and for the people who currently enjoy the site's spaces and those who will in the future.

A Good Neighbour

Development needs to appreciate sensitive green edges to the north, the residential amenity setting to the north and west, and the industrial and commercial setting to the south and east. Tying into this range of uses and settings should enhance and not detract from the existing townscape.

Forward Looking

The site has huge potential to offer employment for existing and future populations, drawing on local and regional innovation. The site should be developed to create opportunities for businesses of various scales to build in flexibility. Any development should be socially, environmentally and economically sustainable.



Figure 5.1: The emerging place

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6.0 THE FRAMEWORK

6.0 The Framework

6.1 Overview

This Development Framework supports the creation of a dynamic, attractive and thriving Innovation Park at Ashton Moss West and Ashton Moss East – combined to deliver Ashton Moss Innovation Park. Tameside is driving for a greener, cleaner society and to create a place for businesses and people to prosper for generations. Importantly, we are able to attract high quality employment opportunities for the people who live here and offer opportunities for significant inward investment in the borough. The town of Ashton-under-Lyne enjoys a strong identity, tied to its industrial heritage which lives on today and our proposals to deliver an innovative and creative employment offer echoes the site's historic use as a market garden which provided sustenance and livelihoods for the people of Ashton.

This Framework offers flexibility to respond to ever changing market demands in order to secure the best possible outcome, whether providing space for a local business to expand, or supporting incoming businesses seeking to locate in the North West. The ease of access to road, rail, town and country, as well as fibre optic networks means it is well positioned for a variety of opportunities.

The ambition of the Vision is to unlock the strategic site at Ashton Moss and to deliver uses which drive the creation of jobs for local people, boosted by incoming specialist talent to the area and strategic connections to industry and education.

The key to the site's success will be to embed the employment uses within the fabric of the town and maximise the unique context of the site (particularly access to the Metrolink), respecting nearby homes, panoramic views and the landscape setting whilst tapping into the opportunities that arise in established commercial locations, such as St Petersfield. All this will be framed by a high quality natural landscape, respecting the ecology and biodiversity that the site supports to deliver high quality amenity space for employees and the local population.

The below outlines the approach to shaping the plan for the site set out in this section.

1. Key Performance Indicators

These provide a set of tests which have informed the Framework options and which will be used to test them against.

2. The Design Principles

These provide strategic design principles for delivering the aspirations of the vision and shape the framework, established to work with the site and implement the KPIs. These principles set out a holistic response to the placemaking opportunities and drive the Structural Framework for future development at Ashton Moss Innovation Park.

3. The Structural Framework

This sets out the structural framework that all development options should follow in order to achieve the design principles.

4. Development Scenarios Toolkit

A flexible toolkit of design outcomes which can come together to deliver development options for the site.

5. Framework Options

This provides four outline development options for the site, bringing together the toolkit components and based on the structural framework and scenarios toolkit.

6.2 Key Performance Indicators

The aspirations for the site and its context as well as identified opportunities and constraints have informed the development of a series of Framework Options. These are established based on a set of Key Performance Indicators to test the site's potential against success factors:

1. Maximises Development Potential:

Seeks to deliver the maximum potential employment land and floorspace to facilitate job creation and an attractive site for a range of possible occupiers.

2. Maximises Biodiversity and Landscape Potential:

Maximises opportunities for landscape enhancement across the site, delivering quality placemaking, and ensuring opportunities for Biodiversity Net Gain are grasped.

3. Sensitive to Neighbours:

Delivers appropriate set back and buffer to residential neighbours to the north and an appropriate addition to the existing townscape.

4. Enables Connectivity:

Supports sustainable and active connectivity into and through the site.

5. A Flexible Approach:

Offers opportunities for a range of unit types and scales and flexibility in phasing approach.

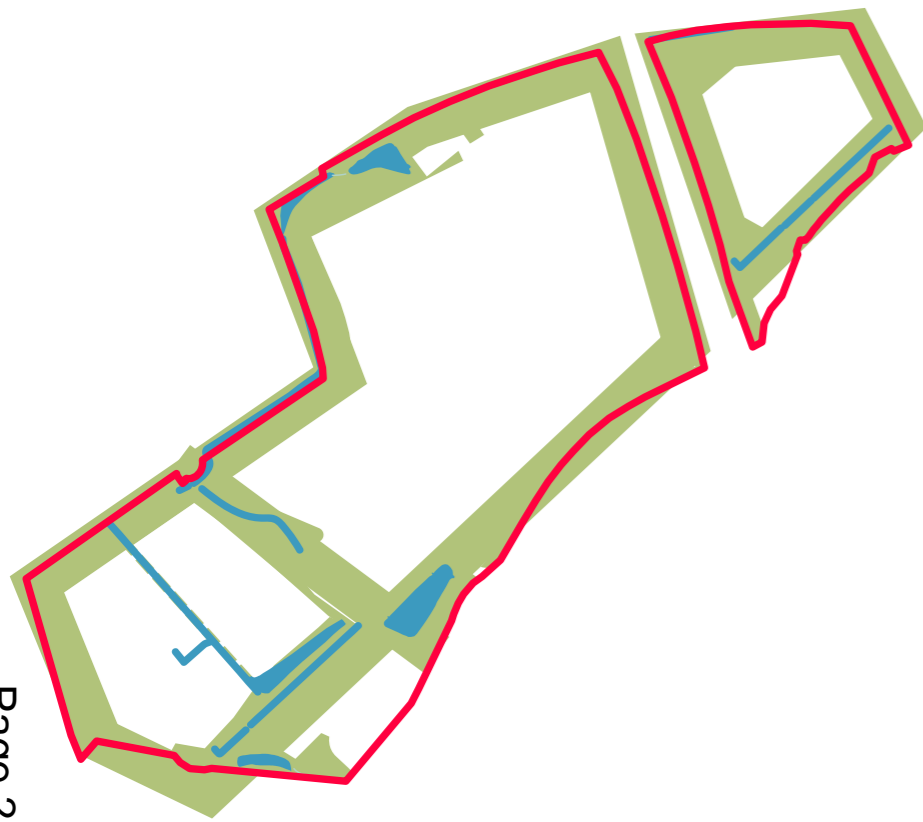
6. Works with the site conditions:

Efficiency of infrastructure to reduce the level of investment required to unlock the sites (access, topography/ground conditions, utilities).

The Framework options have been developed with cognisance of these indicators, and will be tested against them to establish the opportunities associated with implementing each one.

6.3 Design Principles

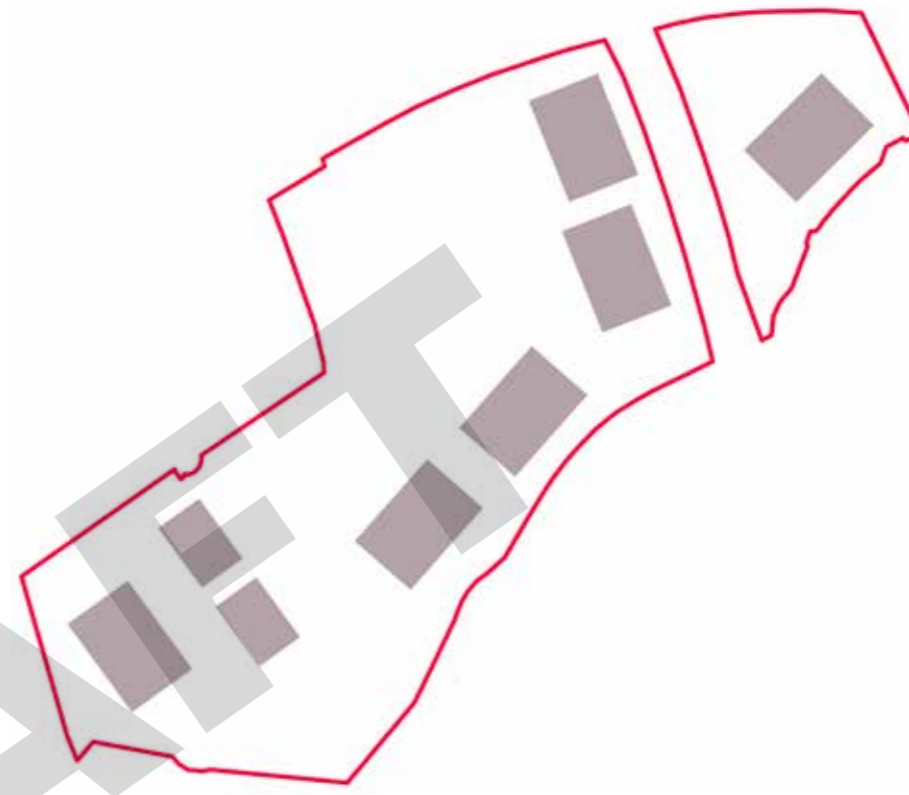
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A green employment park

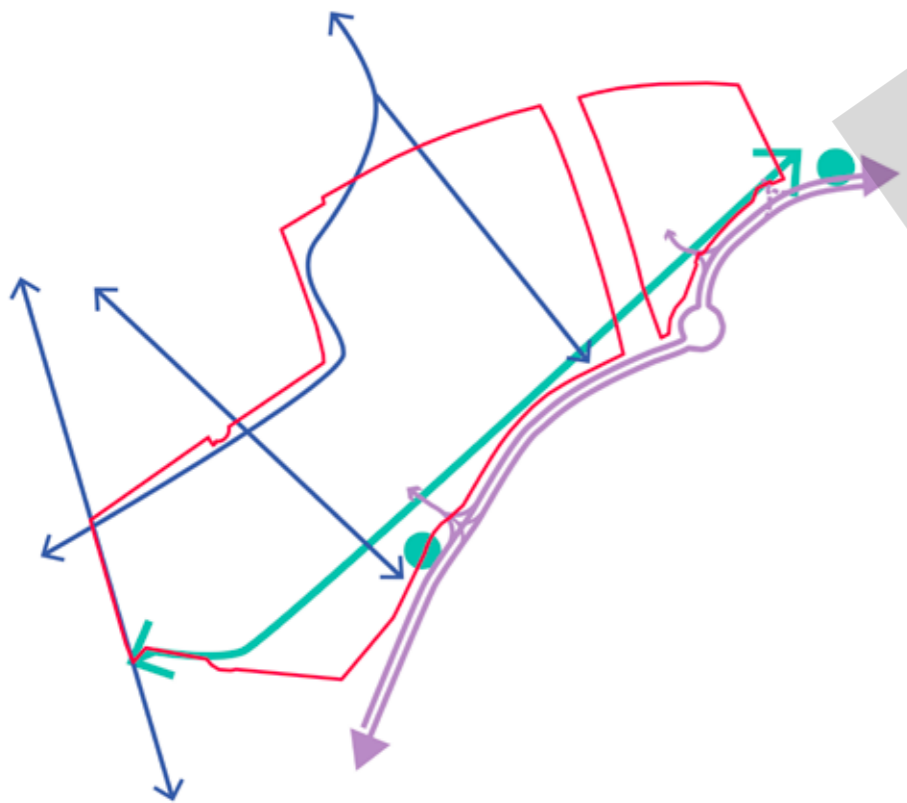
The development should seek to retain and protect landscape features of value, such as watercourses, basins and important tree groups in order to assimilate the employment park into it's setting.

Ashton Moss will be a desirable place to work, the employment park set within a framework of green corridors, and provide amenity for future employees.



Development form focused to the south

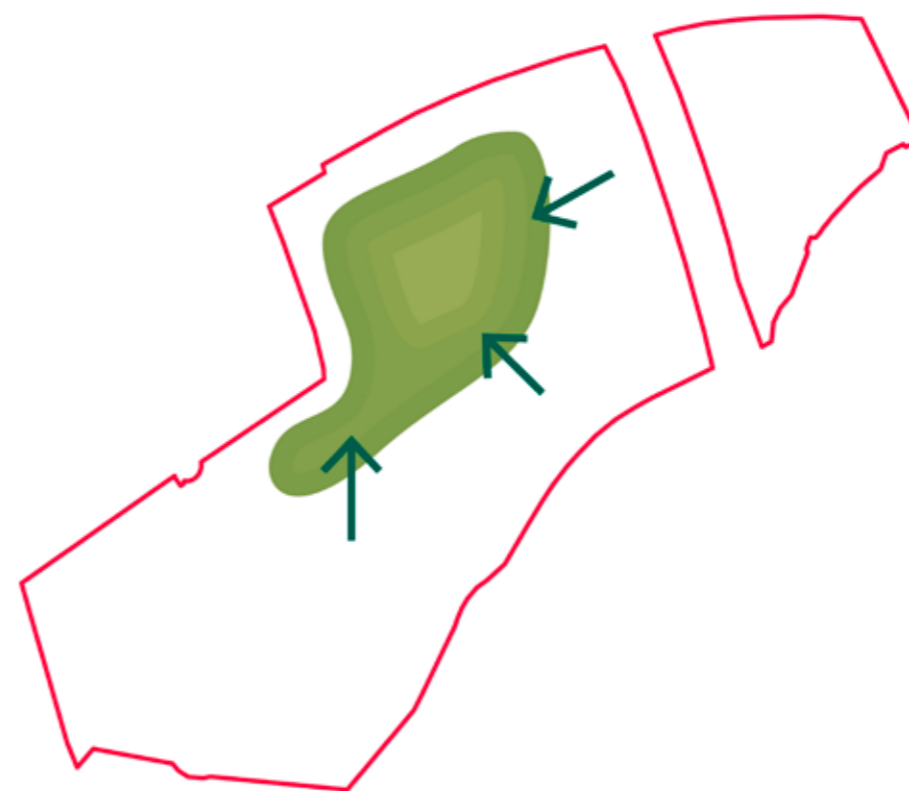
Development form should, where possible, be focused to the south of the site, providing a visual connection to Lord Sheldon Way, and focussing the building mass away from the sensitive boundaries to the north, adjoining residential properties and the Green Belt.



Maximising connectivity through the site

Ashton Moss should seek to maximise connectivity, retaining and enhancing key pedestrian and cycle routes which form local connections to the public transport network, and for existing local residents.

Rayner Lane is to become an important cycleway connecting into the wider Bee Network of Greater Manchester.



Creating an ecology park

Due to the existing landform, it may be possible to create a contoured landscaped parkland from the redistribution of spoil when creating flat development platforms.

Should this be the case, a landscaped landmark feature should be formed to provide a place for recreation for the existing community and future employees. It would also provide a buffer between the existing residential neighbourhood and new employment buildings.

The park also provides the opportunity to mitigate habitat loss within the site.

6.0 The Framework

6.4 The Structural Framework

The Structural Framework for the site sets the underlying strategic components from which development at Ashton Moss should respond. These are effectively the strategic 'fixes' which all options for the site should consider. The framework builds on the guiding design principles and sets out a structure to provide maximum flexibility for future development.

It consists of the following elements which in combination define the resultant development parcels.

- Landscape Framework
- Pedestrian and Cycle Movement Framework
- Infrastructure Framework

These frameworks set the structure for the development and defines a development envelope in the form of three development areas (EMP_01, EMP_02, EMP_03).

These development areas could be delivered individually or as part of a site-wide development proposal. The follow pages set out how each could come forward and the key requirements of each parcel.

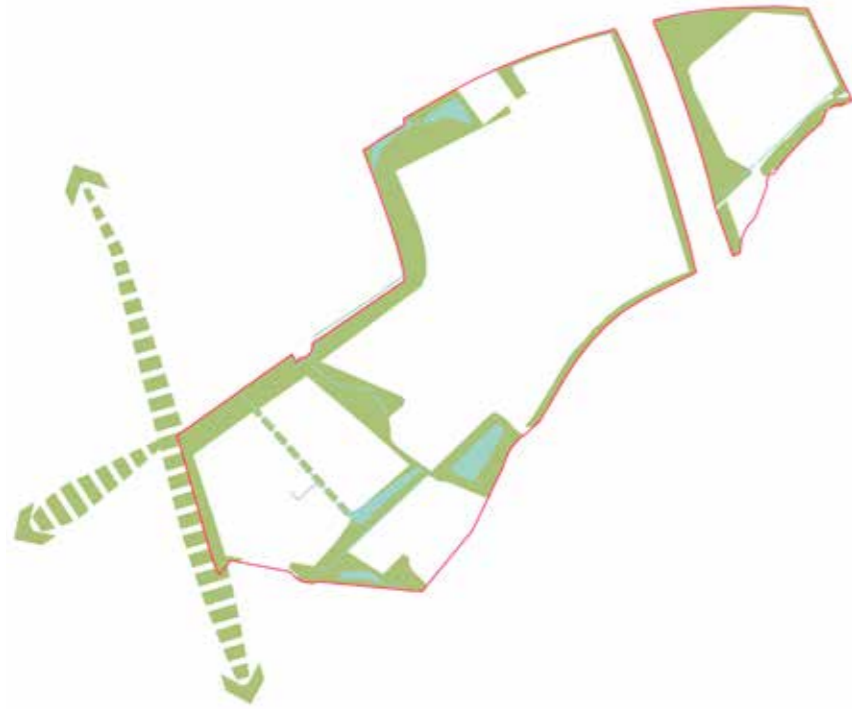
There are several different technical solutions which could be brought forward to deliver the development. These are set out in the next section of this document under 'toolkit'.

Phasing and delivery considerations are set out in section 7.0 of this document.



Figure 6.1: Strategic framework plan

Landscape Framework



- Retention of existing key landscape features - landscape edge, ponds, wet ditches and drains.
- Landscaper buffer to north/western edge to protect visual amenity.
- Extend green links to connect the site to the existing landscape network, connecting to Little Moss
- Provide buffer to M60
- General principle to retain and enhance biodiversity where possible

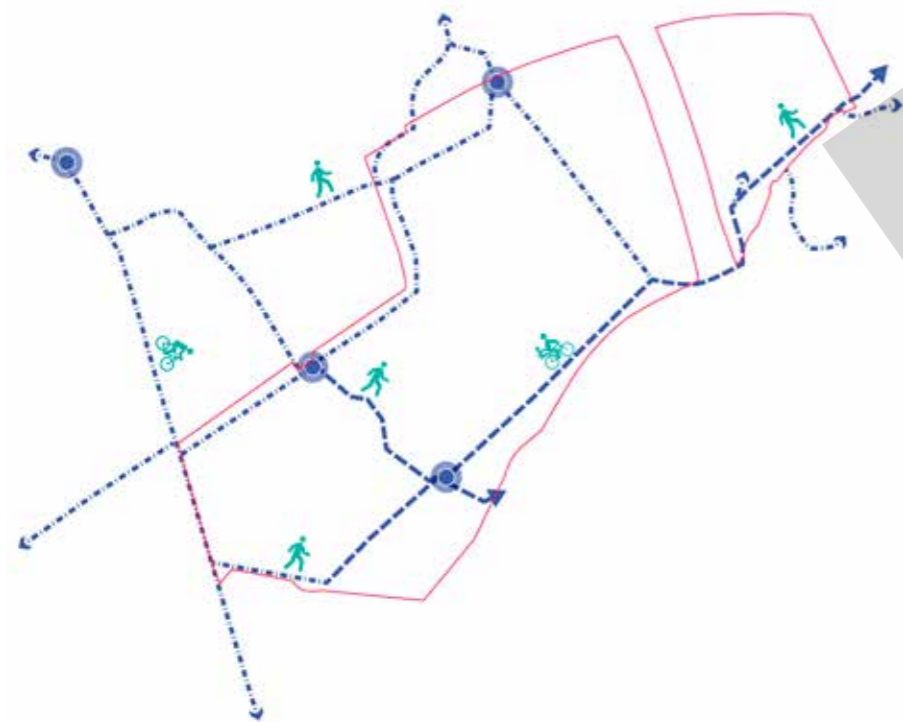
Infrastructure Framework



- Utilise existing road infrastructure to serve the new development from Lord Sheldon Way.
- Easements protected for utilities
- Utilise Rayners Lane as the primary access corridor for the site(s)
- Seek to utilise existing infrastructure but also identify new infrastructure opportunities for energy, waste and drainage

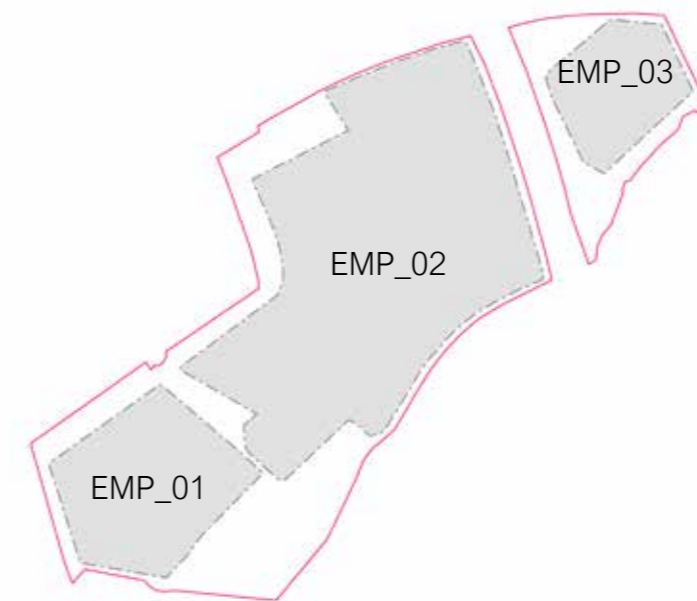
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Pedestrian and Cycle Framework



- Retain or re-provide existing Public Rights of Way that cross the site
- Extend connections from west into the site connecting it with the existing community and landscape
- Maintain key pedestrian desire line cutting through the site, connecting Sandy Lane with the Metrolink stop
- Facilitate access between the two sites (i.e. over M60)
- Improve connections to Ashton Moss Retail & Leisure Park
- Improve access across the railway to the north

Development Parcels



- Delivery of three development areas for employment
- Create logical approaches to the delivery of the development areas collectively and/ or in a phased manner

6.0 The Framework

6.5 Development Scenarios Toolkit

The Structural Framework has defined 3 areas for development. The framework has been designed to be flexible and accommodate a range of different development approaches and forms which could be delivered in several different ways. These are explored on the following pages through a number of scenarios.

The adjacent reference plan outlines the potential development scenarios which could come forward on each development area. The scenarios are then developed further on the following pages before outlining the potential emerging framework options for the site.

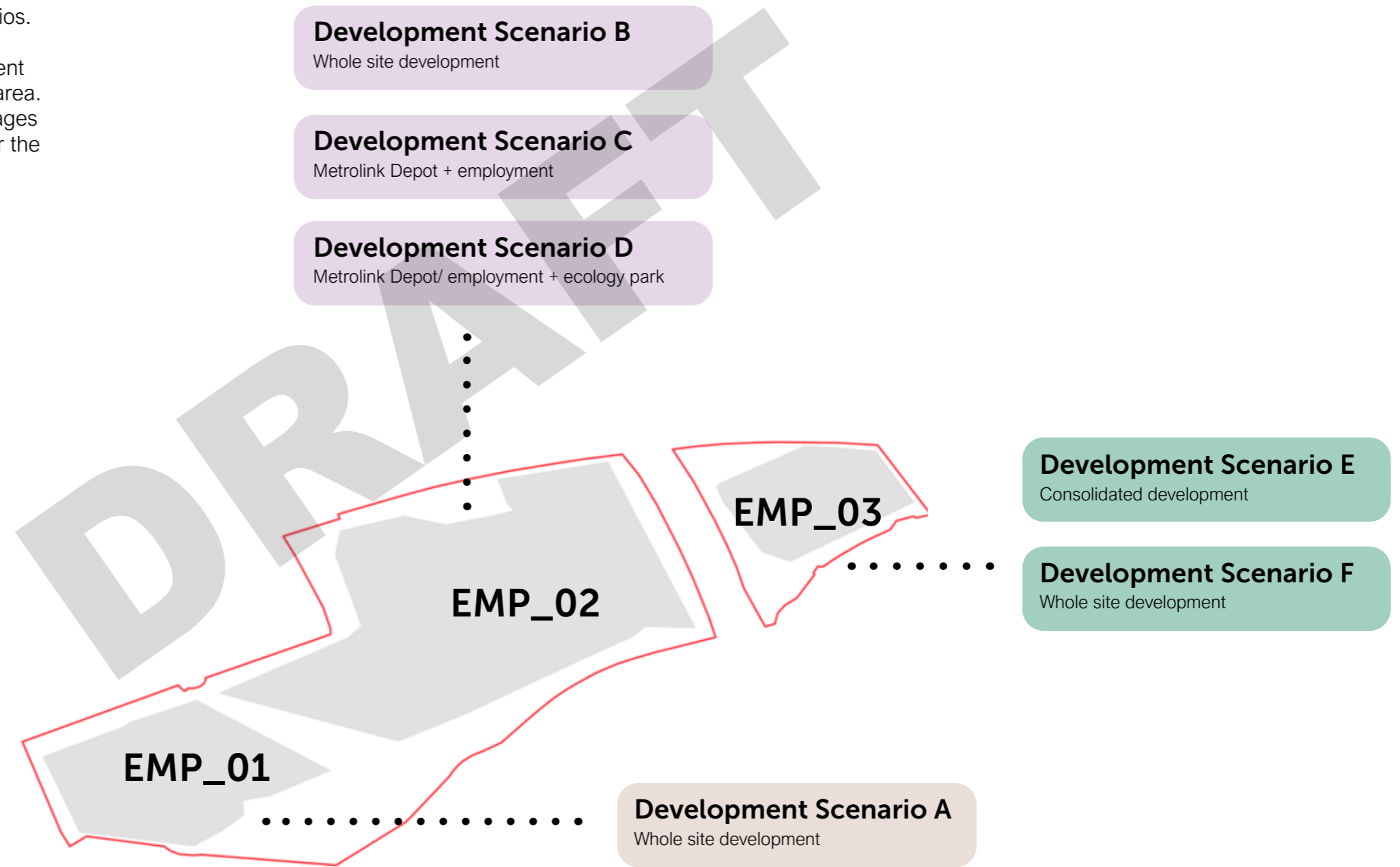


Figure 6.2: Development scenario reference plan

How to read these pages

This page explains how to read the Solutions Toolkit matrix. An annotated example is provided on this page explaining how each page in the Solutions Toolkit is set out.

The headline development and landscape considerations are set out for each development scenario on the following pages. These are important issues relating to each individual area and should be considered across all development scenarios.

For each scenario a range of delivery and design solutions are set out. Each solution has its own positive and negatives (environmental impact/cost etc.) which will need to be weighed up in the balance of development.

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Key things you need to know about when developing this plot

Key plan defining the plot which this page refers to

Potential access, drainage and landscape solutions

PARCEL NO. EMP_XX

Development Scenario X

KEY CONSIDERATIONS

- Access**
 - Retain or re-provide access to Moss Side Farm
 - Retain or divert existing public right of ways
- Utilities**
 - Utilities easement to be accommodated.
- Levels**
 - Significant amounts of re-modelling to create development platforms
- Biodiversity**
 - High value habitats.

ACCESS SOLUTIONS

Utilise existing junction
Proposed development is served from existing priority junction on Lord Sheldon Way via Rayner Lane.

Utilise existing junction and provide an emergency or secondary access
Proposed development is served from existing priority junction on Lord Sheldon Way and via Rayner Lane and an alternative access onto Lord Sheldon Way.

DRAINAGE SOLUTIONS

Individual plot - surface water storage tank system
Each development plot is served by an underground storage tank. Minimal land take.

Individual plot - SuDS system, basins and swales
Each development plot is served by its own SuDs system.

Site wide strategy- SuDS system, basins and swales
Holistic site wide strategy. Basins can be consolidated in several locations.

LANDSCAPE SOLUTIONS

Structural landscape
Minimal landscape response. Structural landscape (as per framework) and plot landscape only.

Enhanced structural landscape
Structural landscape (as per framework) and enhanced plot landscape.

Ecology park
Central landscaped park for amenity, biodiversity and to accommodate landform.

Unsuitable solutions in this scenario are faded out and defined with a cross

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6.0 The Framework

Employment Area 1



KEY CONSIDERATIONS



Access

- Existing rights of way to be retained



Visual Impact

- Sensitive receptors in surrounding residential community

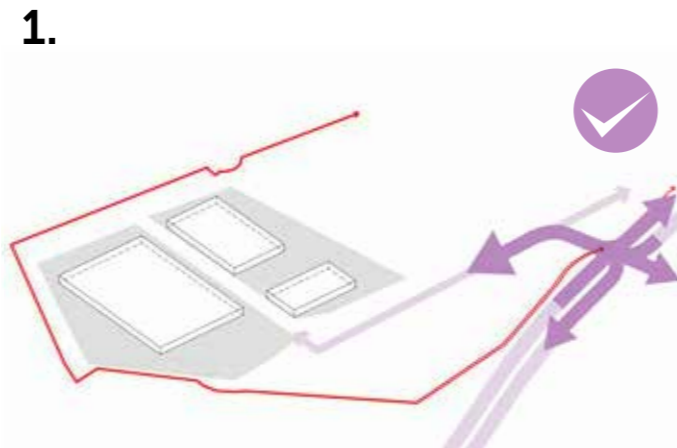


Biodiversity

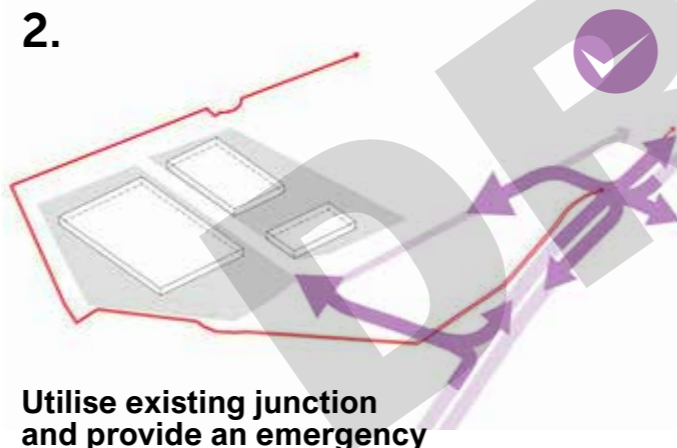
- Retention of water drain and pond

Development Scenario A (whole site development)

ACCESS OPTIONS

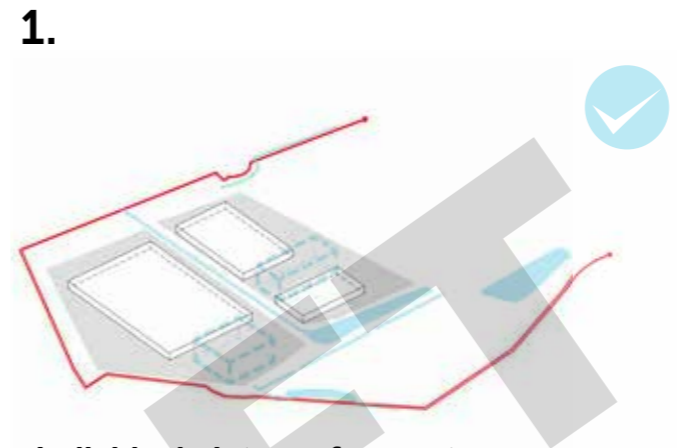


1. Utilise existing junction
Proposed development is served from existing priority junction on Lord Sheldon Way via Rayner Lane.



2. Utilise existing junction and provide an emergency or secondary access
Proposed development is served from existing priority junction on Lord Sheldon Way and via Rayner Lane and a new access via garden centre/ nursery access off Lord Sheldon Way, offering straight ahead route from M60. Junction enhancements and signalling review required.

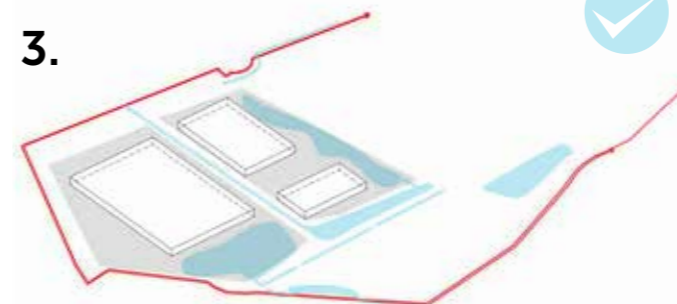
DRAINAGE OPTIONS



1. Individual plot - surface water storage tank system
Each development plot is served by an underground storage tank. Minimal land take.

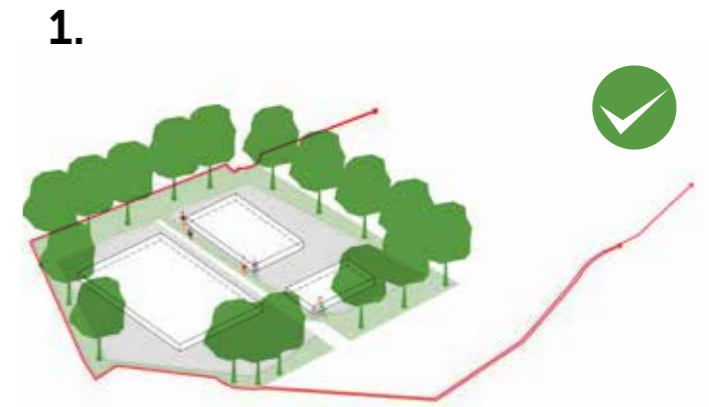


2. Individual plot - SuDS system, basins and swales
Each development plot is served by its own SuDS system.



3. Site Wide Strategy- SuDS system, basins and swales
Holistic Site wide strategy. Basins can be consolidated in several locations.

LANDSCAPE OPTIONS



1. Structural landscape
Minimal landscape response. Structural edge landscape, central boulevard (as per framework) and plot landscape only.

Employment Area 2



KEY CONSIDERATIONS



Access

- Retain or re-provide access to Moss Side Farm
- Retain or divert existing public right of ways



Utilities

- Utilities easement to be accommodated along Rayners Lane



Levels

- Significant amounts of re modelling to create development platforms

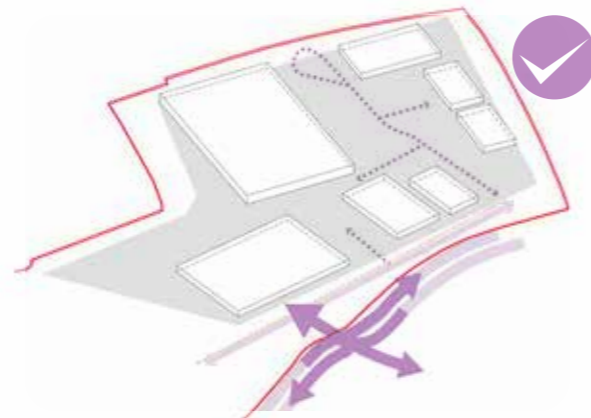


Biodiversity

- High value habitats retained to north and south

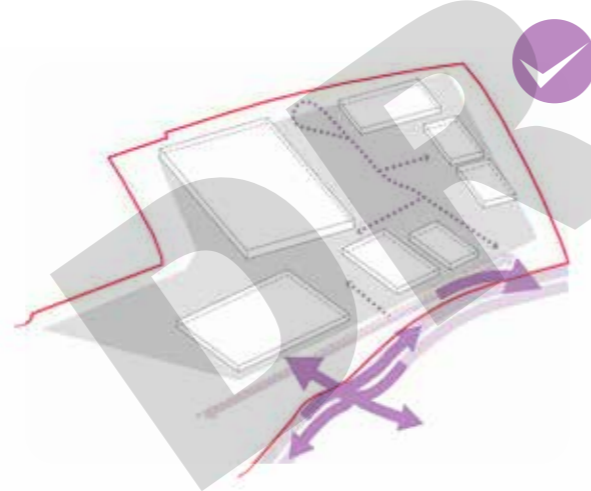
Development Scenario B (whole site development)

ACCESS OPTIONS



Utilise existing junction

Proposed development is served from existing priority junction on Lord Sheldon Way via Rayner Lane.

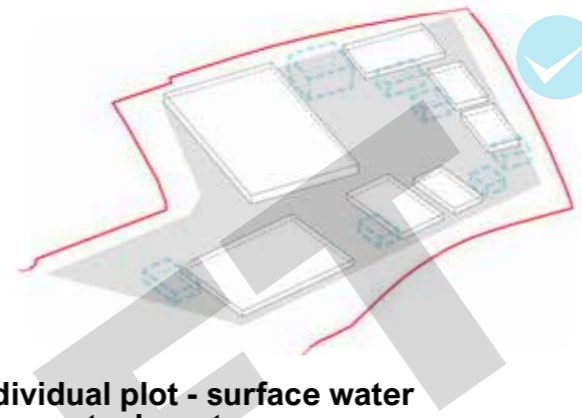


Utilise existing junction and provide an emergency or secondary access

Proposed development is served from existing priority junction on Lord Sheldon Way and via Rayner Lane and an alternative access onto Lord Sheldon Way.

Solution unlikely to be required if access option 2 is taken within Development Scenario A.

DRAINAGE OPTIONS



Individual plot - surface water storage tank system

Each development plot is served by an underground storage tank. Minimal land take.



Individual plot - SuDS system, basins and swales

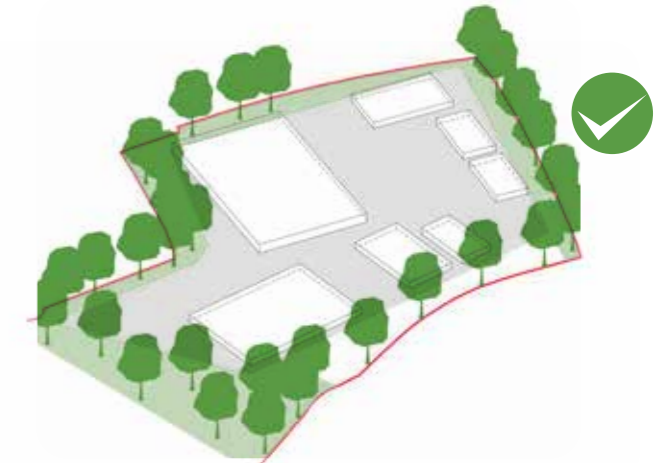
Each development plot is served by its own SuDS system.



Site wide strategy- SuDS system, basins and swales

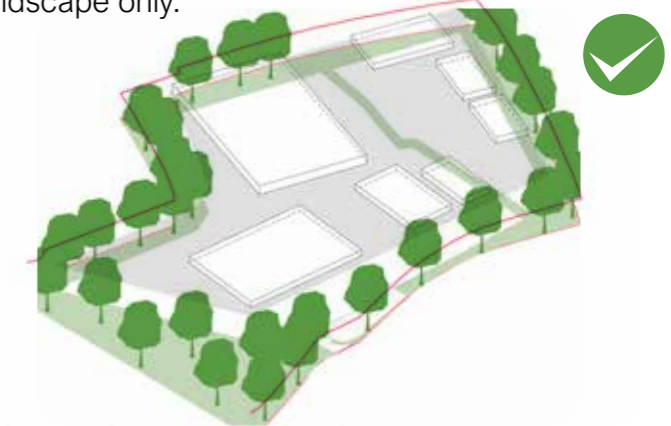
Holistic site wide strategy. Basins can be consolidated in several locations.

LANDSCAPE OPTIONS



Structural landscape

Minimal landscape response. Structural landscape (as per framework) and plot landscape only.



Enhanced structural landscape

Structural landscape (as per framework), including central boulevard public route, and enhanced plot landscape.



Ecology Park

Central landscaped park for amenity, biodiversity and to accommodate landform.

6.0 The Framework

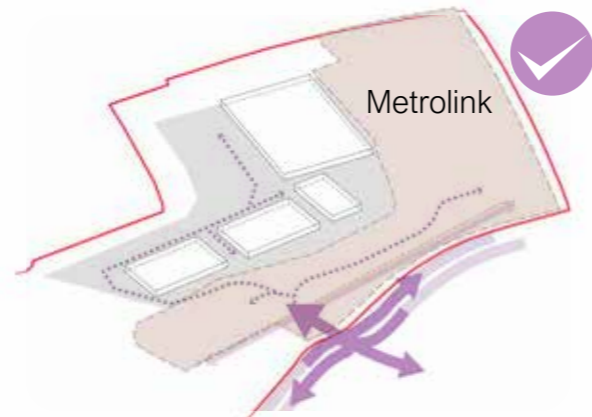
Employment Area 2

Development Scenario C (Metrolink depot + employment)



ACCESS OPTIONS

1.



Utilise existing junction

Proposed development is served from existing priority junction on Lord Sheldon Way via the Metrolink Depot site.

2.

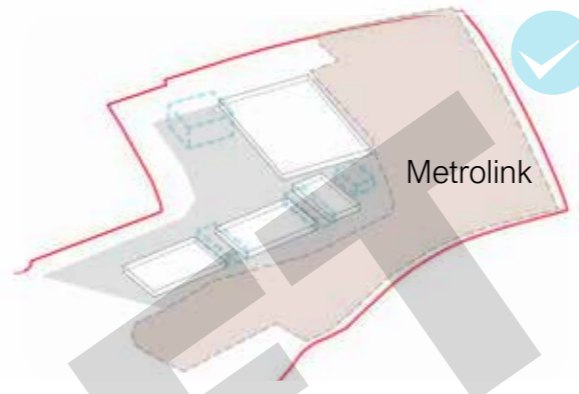


Utilise existing junction and provide an emergency or secondary access

Second access cannot be provided due to Metrolink depot location and tram lines.

DRAINAGE OPTIONS

1.



Individual plot - surface water storage tank system

Each development plot is served by an underground storage tank. Minimal land take.

2.



Individual plot - SuDS system, basins and swales

Each development plot is served by its own SuDs system.

3.



Site wide strategy- SuDS system, basins and swales

Holistic site wide strategy. Basins can be consolidated in several locations.

LANDSCAPE OPTIONS

1.



Structural landscape

Minimal landscape response. Structural landscape (as per framework) and plot landscape only.

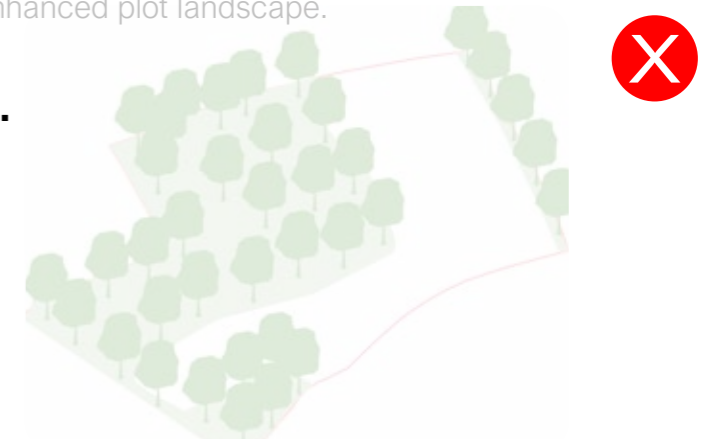
2.



Enhanced structural landscape

Structural landscape (as per framework) and enhanced plot landscape.

3.



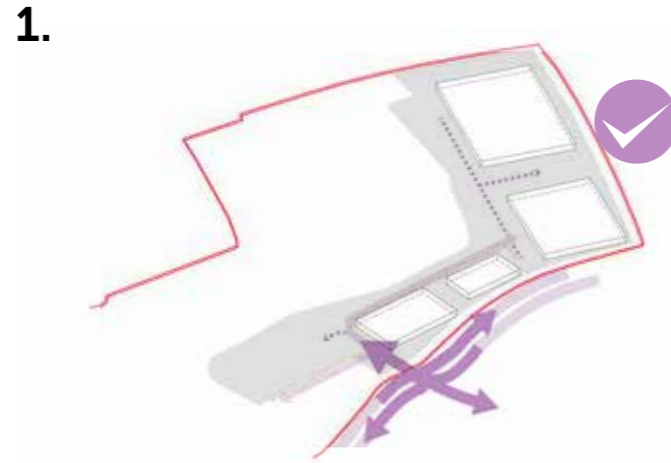
Central landscaped ecology park for amenity, biodiversity and to accommodate landform.

Employment Area 2

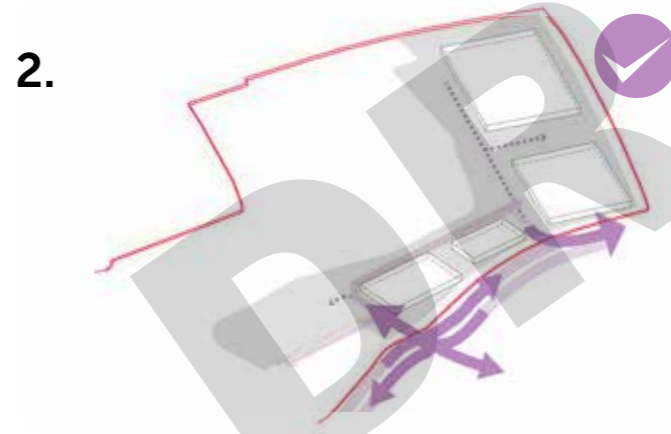
Development Scenario D (Metrolink depot/ employment + ecology park)



ACCESS OPTIONS

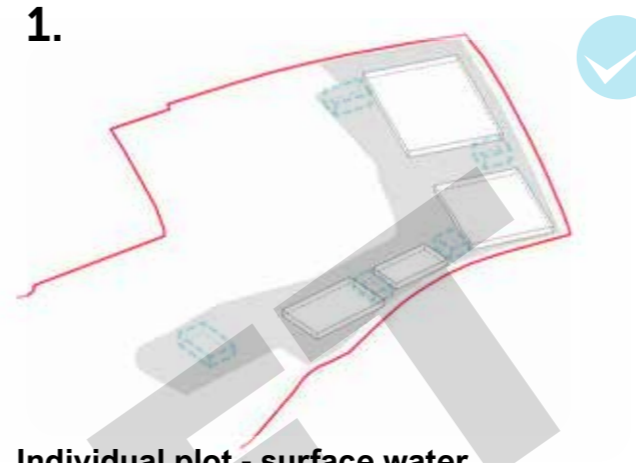


1. Utilise existing junction
Proposed development is served from existing priority junction on Lord Sheldon Way.



2. Utilise existing junction and provide an emergency or secondary access
Proposed development is served from existing priority junction on Lord Sheldon Way and via Rayner Lane and an alternative access onto Lord Sheldon Way.

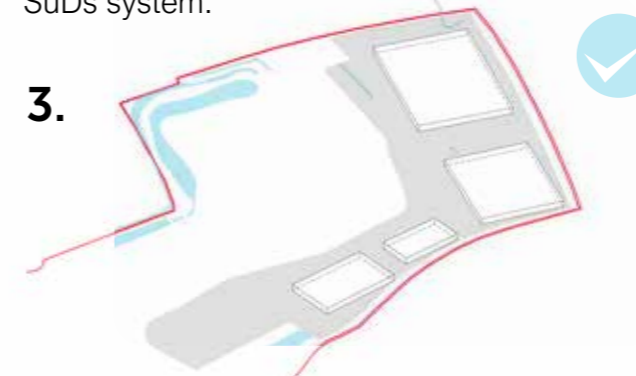
DRAINAGE OPTIONS



1. Individual plot - surface water storage tank system
Each development plot is served by an underground storage tank. Minimal land take.

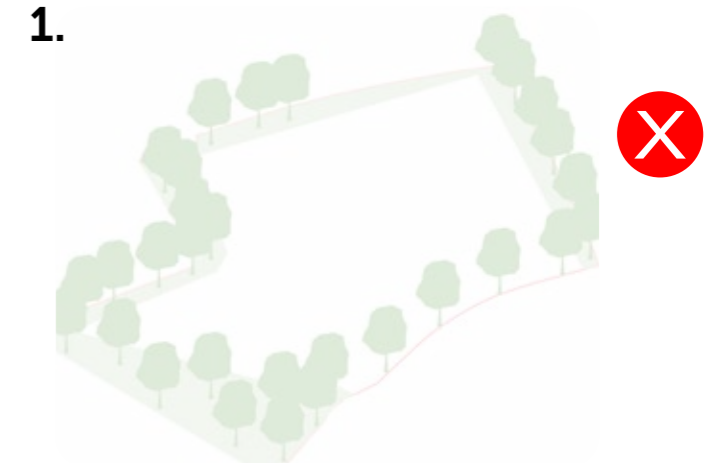


2. Individual plot - SuDS system, basins and swales
Each development plot is served by its own SuDs system.



3. Site wide strategy - SuDS system, basins and swales
Holistic site wide strategy. Basins can be consolidated in several locations.

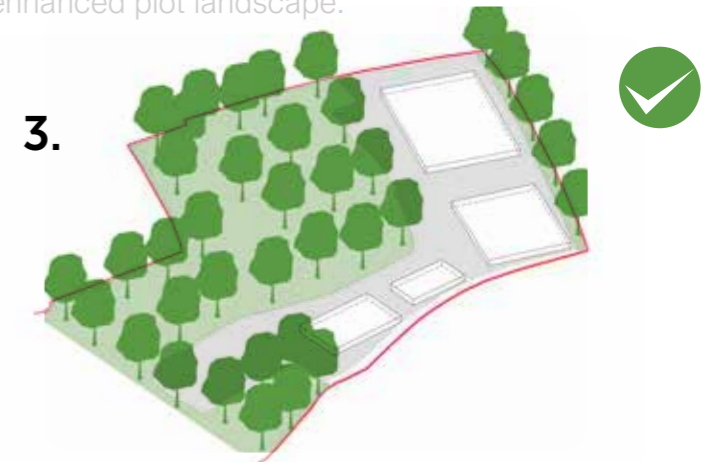
LANDSCAPE OPTIONS



1. Structural landscape
Minimal landscape response. Structural landscape (as per framework) and plot landscape only.



2. Enhanced structural landscape
Structural landscape (as per framework) and enhanced plot landscape.



3. Ecology Park
Central landscaped park for amenity, biodiversity and to accommodate landform.

6.0 The Framework

Employment Area 3

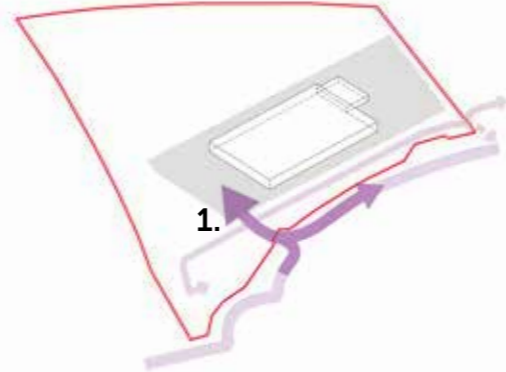
Development Scenario E (consolidated development)



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ACCESS OPTIONS

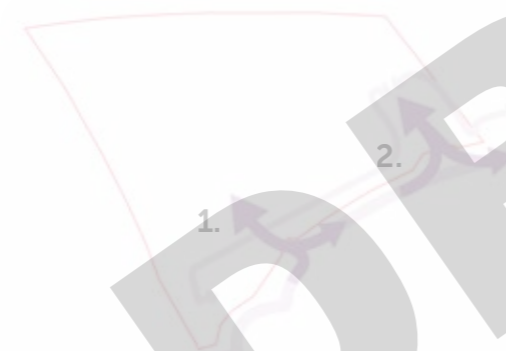
1.



Utilise existing junction 1

Proposed development is unlikely to be served by the existing left in left out arrangements

2.



Utilise existing junctions 1&2

Proposed development is served by the existing left in left out at 1 and 2.

3.



Upgrade junction 2

Proposed development is served by an updated junction - to a 'no right turn' access

DRAINAGE OPTIONS

1.



Surface water storage tank system

Existing drainage channels to be diverted/reprovided. Surface water underground storage tank.

2.

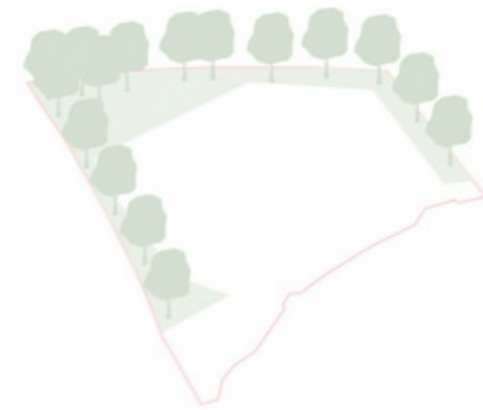


SuDS system, basins and swales

Re provide/divert existing channels and provide an attenuation basin SuDs network for surface water drainage,

LANDSCAPE OPTIONS

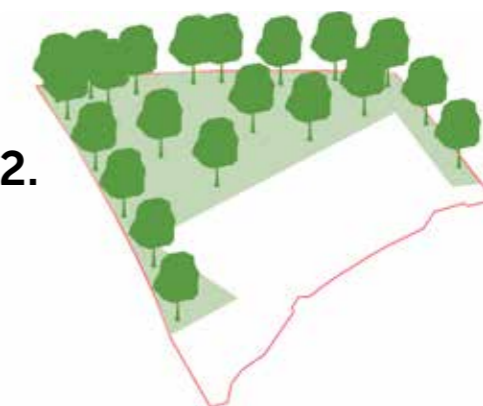
1.



Structural landscape

Minimal landscape response. Structural landscape (as per framework) and plot landscape only.

2.



Enhanced landscape/habitats

Some habitats retained and enhanced alongside development.

Employment Area 3



KEY CONSIDERATIONS



Access

- Access to Cricket club to be retained at all times.
- Co-ordination needed with TFGM on junction capacity and tram movements



Drainage

- Existing surface water drains to be reprovided.



Biodiversity

- High value existing habitats.



Visual Impact

- Sensitive receptors to the north.

Development Scenario F (whole site development)

ACCESS OPTIONS

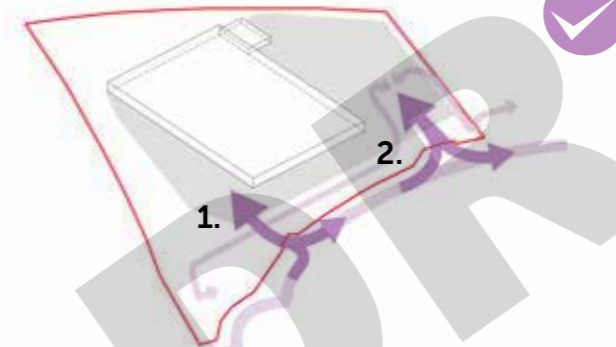
1.



Utilise existing junction 1

Proposed development is unlikely to be served by the existing left in left out arrangements

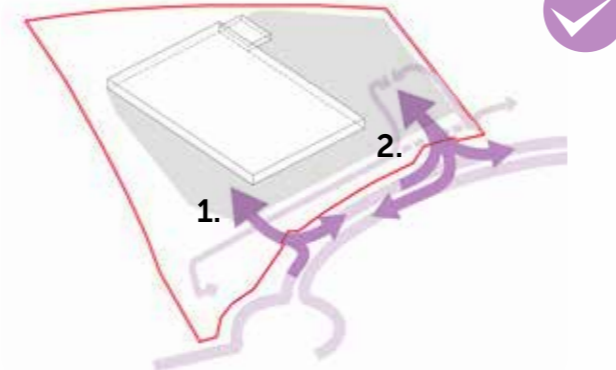
2.



Utilise existing junctions 1&2

Proposed development is served by the existing left in left out at 1 and 2.

3.

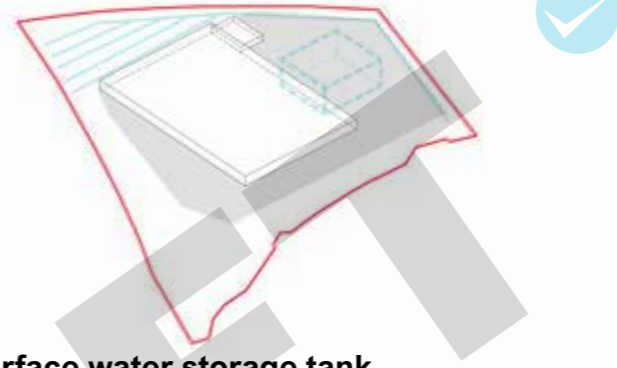


Upgrade junction 2

Proposed development is served by an updated junction - to an all move ('no right turn') access crossing tram line

DRAINAGE OPTIONS

1.



Surface water storage tank system

Existing drainage channels to be diverted/reprovided. Surface water underground storage tank.

2.

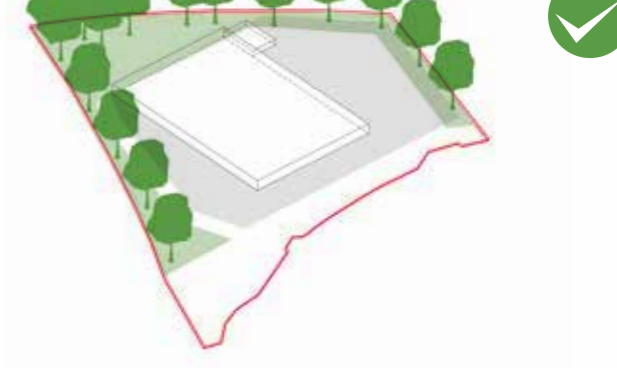


SuDS system, basins and swales

Re provide/divert existing channels and provide an attenuation basin SuDs network for surface water drainage,

LANDSCAPE OPTIONS

1.



Structural landscape

Minimal landscape response. Structural landscape (as per framework) and plot landscape only.

2.



Enhanced landscape/habitats

Some habitats retained and enhanced alongside development.

6.0 The Framework

6.6 Framework Options

The Solutions toolkit has identified a number of different technical solutions to delivering various quantum of development. The following pages set out four different framework options where a combination of design and technical solutions are tested.

Framework Option 1 - Ecology Park and Development

Toolkit Options Selected:

	EMP_01	EMP_02	EMP_03
Access	A1	D1	F2
Drainage	A2	D2	F1
Landscape	A1	D3	F1

EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.

EMP_02 - Development provided adjacent to M60. Employment plots accessed existing signalised junction. Central Ecology Park.

EMP_03 - Development plot served by existing junction arrangements.

Pros

- Medium quantum of development
- Ecology Park provides a local amenity for community, provides opportunities for biodiversity enhancement, reduces the amount of cut and fill on site and provides a buffer to development in terms of visual impact.

Cons

- Reduced development potential



Figure 6.3: Development Framework Option 1

Access & Movement Framework



- Train station at Little Moss
- Access to serve development via Lord Sheldon Way on existing junction
- Metrolink Depot - Park and Ride relocated within the site
- New junction off Lord Sheldon Way to east
- Rayners Lane and Little Moss Lane re-routed

Active Travel Framework



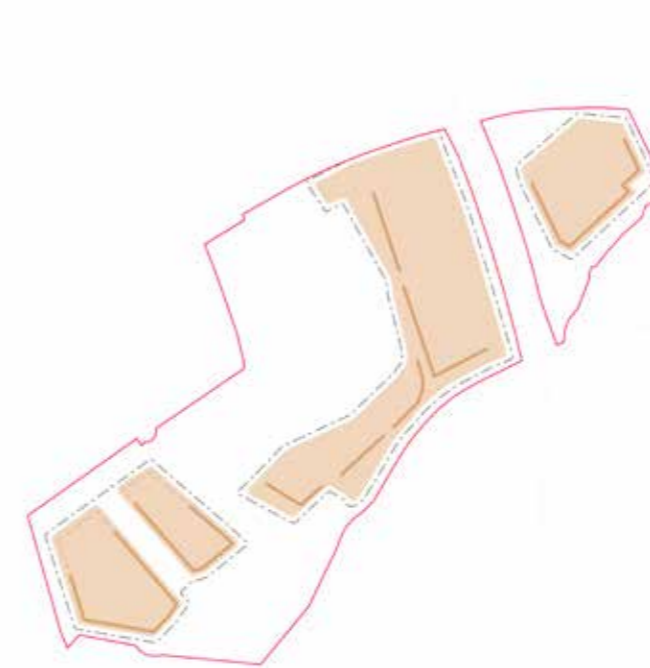
- Existing Rights of Way retained linking Martingale Way and Lord Sheldon Way (Ashton Moss Metrolink)
- Bridleway along Moss Lane rerouted to accommodate pedestrian and cycle connections made through the employment site to retain connectivity with Lord Sheldon Way.
- Strong connection to Ecology Park in all directions
- Enhanced cycle and pedestrian connections to west linking Moorside Street and Lord Sheldon Way
- Improved pedestrian connections over Lord Sheldon Way to east

Landscape Framework



- Green links through the development and connecting into wider biodiversity network
- Existing features retained where possible- ponds, ditches.
- Green links through employment area at all possible locations
- High quality ecology park destination to north of the site for local residents and workers, as well as nature/ biodiversity learning potential (inc. learning/ research centre)

Development Area Framework



- Active and commercial frontage to Lord Sheldon Way
- Positive and green edge to Park from north and west of employment area
- Gateway arrival into the centre of the site from Lord Sheldon Way
- Concentrate larger units to south of all sites
- Indicative capacity: 1.35m sqft (c.125,400 sqm) to 2.7m sqft (c. 251,000 sqm) employment space.

6.0 The Framework

Framework Option 2 - Full Development

Toolkit Options Selected:

	EMP_01	EMP_02	EMP_03
Access	A1	B1	F2
Drainage	A2	B2	F1
Landscape	A1	B1	F1

EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.

EMP_02 - A large development platform created to accommodate number of development plots. Autonomous bus loop connecting new station at Little Moss.

EMP_03 - Development plot served by existing junction arrangements.

Pros

- High quantum of development
- New train station to serve local area

Cons

- Unlikely to be able to meet Biodiversity Net Gain requirements on site
- Cost associated with high quantum of cut and fill required to create development platforms
- Visual impact considerations from residential neighbours and Green Belt
- Existing Rights of Way diverted

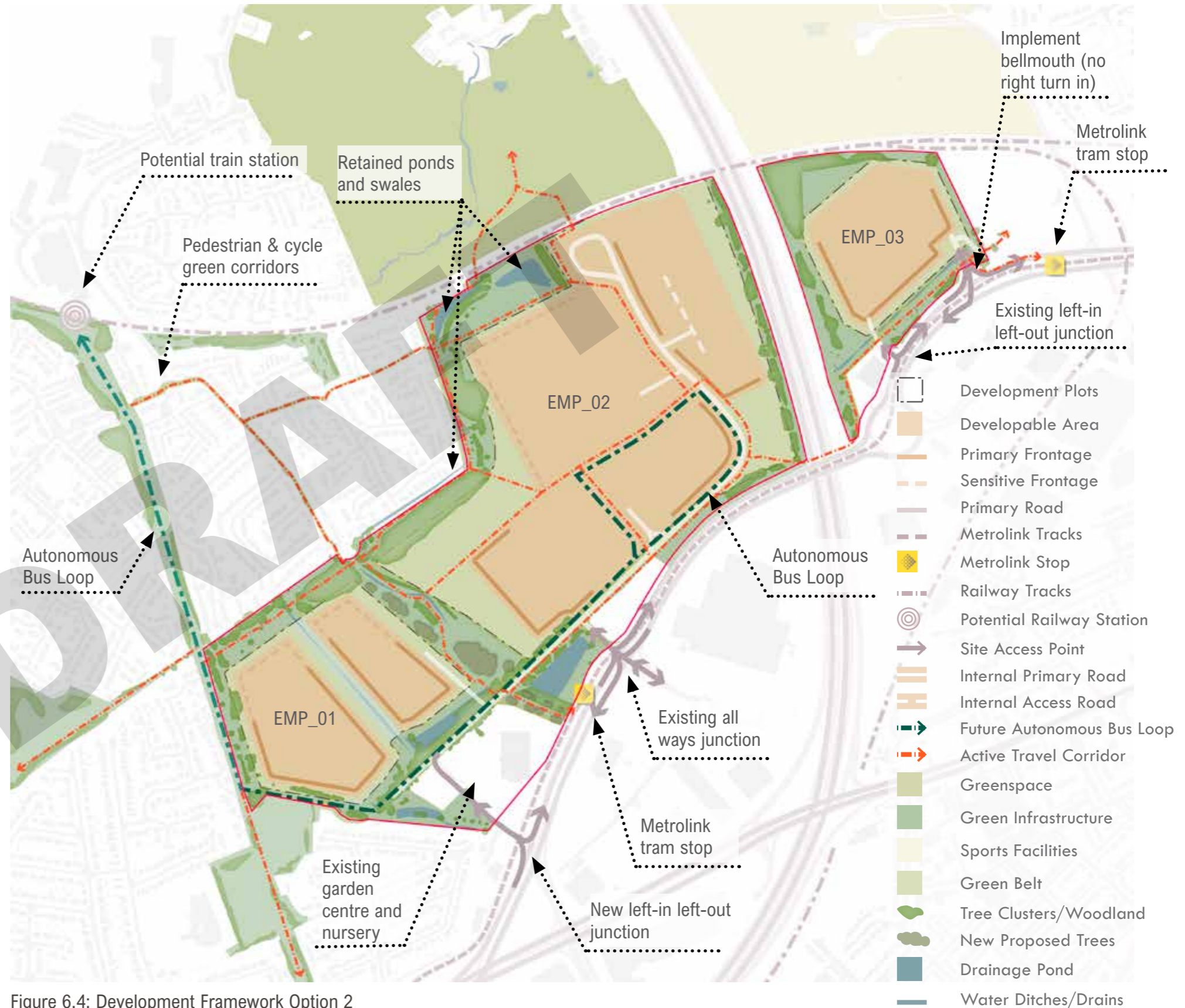


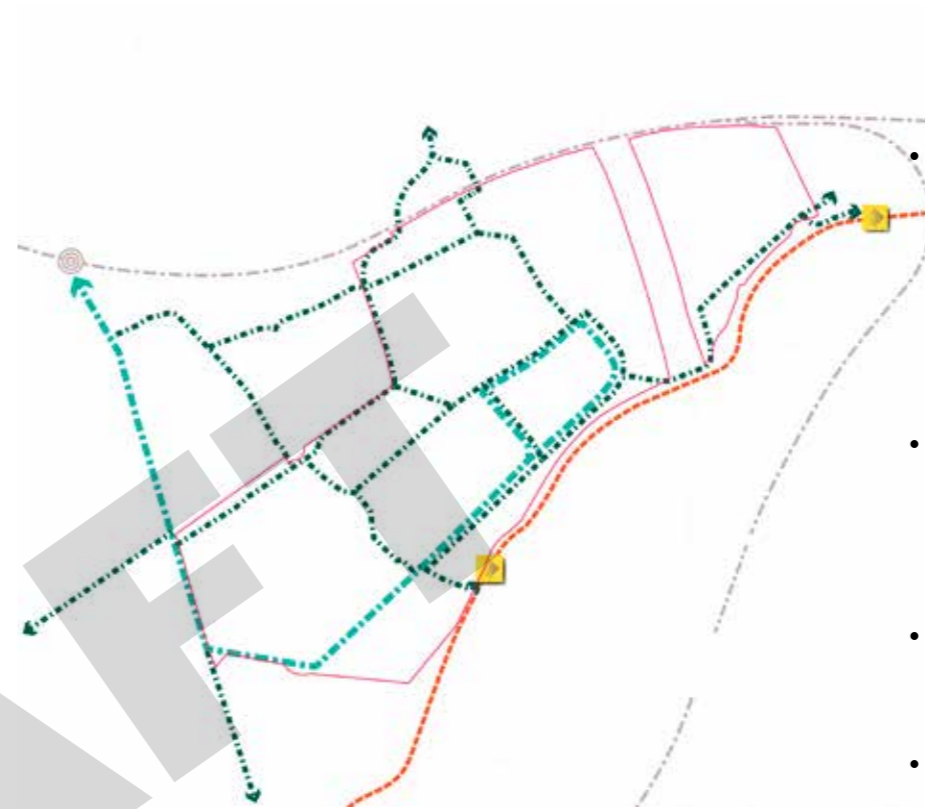
Figure 6.4: Development Framework Option 2

Access & Movement Framework



- Train station at Little Moss - with future movement loop into the site (blue line) for sustainable and autonomous links
- Access to serve development via Lord Sheldon Way on existing junction
- New access to west off Lord Sheldon Way through garden centre
- Park and ride retained in current location
- New junction off Lord Sheldon Way to east

Active Travel Framework



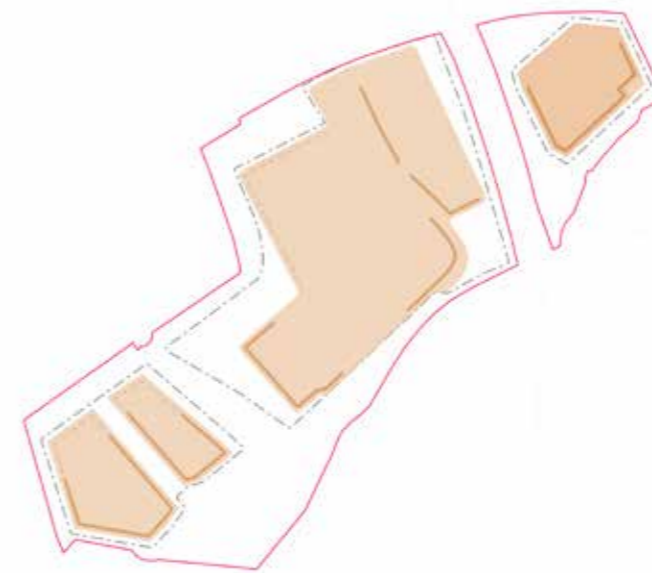
- Existing Rights of Way retained linking Martingale Way and Lord Sheldon Way (Ashton Moss Metrolink)
- Bridleway along Moss Lane rerouted to accommodate pedestrian and cycle connections made through the employment site to retain connectivity with Lord Sheldon Way.
- Enhanced cycle and pedestrian connections to west linking Moorside Street and Lord Sheldon Way
- Improved pedestrian connections over Lord Sheldon Way to east
- Cycle loop aligned with Future Movement route

Landscape Framework



- Green links through the development and connecting into wider biodiversity network
- Existing features retained where possible- ponds, ditches.
- Green links through employment area at all possible locations
- Wide central green spine dissecting the site at location of current PRoW
- Strong green access to west

Development Area Framework



- Building frontages and entrances to Lord Sheldon Way
- Indicative capacity: 1.95m sqft (c.181,100 sqm) to 3.9m sqft (c.362,300 sqm) employment space.

6.0 The Framework

Framework Option 3 - Ecology Park and Metrolink Depot

Toolkit Options Selected:

	EMP_01	EMP_02	EMP_03
Access	A1	D1	F2
Drainage	A2	D2	F1
Landscape	A1	D3	F1

EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.

EMP_02 - Metrolink Depot provided adjacent to M60. Park and Ride relocated. Central Ecology Park.

EMP_03 - Development plot served by existing junction arrangements.

Pros

- Ecology Park provides a local amenity for community, provides opportunities for biodiversity enhancement, reduces the amount of cut and fill on site and provides a buffer to development in terms of visual impact.
- Limited infrastructure need/ highways intervention

Cons

- Reduced development potential
- Existing Rights of Way diverted to facilitate Metrolink Depot.
- Depot provides poor 'front door' to the site discouraging use of Ecology Park

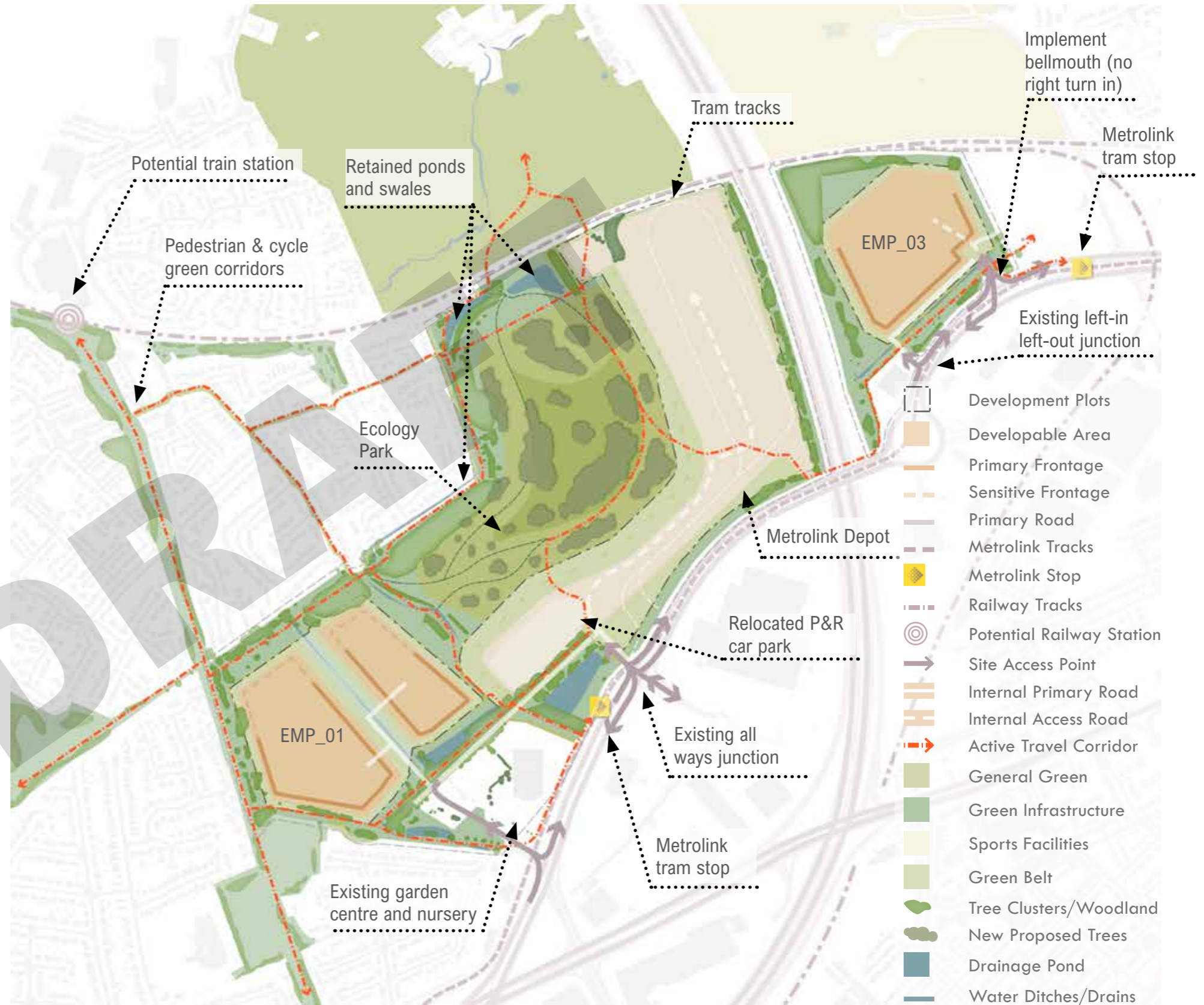
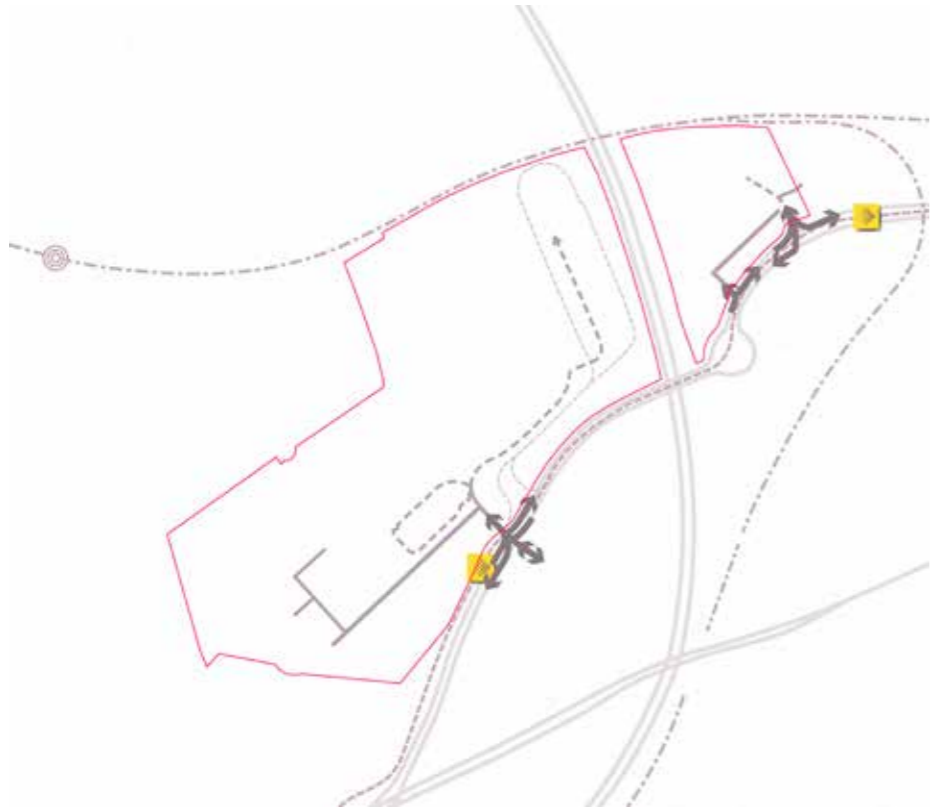


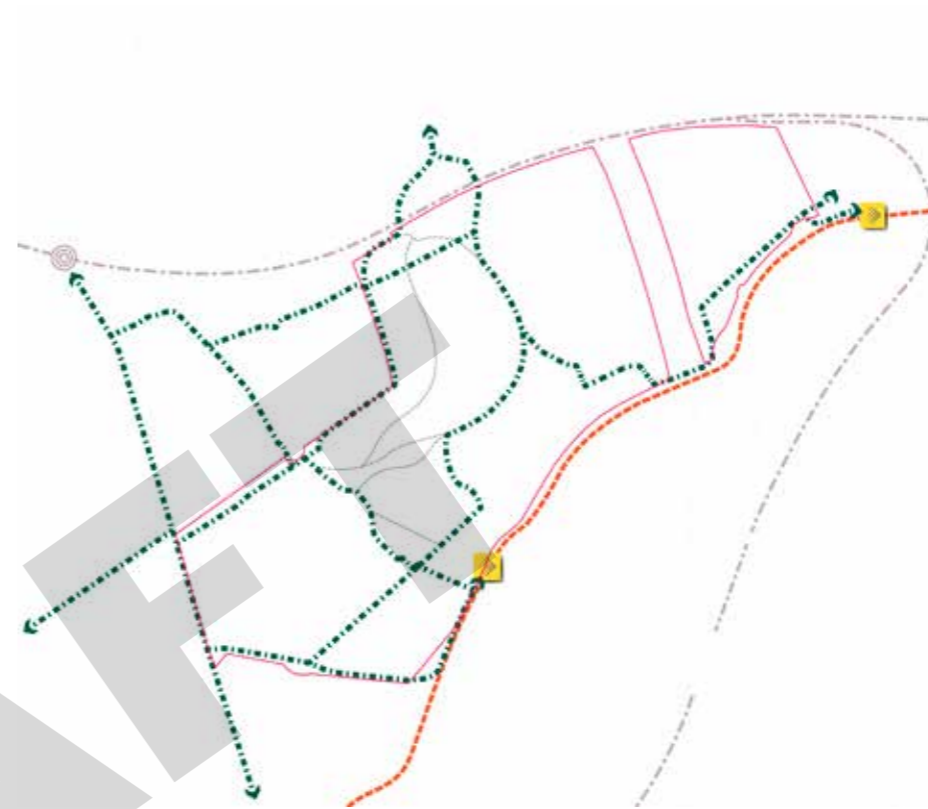
Figure 6.5: Development Framework Option 3

Access & Movement Framework



- Train station at Little Moss
- Access to serve development via Lord Sheldon Way on existing junction
- Metrolink Depot - Park and Ride relocated within the site
- New junction off Lord Sheldon Way to east
- Rayners Lane and Little Moss Lane re-routed

Active Travel Framework



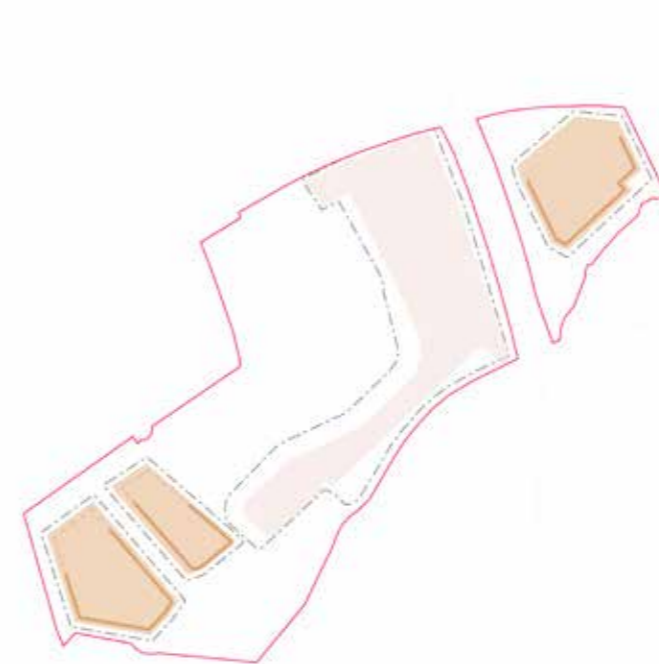
- Existing Rights of Way retained linking Martingale Way and Lord Sheldon Way (Ashton Moss Metrolink)
- Bridleway along Moss Lane rerouted to accommodate pedestrian and cycle connections made through the depot site to retain connectivity with Lord Sheldon Way
- Strong connection to Ecology Park in all directions
- Enhanced cycle and pedestrian connections to west linking Moorside Street and Lord Sheldon Way
- Improved pedestrian connections over Lord Sheldon Way to east

Landscape Framework



- Green links through the development and connecting into wider biodiversity network
- Existing features retained where possible- ponds, ditches
- Opportunity for green infrastructure around depot to accommodate level changes and reduce impact of depot
- High quality ecology park destination to north of the site for local residents and workers, as well as nature/ biodiversity learning potential (inc. learning/ research centre)

Development Area Framework



- Active and commercial frontage to Lord Sheldon Way
- Sensitive edge and 'softer' edge to residents to north
- Concentrate larger units to south of all sites
- Indicative capacity: 660,522 sqft (c.61,400 sqm) to 1.3m sqft (120,800sqm) employment space, plus Metrolink Depot

6.0 The Framework

Framework Option 4 - Development and Metrolink Depot

Toolkit Options Selected:

	EMP_01	EMP_02	EMP_03
Access	A1	C1	F2
Drainage	A2	C2	F1
Landscape	A1	C1	F1

EMP_01 - Development parcel divided into two plots and accessed via Rayner Lane. Existing drainage ditch accommodated within plot landscape. Frontage to Rayner Lane/Garden Centre.

EMP_02 - Metrolink Depot provided adjacent to M60. Park and Ride relocated. Employment plots accessed existing signalised junction. Development plot platforms to be confirmed, but will sit at a higher level to the depot site. Existing Right of Way diverted and re-provided. New train station provided.

EMP_03 - Development plot served by existing junction arrangements.

Pros

- Medium quantum of development and can provide a Metrolink Depot
- New train station to serve local area

Cons

- Unlikely to be able to meet Biodiversity Net Gain requirements on site
- Cost associated with high quantum of cut and fill required to create development platforms, likely need to move material off site and sustainability
- Visual impact considerations from residential neighbours and green belt
- Existing Rights of Way diverted to facilitate Metrolink Depot
- High levels of security and fencing for depot - poor front door to AMW

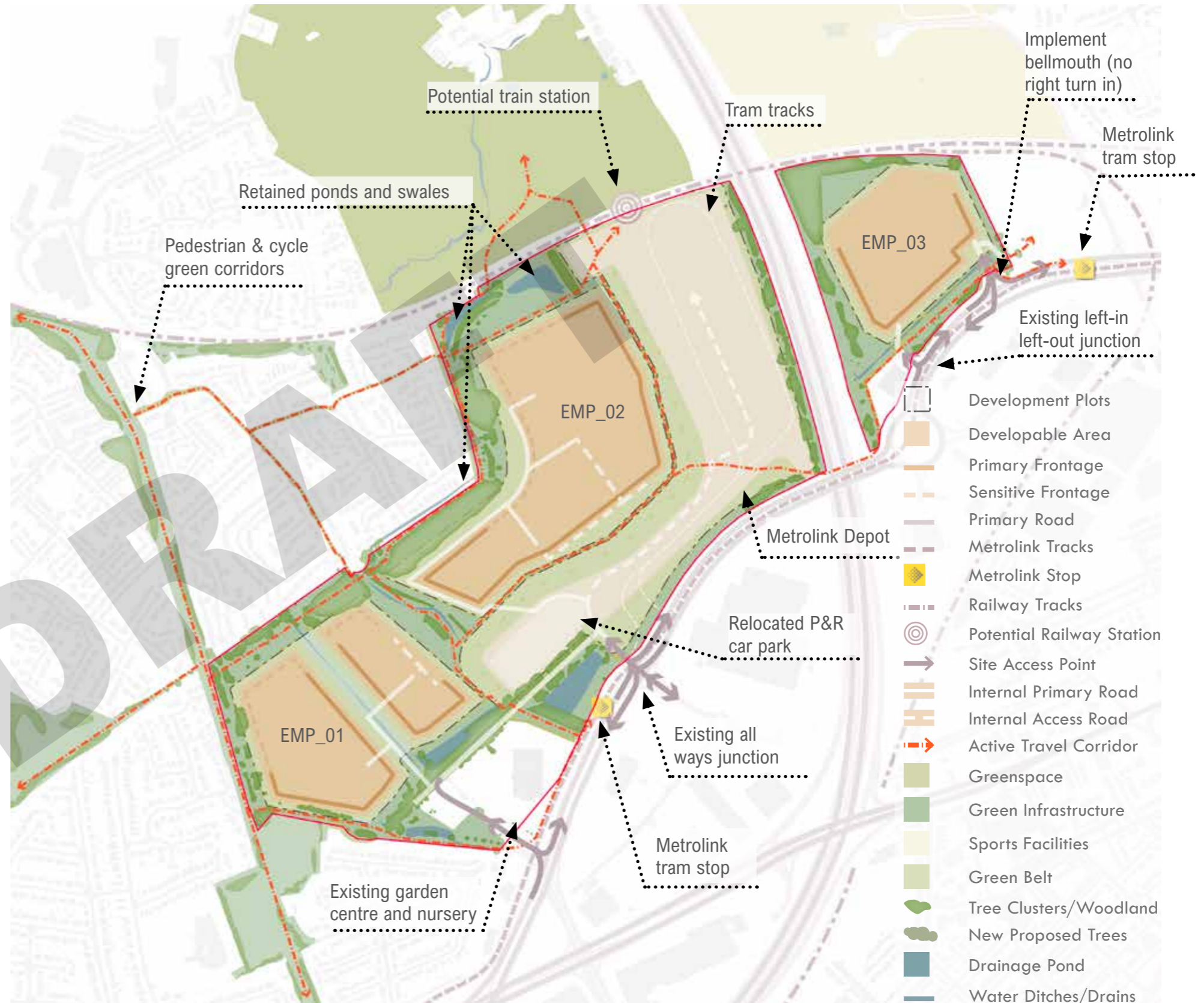


Figure 6.6: Development Framework Option 4

Access & Movement Framework



- Train station at Ashton Moss West to link into depot proposals
- Utilise existing access to serve development via Lord Sheldon Way
- Metrolink Depot - Park and Ride relocated within the site

Active Travel Framework



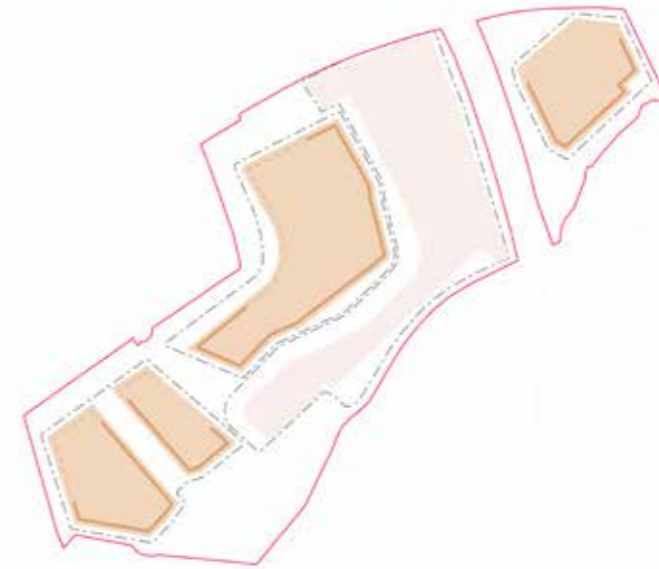
- Existing Rights of Way retained linking Martingale Way and Lord Sheldon Way (Ashton Moss Metrolink)
- Bridleway along Moss Lane rerouted to accommodate pedestrian and cycle connections made through the depot site to retain connectivity with Lord Sheldon Way
- Enhanced cycle and pedestrian connections to west linking Moorside Street and Lord Sheldon Way
- Improved pedestrian connections over Lord Sheldon Way to east

Landscape Framework



- Green links through the development and connecting into wider biodiversity network
- Existing features retained where possible- ponds, ditches
- Opportunity for green infrastructure around development platforms to accommodate level changes

Development Area Framework



- Active and commercial frontage to Lord Sheldon Way
- Adaptable/ flexible frontage to Metrolink Depot
- Sensitive edge and 'softer' edge to residents to north
- Concentrate larger units to south of all sites
- Indicative capacity: 1.25m sqft (116,100 sqm) to 2.5m sqft (232,200 sqm) employment space, plus Metrolink Depot

6.0 The Framework

6.7 Options Appraisal

The four framework options set out above have been prepared in the context of the structural framework and the design principles. This section provides an appraisal of each option against the Key Performance Indicators (KPIs) to establish the pros and cons of each strategy and identify further work required to lead to the development of a preferred masterplan for the site.

Framework Option 1

KPI	Option 1 Commentary	Key Risks	Status
Maximises Development Potential	<ul style="list-style-type: none"> Development focused to the south of employment area 2 and existing plateaus Moderate level of development 	<ul style="list-style-type: none"> Interface between Ecology Park and development area Phasing of Employment Area 1 	
Maximises Biodiversity and Landscape Potential	<ul style="list-style-type: none"> Retains and enhances large parkland area and opportunity for biodiversity and habitat enhancement Retain and enhance water bodies on site Retain landscape edge to sites 	<ul style="list-style-type: none"> Ashton Moss East wet woodland is reduced Removal and/ or rerouting of land drains 	
Sensitive to Neighbours	<ul style="list-style-type: none"> Provides clear landscaped buffers including Ecology Park to buffer with neighbours to north west Ecology Park provides local amenity for residents Strong, continuous commercial frontage to south 	<ul style="list-style-type: none"> Development up to the rail line may appear in views from the north Rear interface between park and employment area to be considered 	
Enables Connectivity	<ul style="list-style-type: none"> Key linkages retained with minor diversions to PROW Informal footpaths within Ecology Park provided 	<ul style="list-style-type: none"> Minor diversions to PROWs Connectivity between park and employment area Connection to east along Lord Sheldon Way 	
A Flexible Approach	<ul style="list-style-type: none"> The distinct parcels allow phased development over three areas 	<ul style="list-style-type: none"> Reprofiling of land will be required to create a plateau and Ecology Park which would need to be dealt with through phasing Difficult to bring Employment Area 1 early with access approach 	
Works with Site Conditions	<ul style="list-style-type: none"> Utilises existing junctions and infrastructure Allows for on site reprofiling and distribution of spoil, as well as potentially retaining peat in situ Retains swales and ponds and allows for high levels of natural drainage 	<ul style="list-style-type: none"> Requires new left out egress to EMP_02 and new access to EMP-03 	



Framework Option 2

KPI	Option 2 Commentary	Key Risks	Status
Maximises Development Potential	<ul style="list-style-type: none"> Utilises all available land for development 	<ul style="list-style-type: none"> Deliverability of land for development within EMP_01 	
Maximises Biodiversity and Landscape Potential	<ul style="list-style-type: none"> Development area limits opportunity for landscape and biodiversity enhancements on site 	<ul style="list-style-type: none"> Off site compensation would likely be required to meet biodiversity net gain requirements Ashton Moss East wet woodland is reduced 	
Sensitive to Neighbours	<ul style="list-style-type: none"> Development stretches closer to residential neighbours and to the north of the site adjoining the Green Belt Buffer with neighbours provided but minimised 	<ul style="list-style-type: none"> Noise and visual impacts would need to be assessed and mitigated 	
Enables Connectivity	<ul style="list-style-type: none"> Key linkages retained Higher quantum of development potentially supports an autonomous bus loop and railway station at Little Moss providing enhanced public transport connectivity Limited connectivity through to East 	<ul style="list-style-type: none"> Minimised opportunity for informal footpaths in a parkland setting. PROWs diverted 	
A Flexible Approach	<ul style="list-style-type: none"> A greater developable area provides more opportunities for flexible development scales and phasing Opportunity for a large land take anchor tenant 	<ul style="list-style-type: none"> Delivery of large amount of enabling infrastructure and access 	
Works with Site Conditions	<ul style="list-style-type: none"> Utilises existing junctions and infrastructure Large scale infrastructure enhancement (energy, highways, drainage) required 	<ul style="list-style-type: none"> Higher quantum of spoil likely to be removed off site and limited opportunity to retain peat Reduced opportunity for sustainable drainage systems Requires likely new access on third party land to EMP_01 	



6.0 The Framework

Framework Option 3

KPI	Option 3 Commentary	Key Risks	Status
Maximises Development Potential	<ul style="list-style-type: none"> Development focused to the south of the site and existing plateaus Minimised amounts of employment development due to Metrolink depot 	<ul style="list-style-type: none"> Retains large undeveloped area to provide a country park 	Red
Maximises Biodiversity and Landscape Potential	<ul style="list-style-type: none"> Retains large parkland area and opportunity for biodiversity and habitat enhancement 	<ul style="list-style-type: none"> Ashton Moss East wet woodland is reduced Metrolink depot likely to have noise and lighting impacts which could reduce habitat success 	Orange
Sensitive to Neighbours	<ul style="list-style-type: none"> Provides clear landscaped buffers including country park to buffer with neighbours to north west Ecology Park provides local amenity for residents 	<ul style="list-style-type: none"> Development of Metrolink depot up to the rail line may appear in views from the north Metrolink depot provides a poor 'front door' discouraging use of the Ecology Park 	Dark Green
Enables Connectivity	<ul style="list-style-type: none"> Key linkages retained with minor diversions to PROW Informal footpaths within country park retained Metrolink depot unlocks potential new railway station on site 	<ul style="list-style-type: none"> Existing Rights of Way diverted to facilitate Metrolink Depot. 	Orange
A Flexible Approach	<ul style="list-style-type: none"> The distinct parcels allow phased development 	<ul style="list-style-type: none"> Reprofiling of land will be required to create a plateau and Ecology Park which would need to be dealt with through phasing Construction of the Metrolink depot would dictate phasing and timing of EMP_02 construction 	Orange
Works with Site Conditions	<ul style="list-style-type: none"> Utilises existing junctions and infrastructure Allows for on site reprofiling and distribution of spoil, as well as potentially retaining peat in situ Retains swales and ponds and allows for high levels of natural drainage 	<ul style="list-style-type: none"> Requires likely new access on third party land to allow use of EMP_01 due to Metrolink 	Dark Green



Framework Option 4

KPI	Option 4 Commentary	Key Risks	Status
Maximises Development Potential	<ul style="list-style-type: none"> Utilises all available land for development Moderate level of employment development due to Metrolink depot 	<ul style="list-style-type: none"> Metrolink reduces amount of employment area delivered 	Orange
Maximises Biodiversity and Landscape Potential	<ul style="list-style-type: none"> Development area limits opportunity for landscape and biodiversity enhancements on site 	<ul style="list-style-type: none"> Off site compensation would likely be required to meet biodiversity net gain requirements Ashton Moss East wet woodland is reduced 	Red
Sensitive to Neighbours	<ul style="list-style-type: none"> Development stretches closer to residential neighbours and to the north of the site adjoining the Green Belt Buffer with neighbours provided but minimised 	<ul style="list-style-type: none"> Noise and visual impacts would need to be assessed and mitigated 	Orange
Enables Connectivity	<ul style="list-style-type: none"> Key linkages retained Higher quantum of development potentially supports an autonomous bus loop and railway station at Little Moss providing enhanced public transport connectivity 	<ul style="list-style-type: none"> Minimised opportunity for informal footpaths in a parkland setting. PROWs diverted 	Orange
A Flexible Approach	<ul style="list-style-type: none"> The distinct parcels allow phased development 	<ul style="list-style-type: none"> Construction of the Metrolink depot would dictate phasing and timing of EMP_02 construction 	Orange
Works with Site Conditions	<ul style="list-style-type: none"> Utilises existing junctions and infrastructure 	<ul style="list-style-type: none"> Higher quantum of spoil likely to be removed off site and limited opportunity to retain peat Reduced opportunity for sustainable drainage systems Requires likely new access on third party land to allow use of EMP_01 due to Metrolink 	Red



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7.0 DELIVERY STRATEGY

7.0 Delivery Strategy

7.1 Overview

The development will need to create the right ecosystem for investment, and offer design solutions that enable a flexible site delivery with 'oven-ready' plots for investors and businesses to understand the potential of the site, and benefit from clear timescales within which they are able to locate there.

A site which creates a unique and natural environment, with high quality social spaces, workspaces and public space is critical in establishing a strong identity and positioning the site within a highly competitive national and regional investment landscape.

Plot sizes that can be flexibly arranged to allow firms to grow and develop and transfer between different spaces within the site and off-site. For example, industrial processes on site linked to office accommodation in Manchester city centre or St Petersfield.

Providing a degree of flexibility on the size for secondary, non-advanced manufacturing uses, as well as plot size and configuration could ensure long term prosperity for the Ashton Moss Innovation Park with an anchor tenant or institution. This creates a more desirable prospect for other small/medium enterprises (SMEs) seeking space in the area or Greater Manchester.

Lessons from elsewhere

To inform the study, a comprehensive analysis of case studies was undertaken to ground the Development Framework against what has been achieved elsewhere, and to understand local competitors or complementary advanced manufacturing parks. Case studies were chosen based on location, industry and scale (full details in Appendix 1):

1. Cambridge Science Park
2. Wellcome Genome Campus
3. Innovation Centre Medway
4. Britishvolt Blyth
5. Sheffield Advanced Manufacturing Park
6. Rochdale's Advanced Machinery and Productivity Institute (AMPI)

This exercise has illustrated the key points that need to be considered to create a successful employment park, with industry focused on Advanced Manufacturing.

- Support from academic or further educational institutions. Examples of institutions in the North West linked to innovation parks include University of Manchester, Manchester Metropolitan University, Salford, Sheffield, Huddersfield.
- Funding and support from regional or national authorities such as GMCA, Yorkshire Forward, Government's Innovation

Strategy or Town's Fund and formerly the European Regional Development Fund

- Access to skilled workers and a labour base
- Network of firms with activity outside the site that can benefit from the park's research (e.g. Sheffield Advanced Manufacturing Park)
- Easy access to strategic networks (road, rail, water etc)
- Site features are important to support the realisation of the development including infrastructure and utilities provision especially water, energy, renewables etc.



7.2 Risk Assessment

The project context and site appraisal has identified a number of risks to the delivery of development on the site.

Land assembly

Given the multiple landowners on site, collaboration and partnership will be key to ensure the successful delivery of this opportunity. A comprehensive approach should be undertaken, building on this initial Development Framework, to refine and agree a site-wide infrastructure strategy for the development. Tameside Council has the opportunity to act in a supporting capacity, enabling the landowners to bring forward the site collectively.

Access and Transport

Access to the cricket club and public rights of way should be maintained and legal access rights will need to be addressed. The amount and type of junctions and likely upgrades will also need to be informed by a more detailed understanding of the movements any development is likely to generate.

Public rights of way cross the site and will need to be respected. Diversion may be possible but the cost and convenience of this will need addressed.

Technical Risks

The key technical risks are related to ground conditions, drainage and ecology. There are level changes across the site and peat on the site which retains water. In order to create development platforms, ground works will be required likely involving the movement of spoil around the site. More detailed surveys will inform the extent and type of works necessary to support development and the likely associated costs.

There are also a number of drainage features and ponds within the site and a detailed understanding of existing and proposed surface water regimes and infrastructure will be needed to inform a detailed design solution.

The site also has a number of priority habitats and high potential for species which need to be carefully considered. Development will be required to achieve Biodiversity Net Gain in accordance with the Environment Act and Places for Everyone (once adopted). Developing a BNG strategy is an iterative process which will need repeated as further detail is worked up.

Timescales and Phasing

Whilst there continues to be interest from potential advanced manufacturing occupiers for sites across Greater Manchester, enquiries for are generally seeking a site which allows for development and occupation in the short term, without the need for substantial lead-in infrastructure investment to support delivery. Further detailed design work is needed to unlock the site and appeal to potential occupiers.

Planning

The western parcel of the site is currently designated Green Belt, and release is dependent on successful allocation of the site by the Places for Everyone Plan which is undergoing Examination until March 2023. The outcome is likely to be known towards the end of 2023. The area immediately to the north of the site is within the Green Belt and not proposed for release.

Planning permission will be required to allow development to be delivered. Planning strategy and land compilation will have a bearing on approach and requirements associated with this.

Funding

Public/private partnerships can be used to tap into funding mechanisms, building on the opportunity of the Growth Zone/ Mayoral Development Zone as part of the strategic case.

Potential Occupiers

MIDAS, Manchester's inward investment promotion agency, consider the site to be advantageously positioned in Greater Manchester, noting that few sites in the sub-region are able to accommodate units of significant scale. However, they

recognise the potential competition from Rochdale for advanced manufacturing occupiers, particularly in the short-term. Ashton Moss could attract overseas companies, such as Chinese firms seeking to set up manufacturing hubs closer to the UK market to negate supply chain issues, as well as existing businesses closer to home. There are supply issues in neighbouring Stockport for example, where businesses are seeking move-on/ expansion space and a lack of suitable employment sites.

Amenity

The site is in proximity to a residential area, to the north and west of Ashton Moss West, and the amenity of local residents from the perspective of noise and visual impacts as well as recreational opportunities need to be considered. The relationship between the site and adjacent railway line and motorway also needs to be addressed in terms of proposed development.

The following pages provide further consideration of these risks and options for addressing and overcoming the hurdles to achieving employment development on the site.

7.0 Delivery Strategy

7.3 Infrastructure Delivery Options

Building on the identified infrastructure delivery needs, this section outlines the key considerations for achieving development at the site, and offers a range of mitigation measures or delivery solutions that should be considered by TMBC for taking the site forward.

Ground Conditions

Based on the due diligence undertaken to date, a key requirement will be to address the topography of the site through undertaking a comprehensive cut and fill strategy, alongside a remediation strategy for the site, and to deliver a site-wide drainage strategy. Detailed ground investigation works will be required to provide further development specific environmental and geotechnical information to inform detailed enabling works designs.

The additional investigation may comprise machine excavated trial pits and window sample boreholes to inform shallow ground conditions and cable percussive boreholes to confirm the deeper ground conditions. A piled foundation solution is likely given the depth of made ground however, a shallow foundation solution should not yet be ruled out if peat and soft organic materials are excavated and removed and replaced by engineering fill.

Installation of boreholes will be required to further assess the ground gas regime of the site as previous investigation has classified a CS3 scenario and the only other ground gas monitoring was incomplete due to borehole inundation. It is likely ground gas protection measures will be required.

Initial studies indicate that cut and fill could be contained on site, with spoil redistributed to form the Ecology Park (framework options 1 and 4) and to support development platforms within the site. This has informed the framework masterplan options and phasing approach in order to accommodate level changes at a site-wide scale.

Future rounds of Levelling Up and GMCA funding may be available to support upgraded infrastructure.

Surface Water Drainage

Delivery and phasing is likely to inform the drainage strategy, as it would depend on the detailed design on a plot by plot basis of built form and design.

Infiltration is not expected to be compatible with the prevailing ground conditions, although this is subject to testing. Connection to the existing drainage ditches should be considered subject to developed area and confirmation of the wider drainage network. Preference should be given to sustainable drainage systems (SUDS) although tanked solutions have also been considered in the framework options to manage surface water on site and avoid increases in offsite flows either overland or via the sewer network.

Foul Water Drainage Strategy

A development of this mass will require a positive outfall to the adopted United Utilities Sewer Network. For the eastern site (Ashton Moss East), it is assumed that there isn't currently an adopted sewer network that could be connected. It is likely that a Pumping Station solution would be required to convey the flows to the assumed discharge point in Richmond Street.

For a single development only one pumping station with its associated rising main would be required.

For the western site, the ability to drain foul water from the site via gravity would be subject to an assessment of proposed development levels and verification of existing sewers via a CCTV survey would be needed.

The opportunity for gravity flows would depend on the changes to levels across the site. If a pumped solution was required, this could be via a single large pumping station or a number of smaller shallower pumping stations that would serve each development plot depending on phasing and build out strategy.

Super fast fibre network connectivity

This will be required to support industry on the site, and can connect to existing networks.

Energy

A primary electricity sub-station will be required (approx. 40m x 40m) as a minimum for the western parcel with provision for access. This has been based on industry assumptions. Smaller secondary substations may also be required, and could support a phased approach although a primary substation would be needed on site at some point in the delivery of the scheme in its entirety.

There is an existing gas supply to the western site via a high pressure gas main which is expected to be used to feed the site. New connections are likely to be needed for the eastern site. However, to achieve a net zero strategy, the use of gas should be limited to requirements for manufacturing purposes.

The development is likely to be able to accommodate a valuable quantum of on-site energy generation. Opportunities for solar, energy recovery and district heating as a minimum should be explored.

Highways Access

In terms of capacity on the highways network, the Locality Assessment (Transport Locality Assessment, GMSF 2020) presents robust traffic generations. An initial assumed average trip generation for Industrial Estate employment (B1, B2 and B8 uses) demonstrates this would result in traffic volumes within the thresholds of the assessment.

The detail of the required site access points would be defined by the quantum of development. Two access points have been identified for EMP_03 in all options, however this may not be necessary, subject to quantum of development and further analysis.

Upgrades to existing junctions are likely to be required to support employment uses, accommodating HGV movements and emergency vehicles. The framework options seek to maximise the use of existing highway infrastructure, but implementation of the bellmouth junction to EMP_03 would be needed, enabling left in, left out and right turn out in all options. Multiple crossings of the tramway (to support a right turn in from the west) should be implemented only if necessary and level of investment is justified, as vehicles are more likely to arrive from the strategic road network to the west.

Levelling Up and GMCA funding may be available to support upgraded infrastructure.

Active Travel

Although the site has existing strong pedestrian and cycle accessibility, there is a clear opportunity to enhance this to support development of the site. This can serve the existing residential population as well as creating an attractive and welcoming site for potential employers and staff.

The Mayor's Challenge Fund is already investing in pedestrian and cycle infrastructure connections through the site along Rayner Lane, which has been incorporated into the masterplan framework (without Metrolink options).

Internal connectivity will also be important, incorporating the existing Public Rights of Way. Enhancements should be delivered early on to encourage use and establishment and assist in reducing traffic demand on the local highway network. Sustrans and Active Travel England funding should be explored to support these options.

Green Infrastructure

The initial work undertaken to inform this Development Framework has also identified the opportunities for Biodiversity Net Gain (BNG), although further analysis will need to take place to confirm the BNG strategy alongside implications for viability.

An Ecology Park is proposed to support the delivery of BNG, as well as reprovide recreational space for existing residents and future staff. This would support an attractive environment and provide space for structural landscape planting around the periphery of the site to act as a buffer between residential and employment development.

Habitat enhancement of the existing ponds and woodlands and other scrub habitat should be explored to improve the biodiversity value of the site.

Landscaping is likely to be undertaken on a plot by plot basis, although a comprehensive strategy for the Ecology Park would be needed. This is likely to be delivered as part of phase 2 to accommodate spoil deposition within the site and unlock further development parcels. Opportunities for funding such as the GMCA Green Spaces fund should be explored to unlock the Green Infrastructure at a site-wide level.

Acoustics

Potential impacts on adjacent residential areas from a proposed development would need to be assessed and a noise mitigation strategy may be required. This should be focused on a green infrastructure first approach, utilising vegetated and earthwork buffers to minimise impacts in the first instance.

Off Site Works

There is the potential for enhanced offsite connectivity with existing tram stops, park and ride and nearby leisure and retail facilities across Lord Sheldon Way, supporting pedestrian and cycle infrastructure. Improved access across the railway to the north where existing PRoW routes exist can also enhance accessibility to the site. A new train station at Little Moss is also required to be considered under the draft PfE allocation. Network Rail funding would be needed to unlock this opportunity.

7.0 Delivery Strategy

6.4 Capacity

The Development Framework for Ashton Moss Innovation Park is intended to be flexible, to allow the evolution of the design process to respond to market changes. Notwithstanding this, it is helpful to identify the potential capacity of the proposed development options, reflecting the known constraints and opportunities of the site.

Based on feedback from the market analysis work, the preference for logistics and/or advanced manufacturing occupiers is likely to range from 9,000sqft to 500,000sqft. A mix of unit types is likely

to be appropriate, which will broaden the appeal of the site to potential occupiers. Therefore including big box units on the site alongside smaller multi-lets is advantageous.

This approach also enables the site to appeal to logistics and advanced manufacturing occupiers, which have the potential to co-locate dependent on market demands. The following sets out the capacity options for the site based on the four options proposed. These are indicative and based on broad assumptions and, therefore, will need to be assessed as more technical detail and delivery options are finalised.

Framework Option 1 - Ecology Park and Development

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	EMP_01	EMP_02	EMP_03	Total
Developable area (ha)	9.7	16.8	5.6	32.1
Developable area (sqm)	96,989	167,664	56,421	321,074
Assumed coverage (%)	40	40	40	
Indicative capacity				
1 storey (sqm)	38,796	67,066	22,568	128,430
1 storey (sqft)	417,596	721,894	242,926	1,382,416
1.5 storey (sqm)	58,193	100,598	33,853	192,644
1.5 storey (sqft)	626,364	1,082,841	364,389	2,073,624
2 storey (sqm)	77,591	134,131	45,137	256,859
2 storey (sqft)	835,192	1,443,788	485,853	2,764,832

* Not including depot



Framework Option 2 - Full Development

	EMP_01	EMP_02	EMP_03	Total
Developable area (ha)	9.7	30	5.6	45.3
Developable area (sqm)	96,989	300,020	56,421	453,430
Assumed coverage (%)	40	40	40	
Indicative capacity				
1 storey (sqm)	38,796	120,008	22,568	181,372
1 storey (sqft)	417,596	1,291,766	242,926	1,952,288
1.5 storey (sqm)	58,193	180,012	33,853	272,058
1.5 storey (sqft)	626,364	1,937,649	364,389	2,928,432
2 storey (sqm)	77,591	240,016	45,137	362,744
2 storey (sqft)	835,192	2,583,532	485,853	3,904,576



6.0 The Framework

Framework Option 3 - Ecology Park and Metrolink Depot

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	EMP_01	EMP_02	EMP_03	Total
Developable area (ha)	9.7		5.6	15.3
Developable area (sqm)	96,989		56,421	153,410
Assumed coverage (%)	40		40	
1 storey (sqm)	38,796		22,568	61,364
1 storey (sqft)	417,596		242,926	660,522
1.5 storey (sqm)	58,193		33,853	92,046
1.5 storey (sqft)	626,364		364,389	990,783
2 storey (sqm)	77,591		45,137	122,728
2 storey (sqft)	835,192		485,853	1,321,044

Metrolink Depot - to be confirmed



Framework Option 3 - Development and Metrolink Depot

	EMP_01	EMP_02	EMP_03	Total
Developable area (ha)	9.7	13.2	5.6	28.5
Developable area (sqm)	96,989	132,355	56,421	285,765
Assumed coverage (%)	40	40	40	
Indicative capacity				
1 storey (sqm)	38,796	52,942	22,568	114,306
1 storey (sqft)	417,596	569,868	242,926	1,230,390
1.5 storey (sqm)	58,193	79,413	33,853	171,459
1.5 storey (sqft)	626,364	854,802	364,389	1,845,585
2 storey (sqm)	77,591	105,884	45,137	228,612
2 storey (sqft)	835,192	1,139,735	485,853	2,460,780

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7.0 Delivery Strategy

7.5 Phasing

A development of this scale will take time to construct, but delivering positive place-making outcomes on the ground too slowly will not help build the identity and environment required to attract market interest and create a place of distinction.

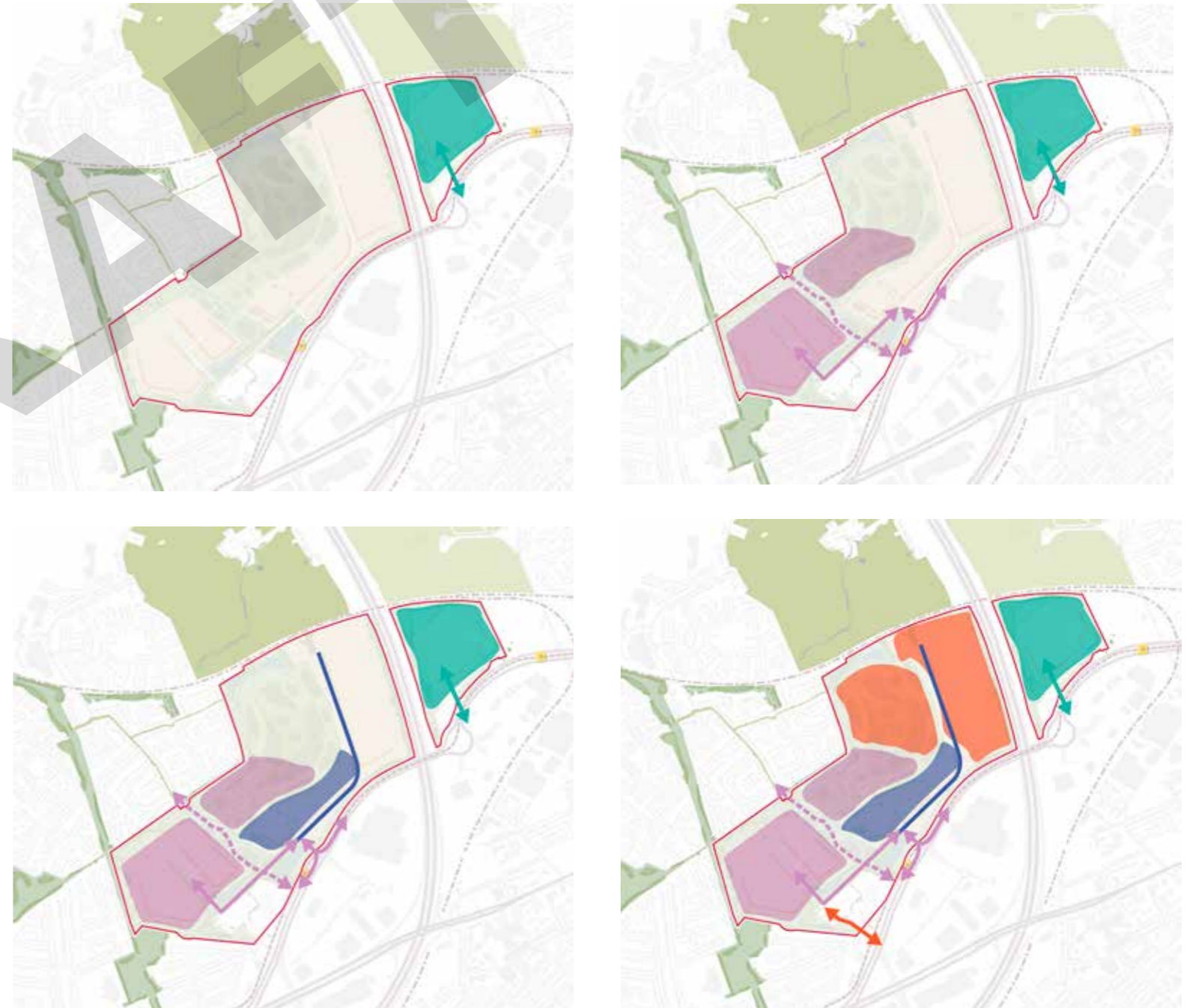
The suggested approach to phasing focuses on delivery of key infrastructure as part of Phase 1.

This will build momentum for the identity of the place and, from the outset, start to address the challenges of creating a flourishing place with a strong community.

The options appraisal provides a robust fundamental structure. The plots remain very flexible and this also lends itself to a very agile phasing strategy that can naturally flow on from the first phase and be served off extensions to phase 1 infrastructure.

Each subsequent phase of development will not only continue to build a critical mass of accommodation and community but also focus on delivery of key pieces of public open space to complete the network envisaged to create a place of distinction that attracts and retains businesses. A number of phases are subject to working in collaboration with third parties to bring these phases forward. The timing of the delivery of the Metrolink Depot, should it come forward, is also likely to have implementations for phasing.

- Phase 1
- Phase 2
- Phase 2B
- Phase 3



7.6 Planning Strategy

The planning strategy for the site will be determined by the principal landowners, land compilation or partnerships set up for site delivery.

The preferred approach is for both Ashton Moss sites (Ashton Moss West and Ashton Moss East) to be considered as a single planning application to allow for infrastructure requirements such as access, utilities and green infrastructure to be planned as a whole. Any offsets needed, for example for biodiversity loss on Ashton Moss East could then be accommodated by enhancements on the western site. It is recommended that a planning allocation is secured for Ashton Moss West ahead of any planning applications coming forward. Based on the latest PfE programme, the expectation is for adoption of the Plan in late 2023/early 2024. Once the allocation is secured, there are the following options for securing planning permission on the site.

The sites could also be brought forward independently allowing Ashton Moss East, which already benefits from an existing employment allocation, to come forward in advance of Ashton Moss West.

Outline planning application

An outline planning application could be prepared to secure the principle of employment uses on the site and agree key parameters with the Local Planning Authority, for example, maximum heights, primary access and landscaping needed as well as the approach to achieving Biodiversity Net Gain (BNG). Reserved Matters would then need to be secured to formally commence on site.

Hybrid planning application

A hybrid approach enables the principle of employment development and key parameters to be established, whilst allowing detailed elements of the site to be agreed and approved. This could include the cut and fill and remediation strategy, key infrastructure (for example, delivery of new primary sub-station and drainage) and access roads to be constructed. This approach would allow key infrastructure to be implemented to create a more 'oven-ready' site, ahead of occupiers being identified, and to help de-risk the development, thus making it more attractive to the market.

Detailed planning application

Full details for site delivery would be needed, including consideration of phasing and detailed design of proposed buildings in order to secure full planning permission. This requires a high level of investment to reach the required level of detail. It would also likely require known occupiers to inform the scheme.

Recommendation

Given the cost of preparing detailed technical reports and the lack of an occupier/s for the site, it is unlikely that a full planning application would come forward for the site as a whole. A hybrid or outline approach provides more flexibility to respond to changing occupier requirements as and when these are known. In addition, a hybrid approach would enable enabling works or de-risking operations to be accelerated.

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8.0 SUMMARY AND NEXT STEPS

8.0 Summary and Next Steps

8.1 Summary

This Development Framework considers the development potential of the site at Ashton Moss, comprising Ashton Moss West and Ashton Moss East (formerly Plot 3000) for employment focused uses.

The sites are currently split, being Green Belt and allocated employment respectively, however the Ashton Moss West site is proposed for removal from the Green Belt in the Places for Everyone strategic plan.

The baseline analysis considers the market and planning framework within which the site sits to understand the national, regional and local scale of opportunity, considering innovation and manufacturing clusters and strategic connectivity.

The vision for the site is to create a dynamic, attractive and thriving innovation park, embedded in and contributing to a greener, cleaner society for Tameside. Its highly accessible location and position adjacent to a large number of facilities makes it ideally positioned to generate inward investment, jobs and deliver positive green infrastructure and active travel networks.

A range of development options have been considered, to provide flexibility for the site to be brought forward under various future scenarios. This includes a possible TfGM depot on site, related to the HS2 proposals at Manchester Piccadilly and provision of strategic Metrolink infrastructure to the east of Manchester. These options are informed by an understanding of the site, as well as lessons learned from elsewhere for creating a successful advanced manufacturing and innovation park.

Flexible site delivery allows the development to support a variety of potential occupiers who may require different scale and types of units.

8.2 Next Steps

A series of options and scenarios for delivering the site have been presented in this Framework. These have been formulated from an understanding of the site and its context based on the detail and technical information available including an analysis of the site's context, constraints and opportunities, baseline research and scenario testing. A set of Key Performance Indicators were generated from the site context and analysis to test the options against. The options provide flexibility for how the site could be delivered against a series of scenarios which has informed the recommended delivery and phasing strategy.

The Delivery Strategy has considered the challenges faced to create an 'oven-ready' site which is able to attract investment and occupiers and sets out a number of opportunities and mitigation measures in order to overcome those challenges.

Engagement with and between landowners will be essential to formulate an approach to delivery of major infrastructure enabling works and the ultimate success of the site as an Innovation Park. This should be established from further detailed assessments and investigations relating to ground conditions, traffic and transport, ecology, and utilities amongst others.

Funding streams and opportunities have been set out, which would assist in delivering the enabling infrastructure needed to unlock the site as a sustainable contributor to economic growth in Tameside and Greater Manchester as well as an environmentally sensitive proposal which delivers for the local community.

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APPENDICES

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Appendix 1: Benchmarking Case Studies

Case Study 1. Cambridge Science Park

General Information

Established in 1970 by Trinity College, Cambridge Science Park is Europe's longest-serving and largest centre for commercial research and development.

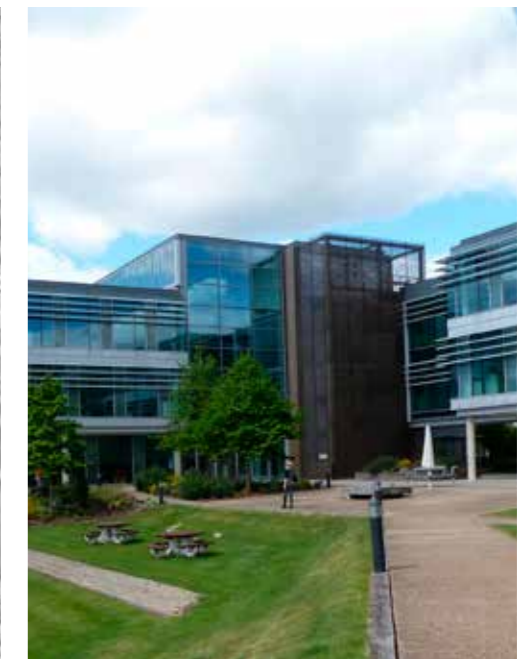
Companies and entrepreneurs at the Cambridge Science Park are working on life-enhancing technologies, ranging from non-invasive diagnostics and novel medicines to next-generation display and communications technologies, to name just a few. The wide range of occupiers in terms of size, sector, age and nationality offers unrivalled opportunities for collaboration, innovation and inspiration.

Key aspects:

- multi-sectoral offer: bio-medical, computer/telecom, energy, environmental, technical consulting, business, industrial technologies
- close proximity to city centre
- close to residential and social amenities
- strong university links

Key parameters:

- 3.5km from city centre
- 2km to Cambridge North train station, 2 bus stops within the complex
- 6 km to M11 J14
- 50 km to Stansted Airport
- 61 ha
- 7,250 staff
- 130 firms
- 5.3 ha central park
- 58 buildings with units from 150 up to 360,000 sqft



Case Study 2. Wellcome Genome Campus

The Wellcome Genome Campus is home to some of the world's foremost Institutes and organisations in genomics and computational biology, committed to delivering life-changing science with the reach, scale and imagination to solve some of humanity's greatest challenges.

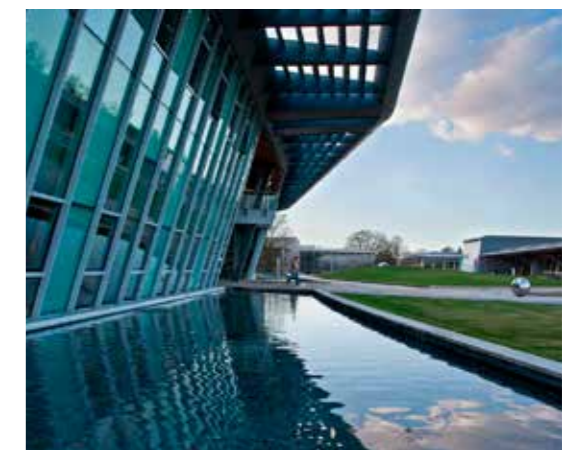
The Campus has its roots in the Human Genome Project, which read and recorded the complete sequence of DNA in an individual for the first time, and transformed the way we study life.

Key aspects:

- biomedical science
- a private research campus, non-profit institution
- main occupant the Sanger Institute & European Bioinformatics Institute
- leading Genomics and BioData Research Centre

Key parameters:

- 14.5 km from Cambridge
- 2 km from Great Chesterford train station
- 400 m to M11 J9a (2km to J9)
- 30 km to Stansted Airport
- 125 ha
- 2,600 staff
- 15 acre Wetlands Nature Reserve
- 21 buildings, including service facilities



Case Study 3. Innovation Centre Medway

General Information

Innovation Park Medway is the new home for businesses working in technology, precision engineering, manufacturing, and highly skilled support services.

With excellent transport links, a skilled local workforce and the chance for businesses to grow in a like-minded and innovative environment this park is set to create an abundance of business opportunities.

Key aspects:

- part of North Kent enterprise zone
- links with Medway and Kent based universities
- choice of purchase and lease options
- design code assurance and planning in place
- entry criteria to ensure all tenants meet the set business requirements E(g) and B2

Key parameters:

- 4.5 km from Chatham and Rochester
- 3 km to M2 J3, 6.5 km from M20 J6
- 65 km to Gatwick Airport
- 18.54 ha
- up to 65,000sqft of commercial space

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Case Study 4. Britishvolt, Blyth

General Information

The Britishvolt ambition is to create some of the planet's most responsibly manufactured battery cells, primarily to power electric vehicles in the UK's first gigafactory.

The gigaplant will primarily be powered by renewable energy, with the facility located close to off-shore wind farms on the west coast but also potentially tapping into hydro-electric power generated in Norway and transmitted 447 miles under the North Sea.

Key aspects:

- former Blyth Power Station site
- lithium-ion batteries production
- first large-scale gigafactory in the UK, fourth largest building in the UK
- under construction, operational by end of 2023
- access to a rail head
- less than a mile from deep-water port
- aims to bring prosperity to local communities alongside education and training
- one of key pillars of ten-point plan for the UK's green recovery and Net Zero by 2050

Key parameters:

- 8 km from Blyth
- 2 km to A189, 11km to A1 (M) J80
- 25 km to Newcastle Airport
- 92 ha
- 3,000 workers (estimated when in full capacity by 2028)



Case Study 5. Sheffield Advanced Manufacturing Park (AMP)

The Advanced Manufacturing Park (AMP) at Waverley is Harworth's flagship development and is home to some of the World's biggest manufacturers including Rolls Royce, Boeing and McLaren Automotive. Technology developed at the AMP is already being utilised in leading edge projects including Formula One, the military and commercial aircraft.

The vision of the AMP emerged from the decline that South Yorkshire had suffered in its traditional industries of coal and steel over the last twenty years. Despite this decline, the region had retained established skills and expertise in the areas of advanced manufacturing, backed by materials research expertise within the two Sheffield universities, and other

independent research organisations. Support from Yorkshire Forward and the European Regional Development Fund, held up as a successful model for advanced manufacturing clustering based on its success as a hub of knowledge and applied research expertise.

A critical success factor of this project is that the site benefits from access to skilled workers, links with a university, an open-source innovation model without patents, and network of firms with activity outside the new site that can benefit from the park's research.

Key aspects:

- partially funded by the European Regional Development Fund, and developed by the Harworth Group
- 20 years in making
- remaining 40 acres of land
- Phase 4 on-site from July 2022 delivering 12 units
- collaboration with the University of Sheffield

Key parameters (relates to Sheffield

location):

- 8km from city centre
- 3km to Woodhouse train station, several bus stops and shuttle bus to Sheffield city centre
- 4km to M1 J33
- 80km to Manchester Airport
- 4,000 jobs
- nearly 100 companies on site
- 61ha manufacturing technology park, nearly 1.5m sqft



Case Study 6. Rochdale's Advanced Machinery and Productivity Institute

The Advanced Machinery and Productivity Institute (AMPI), on Kingsway Business Park, is aimed at positioning Rochdale at the forefront of developing innovative manufacturing technology. There is the potential for 1,000 highly skilled jobs to be created and the site will serve as a catalyst for the creation of an innovation district within Rochdale.

The Institute is collaborating with national physical laboratory and local universities, including Manchester, Salford and Loughborough, and was awarded £23.6m from the Government's Towns Fund in 2021 and £22.6m from the Government's Innovation Strategy.



The AMPI now forms part of the Mayoral Development Zone named 'Atom Valley', which was created in March 2022 and stretches out along the M62 in the North East Growth Corridor and includes Kingsway Business Park, South Heywood and the Atom Valley employment site. This MDZ receives support from the Greater Manchester Combined Authority and recognises its' strategic importance.

Key aspects:

- funded through UK Research and Innovation's (UKRI) flagship Strength in Places Fund (SIPF)
- National Physical Laboratory (NPL) will oversee administration



Narrative	Actual Cumulative Expenditure To 31/12/22	Remaining Committed Expenditure To 31/03/23	Total Actual Cumulative and Committed Expenditure To 31/03/23	Funding Source			Total	Supporting Detail
				Evergreen Grant	Evergreen - Council Match Funding	Council Funding		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Project Fold Submission	17	0	17			17	17	Detailed submission to Inward Investment enquiry
Project Management	90	21	111	56	55		111	Project management services to support procurement, management and delivery of multi-disciplinary team and engagement with landowners
Engineering Services	121	129	250	122	122	6	250	Engineering services comprising civils (geotechnical & ground remodelling), highways, traffic modelling, utilities, acoustics, flood risk and principal designer
Cost Consultancy	0	50	50	25	25		50	Quantity surveyor services to ensure robust cost estimates
Site Surveys	69	4	73	36	37		73	Topographical, utilities, ecology, breeding birds, amphibian, biodiversity net gain, arboricultural, agricultural land classification, traffic counts, and archaeology surveys
Masterplanning	17	59	76	36	36	4	76	Development Framework, informed by survey outputs and market assessment.
Legal	0	7	7			7	7	Title review and Market Subsidy advice
Collateral Warranties	0	16	16			16	16	Warranties from Engineering Services providers to the land owners
Commercial & Inward Investment advice	42	24	66			66	66	Strategic advice on potential commercial arrangements and investment / funding opportunities
Total	356	310	666	275	275	116	666	

Funding

275	275	300	850
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Estimated Balance Remaining

0	0	184	184
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Agenda Item 10

Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor Eleanor Wills – Executive Member (Population Health and Wellbeing)
Reporting Officer:	Debbie Watson – Director of Population Health Lisa Morris, Strategic Domestic Abuse Manager, Population Health
Subject:	WHITE RIBBON ACCREDITATION
Report Summary:	White Ribbon Accreditation is a nationally recognised programme for organisations who are committed to improving their workplace culture, progress gender equality and end violence against women and girls. This report outlines the Accreditation Framework that organisations are required to implement in order to achieve accreditation status and begin to raise awareness, inspire culture change and ensure people know how to access support.
Recommendations:	That Executive Cabinet be recommended to agree that Tameside Council seek White Ribbon Accreditation, including an annual accreditation fee funded from the existing ring-fenced Domestic Abuse Transformation fund; and undertake the required actions set out in Section 2.3 of the report in order to gain White Ribbon accreditation.
Corporate Plan:	This piece of work directly supports delivery of the objective to reduce victims of domestic abuse under the priority ‘Nurturing Communities’ in the Corporate Plan.
Policy Implications:	A key element of the accreditation process requires the organisation to demonstrate an ongoing and sustained commitment to ending male violence against women and girls by making changes in the way priorities are determined through communications, HR policies, employee development, training, and overall organisational culture.
Financial Implications: (Authorised by the statutory Section 151 Officer)	The financial impact arising from the report is a total cost of £1,740 that covers from 22/23 for 3 years. (Approx. £600 per annum). Funding source has been identified from the existing Domestic Abuse Transformation Fund and will cover this in full.
Legal Implications: (Authorised by the Borough Solicitor)	There are no immediate legal implications arising from this report. The proposal to seek White Ribbon accreditation compliments the council’s existing policies.
Risk Management:	There are no major risk management issues associated with this report. The management of risk in relation to the wider policy of addressing domestic violence is managed by Domestic Abuse Steering Group.
Background Information:	The background papers relating to this report can be inspected by contacting Lisa Morris, Strategic Domestic Abuse Manager Telephone: 07980906027 e-mail: lisa.morris@tameside.gov.uk

1. INTRODUCTION

- 1.1 Addressing domestic abuse is a key priority within Tameside's Corporate Plan, supported by Tameside Domestic Abuse Strategy 2021-2026. The strategy commits to a 5-year ambition of transformation in how domestic abuse, in Tameside, is understood, identified and challenged.
- 1.2 The Domestic Abuse Strategy aims to address domestic abuse across seven key priority areas:
- 1.2.1 Making domestic abuse everybody's business
 - 1.2.2 Creating safe spaces for disclosure
 - 1.2.3 Meeting the needs of victims through local services
 - 1.2.4 Helping victim-survivors stay safe in their homes
 - 1.2.5 Better outcomes for children impacted by domestic abuse
 - 1.2.6 Identifying problem behaviours early
 - 1.2.7 Holding perpetrators accountable
- 1.3 ***“White Ribbon Accreditation is a nationally recognised programme for organisations who are committed to improving their workplace culture, progress gender equality and end violence against women and girls.”*** (White Ribbon UK)
- 1.4 White Ribbon UK is part of an international movement to engage men in tackling Violence Against Women and Girls (VAWG). VAWG refer to acts of violence or abuse that disproportionately affect women and girls including rape and other sexual offences, stalking, domestic abuse and honour-based abuse.
- 1.5 Recognising the important role that workplaces have to play in addressing societal attitudes and beliefs that contribute to harassment, abuse and violence against women and girls, the White Ribbon Accreditation programme provides a framework to support organisations to develop a holistic approach to tackling these issues.
- 1.6 White Ribbon accreditation would contribute to the large programme of work that is already underway across the Borough to deliver the priorities set out in the domestic abuse strategy. This includes raising awareness of domestic abuse through multi-agency training via the Safeguarding Children Partnership and targeted public communications campaigns such as the recent White Ribbon campaign linked to the World Cup or the Open Up campaign encouraging male victims of abuse to access support. Both of these areas of work aim to ensure that, professionals, victims and survivors are able to recognise domestic abuse, access appropriate and timely support and that risk of harm is being reduced.
- 1.7 A key element in ending domestic abuse is the acknowledgement of, and commitment to addressing gender inequality within communities and wider society. Whilst the White Ribbon work builds on the gendered nature of domestic abuse, recognising that it predominantly affects women and girls, any work that is undertaken will continue to provide advice, support and guidance for male victims.

2. ACCREDITATION

- 2.1 The value of White Ribbon Accreditation is that it demonstrates a visible commitment to:
- Having a positive and safe organisational culture
 - Having staff who are knowledgeable and skilful in recognising and addressing violence against women, including abusive and sexist behaviour
 - Raising awareness among staff, enabling them to become allies and positive role models
 - Improving the experience of customers and stakeholders

- Influencing wider societal change beyond the organisation to end violence against women

Furthermore, accreditation represents a commitment to transparency and cultivates a level of trust both internally and externally by allowing an independent specialist organisation to validate what the organisation is doing and to hold the organisation publically accountable for continued delivery of their commitment to addressing violence against women and girls.

- 2.2 Across the UK, over 100 organisations have achieved White Ribbon Accreditation, including Local Authorities, emergency services, housing etc. Within Greater Manchester, Stockport Council, Oldham Council, Manchester City Council and Greater Manchester Combined Authority are accredited authorities.
- 2.3 According to White Ribbon UK, organisations that have achieved White Ribbon accreditation have reported that they are creating better places to work, attracting and retaining staff, fostering positive wellbeing, increasing customer retention and have improved their reputation. More importantly, they are building better and safer environments for women.

3. ACCREDITATION PROCESS

- 3.1 The accreditation is divided into four key areas, which support the organisation to assess capabilities and current practice, enabling the identification of appropriate actions:
- a) Strategic Leadership – starts with a commitment by the organisation to gain accreditation and establish senior level support. Throughout the action plan, this will be further developed by considering how the aim of ending violence against women and girls is reflected within policies, training and organisational development.
 - b) Engaging men and boys – this is central to the accreditation and recognises the role and responsibility that men and boys have in ending violence against women and girls. A key element of the accreditation is the recruitment of male ambassadors across as many levels and departments within the organisation as possible.
 - c) Changing culture – seeks for the organisation to work across all departments to reduce the likelihood of people using harassing, abusive or violent behaviours in the workplace or at home. It seeks to develop a culture where men are allies and employees feel supported and enabled to disclose any issue they are facing.
 - d) Raising awareness – amongst men and boys, organisations and decision makers about what abuse and violence is, the root causes and the impact it has on equality.
- 3.2 White Ribbon Ambassadors and Champions are key to the delivery of the White Ribbon Action plan.
- 3.3 Ambassadors are men within the organisation who act as formal representatives of White Ribbon. They are positive role models who take a stand against male violence against women and girls and encourage other men and boys to do the same. An Ambassador is required to:
- 3.3.1** Actively reflect on their own behaviours, beliefs and actions.
 - 3.3.2** To educate themselves about what violence is, its root causes and the effects it has on equality.
 - 3.3.3** To look to positively influence other men and boys, and to instigate ally ship.
 - 3.3.4** Where safe to do so, challenge dominant masculine norms and unacceptable behaviour.

- 3.4 Champions can be both males and females, but tend to be primarily females who support the White Ribbon work and the ambassadors within their organisation.
- 3.5 The responsibilities of both ambassadors/champions are
- 3.5.1 To encourage men and boys to take an active role in preventing men’s violence against women and girls.
 - 3.5.2 To promote White Ribbon UK amongst friends and colleagues and in the community.
 - 3.5.3 To use White Ribbon UK presentations and materials and follow guidelines for other events.
 - 3.5.4 To work towards encouraging 100 people, especially men, to make the White Ribbon Promise.
 - 3.5.5 To advise the White Ribbon UK office of activities undertaken in the role as a White Ribbon Ambassador/Champion.
 - 3.5.6 To keep in touch with White Ribbon UK and offer feedback and suggestions.
- 3.6 Once recruited Ambassadors and Champions will be required to access local domestic abuse training via the Safeguarding Children Partnership and to attend the local Domestic Abuse champions’ network, which is being established across the Partnership. They will also have access to training and information through the dedicated White Ribbon resource hub and a wider network from across the Country.
- 3.7 Before an application can be submitted to White Ribbon the organisation must complete the following actions:

Action	Tameside position
1. Assign a Lead Contact to oversee the application process and the Accreditation.	Propose that this is the Strategic Domestic Abuse Manager.
2. Identify a senior leader who must be a White Ribbon Ambassador or Champion	<p>Proposal for a male elected member or MP to be identified as a White Ribbon Ambassador.</p> <p>This will be supported by a senior officer who will also undertake the role of an Ambassador to provide consistency in the event of a change in political leadership.</p> <p>The Assistant Director Group proposed that the officer should be the Assistant Director for Population Health, supported by the Assistant Director for Place.</p>
3. Formally confirm the decision to become accredited at a strategic level	Report to be presented by Cllr Wills at Board meeting on 11 January 2023.
4. Establish a White Ribbon Steering Group	A steering group to be established with key leads from across the Council, including HR, Organisational Development and Policy. The group will report quarterly into the Domestic Abuse Steering Group and the Assistant Director Group on progress.
5. Core members of the White Ribbon Steering Group register	This will be progressed once the group has been established.

as White Ribbon Ambassadors or Champions	
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- 3.8 Once the application has been submitted and approved, the steering group is required to develop a three-year action plan to be submitted to White Ribbon within the first 6 months. Annual light touch reviews must then be submitted to White Ribbon to demonstrate progress and status of the plan.

4. FINANCIAL IMPLICATIONS

- 4.1 The annual accreditation fee is determined by the organisation's revenue budget. For public sector bodies:
- Up to £125m - £300
 - £125m-250m - £600
 - £250m - £1bn - £1000
 - Over £1bn - £3200

As the Council's revenue falls within the £125m-£250m, the annual fee will be £600. This can be paid in one lump sum attracting a 10% discount on year one. This fee will be met from the ring-fenced Domestic Abuse Transformation Fund in the 22/23 financial year, which will secure accreditation costs up to the end of 2025/26.

5. RECOMMENDATIONS

- 5.1 As set out at the front of the report.

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Agenda Item 11

Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor Bill Fairfoull, Deputy Executive Leader (Children and Families)
Reporting Officer:	Tony Decrop, Assistant Director, Children's Social Care
Subject:	STAYING PUT POLICY - CONSULTATION FEEDBACK
Report Summary:	<p>In September 2022 it was agreed to consult on a revised Staying Put policy.</p> <p>This report provides an overview of the outcome of this consultation and recommends changes to the policy in response to this, and an equality impact assessment.</p> <p>The report seeks approval to implement the revised Staying Put policy with effect from 1 February 2023.</p>
Recommendations:	<p>That Executive Cabinet be recommended to agree:</p> <ul style="list-style-type: none">(i) Consultation feedback on the Staying Put Policy is noted.(ii) The new Staying Put Policy is agreed with effect from 1 February 2023.(iii) It is agreed that a detailed implementation plan is developed to ensure the agreed Staying Put policy is implemented effectively.(iv) It is agreed that improvements to the quality of data held about Staying Put carers and young people will be implemented.(v) That Special Guardianship order policy is reviewed in 2023 with the intention of ensuring aligned with this policy.
Corporate Plan:	<p>The review of the Staying Put policy is in line with the corporate plan in terms of ensuring that children who become cared for are able to remain in a safe and supportive family environment with their former foster carers. This is a key delivery element of the Corporate Plan's priority of 'Resilient families and supportive networks to protect and grow our young people'.</p>
Policy Implications:	<p>This report seeks agreement to implement a revised Staying Put Policy with effect from 1 February 2023.</p>
Financial Implications: (Authorised by the statutory Section 151 Officer)	<p>Tameside Council receives an annual grant from the DfE for expenditure lawfully incurred in respect of 'Staying Put' arrangements. The annual grant allocation is £173.5K and the DfE have confirmed funding at this level until the end of 2024/25.</p> <p>The new policy proposes that the financial package for the Staying Put carer will total £231.74 pcw. This total amount will consist of a £20 contribution from the young person to the carer, rent costs payable by either the young person if they are working or from benefits. The council will then pay the remainder of the balance which is likely to be in the region of £120 per week. The current staying-put policy is based on the council paying £177.67 per week..</p>
Legal Implications: (Authorised by the Borough	<p>The Children and Families Act 2014 placed a new duty on Local Authorities to support young people to continue to live with their</p>

Solicitor)

former foster carers once they turn 18 (the Staying Put duty). The Act inserted s23ZA into the Children Act 1989 and provided a duty that the Local Authority must provide staying put arrangements for former relevant children. The duty came into force on 13 May 2014.

A former relevant child is defined in s23C(1)(b) Children Act 1989 as a person who was being looked after when he attained the age of eighteen, and immediately before ceasing to be looked after was an eligible child.

It is the duty of the local authority to monitor the Staying Put arrangement, and to provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the staying put arrangement. Support provided to the former foster parent must include financial support. The duties continue until the former relevant child reaches the age of 21.

The current Council policy is based largely on the government Staying Put guidance and therefore requires updating in accordance with our Care Leavers local offer and Tameside Council Priorities.

The Council's current Staying Put allowance has remained the same since 2014 and has not increased in line with inflation or with the fostering allowance rate.

The Council receives a ring-fenced Staying Put grant from the Department of Education. The purpose of the grant is to provide support to local authorities in England for expenditure lawfully incurred or to be incurred in respect of a young person aged 18 or over and their former foster carer who wish to continue to live together in a 'Staying Put' arrangement.

In March 2022, the Council's grant was confirmed until 2024/2025.

There is an overriding duty for Council's to act fairly in their exercise of their functions and therefore there is a duty to consult on this change in policy.

The service has undertaken reasonable steps to consult whilst the policy was still at a formative stage. The consultation period was for a reasonable period and was extended to ensure a target group was included. The consultation included impacted groups who could be adversely impacted by the decision as identified in the EIA. The consultation appears adequate and fair.

Once feedback from consultation had been received, the service further considered the allowance element of the policy. Further benchmarking exercises were undertaken both within Greater Manchester and with TMBC statistical neighbours. The product of consultation was therefore conscientiously taken into account when finalising the policy.

The implementation of the policy will be staggered and any monies due will be back paid to the policy start date. If any former foster carers are financially impacted by the change in policy then there is the ability for discretion to be applied subject to a decision at Resource Panel.

There were several elements of the revised policy that needed further consideration.

1. The Housing Element of Universal Credit

This has been resolved.

2. The No Detriment element of the policy
This has been resolved.

All references to a blanket no detriment policy have now been removed from the policy. Any decisions that require discretion will be ratified at Resource Panel.

3. The Staying Put allowance
This has been resolved.

The policy now confirms that the allowance will be reviewed and will increase in line with fostering allowances.

4. Independent Fostering Agencies (IFA)
This has been resolved.

Any decisions that require discretion will be ratified at Resource Panel.

There are further items that require clarification before the policy can be implemented:

1. When Staying Put allowance commences
The policy provides that the Staying Put allowance commences from the young person's 18th birthday.
The Council's current SGO policy provides that an SGO allowance is payable to a young person's 18th birthday or if they are still in full time education, until the end of that course in the year of the 18th birthday. This discrepancy could be open to challenge.
2. Care Leavers' Offer
The service need to ensure that it is clear what Staying Put care leavers will receive from the care offer. Transport costs and holiday allowances need to be consistently applied.

Risk Management:

An Equality Impact Assessment has been undertaken on this policy and is included and analysed in this report.

Consultation as outlined in this report has been undertaken with Foster Carers, Staying Put Carers and Care Leavers in addition to the wider general public.

There is a risk that for pre-existing Staying put arrangements some benefit claims may not be paid as the young person is already living in the arrangement. This will need to be dealt with on a case by case basis.

Background Information:

The background papers relating to this report can be inspected by contacting Emily Drake, Head of Payments, Systems and Registrars.

Telephone: 0161 342 3158

e-mail: emily.drake@tameside.gov.uk

1. INTRODUCTION

- 1.1 Staying Put is about care leavers continuing to live with their foster carers when they reach the age of 18. Supporting care leavers to stay with their former foster carers in 'Staying Put' arrangements allows them to leave stable and secure homes when they are ready and able to make the transition to independence. It also helps them enter adult life with the same opportunities and life prospects as their peers.
- 1.2 The Council's current Staying Put offer has been in place for a number of years and it requires review to ensure that the offer remains fit for purpose.
- 1.3 A revised Staying Put policy has been developed with a view to continue to effectively support young people and their former foster carers already in Staying Put arrangements and support the Council's aim to increase the number of care leavers benefitting from Staying Put. Specifically the reviewed policy:
 - Increases the weekly Staying Put payment from £177 to 231.74 per week.
 - Provides a clear, consistent framework to operate our Staying Put provision within.
 - Makes our policy more transparent and easily understood by carers and young people about what they can expect in Staying Put.
 - Strengthens early planning (16+) through Cared for Reviews and Pathway Plans to make sure Staying Put is the right plan for young people.
 - Supports our Staying Put young people in having the right life skills moving into adulthood.
- 1.4 In September 2022, Executive Cabinet approved commencement of a 6 week consultation on the revised draft policy. Associated papers are available [here](#).
- 1.5 This report summarises the outcome of this consultation and seeks approval to implement the new policy as outlined below.

2 SUMMARY OF THE REVISED STAYING PUT POLICY

- 2.1 Proposed changes in the draft policy aim to provide a more robust financial model for remunerating Staying Put carers. These changes are summarised below:
- 2.2 The standard weekly Staying Put allowance is increased from £177.67 to £231.74 per week. This is based on the *average* currently weekly allowance currently paid to Staying Put carers and provides a more comparable rate with neighbouring Greater Manchester authorities.
- 2.3 The financial package for the Staying Put carer will total £231.74. This amount will increase in line with the foster care allowance for 16-18year olds (it will be uplifted at the same time and by the same % amount). The amount will be made up of funding from:
 - **Rent costs** which will be based on the Local Housing Allowance rate for the area the property where the Staying Put arrangement is situated in. This cost will be met by the Universal Credit Housing Element (UCHE) where applicable, paid directly to the former foster carer. It is acknowledged that UCHE will vary dependant on the area in which the young person / former foster carer lives (the total final package to the Staying Put Carer will be unchanged at £231.74). Where a young person is in employment and not entitled to UCHE they will be required to cover rent costs through their income.
 - **A minimum contribution of £20 from the young person**, from income or entitlement to grants, allowances or benefits paid directly to the carer. This is in addition to their rent. This will be discussed at their Pathway Planning meetings.

- **Tameside Children's Services Contribution.**

- 2.4 Young people commencing higher education courses at any age are not eligible to claim means tested benefits and therefore will be expected to meet any rent costs through employment or their student loan.
- 2.5 All young people where eligible are expected to claim Universal Credit from their 18th birthday and the housing element be used for rent.
- 2.6 Allowances for birthdays, festivals and holidays would continue to be paid under the local Care Leaver offer.
- 2.7 Targeted assistance for benefits advice for both carer and young person will be provided by Welfare Rights.
- 2.8 Discretion may be used in exceptional circumstances to vary financial payments depending on the circumstances of the Staying Put carer / young person. Any such variations must be considered by the Local Authority Resources Panel to ratify any financial decisions.

3 CONSULTATION APPROACH

- 3.1 Consultation was originally undertaken for 6 weeks from 3 October 2022 to 15 November 2022 as follows:
 - Foster carer workgroups (2 virtual 1 face to face) – 17 households attended
 - Children in Care Council – 3 young people in person and 2 virtual attended
 - Care Leaver forum (face to face) – 3 young people attended
 - Big Conversation questionnaire – open to the wider public and Independent Fostering Agencies (IFAs). There were 14 total respondents to the online questionnaire consultation. Due to anonymity, we cannot identify the proportion of IFA Staying Put carers and local authority Staying Put carers who answered the survey.
- 3.2 To increase the voice of young people in the gathered responses, consultation via the online questionnaire was extended up to 25 November 2022. Targeted emails were sent to all foster carers (Tameside and IFAs) encouraging young people to complete the online survey. A further 2 responses were gathered due to this extension.

4 SUMMARY OF CONSULTATION OUTCOMES

- 4.1 Consultation focussed on key areas on the proposed Staying Put Policy regarding the financial package, roles and responsibilities and support from Welfare Rights. Respondents were also able to provide any general comments on the policy. Full details of responses are detailed in the Equality Impact Assessment at Appendix 1.
- 4.2 A summary of key themes of feedback and the Council's response are outlined below.
- 4.3 **Question 1- Please give your feedback on the financial package being offered to you as a Staying Put carer (carers only).**
- 4.4 Feedback on the financial package offered in the revised Staying Put Policy was mixed but in general fewer carers thought the package was good compared to those who thought the offer should be more. The survey results demonstrate this with almost half of respondents to the question (6, 46.15% online) expressing that the financial package being offered was unsuitable, with most respondents describing it as 'poor' or 'very poor'.

- 4.5 A respondent in support of the offer who is a current foster carer and Staying Put carer stated,
- 'The offer is fair and based on the current financial climate.'*
- 4.6 However, significantly more comments were made regarding the financial package not being enough. Comments regarding pressures from the cost of living crisis and affordability were made.
- 4.7 A number of comments were made by carers who felt that the Staying Put allowance should mirror the Foster Care Allowance and Skills Payment they receive.
- 'A carer stated they wish to continue fostering long term and have 1 room available to foster. Fostering is their career and only source of income which currently amounts to £550pw reflecting their level of experience and training. The financial package offered makes SP untenable.'*
- 'Not financially viable today. Carers are having to choose between keeping a vulnerable person for a very low fee compared to taking a new placement at a higher rate. It's not fair when your heart wants your young person to stay but you can't personally finance the placement'*
- 4.8 A carer also raised concerns that as a single carer they get a 25% reduction on their Council Tax. However when the young person turns 18 this discount will be removed.
- 4.9 **Council Response** – The Council acknowledges that an increased cost of living and decrease in payment from fostering payment to Staying Put arrangement could have a negative impact on the income of the carer. This is of particular relevance when considering that national data from the Fostering Network 2021 indicated that 61% of foster carers who responded do not combine fostering with other work.
- 4.10 The introduction of a formalised Staying Put policy with a higher weekly rate than is currently paid may have a positive impact on the finances of low income carers, enabling them to consider a Staying Put arrangement. The proposed weekly rate of £231.74 is higher than the 2021 standard weekly Staying Put Allowance which was £177.67.
- 4.11 In response to the consultation feedback the Council revisited the basis of how the proposed weekly rate of £231.74 was reached.
- 4.12 The proposed rate was determined by benchmarking and an analysis of the average Staying Put payments under the existing policy. The rate is comparable to that of a number of Greater Manchester Authorities. It is also higher than the fostering allowance rate for 16-17 year olds (£207 per week). Although this is less than the combination of a fostering allowance and skills payment, the young person as an adult will be responsible for paying for clothing, holidays and recreation through employment or benefits, previously paid for by their foster carer. The young person also receives money from the local authority under the local care offer for birthdays and festivals.
- 4.13 Further analysis was undertaken to compare the proposed Staying Put weekly rate with the Staying Put offer for four Greater Manchester authorities with comparable rates of deprivation. Two authorities, Rochdale and Oldham offered financial payments higher than the proposed Tameside rate, whilst Wigan and Bolton offered payments slightly less than the proposed Tameside rate. There was significant disparity in the offer between these comparable authorities. Consequently it was not possible to identify a consistent trend in offer however Tameside's proposed package is the median value from the five authorities.
- 4.14 Further analysis was also undertaken to compare the proposed Staying Put weekly rate with the Staying Put offer of ten authorities who are Tameside's nearest statistical neighbours. This

revealed Tameside's proposed rate is the median value from these ten authorities. This is shown at Appendix 2.

- 4.15 It is also noted that foster carer payments being higher than Staying Put payments reflects the regulated nature and expectations of a foster carer to meet and maintain national minimum standards when overseeing children in care. The care and support associated with regulated provision for children places significant duties on foster carers which are not required in Staying Put. Staying Put, in contrast, is not regulated under fostering national minimum standards, as this is a support arrangement for young adults.
- 4.16 With regards the loss of the 25% single person reduction in Council Tax the Council will consider meeting this loss to the carer.
- 4.17 It is therefore recommended that the weekly allowance for Staying Put carers is set as outlined in the policy at £231.74 per week.
- 4.18 **Question 2 / 3 – As a Carer / Young Person what do you think of the financial contribution being offered to you by the young person being cared for?**
- 4.19 The amount proposed to be contributed by the young person to their carer under the new policy was found to be neither good nor bad. Carers expressed a variety of views in the comments ranging from the view that the payment amount is fair, to concerns around ensuring the contribution is proportionate and does not cause the young person hardship, to concerns that the stipulated payment does not reflect the true costs of living. Comments from young people also overwhelmingly expressed that the contribution amount was 'neither good nor bad'.
- 4.20 **Council Response** – Based on feedback received and the fact that the young person's contribution was found to be neither good nor bad it is recommended that no change is made to the young person's contribution in the Staying Put Policy.
- 4.21 **Question 4 - The offer of a Welfare Rights appointment and advice is part of each Staying Put arrangement, do you think this is something you would find useful?**
- 4.22 The majority of respondents (91.67%) expressed that they would find the offer of a Welfare Rights appointment as part of the Staying Put arrangement useful.
- 4.23 **Council Response** – It is recommended that no change is made to the policy on this issue and the offer of a Welfare Rights appointment be made to every Staying Put carer and young person.
- 4.24 **Question 5. Is there anything else that you think may benefit you in terms of advice and support that is not currently on offer that you would like to see in the future?**
- 4.25 When asked if there was any other help or support they would like to see in the future, the following themes were raised: three comments were around additional support for young people to develop life skills. Further comments regarding providing useful information and advice on benefits and tax, providing direct financial support whilst young person is at university and specific situation enquiries were made.
- 4.26 **Council Response** – As part of the Staying Put offer, training and documentation will be available for carers to ensure they can support young people in developing life skills. Staying Put carers prevented from taking a further foster placement due to a Staying Put arrangement will also continue to receive a payment of £100 per week from the Council whilst young people are at University and a pro rata Staying Put allowance when the young person returns home. This is already included in the proposed Staying Put offer therefore no proposed changes are made to the Staying Put policy with regards these comments.

- 4.27 Any situation specific queries not already addressed in the policy are responded to under question 8 below.
- 4.28 **Question 6. - Do you think there is enough information provided to you about roles and responsibilities of each key person involved once the child being cared for has reached 18.**
- 4.29 Most respondents thought they receive enough information about the roles and responsibilities of each key person involved once the child being cared for has reached 18 (online 54.55%). Of those who felt they did not, problems highlighted included conflicting advice, lack of practical guidance, late planning and/or issues with the way information was communicated between the carer, young person and key professionals. A respondent commented:
- 'Not enough time is allowed prior to the young person turning 18. It's always a rush and often the carers and young person are spoken to separately and the advice is not always the same.'*
- 4.30 There was also feedback that suggested work between social worker and personal assistant was not joined up.
- 4.31 **Council Response** – The policy provides a consistent framework for the service to operate within. To ensure communication, advice and planning is timely, training of all staff will be mandatory as part of the policy implementation plan and supporting documentation provided. Proactive monitoring of service performance will also be undertaken.
- 4.32 **Question 7 - Regarding the expectations of Staying Put Carers to support the young person into independence, do you think there are any additional or specific support that would be helpful to either the Staying Put Carer or the Young Person?**
- 4.33 Most online respondents to this question felt that additional support would be helpful (60%). More detailed responses were given in the comments, whereby respondents expressed that better communication through regular meetings and including detailing responsibilities of the foster carer in the pathway plan would be desired, more information and advice for young people to be provided on useful topics e.g. in person support for claiming benefits, and the provision of a holiday grant and clear criteria for the leaving care grant.
- 4.34 **Council Response** – The policy provides a consistent framework for the service to operate within. To ensure roles of all parties are clear from the outset, training of all staff will be mandatory as part of the policy implementation plan and supporting documentation provided. Proactive monitoring of service performance will also be undertaken.
- 4.35 Any situation specific queries not already addressed in the policy are responded to under question 8 below.
- 4.36 **Question 8 – Any General Comments**
- 4.37 A number of queries raised covered key these and responses to these are summarised below:

Table A – Responses to general comments on the Staying Put Policy

Consultation Comment	Council Response
Special Guardianship Orders (SGO) and if they could remain under a Staying Put arrangement post 18 years.	An SGO carer is separate to a foster carer and so a Staying Put arrangement would not apply – if a foster carer becomes a special guardian they will have finance set out in a SGO support

Consultation Comment	Council Response
	plan agreed by the court. The SGO policy including the SGO allowance will be reviewed in 2023.
<p>If a young person turns 18 years old during their last academic year whether the fostering payments would continue until the end of the summer term.</p>	<p>A young person who was being fostered but then turns 18 and is 'Staying Put' are entitled to claim Universal Credit on the basis that they are studying full time and:</p> <ul style="list-style-type: none"> • They are under 21 • They are on a full-time non-advanced course of education (up to A Level and equivalent) • They are not being looked after by the LA and are without parental support. <p>On that basis the Staying Put policy and associated financial package would apply from the young person's 18th birthday rather than fostering allowances.</p> <p>This will be updated in the Staying Put policy.</p> <p>The Council's SGO policy will be reviewed in 2023 to ensure parity (if appropriate) between policies on this matter.</p>
<p>Carers raised concerns that as a single carer they get a 25% reduction on the Council Tax. However when the young person turns 18 this discount will be removed.</p>	<p>The Council will consider meeting this loss to the carer.</p> <p>This will be updated in the Staying Put policy.</p>
<p>A carer raised that they had been told no Personal Advisor for their young person can be provided due to lack of resources.</p>	<p>A Personal Adviser must work with young people alongside a social worker from the age of 16 as part of the care planning process.</p> <p>This will be addressed during the implementation of the Staying Put policy.</p>
<p>Young people should have holiday grant available to them, to enable to take annual holiday with their peers, etc. Also clear criteria should be given regarding leaving care grant.</p>	<p>The Care Leaver offer includes a range of financial support for Care Leavers including birthday, festival and holiday allowances.</p> <p>Young people in a Staying Put arrangement will be able to apply for a holiday allowance under the local Care Leaver offer. The allowance does not form part of the Staying Put offer. The Care Leaver offer is due for review in 2023.</p> <p>This will be updated in the Staying Put policy.</p>
<p>Some kind of booklet listing things they (young people) need to know.</p>	<p>The service will provide advice and documentation on assisting young people in preparing for independence.</p>
<p>Some carers thought it was positive that everyone would be getting the same and that a really good job has been done on the policy.</p>	<p>Noted.</p>
<p>What would the position be for Unaccompanied Asylum Seeking Children (UASC) in Staying Put?</p>	<p>If the young person is a UASC it may be that the young person's immigration status is pending and as such employment and benefit claims are not possible. In these situations it is proposed that the individual case is considered at Resources Panel as a matter of priority to ensure the right outcome for the young person and carer.</p>

Consultation Comment	Council Response
	This will be updated in the Staying Put policy.

5 EQUALITY IMPACT ASSESSMENT

5.1 An Equality Impact Assessment (EIA) was undertaken to ensure the proposed Staying Put Policy promotes fairness and equality of opportunities for young people and carers. The full EIA is at Appendix 1.

EIA Findings

5.2 The main findings of the EIA are that the policy will

- Have a direct impact on the protected characteristic of age due to young people leaving care aged between 18-21 being directly affected by the changes. The Staying Put Policy will directly affect children in foster care from age 15 ³/₄ onwards due to preparation for leaving care beginning at this age. The policy will also directly affect, 18-21 year old care leavers and 18-21 year olds currently in Staying Put arrangements. If in education, the policy may also affect young people leaving foster care up to age 25.
- Have a direct impact on low income groups and carers.
- Have an indirect impact on grounds of ethnicity, disability and mental health.
- Have an indirect impact on young people seeking asylum who are awaiting status determination as they may be unable to contribute towards the Staying Put allowance as they will be unable to claim benefits or work.
- Have an indirect impact on care leavers with disabilities or mental health needs. In some cases, where a young person has complex needs or a disability which restricts or undermines their ability to care for themselves, it may not be in their best interests to remain in the former foster carer's home.

5.3 It is anticipated that the policy will not:

- Disproportionately impact on the grounds of gender or sex.
- Impact upon military veterans as a result of the changes.
- Affect people who are breastfeeding as a result of the changes.
- Impact on grounds of religion/belief, pregnancy/maternity, sexual orientation or gender reassignment. However, there is insufficient data to identify the effects of the policy upon young people on grounds of religion/belief, pregnancy/maternity, sexual orientation or gender reassignment as full data on these characteristics for young people aged 17-25 in foster care, in Staying Put arrangements or who are care leavers was not available.

Mitigations

5.4 To understand and mitigate the impact of the terms of the Staying Put arrangement upon the carer's entitlement to benefits and council tax reductions/discounts, they will be offered an appointment arranged with the Council's Welfare Rights Service. Additionally, where a single carer would lose their 25% Council Tax discount for single carers as a result of a Staying Put arrangement we will consider meeting this loss to the carer.

5.5 Responding to the risk that the new policy could disproportionately affect carers and low income groups due to the Staying Put allowance being lower than the rate previously received through fostering allowances, this was also the case under the previous policy. Additionally, under the new policy as the Staying Put allowance has increased from £177.67/week to £231.74/week, reducing the disparity and positively impacting low income groups and carers. Through planning for care leavers which begins at 15³/₄, carers and young people will have two years to prepare for the change.

- 5.6 Responding to the risk that carers could be negatively directly impacted by facilitating a Staying Put arrangement as it could limit their capacity to take on any further foster placements, this has been mitigated by Children's Services committing to pay for the enhanced disclosure for the young person over 18 from the Disclosure Barring Service. Where space for both the young person under the Staying Put arrangement and another foster placement at the same time is not available within the former foster carer's home, this will be a choice to be made by the former foster carer. **This will be updated in the Staying Put policy.**
- 5.7 As per the current arrangements, where the young person eligible for a Staying Put arrangement has a disability and complex needs that would be more effectively managed outside of a Staying Put arrangement, the child's reviewing officer would assess whether a referral should be made for a shared lives arrangement.
- 5.8 Responding to the risk that the policy may disproportionately negatively affect unaccompanied asylum seeking young people who have no recourse to public funds/ who are awaiting status determination will be unable to claim benefits or work in order to contribute financially towards the Staying Put arrangement. In these situations the individual case will be considered at Resources Panel as a matter of priority to ensure the right outcome for the young person and carer. In the event that the former UASC has no recourse to public funds pending an immigration decision then we would match the Staying Put payment to support this arrangement. Benefit claims will be made as soon as the young person is able to do so and this would then contribute to the Staying Put arrangement. **This will be updated in the Staying Put policy.**
- 5.9 As per the previous policy, where the young person eligible for a Staying Put arrangement have mental health needs that would be more effectively managed outside of a Staying Put arrangement, the child's reviewing officer would assess whether a referral should be made for a shared lives arrangement.
- 5.10 As comprehensive data relating to sexual orientation, gender reassignment, pregnancy and maternity, and religion/beliefs was unavailable for young people leaving care aged 17-25, to monitor the effects on particular groups, these characteristics should be included as part of reporting within Children's Services.
- 5.11 The success of these mitigations will be measured by quarterly reviews of Staying Put cohort numbers to monitor the effectiveness of the new policy in increasing the opportunity for young people and former foster carers to form Staying Put arrangements.

6 IMPLEMENTATION

- 6.1 The new Staying Put policy will come into effect on 1 February 2023.
- 6.2 Any new Staying Put arrangements agreed on or after this date will be subject to the new policy.
- 6.3 Any existing Staying Put arrangements where the weekly allowance paid to the carer is less than that stated in the new policy (£231.74) will be implemented on a phased basis from 1 February 2023 – 30 April 2023. This is to allow time for young people and carers to seek benefit and tax advice and for any necessary arrangements for young people to make benefit claims. Payments will be backdated to 1 February 2023.
- 6.4 For the small number of Staying Put arrangements that have a rate higher than the current policy due to exceptional circumstances these cases will be reviewed on a case by case basis by Resources Panel by 30 April 2023.

- 6.5 There is as risk that for pre-existing Staying put arrangements some benefit claims may not be paid as the young person is already living in the arrangement. This will need to be dealt with on a case by case basis.

7 FINANCIAL IMPLICATIONS

- 7.1 There are no changes to the financial implications of this policy following consultation. Financial implications are as detailed in the pre consultation report as shown below.
- 7.2 The Council currently has a net budget of £119k for Staying Put placements. The budget includes a £293k gross expenditure budget for Staying Put allowances along with a central government grant for Staying Put of (£174k). The grant has been in place since 2017 and the annual funding amount of £174k has been confirmed between 2022/23 and 2024/25.
- 7.3 As of July 2022, there were 26 young people in Staying Put arrangements. The average cost of a Staying Put allowance payment in July 2022 was £231.74. The estimated annualised cost of this average payment for all current Staying Put arrangements is £314,200 resulting in a pressure of £21,600 to budget.
- 7.4 The new policy would allow the service to fund the current 26 young people in Staying Put arrangements by fully utilising the Staying Put grant and make a budgetary saving of £115,100. This is due to the Young Person's benefit claims and contributions. This is based on a 90% benefit recovery rate.
- 7.5 Alternatively, the new policy, while not reducing the average payment to carers, would allow the service to increase Staying Put numbers to 42 young people within the boundaries of the current budget. This is based on a 90% benefit recovery rate, with a minor budget saving of £6,000. This will be dependent on the number of eligible young people, where Staying Put is the preferred option for both the young person and former foster carer.
- 7.6 While the average weekly cost of a Staying Put Placement is currently £231.74, the median and mode cost of a weekly payment is £177.67. This indicates that the majority of Staying Put agreements are paid at a weekly rate of £177.67. The average rate is increased due to placement enhancements on specific Staying Put agreements. The financial implications do not include any discretionary enhancements made by the Council or back pay to 1 February 2023 as part of implementation.
- 7.7 The policy details that any arrangement with former Independent Fostering Agency carers will adhere to the rates set out in the policy. In exceptional circumstances discretionary enhancements may be considered but must be ratified at a Resources Panel.
- 7.8 The Local Housing Allowance (LHA) rate which determines the UCHE varies in borough dependent on postcode. The proposed Staying Put policy indicates that this will be used to when considering the amount of rent payable and cost breakdown agreed as part of the Staying Put agreement and reviewed at least 6 monthly as part of the Pathway Plan Review. It also emphasises the responsibility of the carer and young person to notify Children's Services should their financial arrangements change.

8 CONCLUSION

- 8.1 A revised Staying Put policy has been developed and out for consultation from 3 October 2022 to 15 November 2022. Consultation via the online survey was extended to 25 November 2022 to ensure as many young people had had the chance to put their views forward.

- 8.2 Consultation feedback on the policy was analysed. The most significant feedback was given regarding the financial package on offer to carers, with over half of respondents feeling the offer was poor or very poor.
- 8.3 In response to this consultation, the weekly Staying Put allowance was revisited to ensure it was set appropriately. Additional analysis of Staying Put rates in other local authorities was undertaken and confirmed that Tameside's newly proposed rate was the median value out of the authorities assessed. It was concluded that the proposed increased rate of £231.74 was set appropriately.
- 8.4 All other aspects of the policy were not as strongly commented on. Most comments requested clarity for specific situations including but not limited to young people at college and single person's council tax deductions. These queries have been clarified in more detail in the policy.
- 8.5 The final proposed policy amended as outlined above is at Appendix 3.
- 8.6 This policy if approved would be implemented from 1 February 2023 for all new Staying Put arrangements and on a phased basis for pre-existing arrangements.

9 RECOMMENDATIONS

- 9.1 As set out on the front of this report.

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Subject / Title		Staying Put Policy	
Team	Department	Directorate	
Fostering	Cared for Children's	Children's	
Start Date		Completion Date	
07.03.2022		December 2022	
Project Lead Officer		Tony Decrop	
Contract / Commissioning Manager		N/a	
Assistant Director/ Director		Tony Decrop	
EIA Group (lead contact first)	Job title	Service	
Lynda Clifford	Fostering Service Manager	Childrens	
Tony Decrop	Assistant Director of Children's Social Care	Childrens	
Emily Drake	Head of Payments, Systems and Registrars	Governance	
Roseanna Wain-Basaran	Policy Officer	Governance	

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, or relevance to, 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, or relevance to, people with a protected characteristic. This should be undertaken irrespective of whether the impact or relevancy 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.

<p>1a.</p> <p>What is the project, proposal or service / contract change?</p>	<p>To introduce a formalised Staying Put Policy to set out the roles and responsibilities of Tameside MBC employees and external providers in helping young people to decide whether to form a staying put agreement with their former foster carer.</p> <p>Staying Put is about care leavers continuing to live with their former foster carers when they reach the age of 18. Specifically, it is defined by the Children Act 1989 and refers to an arrangement whereby a young person, who when they became 18 was in law an 'eligible child' placed with a foster carer, who continues to live with that person.</p> <p>The purpose of reviewing this policy is to:</p> <ul style="list-style-type: none"> - Ensure that there is a clear and consistent process for forming staying put arrangements, - Strengthen our early planning (16+) through Cared for Reviews and Pathway Plans, - Ensure that our staying put document provides the information required to enable a smooth transition from foster care to staying put arrangements, - Increase the take up of staying put arrangements, - Provide ongoing assistance to former foster carers wishing to continue support young people, - Support our young people to develop the skills they need to flourish in adulthood, - Provide a model staying put license agreement between the young person and former foster carer to set out clear expectations for both parties.
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1b.	<p>What are the main aims of the project, proposal or service / contract change?</p>	<p>The financial package for the Staying Put carer will total £231.74. This amount will increase from time to time by the % increase to the foster care allowance for 16-18year olds as recommended by DfE and the rent costs. The amount will be made up of funding from:</p> <ul style="list-style-type: none"> • Rent costs which will be based on the Local Housing Allowance rate for the area the property is situated in. This cost will usually be met by the Universal Credit Housing Element (UCHE) where applicable, paid directly to the former foster carer. It is acknowledged that UCHE will vary dependant on the area the young person / former foster carer lives (the total final package to the Staying Put Carer will be unchanged at £231.74). Where a young person is in employment and not entitled to UCHE they will be required to cover rent costs through their income. • A minimum contribution of £20 from the young person, from income or entitlement to grants, allowances or benefits paid directly to the carer. This is in addition to their rent. This will be discussed at their Pathway Planning meetings. • Tameside Children’s Services Contribution. <p>Young people commencing higher education courses at any age are not eligible to claim means tested benefits and therefore will be expected to meet any rent costs through employment or their student loan.</p>
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1c. Will the project, proposal or service / contract change have either a direct or indirect impact on, or relevance to, any groups of people with protected equality characteristics? Where there is a direct or indirect impact on, or relevance to, a group of people with protected equality characteristics as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.

Protected Characteristic	Direct Impact / Relevance	Indirect Impact / Relevance	Little / No Impact / Relevance	Explanation
Age	<u>Direct</u>			The Staying Put Policy will directly affect children in foster care from age 15 ¾ onwards, 18-21 year olds care leavers and 18-21 year olds currently in staying put arrangements. If in education, the policy may also affect young people leaving foster care up to age 25. It will give more cared for young people the opportunity to consider a Staying Put arrangement in a clear and more informed way. As of 7th November 2022 in Tameside there were 25 young people in Local Authority staying put arrangements. As of October 2022 there were 34 care leavers aged between 17-25 living with their former foster carers. As of 1st November 2022 there were 425 care leavers aged between 17-25.
Disability		<u>indirect</u>		Some young people eligible for a staying put arrangement may have a disability. However, where disability restricts the young person’s ability to care for themselves it may not

				be in their best interests to remain in the former foster carer's home. In these cases a shared lives arrangement may be more appropriate. 6% of Tameside's Care Leavers aged 17-25 had a disability.
Ethnicity		<u>Indirect</u>		<p>The policy does not differentiate on grounds of ethnicity or race.</p> <p>Young people eligible for Staying Put Arrangements come from a range of ethnic backgrounds.</p> <p>Ethnicity of Care Leavers aged 17-25 01.11.22:</p> <p>White – 83%</p> <p>Mixed – 2%</p> <p>Asian or Asian British – 4%</p> <p>Black or Black British – 5%</p> <p>Other Ethnicity – 5%</p> <p>Young people seeking asylum will have the protected characteristics of race (ethnicity). However, it is acknowledged that where young people are awaiting status determination or where they have not been granted leave to remain, this will affect access to benefits and state support.</p> <p>There are 10 unaccompanied children seeking asylum who are over 16 in Tameside Currently there are 3 unaccompanied asylum seeking children in Staying Put Arrangements.</p>
Sex			<u>No impact</u>	<p>The policy does not differentiate on grounds of gender. There is an even proportion of gender/sex of female and male young people aged 16-17 in long-term placements within Tameside, this is the cohort who may be more likely to progress into staying put arrangements. Considering care leavers, 55% (233) are male and 45% (192) are female, care leavers are disproportionately men.</p> <p>There is no anticipation that the development or implementation of this policy will impact directly or indirectly on sex in a significant sense.</p>
Religion or Belief			<u>No Impact</u>	<p>The policy does not impact on religion or belief as it does not differentiate based on this, all young people are equally entitled to access staying put arrangements.</p>
Sexual Orientation			<u>Unknown Impact/Relevance</u>	<p>The policy does not differentiate based on a carer or young person's sexual orientation. This data is not recorded for young people.</p>
Gender Reassignment			<u>Unknown Impact</u>	<p>The policy does not impact upon a young person on the basis of gender reassignment. Where young people identify as transgender or have been through gender reassignment, they are equally entitled to support through the policy. Data on this is not recorded.</p>

Pregnancy & Maternity			<u>No impact</u>	The policy does not adversely or disproportionately impact upon pregnant young people or those experiencing maternity. If the young person was pregnant the authority would offer appropriate support to ensure they are not disadvantaged. Data on this was requested but was not received.
Marriage & Civil Partnership			<u>No relevance</u>	There is no anticipation that the development or implementation of this policy will impact directly or indirectly on Marriage & Civil Partnership in any significant sense
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact/ Relevance	Indirect Impact/ Relevance	Little / No Impact/ Relevance	Explanation
Mental Health			<u>Indirect</u>	If the young person has complex care needs the policy may impact them as it may not be in their best interest to remain with the former foster carer if their needs can be met more effectively from another place e.g. through a shared lives arrangement.
Carers	<u>Direct</u>			A staying put arrangement may impact the carer's finances as they may receive less under the staying put arrangement than under the foster care placement. A staying put arrangement would also limit another foster care placement depending on space available. The change in the payment structure may affect the carer's entitlement to benefits. People aged 40-64 are over-represented in Tameside's foster carer population, accounting for 73.84% of foster carers but just 26.64% of Tameside's population as a whole.
Military Veterans			<u>Little / No Impact/ Relevance</u>	There is no anticipation that the development or implementation of this policy will impact directly or indirectly on military veterans in a significant way.
Breast Feeding			<u>Little / No Impact/ Relevance</u>	There is no anticipation that the development or implementation of this policy will impact directly or indirectly on people who breast feed in a significant way.
Are there any other groups who you feel may be impacted by the project, proposal or service/contract change or which it may have relevance to? (e.g. vulnerable residents, isolated residents, those who are homeless)				
Group (please state)	Direct Impact/ Relevance	Indirect Impact/ Relevance	Little / No Impact/ Relevance	Explanation

			ce	
Low or no income groups	Direct			The increased cost of living and decrease in payment from fostering payment to staying put arrangement will have a negative impact on income for the carer. There is a risk that the former foster carers entitlement to benefits and to council tax discounts e.g. the 25% single person's discount will be affected by the payment under the staying put arrangement.

"Low or no income groups" should be included as a key consideration when assessing the impact of your project, proposal, policy or service/contract change. Wherever a direct or indirect impact or relevance 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 or relevance is anticipated, this can be explored in more detail when undertaking a full EIA.

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
		X	
1e.	What are your reasons for the decision made at 1d?	Based on the above analysis and the impacts of the new policy changes on the basis of age, disability, mental health, carer status and low income status, a decision has been made to carry out a full EIA.	

If a full EIA is required please progress to Part 2.

PART 2 – FULL EQUALITY IMPACT ASSESSMENT

2a. Summary

The Equality Impact Assessment was undertaken to ensure the proposed Staying Put Policy promotes fairness and equality of opportunities for young people.

The main proposals under the policy are:

- The standard weekly Staying Put allowance is increased from £177.67 to £231.74 per week. This is based on the *average* currently weekly allowance currently paid to Staying Put carers and provides a more comparable rate with neighbouring local authorities.
- The financial package for the Staying Put carer will total £231.74. This amount will increase from time to time by the % increase to the foster care allowance for 16-18year olds (it will be uplifted at the same time and by the same % amount) as recommended by DfE and the rent costs. The amount will be made up of funding from:
- **Rent costs** which will be based on the Local Housing Allowance rate for the area the property is situated in. This cost will usually be met by the Universal Credit Housing Element (UCHE) where applicable, paid directly to the former foster carer. It is acknowledged that UCHE will vary dependant on the area the young person / former foster carer lives (the total final package to the Staying Put Carer will be unchanged at £231.74). Where a young person is in employment and not entitled to UCHE they will be required to cover rent costs through their income.
- **A minimum contribution of £20 from the young person**, from income or entitlement to grants,

allowances or benefits paid directly to the carer. This is in addition to their rent. This will be discussed at their Pathway Planning meetings.

- **Tameside Children's Services Contribution**
- Young people commencing higher education courses at any age are not eligible to claim means tested benefits and therefore will be expected to meet rent costs through employment or their student loan.
- Depending on the circumstances of the Staying Put carer all young people are expected to claim Universal Credit Housing Element from their 18th birthday and is used to cover the rent element of the Staying Put arrangement.
- Allowances for birthday and festivals would continue to be paid as part of the local Care Leaver offer. Holiday payments would not be paid in line as per current practice.
- Targeted assistance for benefits advice for both carer and young person will be provided by Welfare Rights.
- Discretion may be used in exceptional circumstances to vary financial payments. Any such variations must be considered by the Local Authority Resources Panel to ratify any financial decisions.
- The policy also sets out a model Staying Put License Agreement between the young person and former foster carer, helping to clarify expectations, roles and responsibilities. .

EIA Findings:

- The main findings of the EIA are that the policy will have a direct impact on the protected characteristic of age. The policy will also have a direct impact on low income groups and carers.
- The policy will have an indirect impact on grounds of ethnicity, disability and mental health.
- There are no anticipated impacts upon military veterans as a result of the policy changes. There are also no anticipated affects upon people who are breastfeeding as a result of the policy changes. There is no anticipated impacts on grounds of religion/belief, pregnancy/maternity, sexual orientation or gender reassignment. However, there is insufficient data to identify the effects of the policy upon young people on grounds of religion/belief, pregnancy/maternity, sexual orientation or gender reassignment as full data on these characteristics for young people aged 17-25 in foster care, in staying put arrangements or who are care leavers was not available.

Mitigations:

- To understand and mitigate the impact of the terms of the staying put arrangement upon the carer's entitlement to benefits and council tax reductions/discounts, they will be offered an appointment arranged with the Council's Welfare Rights Service. With regards the loss of the 25% single person reduction in Council Tax the Council will consider meeting this loss to the carer as corporate parents.
- Responding to the risk that the new policy could disproportionately affect carers and low income groups due to the staying put allowance being lower than the rate previously received through fostering allowances, this was also the case under the previous policy. Additionally, under the new policy as the staying put allowance has increased from 177.67/week to £231.74/week, reducing the disparity and positively impacting low income groups and carers. Through planning for care leavers which begins at 15¾, carers and young people will have two years to prepare

for the change.

- Responding to the risk that carers could be negatively directly impacted by facilitating a staying put arrangement as it could limit their capacity to take on any further foster placements, this has been mitigated by Children's Services committing to pay for the enhanced disclosure for the young person over 18 from the Disclosure Barring Service. Where space for both the young person under the staying put arrangement and another foster placement at the same time is not available within the former foster carer's home, this will be a choice to be made by the former foster carer.
- As per the current arrangements, where the young person eligible for a staying put arrangement has a disability and complex needs that would be more effectively managed outside of a staying put arrangement, the child's reviewing officer would assess whether a referral should be made for a shared lives arrangement.
- Responding to the risk that the policy may disproportionately negatively affect unaccompanied asylum seeking young people who have no recourse to public funds/ who are awaiting status determination will be unable to claim benefits or work in order to contribute financially towards the staying put arrangement, these cases will be considered by Resources Panel as a matter of priority to ensure the right outcome for the young person and carer.
- As per the previous policy, where the young person eligible for a staying put arrangement have mental health needs that would be more effectively managed outside of a staying put arrangement, the child's reviewing officer would assess whether a referral should be made for a shared lives arrangement.
- As comprehensive data relating to sexual orientation, gender reassignment, pregnancy and maternity, and religion/beliefs was unavailable for young people leaving care aged 17-25, to monitor the effects on particular groups, these characteristics should be included as part of reporting within Children's Services.

The success of these mitigations will be measured by:

- Quarterly reviews of staying put cohort numbers to monitor the effectiveness of the new policy in increasing the opportunity for young people and former foster carers to form staying put arrangements. Update reports will be provided to the Corporate Parenting Board which meets six times per year and will also be reported into the annual Fostering Service Report as well as statistical returns to the DFE and OFSTED

Summary of Consultation:

Consultation was originally undertaken for 6 weeks from 3 October 2022 to 15 November 2022 as follows:

- Foster carer workgroups (2 virtual 1 face to face) – 17 households attended
- Children in Care Council – 3 young people in person and 2 virtual attended
- Care Leaver forum (face to face) – 3 young people attended
- Big Conversation questionnaire – open to the wider public and Independent Fostering Agencies (IFAs). There were 14 total respondents to the online questionnaire consultation. Due to anonymity, we cannot identify the proportion of IFA staying put carers and local authority staying put carers who answered the survey.

To increase the voice of young people in the gathered responses, consultation via the online questionnaire was extended up to 25 November 2022. Targeted emails were sent to all foster carers (Tameside and IFAs) encouraging young people to complete the online survey. A further 2 responses were obtained.

2b. Issues to Consider

- Carers / Low Income Groups – Benefits and Council tax discounts entitlement of former foster carers being affected by the staying put allowance. This was also highlighted within the consultation responses,
- Carers / Low Income Groups- Former Foster Carers and IFA’s receiving less than they would have previously received prior to young person turning 18. This was also highlighted within the consultation responses.
- Carers - Facilitating a staying put arrangement could limit the carer’s capacity to take on any further foster care placements. This was also highlighted within the consultation responses.
- Disability –It may not be in the best interests of some young people to remain with their former foster carer and to form a staying put arrangement where they have complex needs that will be managed more effectively through a shared lives arrangement.
- Ethnicity – Some young people who are unaccompanied asylum seekers may be awaiting status determination, restricting their ability to work or claim benefits.
- Mental Health - It may not be in the best interests of some young people to remain with their former foster carer and to form a staying put arrangement where they have complex needs that will be managed more effectively through a different arrangement such as a shared lives arrangement.
- Sexual Orientation – Data on the sexual orientation of young people aged between 17-25 in foster care, staying put arrangements or who are care leavers is not gathered
- Gender Reassignment – Data on gender reassignment for young people aged between 17-25 in foster care, staying put arrangements or who are care leavers is not gathered
- Religion/Belief – Full data on the religion/beliefs of young people aged between 17-25 in foster care, staying put arrangements or who are care leavers was not available.
- Pregnancy/Maternity – Data on the number of young people aged between 17-25 in foster care, staying put arrangements or who are care leavers and have experienced pregnancy or maternity was not available.
- Low income / Age – Issue regarding young people becoming 18 during final academic year and the removal of the fostering allowance and a staying put allowance instead being received. This was highlighted through responses to the consultation.

Table: Consultation findings

Q1. The Staying Put Policy states there will be a financial package for staying put carers for young people over the age of 18. Please give us your feedback on the financial package being offered to you as a Staying Put Carer. Do you think the offer based on the current financial climate is:						
Excellent	Good	Neither good nor bad	Poor	Very Poor	Total	Skipped
1 (7.69%)	3 (23.08%)	3 (23.08%)	4 (30.77%)	2 (15.38.%)	13	3
Q2. As a carer, what do you think of the financial contribution being offered to you by the young person being cared for? Do you think the contribution is...						
A fair amount		Neither good nor bad	Poor	Total	Skipped	
4 (40%)		5 (50%)	1 (10%)	10	6	
Q3. As the young person being cared for do you think the financial contribution you are being asked to make to your Staying Put carer is...						
A fair amount		Neither good nor bad	Poor	Total	Skipped	
2(40%)		3 (60%)	0	5	11	
Q4. The offer of a welfare rights appointment and advice is part of each staying put arrangement, do you think this is something you would find useful?						
Yes		No	Total			Skipped

11 (91.67%)	1 (8.33%)	12	4	
Q5. Is there anything else that you think may benefit you in terms of advice and support that is not currently on offer that you would like to see in the future?				
Please see below comments		Total: 8	Skipped: 8	
Q6. Do you think there is enough information provided to you about roles and responsibilities of each key person involved once the child being cared for has reached 18 - e.g. the council Independent Reviewing Officer, Social Worker, Personal Assistant, Young Person, and the Staying Put carer?				
Yes, I do think enough	No, I think I would like more	Total	Skipped	
6 (54.55%)	5 (45.45 %)	11	5	
Q7. Regarding the expectations of Staying Put Carers to support the young person into independence, do you think there are any additional or specific support that would be helpful to either the Staying Put Carer or the Young Person?				
Yes	No	Total	Skipped	
6 (60%)	4(40%)	10	6	
Q8. In general, please tell in your own words your opinion on the Staying Put agreement, e.g the formal agreement at the end of the policy. Do you think the agreement is:				
Excellent and covers everything	Neither good nor bad	Poor	Total	Skipped
3(30%)	6 (60%)	1 (10%)	10	6

Comments from Online consultation:

Summary of Online consultation:

There were 16 total respondents to the Survey Monkey consultation from 03/10/2022 – 25/11/22. Due to anonymity, we cannot identify the proportion of IFA staying put carers and local authority staying put carers who answered the survey.

Eight questions were asked, covering a variety of aspects of the policy, including staying put payments, advice and support under the arrangement and current awareness of roles and responsibilities under staying put arrangements with some questions being directed at carers and some directed at young people.

Almost half of respondents (6, 46.15%) to the first question expressed that the financial package being offered was unsuitable, with most respondents describing it as 'poor' or 'very poor'. 30% of respondents (4) felt the package was 'excellent' or 'good', meanwhile 23% (3) felt the financial package was 'neither good nor bad'.

Half of respondents said the amount proposed to be contributed by the young person to their carer under the new policy was found to be neither good nor bad. Carers expressed a variety of views in the comments ranging from the view that the payment amount is fair, to concerns around ensuring the contribution is proportionate and does not cause the young person hardship, to concerns that the stipulated payment does not reflect the true costs of living. Comments from young people also overwhelmingly expressed that the contribution amount was 'neither good nor bad' (60%, 3).

The majority of respondents (91.67%) expressed that they would find the offer of a welfare rights appointment as part of the staying put arrangement useful. When asked if there was any other help or support they would like to see in the future, there were 8 responses along the following themes: providing opportunities for young people to develop life skills (2), providing useful information and advice on benefits and tax (2), providing direct financial support whilst young person is at university (1), no further support requested (1) and specific situation enquiries (2).

Most respondents thought they receive enough information about the roles and responsibilities of each key person involved once the child being cared for has reached 18 (54.55%). Of those who felt they did not, problems highlighted included conflicting advice, late planning and/or issues with the way information was communicated between the carer, young person and key professionals. Considering whether there was any other additional or specific support that would be helpful to the staying put carer or young person, most respondents agreed they would find extra support helpful (60%, 6).

Most respondents thought that the overall staying put agreement was 'neither good nor bad' (60%), but feedback through the comments section highlighted: concerns around the payment, uncertainty around the new policy and concern around the level of support for young people.

All Comments raised:

Q1 Comments:

- Due to the cost of inflation it was £214 in 2014
- The offer is fair based on the current financial climate
- most of the young people on staying put still require a lot more input from the carers and support so as carers we will still be working, advising and supporting the young
- It appears a fair arrangement
- We are foster parents who wish to continue fostering long term and we have 1 room available for a foster child. Fostering is our career and only source of income which currently amounts to approximately Â£550 per week reflecting our level of experience and training. The financial package being offered makes a Staying Put agreement unworkable.
- There's no incentive
- I am unsure what the current offer is but I do believe that carers should not be worse off
- Costs for 18+'s will only increase and so this could place considerable financial burden on carers who wish to continue looking after placements after 18
- We all know that young people who have been in care need to continue to be supported past their 18th birthday and to continue to offer support to them the finances need to reflect this. With inflation and other issues raising prices at unprecedented rate the finances needs to be looked at to enable foster carers to continue to offer support to young people. Unfortunately foster carers rely on the payments to be able to afford to offer this support and a home to young people. If this was a family that wasn't fostered then parents finances don't change and they could afford to carry on with their child living with them but foster carers wage/money relies on the use of bedrooms (sorry that cold), so to keep a young person home there needs to be support.
- Not financially viable today. Carers are having to choose between keeping a vulnerable person for a very low fee compared to taking a new placement at a higher rate. It's not fair when your heart wants your young person to stay but you can't personally finance the placement

Q2 Comments:

- Young person's have to learn that they have responsibility to contribute in preparation for adult life
- It does not help them to realise the true cost of living. this could lead to financial difficulties when having their own place
- Nothing to add
- They don't really have much to give
- Seems reasonable
- Depending on what the young person is doing for money they can only offer the amount that is proportionate.

Q3 Comments:

- not sure
- seems okay
- A young person on universal credit only gets a small amount of money so they can't pay a lot

Q4 Comments:

- Not everyone is aware of how the benefits system works and what you may be entitled to or may
- I have put yes, but we need to be encouraging the young not to use benefits unless they need to.

Q5 Comments:

- No
- We have a responsibility to see all our young person's are given the best possible start as they move into independent living. In my experience this has not always been available to them
- life skills. Budgeting, how to use appliances, who to get in touch with for household emergencies ie washing machine broken etc. Filling forms in ie electoral register. etc.
- We have been told no Personal Advisor for our young person can be provided due to lack of resources.
- Tax benefits

- How does this work if in SGO?
- A payment while a young person is at university/studying away from home ,depending on the young persons needs. A family home is available to all children who live with birth family so that should be an option for fostered children who wish to go home for weekends etc.
- More clarity on entitlements and practical help for the yp

Q6 Comments:

- How yon my update my document
- Social Worker and Personal Assistant tend to work directly with the child and not be involved with the Carer as much. this can lead to a breakdown of communication between all parties.
- There is so much conflicting information given to young people and their foster carers. It depends on SW or PA what information/support they get.
- Not enough time is allowed prior to the yp turning 18 .Itâ€™s always a rush and often the carers and yp are spoken to separately and the advice is not always the same

Q7 Comments:

- Young person's should have holiday grant available to them, to enable to take annual holiday with there peers, etc . Also clear criteria should be given regarding leaving care grant
- communication with all involved at regular meetings so everyone is up to date in providing the best assistance for the young person.
- Some kind of booklet listing things they need to know
- It should be part of the path way plan what the foster carer will do and what how they will be supported in doing that by the department.
- More support for yp on how to claim their benefits and going with them in person for support

Q8 Comments:

- Are we giving the best start to independent living?... I'm not confident that we do!
- will need to read this a few times before i can make a honest comment on it.
- It appears a foster carer with only 1 room available for fostering or staying put is expected to accept significant financial loss by entering into a Staying Put agreement.
- There still questions to answer
- I think the policy is a good step forward but the financial package could be reviewed
- I have not seen one, even though I have supported young people with staying put.
- Not sure

Focus Groups:

The focus groups took place on the 13th October, 19th October and the 20th October.

Three focus group sessions took place over Zoom and all Tameside Council foster carers were invited to attend. The sessions took place on the following dates:

- Focus Group 1 took place on 13/10/2022 with 10 households in attendance 2 single carers
- Focus Group 2 took place on 19/10/2022 with 3 households in attendance
- Focus Group 3 took place on 20/10/2022 with 4 households in attendance 3 single carers.

A meeting was also held with both the Children in Care council and the Care Leavers Forum. Both of these meetings were in person.

04/10/2022 Children in care council 3 young people in person and 2 virtual attended.

06/10/2022 Care Leavers Forum 3 young people attended.

A consultation survey was available on 'The Big Conversation' for those who couldn't make the meetings and for independent carers. An email was sent out to Children's Social Workers requesting they advise any IFA carers of the survey.

At the start of the focus groups the Staying Put proposal was discussed so everyone had an awareness, the policy was also available on line but very few carers had read it prior to attending the groups.

The focus groups were not as well attended as anticipated and only 10% of Households including both mainstream and kinship attended.

- The groups allowed for a discussion following a short presentation of the policy. The carers were

then asked 6 questions.

1. The staying put policy states that there will be a financial package for Staying Put carers for children over the age of 18. Please give your feedback on the financial package being offered to you as a staying put carer.

- Carers were concerned about the cost of living crisis and how the reduction in their 'payment' would affect this.
- Carers were concerned about the impact of the allowance on single carers especially if they were on benefits or only had the one room.
- A carer asked if 'SP allowance was classed the same as foster carer money for the tax because if you hit the tax you will be on a real loser.'
- 'Taking a hit of £200 is a lot for many people.'
- A carer was concerned that as a single carer they get a 25% reduction on the Council Tax. However when the YP turns 18 the discount was then removed.

2. As a carer what do you think of the financial contribution being offered to you by the young person being cared for.

- Some felt it was unreasonable to expect the young person to buy their own sanitary products and toiletries themselves.
- Some thought this was a good idea to support them in the future.
- Some carers were already in Staying Put and were saving the money for the YP for when they moved on rather than use it towards the household bills.
- Carers felt they would be a lot worse off when the YP had their own money to live on.
- Some felt the role as a Staying Put provider did not differ much to a foster carer and therefore they shouldn't have a decrease in allowance.
- Some who were SP providers now felt the money currently was reasonable but an increase would be brilliant.
- Carers were concerned if YP had to provide for themselves they would become isolated as they wouldn't be able to afford to go out.
- Some carers were very proactive ensuring YP had opportunities to work either full time or part time to ensure they were in a good financial position.
- One carer stated "I think it's a good package and can manage. I've put my own children through college and university and I supported them, not taking any money from them. I think this is a good package".
- Another carer stated "people care and love the children however they can become upset if the cannot financially maintain to keep them.
- One household stated ' a good idea as it helps them to understand they need to contribute.' This was agreed by another household that ' it helps them to appreciate value of money and budget'.
- A number of carers agreed it was good for the YP to learn and appreciate how much things cost.
- A carers stated that her YP (on SP) was not in a position to work and received £58 per week he pays £20 per week to the carer which leaves him £38 which isn't enough to live on and buy clothes etc.
- A carer commented that some YP were behind their peers and expected to make massive decisions at 18.

3. The offer of a welfare rights appointment and advice is part of each staying put arrangement do you think this is something you would find useful.

- All carers agreed this would be helpful.

4. Do you think there is enough information provided to you about roles and responsibilities of each key person involved once the child being cared for has reached 18, eg the role of the council independent reviewing officer, social worker and personal advisor, young

person and the role of the staying put carer?

- A lot of the carers felt that there should be planning earlier for the yp re staying put. They were all aware this should come through the CLA reviews chaired by the IRO.
- A number of carers were confused regarding the role of the PA.

5. Any other points?

- There was confusion regarding the Leaving Care grant and where this fits in with Staying Put.
- A number of carers were concerned if the YP decides at 18 for a SP arrangement then returns to their birth family so the SP arrangement ends. If the placement with birth family broke down where they would be able to get emotional and practical support from.
- They wanted to know if there were any courses to teach YP how to change light bulbs etc as single female carers may not know some of the practical things to teach them.
- Carers stated that if SP was better for YP then the LA needed to make it better for foster carers otherwise it wouldn't happen.
- Some carers thought it was positive that everyone would be getting the same and that a really good job has been done on the policy.
- One carer repeated again that it is good but needs to start earlier to stop the YP becoming stressed.
- a number of carers wanted clarity that if a YP is 18 mid their last year at school then the SP policy shouldn't kick in until they finish their formal education as this was a disparity and would place undue pressure on the YP.
- A few carers commented that it was a good thing and they liked the policy that it was clear and easy to understand.
- Carers wanted to know if they only have 1 YP and they moved to SP would they need to apply again to become a foster carer.
- If the SP ended and they only had one bedroom would they need to apply again.
- A carer felt they needed more clarity and support from the LA regarding the agreement plan and rights so they know where they stand.

Care Leaver's forum

Only 4 young people attended and only one of those had experience of foster care in an IFA.

Comments;

- "what if the young person wanted to stay? But the carers didn't want them too?"
- Feel they haven't been prepared for life, how bills work, and general life skills: use of washer etc.
- Young people are still awaiting a meeting for the local offer – feel there is no "proper anything" and that Tameside has the worst local offer.
- Feel conversations need to be had earlier on with social workers as they feel abandoned and lonely as they can't get through to them when they need them.
- Planning should start around 15 years of age, as some leave the care system at 16 and this is a drastic change.
- Agreed the staying put policy is good as the support is there for longer and enables you to build on skills. Feels the remaining few months should be used to help become more independent so it is "more fresh" in their mind.
- Xx wants to see the actual policy so he can take time to read through it.

CICC:

Two young people attended virtually and asked the most questions. Three young people attended in person.

The questions related to Special Guardianship Orders and if they could remain under a Staying Put arrangement post 18 years.

Conclusion:

The attendance was disappointing however all carers contributed to the discussion which was positive. It is unknown if people attended the focus groups and participated in the online survey. Due to the

anonymity it is unknown how many IFA carers contributed to the online survey. Carers who currently are in Staying Put under the old rate think the financial package is fair and better. All carers were pleased that there was going to be a policy that was clear to all and involved the young person. A large number of carers were considerate of those carers who are claiming benefits and only have one room. The financial drop would severely impact on them and they would have to choose the emotional ties to the young person once they became 18 or using the room for fostering which would bring them more money. All carers agreed that early planning was essential and needed. Carers were clear that their role would continue and therefore this should be financially recognised. A number of carers asked the question if a young person turned 18 years old during their last academic year whether the fostering payments would continue until the end of the summer term. A number of carers felt the young people shouldn't be paying rent and that they should continue to have financial support.

Summing up:

- Some carers want young people to continue under fostering if they turn 18 years old during their last term at school/ college.
- Some Carers feel fostering rates should continue – especially those IFA carers.
- Carers think the policy is welcome and clear.
- Some carers don't think young people should contribute to their rent. Single carers with only one room will be financially impacted.

Equality Issues identified through the consultation process:

1. Impacts on Low Income Groups and Carers - Concerns about financial package:

Almost half of respondents (6, 46.15% online survey) to the first question expressed that the financial package being offered was unsuitable, with most respondents describing it as 'poor' or 'very poor'. 30% of respondents (4) felt the package was 'excellent' or 'good', meanwhile 23% (3) felt the financial package was 'neither good nor bad'.

Mitigation:

The staying put payment amount of £231.74 under the new proposed policy is higher than the previous amount received by staying put carers of £177.67

Staying put payments across Greater Manchester were benchmarked. The rate is comparable to that of a number of Greater Manchester Authorities. It is also higher than the fostering allowance rate for 16-17 year olds (£207 per week). Although this is less than the combination of a fostering allowance and skills payment, the young person as an adult will be responsible for paying for clothing, holidays and recreation through employment or benefits, previously paid for by their foster carer.

2. Impact on Low income groups / Carers – Removal of the 25% Single Person's Discount for single foster carers where the young person remains with the former single foster carer.Mitigation:

With regards the loss of the 25% single person reduction in Council Tax the Council will consider meeting this loss to the carer as corporate parents.

3. Impact due to the protected characteristic of age: If a young person turns 18 years old during their last academic year whether the fostering payments would continue until the end of the summer term.Mitigation:

Contact was made with the Council's Welfare Rights service and it was confirmed that in such a scenario, a young person who was being fostered but then turns 18 and is 'Staying Put' will be entitled to

claim Universal Credit on the basis that they are studying full time and:

- They are under 21
- They are on a full-time non-advanced course of education (up to A Level and equivalent)
- They are not being looked after by the LA and are without parental support.

On that basis the Staying Put policy and associated financial package would apply from the young person's 18th birthday rather than fostering allowances.

4. Impact due to low income status – Where a young person receives UC and is unable to work, the required contribution of £20 a week may impact their finances.

Mitigation:

Universal Credit is a payment which is expected to help towards the young person's living costs

2c. Impact/Relevance

Age:

There will be a disproportionate impact on young people aged between 15 ¾ - 21 as the preparation for a staying put arrangement will begin at 15 ¾ but the staying put arrangements will be formed directly between young people aged 18-21 and their former foster carers, the policy could affect young people up to age 25 where they are in education. The introduction of a formalised staying put policy could positively impact cared for young people aged between 16-21 by providing clarity and consistency and giving them the opportunity to consider a staying put arrangement. As of 7th November 2022 there were 25 young people in Local Authority staying put arrangements. As of October 2022 there were 34 care leavers aged between 17-25 living with their former foster carers. As of 1st November 2022 there were 425 care leavers aged between 17-25.

Disability:

There will be an indirect impact on care leavers with disabilities. In some cases, where a young person has complex needs or a disability which restricts or undermines their ability to care for themselves, it may not be in their best interests to remain in the former foster carer's home. Under the cared for reviews (CLA review) the child's reviewing officer would assess whether the remit was met for staying put arrangements or whether a referral should be put in for a shared lives arrangement.

Where the young person has minor disabilities or lower level care needs, the policy may have a low level positive impact by providing improved guidance. As of 1st November 2022 there were 25 (6%) of Care Leavers aged between 17-25 who have a disability.

Ethnicity/Race:

The policy does not directly differentiate on grounds of race or ethnicity. There will be an indirect impact on young people seeking asylum who are awaiting status determination. This is because where they have not been granted leave to remain, this will affect their ability to claim benefits and access state support. As Universal Credit Housing Element from the young person is expected to be paid by the young person to the former foster carer as part of the Staying Put Arrangement if the young person is not in education, this could negatively impact the arrangement. There are 10 unaccompanied children seeking asylum who are over 16 in Tameside. There are 3 unaccompanied asylum-seeking children who are currently within staying put arrangements.

Considering the potential impacts upon unaccompanied asylum seeking young people, the policy has been amended to propose that where the young person is awaiting status determination, their individual case will be considered by Resources Panel as a matter of priority to ensure the right outcome for the young person and their carer.

Ethnicity of Care Leavers 01.11.22:

White – 83%

Mixed – 2%

Asian or Asian British – 4%

Black or Black British – 5%

Other Ethnicity – 5%

Gender:

The policy does not disproportionately impact on the grounds of gender or sex. As of 1st Nov 2022, 55% (233) of care leavers are male and 45% (192) are female.

The latest available data (2020 ONS) shows that in Tameside males account for 49.317% of the population and females account for 50.6%. Therefore, it appears that males are slightly over-represented in the care leaver cohort and may be disproportionately affected by the proposed policy. However, not all care leavers will be eligible for staying put arrangements. Considering young people aged between 16-17 who are currently in foster care, out of the 44 people, half are female and half are male. Due to this, there is no anticipation that the proposed policy will disproportionately affect young people on the basis of sex or gender.

Religion or Belief:

It is not anticipated that the policy will disproportionately affect people based on their religion or belief, all eligible young people regardless of faith or belief are equally entitled to access staying put arrangements. The data on religious beliefs for young people leaving care aged 17-25 is incomplete.

Of the 44 16-17 year olds in foster placements:

8 no religion responded to

6 Not recorded

4 Christian

1 No religion

25 no response recorded

Sexual Orientation:

It is not anticipated that the policy will disproportionately impact people as a result of their sexual orientation. The policy does not differentiate on this basis. Data on the sexual orientation of care leavers, people in foster care or staying put arrangements was not available.

Gender Reassignment:

The policy does not impact upon a young person on the basis of gender reassignment. Where young people identify as transgender or have been through gender reassignment, they are equally entitled to support through the policy. Data on the number of care leavers, people in foster care or staying put arrangements aged 17-25 who are transgender or who have gone through gender reassignment was not available.

Pregnancy or maternity:

The policy does not adversely or disproportionately impact upon pregnant young people or those experiencing maternity. If the young person was pregnant the authority would offer appropriate support to ensure they are not disadvantaged. Data on the number of care leavers aged 17-25 who have experienced pregnancy or maternity was not available. Data on the number of young people in staying put arrangements experiencing pregnancy or maternity was not available.

Mental Health:

If the young person has complex care needs the policy may impact them as it may not be in their best interest to remain with the former foster carer if their needs can be met more effectively from another place e.g. through a shared lives arrangement.

Carers:

The staying put arrangement may directly impact the carer's finances as they may receive less under the staying put arrangement than under the foster care placement. A staying put arrangement would also limit another foster care placement depending on space available.

Where payments towards the staying put arrangement come from sources other than the Local Authority under s.23C of the Children Act 1989, this may affect the carer's entitlement to benefits.

Where the staying put payment to the carer also includes an amount from the young person's UC housing element, any benefit delays experienced by the young person may affect the young person's ability to contribute towards household costs, affecting their carer's income.

People aged 40-64 are over-represented in Tameside's foster carer population, accounting for 73.84% of foster carers but just 26.64% of Tameside's population as a whole.

Low income/no income groups:

There may be a direct impact. National data from the Fostering Network 2021 indicated that 61% of foster carers who responded do not combine fostering with other work.

The increased cost of living and decrease in payment from fostering payment to staying put arrangement will have a negative impact on the income of the carer.

However, the introduction of a formalised staying put policy and consistent rate of payment may have a positive impact on the finances of low income carers, enabling them to consider a staying put arrangement.

Additionally, the proposed weekly rate of £231.74 under the new policy is higher than the 2021 standard weekly Staying Put Allowance which was £177.67¹ positively impacting former foster carers who choose to form a staying put arrangement.

Staying put payments across Greater Manchester were benchmarked. The rate is comparable to that of a number of Greater Manchester Authorities. It is also higher than the fostering allowance rate for 16-17 year olds (£207 per week). Although this is less than the combination of a fostering allowance and skills payment, the young person as an adult will be responsible for paying for clothing, holidays and recreation through employment or benefits, previously paid for by their foster carer.

There is a risk that the former foster carers entitlement to benefits and to council tax discounts may be affected by the continuing presence of the young person and the payment under the staying put arrangement. This has been mitigated by the offer of a welfare rights appointment prior to the formation of the staying put arrangement.

Summary of data recording issues identified:

- No data on gender reassignment or sexual orientation for young people aged 17-25 who are in foster care, staying put arrangements or who are care leavers. Data collection for care leavers and young people in staying put arrangements needs to be improved so that effects of policy on this cohort can be monitored
- Incomplete data on religion of young people in staying put arrangements and care leavers.
- Incomplete data on pregnancy and maternity for young people in staying put arrangements and care leavers.

¹ Tameside MBC FOI Response [Response all information to be supplied.pdf \(whatdotheyknow.com\)](#)

2d. Mitigations (Where you have identified an impact/relevance, what can be done to reduce or mitigate it?)	
<i>Carers / Low Income Groups – Benefits and Council tax discounts entitlement of former foster carers being affected by the staying put allowance</i>	<p>In preparation for a Staying Put arrangement carers will be offered an appointment arranged with the Council’s Welfare Rights Service to talk through any considerations needed regarding benefits and Council Tax</p> <p>With regards the loss of the 25% single person reduction in Council Tax the Council will consider meeting this loss to the carer as corporate parents.</p>
<i>Carers / Low Income Groups- Former Foster Carers and IFA’s receiving less than they would have previously received prior to young person turning 18.</i>	<p>The reduction in income was also present under the previous policy. Planning for care leavers begins at 15 ¾, giving young people and their carers two years notice that income will reduce so that they can plan ahead. Additionally, the disparity between the income received per week by foster carers and the staying put payment has been reduced under the proposed policy as the amount received by carer has been increased to £231.74 per week from £177.67. This issue was also identified within the consultation.</p>
<i>Carers - Facilitating a staying put arrangement could limit the carer’s capacity to take on any further foster care placements</i>	<p>The carer would still be able to take on additional foster placements subject to all adults including the young person obtaining an enhanced disclosure from the Disclosure and Barring Service.</p> <p>Children’s Services would pay for the enhanced Disclosure from the Disclosure and Barring Service.</p> <p>Where the former foster carer only has enough space in their home to facilitate the young person under the staying put arrangement or another foster placement instead this will be a decision that the former carer will have to make.</p>
<i>Disability / Mental Health – It will not be in the best interests of some young people to remain with their former foster carer within a staying put arrangement where they have complex needs that will be managed more effectively through a different arrangement e.g. a shared lives arrangement</i>	<p>Under the cared for reviews (CLA review) the child’s reviewing officer would assess whether the remit was met for staying put arrangements or whether a referral should be put in for a shared lives arrangement. All Shared Lives Carers are subject to Disclosure and Barring Service (DBS) checks and complete an assessment and approval process, and are required to undertake regular mandatory training.</p>
<i>Ethnicity – Some young people who are unaccompanied asylum seekers may face procedural delays in status determination or may not be granted leave to remain.</i>	<p>If the young person is a UASC it may be that the young person’s immigration status is pending and as such employment and benefit claims are not possible. In these situations it is proposed that the individual case is considered at Resources Panel as a matter of priority to ensure the right outcome for the young person and carer. This will be updated in the Staying Put policy.</p>
<i>Incomplete Data: Data on the sexual orientation, gender reassignment, pregnancy/maternity is not gathered</i>	<p>Include this information on foster carer recruitment forms Include reporting on this regarding young people in care</p>
<i>Full data on religion / beliefs of care leavers not available.</i>	<p>Include this information on foster carer recruitment forms Include reporting on this regarding young people in care</p>


2d. Mitigations (Where you have identified an impact/relevance, what can be done to reduce or mitigate it?)

<p>. Impact due to the protected characteristic of age: If a young person turns 18 years old during their last academic year whether the fostering payments would continue until the end of the summer term</p>	<p>Contact was made with the Council's Welfare Rights service and it was confirmed that in such a scenario, a young person who was being fostered but then turns 18 and is 'Staying Put' will entitled to claim Universal Credit on the basis that they are studying full time and:</p> <ul style="list-style-type: none"> • They are under 21 • They are on a full-time non-advanced course of education (up to A Level and equivalent) • They are not being looked after by the LA and are without parental support. <p>On that basis the Staying Put policy and associated financial package would apply from the young person's 18th birthday rather than fostering allowances.</p>
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2e. Evidence Sources

<ul style="list-style-type: none"> - State of the Nation 2021 Thematic Report 1 Foster Carer Status.pdf (thefosteringnetwork.org.uk) - Children's services Analysis Tool (ChAT) 1.11.22 (Care Leaver data) - Labour Market Profile - Nomis - Official Census and Labour Market Statistics (nomisweb.co.uk) <p>Tameside MBC FOI Response Response all information to be supplied.pdf (whatdotheyknow.com)</p>

2f. Monitoring progress

Issue / Action	Lead officer	Timescale
Annual Review	Required	Required
Benchmarking		
Lived Experience Consultation		
Signature of Contract / Commissioning Manager		Date
N/a		
Signature of Assistant Director / Director		Date
		25.11.22

APPENDIX 2

Staying Put Payments Statistical Neighbours	
Authority	Payment per week
Rotherham ¹	£203.54
Redcar and Cleveland ²	£175
Doncaster ³	£250
North East Lincolnshire	£165 per week – Standard rate £257 per week – Enhanced rate
Wigan ⁴	£224.20.
St Helens ⁵	Staying Put carers receive the weekly 16yrs+ weekly Fostering Maintenance Allowance minus £59.84. Policy was under review at time figures were given. £520 - £59.84 = £460.16
Barnsley ⁶	£207
Sunderland ⁷	£215.80
Darlington ⁸	Council foster carers is £250. Payment to IFA's is £340.
Gateshead ⁹	£226.82 p/week

¹ [Response FOI 164 2223.pdf \(whatdotheyknow.com\)](#)

² [0356 FOI Response.pdf \(whatdotheyknow.com\)](#)

³ [Foster Care allowances - a Freedom of Information request to Doncaster Borough Council - WhatDoTheyKnow](#)

⁴ [13735.pdf \(whatdotheyknow.com\)](#)

⁵ [Foster Care allowances - a Freedom of Information request to St Helens Metropolitan Borough Council - WhatDoTheyKnow](#)

⁶ [FOI4942 Children s Social Care and Safeguarding.pdf \(whatdotheyknow.com\)](#)

⁷ [Foster Care allowances - a Freedom of Information request to Sunderland City Council - WhatDoTheyKnow](#)

⁸ [2\) Stg 1 Ack \(Corporate\) \(whatdotheyknow.com\)](#)

⁹ [Foster Care allowances - a Freedom of Information request to Gateshead Metropolitan Borough Council - WhatDoTheyKnow](#)

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TAMESIDE COUNCIL FOSTERING SERVICE POLICIES

STAYING PUT ARRANGEMENTS FOR CARE FOR CHILDREN AND YOUNG PEOPLE

FULL POLICY ON
STAYING PUT
INCLUDING STAYING
PUT AGREEMENT



**Tameside Metropolitan Borough Council
Fostering Service Policy**

Staying Put Arrangements for Cared for Children and Young People

Introduction

Many care leavers have a more difficult start to adulthood than their peers as a consequence of their past experiences, coupled with the absence of a supportive family base. Staying Put arrangements help to mitigate against these factors so that care leavers are better equipped to do well in life. The individual aims of Staying Put arrangements will be specific to each young person concerned, and will be made clear in their Pathway Plan and the written agreement covering the Staying Put arrangement.

Staying Put is about care leavers continuing to live with their former foster carers when they reach the age of 18. Specifically, it is defined by the Children Act 1989 and refers to an arrangement whereby a young person, who when they became 18 was in law an 'eligible child' placed with a foster carer, who continues to live with that person.

An eligible child is someone who:

- * is looked after by a local authority;
- * is aged 16 or 17, and;
- * has been Cared For for a total of at least 13 weeks since the age of 14

It is a term meaning that they are eligible for support as a care leaver, and does not refer specifically to Staying Put support. Once they become 18 an eligible child is known in law as a 'former relevant child'.

Whenever a young person continues to live with their former foster carer in these circumstances, it is referred to as a Staying Put arrangement. Staying Put arrangements continue until the young person becomes 21 or stops living in the household, whichever is the sooner. Where a young person is in further education the arrangement can continue until the education is completed or the young person reaches 25, whichever is the sooner. Local authorities have duties to monitor and support Staying Put arrangements, and these are reflected throughout this good practice guide. Local authorities also have significant statutory obligations to support care leavers whether or not they participate in Staying Put, and these are explained in the Children Act 1989 statutory guidance accessible via [Staying put: arrangements for care leavers aged 18 years and above - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/staying-put-arrangements-for-care-leavers-aged-18-years-and-above).

Tameside's pledge to Cared for Children includes a commitment to supporting young people to remain in their foster care placement beyond 18 up to the age of 21, or before then if the young person stops living in the household. This is irrespective of whether the foster carer is an approved Tameside carer, friends & family carer or a carer from an Independent Fostering Agency.

It is important to understand that government departments have differing approaches to defining Staying Put within the statutory framework applicable to their area of responsibility. The definition given above comes from the Children Act 1989 and is the one which gives local authorities a duty to monitor and support, as explained in this guide.

"You don't expect your birth children to live independently at 18. The chances of traumatised young people doing this are slim. It's hard to develop that resilience, they need that extra support. If they could stay with us longer so we could support them into independence it would improve their life chances. It's like they're on a bit of elastic for the first few years, eventually they fray it enough that they are off."

Foster carer

"I am now part of the Staying Put agenda and that has enabled me to stay put with my foster carers that I was living with before I was eighteen. This has helped me to stay on at college and to continue to reach my goals. My carers are really supportive of what I want to do. Being able to stay put has meant pretty much everything to me. If I had gone independent at eighteen I wouldn't have lasted and would have had to go back to my parents which wouldn't have worked out. I wouldn't have progressed as a person and I would have had different prospects."

Young person

Staying Put will usually be the best way to continue to support care leavers through the transition to adulthood, but it is not the only way to do so and will not be the choice all wish to make. For some, independent living, supported lodgings, a return home or other alternatives will be preferred.

This policy is relevant for "Cared for Children" whose plan is to remain on a permanent basis with foster carers. It does not relate to children who have significant health needs and / or disabilities who are eligible to be supported by Adult Social Care. For the latter young people, their placements may continue under the approved Adult Care scheme (which approves their carers as Adult placement providers).

How Does Staying Put Differ from Foster Care?

In a practical, everyday sense, a young person who enters into a Staying Put arrangement is likely to view this as a continuation of fostering and to refer to the person providing the care as their foster carer, in much the same way as we all continue to refer to our parents as just that, whether or not we are still living at home. Similarly, Staying Put carers (former foster carers) will often view the arrangement as just an extension of fostering, albeit that the young person is increasingly independent.

The significant difference is that in law Staying Put arrangements are not foster placements, because the young person is no longer a Cared for Child but an adult, and the Fostering Regulations, statutory guidance and National Minimum Standards no longer apply.

Ultimately, it is the young person and their former foster carer who make the joint decision to establish the arrangement. This is based on their commitment to each other, and applies in the same way whether the former foster carer is approved by a Local Authority or by an Independent Fostering provider.

There is nothing new about the notion of former foster carers continuing to provide a home to young people whom they have fostered: many have done this in the past and regarded previous foster children as members of their own families for the rest of their lives. The change in the law in 2014 moves this from an ad hoc arrangement to one which is legislated for until the age of 21.

Early Planning

Early planning for Staying Put is crucial and arrangements should be considered as part of the care planning process, from the time that a long-term foster placement is identified. Whether or not Staying Put is an option should be discussed as early as possible when the young person reaches the age of 15 ³/₄, and forms part of their Pathway Plan Part 1 Assessment of Need. This assessment then informs Part 2 and the creation of the Pathway Plan which must be in place by the time the young person reaches 16yrs and 3 months.

Clear Information

Foster carers and young people should be provided with clear information about the support available from their Personal Advisor and Fostering Service to help them to make choices about whether or not to enter into Staying Put arrangements. This will include information about financial arrangements and where advice can be sought around implications for benefits and tax.

Family Life

Staying Put arrangements should replicate as far as possible normal family life. Former foster carers are required to care for any child or young person placed with them as if they were a member of their family,

and this expectation should carry through into Staying Put arrangements. Families all have different rules, expectations and ways of doing things, and Staying Put arrangements should take account of this and be sufficiently flexible to be tailored to individual circumstances and needs. There will be standard expectations relevant to every home but the individual carers and young people will add their own expectations relevant and agreed by them.

Best Interests

The best interests of the young person should be at the heart of decision making about Staying Put, enabling them to have the best possible opportunities to lead successful lives. The young person will continue to refer to the former foster carer in much the same way as they did as a Cared for Child. The former foster carer will view this as an extension of fostering albeit the young person will be more independent. The purpose will be that the young person can experience the transition to adulthood in a supportive environment. They can be supported in achieving their full potential whether that's education, employment or training. Former foster carers will be best placed to support the young person with the necessary life skills before they are required to live independently.

Support

Practical support to both former foster carers and young people should be geared to their specific circumstances and needs. Former foster carers should be encouraged to access the support and training required to support the young person to do well in life and keep them safe from harm.

Establishment of a Staying Put Arrangement

The young person's Pathway Plan Part 1 Assessment of Need should begin as they reach the age of 15 $\frac{3}{4}$ which will then in turn inform Part 2 Pathway Plan which must be completed by age 16yrs and 3 months. It should identify the support needs of the young person on their pathway to independence and should be used as the framework to explore the following issues:

- Is it likely that the young person and foster carer will want to establish a Staying Put arrangement when the young person reaches their 18th birthday?
- Do the young person and foster carer understand the procedures for entering into a Staying Put arrangement?
- Does the young person understand their financial and benefit responsibilities post 18?
- Does the foster carer understand their funding arrangements, and financial implications for example, benefits, income tax and national insurance?
- What is the contingency plan for the young person should the Staying Put arrangement not be viable e.g. is alternative supported accommodation available?

The Staying Put arrangements should involve the young person and should be progressed within the young person's Pathway Planning process by the time the young person reaches the age of 16 years 3 months and before their final Pathway Plan Review. Occasionally young people or foster carers may change their minds after making an initial decision about the Staying Put arrangement. The process should always allow both young people and foster carers to change their minds about establishing a Staying Put arrangement, but care should be taken to avoid disruption to the young person.

The Personal Adviser will work with the young person to plan for their financial contribution to the cost of Staying Put. The Personal Adviser will also work with the young person to maximise their entitlement to benefits and calculate the amount required for the Staying Put arrangement. Consideration should also be given to ensure that applications for benefits do not discourage a young person from obtaining or maintaining part or full-time employment. The Personal Adviser will ensure that preparations for making a claim for a personal benefit and Universal Credit Housing Element is prepared well in advance of the young person's 18th birthday.

The Supervising Social Worker will, in collaboration with the Social Worker and Personal Adviser, convene a Staying Put support meeting when the young person is approximately 17 $\frac{1}{2}$ years old and before their final review meeting. The Supervising Social Worker together with the young person, the

foster carer and Personal Adviser would plan for the Staying Put agreement. The purpose of the Staying Put meeting is for both the foster carers and the young person to understand what is expected from the arrangement.

If a young person feels that his/her wish to remain with their former foster carer has not been properly considered by the local authority or they are unhappy with the way in which the local authority has acted, they may wish to speak to their Independent Reviewing Officer who chairs their reviews before they turn 18 and request a review of their Pathway Plan. The young person should be told of their right to use their local authority's complaints procedure to voice their concerns, and of their right to have an independent advocate.

Impact on the Allowances Provided by the Local Authority

When a young person reaches the age of 18 they are no longer regarded as being in foster care, as all Care Orders cease and parental responsibility to the Local Authority comes to an end. The legal basis for Staying Put is effectively seen as a licensor and licensee or landlord and tenant arrangement between the young person and former foster carer because young people are effectively lodging in the carers' home. Former foster carers become entitled to a Staying Put Allowance rather than a foster care allowance. This covers rent, utilities such as heating and lighting, food and associated arrangement costs. The former foster carers are not expected to provide the young person with a personal or clothing allowance as young people can, where eligible, claim means-tested benefits for their personal needs from their 18th birthday. These benefits replace the pocket money and clothing allowance previously contained in the foster carers' maintenance allowance. Allowances for birthdays, festivals and holidays would be paid to the young person as part of the local Care Leaver offer (this is not part of the Staying Put offer).

The financial package for the Staying Put carer will total £231.74. This amount will increase in line with the foster care allowance for 16-18year olds (it will be uplifted at the same time and by the same % amount). The amount will be made up of funding from:

- **Rent costs** which will be based on the Local Housing Allowance rate for the area the property is situated in. This cost will be met by the Universal Credit Housing Element (UCHE) where applicable, paid directly to the former foster carer. It is acknowledged that UCHE will vary dependant on the area the young person / former foster carer lives (the total final package to the Staying Put Carer will be unchanged at £231.74). Where a young person is in employment and not entitled to UCHE they will be required to cover rent costs through their income.
- **A minimum contribution of £20 from the young person**, from income or entitlement to grants, allowances or benefits paid directly to the carer. This is in addition to their rent. This will be discussed at their Pathway Planning meetings.
- **Tameside Children's Services Contribution.**

A young person under 21 on a non-advanced course of education (up to A Level and equivalent) and not being looked after by the local authority and without parental support are entitled to claim for benefits. On this basis the Staying Put policy and associated financial package applies from the young person's 18th birthday in this scenario.

Young people commencing higher education courses at any age are not eligible to claim means tested benefits and therefore will be expected to meet their rent costs through employment or their student loan.

Where a former foster carer is already in receipt of Housing Benefit or Universal Credit Housing Element to meet their own housing costs a young person may not be able to claim Universal Credit Housing Element. Advice can be sought from Tameside Council Welfare Rights Service to understand if they would be affected.

Throughout the duration of a Staying Put arrangement the financial situation of the young person and or former foster carer may change. The financial package will need to be discussed and reviewed at each Pathway Plan Review which should occur every 6 months as a minimum.

Carers and young people must notify Tameside Childrens Services if their financial situation changes in between these reviews.

The Pathway Plan reviews will continue up to the young person turning 21 or beyond if they remain in further education. The young person or Personal Adviser can request a review at any time.

Discretion may be used in exceptional circumstances to vary financial payments. Any such decisions would be considered by the Local Authority's Resources Panel and subject to assessment.

Young Person's Financial Contributions

The young person's income may come from:

- Welfare benefit entitlement
- Wages from employment, apprenticeship, training.

Young people remaining in Staying Put arrangements are expected to claim Universal Credit (where eligible) by their 18th birthday. The Housing Element of Universal Credit that forms part of the young person's claim will be paid at the one bedroom rate for the area where the young person / carer live and paid directly to the former foster carer. It is for the rent element of the Staying Put arrangement. The personal allowance of the Universal Credit would cover pocket money and clothing allowance previously contained in the Foster Carer's maintenance allowance and any shortfall between the rental charge and the Housing Element.

The young person is also expected to make a personal contribution of a minimum of £20 per week to their carer which is towards food and utility bills such as electricity, gas and water, in addition to their rent.

Depending on their level of income the young person may be expected to make a contribution over £20 which will be decided at their Pathway Plan meeting.

The young person should be advised that if they do not make their financial contributions to their former foster carer it may result in the placement ending.

Financial arrangements will be regularly reviewed as standard every 6 months as part of the young person's Pathway Plan review meetings.

Regulations

While Fostering Regulations will no longer legally apply to these arrangements, key standards should continue to govern the expectations of the placement when the young person reaches 18.

These Include:

- Health and safety requirements (as a minimum this should comply with landlord and licensee/tenant requirements);
- Suitable accommodation (in line with Standard 10 - Providing a suitable physical environment for the foster child)
- Ongoing review of the Staying Put arrangement (via the Pathway Plan)
- Attending relevant training to enable to carer to meet the needs of the young person
- DBS checks should the former carer continue to foster other young people under the age of 18 years. (Children's Services will pay for the DBS for the young person over 18 in this scenario).

Carers may also need to seek permission from their own landlord to 'sub-let' to the young person as part of a Staying Put arrangement.

Advice & Guidance

When former Foster Carer(s) are also Foster Carer(s) they will continue to receive supervision and support in that role from their Supervising Social Worker, who will need to take account of the fact that the household includes a young person for whom they are Staying Put carer.

In circumstances where a young person was placed in an Independent Fostering Agency placement which transferred to Staying Put Arrangement advice and guidance will be provided by the Council's Fostering Service as required.

When Foster Carer(s) cease to foster in order to provide Staying Put, advice and guidance can be sought from the Fostering Service by the Staying Put carer as and when required.

Tax and Benefit Implications for Continuing Carers

Means Tested Benefits

In preparation for a Staying Put arrangement carers will be offered an appointment arranged with the Council's Welfare Advice Service to talk through any considerations needed regarding benefits and Council Tax.

Where:

- A young person continues to reside with their former foster carer after their eighteenth birthday on a non-commercial and familial basis; **and**
- The child was Looked After immediately prior to their eighteenth birthday; **and**
- The payments are made by the local authority to the carer under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children);

then the payments are disregarded in calculating the carers' entitlement to means-tested benefits.

When a commercial arrangement is made, (i.e. any element of the cost of the arrangement comes from a source other than section 23C), the non-section 23C element may be taken into account in the calculation of the carer's own means-tested benefit claim.

Housing Benefit/Universal Credit

There may be implications where a Carer is already in receipt of Housing Benefit or Universal Credit Housing Element. Individual advice is recommended and can be sought from Tameside Council Welfare Rights Service.

Council Tax and Council Tax Support

The position regarding Council Tax will vary depending on the circumstances of the carers, the number of adults in the household and the activity that the young person is engaged in. Individual advice is recommended and can be sought from Tameside Council Welfare Rights Service.

Where a single carer may lose their 25% single person reduction in Council Tax, the Council will consider meeting this loss to the carer.

Her Majesty's Revenue and Customs (HMRC), Income Tax and National Insurance

Individual carers should consult their local HMRC office for guidance on their circumstances and liabilities with regards tax and NI.

For National Insurance Contributions purposes, in practice HMRC will treat the taxable profit from foster care or former foster carer(s) as earnings from self-employment. Foster carer(s) and former foster carer(s) is deemed as self-employment and as such carers should register as self-employed. All self-employed people aged 16 and over who are below State Pension age are liable and must register to pay Class 2 National Insurance Contributions.

Independent Fostering Agencies (IFAs)

This policy is applicable to former foster carer(s) from an Independent Fostering Agency (IFA).

The Council will work closely with IFAs to ensure that the children they care for have the same opportunities to access Staying Put arrangements as the children who are cared for by Tameside Children's Social Care.

The Impact on Foster Carers' Fostering Registration Limits and Status

When Foster Carers wish to enter into Staying Put arrangement they will need to discuss with the fostering service whether or not they wish to remain approved as Foster Carers, either to continue with an existing placement or to take new placements in the future. If they decide that they no longer wish to foster they are free to submit their resignation in writing, in which case their approval automatically ends 28 days after this is received by the Fostering Service.

When Foster Carers wish to remain approved as Foster Carers, the impact of the new arrangements will need to be considered. The young person who is Staying Put will no longer count as a foster placement once they become an adult, and so the Foster Carer will be able to take another placement within any terms of their approval. This may not always be possible or appropriate due to lack of accommodation, the demands of the Staying Put arrangement, or other factors.

The change in the Foster Carer's circumstances, including the Cared for Child becoming an adult member of the household, means that a review of the Foster Carer's approval should be undertaken before a Staying Put arrangement begins. This will provide the opportunity to discuss the impact of the Staying Put arrangement on the role of the Foster Carer and to think carefully through all the implications of the change in the legal status of the relationship with the young person. The need for any further training or additional support needs should also be discussed. The review should be carefully planned at a stage which enables discussion of all the relevant matters and also allows time for the Fostering Service's agency decision maker to act upon its recommendations, including any changes to terms of approval.

Sometimes Foster Carers are not able to take another foster placement whilst the young adult remains living with them, but wish to remain approved as Foster Carers in order to resume fostering in the future. If the fostering service agrees that it is appropriate to continue approval then it must meet the statutory requirements regardless of the fact that no child is placed. This includes regular visits by the Supervising Social Worker (including an annual unannounced visit); reviews of approval; provision of training, advice, information and support and support for continuing professional development.

For Tameside Foster Carers, if other children are in placement, the Supervising Social Worker will continue to provide support to the carer for those children.

Safeguarding Arrangements including Disclosure and Barring Service Checks

If the young person is continuing to remain in their home post 18 in a Staying Put Arrangement with other children, then they will need to have a DBS Check (funded by Children's Services), because they are classed as an adult. It is the policy of the Fostering Service to pursue DBS checks on all young people post 18. It is appropriate to obtain the enhanced disclosure as the young person becomes 18, so that it may be considered at the review of the Foster Carer's approval before the Staying Put arrangement begins. If the Staying Put carers are still registered with Tameside Council as Foster Carers, the DBS checks will continue routinely.

Insurance (Including Liability and Household Insurance)

Former Foster Carers will need to contact their mortgage providers / home insurance providers to notify them of the Staying Put arrangement.

Former Foster Carers will be provided with information about liability insurance cover in situations where Staying Put young people may make an allegation against a foster child in placement, or against their carer(s), or an allegation is made against the Staying Put young person. We recommend all Foster Carer(s) and Former Foster Carer(s) to have public liability insurance.

Attending University and Other Settings Away from Home

Young people wanting to pursue a higher education course at university will not be precluded from establishing a Staying Put arrangement. Where this is the case, the Staying Put agreement will consider the young person's plans to progress to university and payments will be payable to the former foster carers to facilitate the ongoing support whilst the young person is at university and through holiday periods.

If the carer is prevented from taking a further foster placement due to a Staying Put arrangement and the young person is living away at university, then the Local Authority will make the following payments:

- £100 per week recompense plus
- Pro rata payments (number of 24 hour periods and based on the full £231.74 per week allowance) for visits home by the young person.

The full amount of £231.74 per week (minus the young persons' contribution) will be payable instead of the £100 recompense during periods where the young person returns home during holiday periods. Where part weeks apply the carer will receive a minimum of £100 for the week and a maximum of £231.74 (minus the young person's contribution).

Unaccompanied Asylum Seeking Children (UASC)

If the young person is a UASC it may be that the young person's immigration status is pending and as such employment and benefit claims are not possible. In these situations it is proposed that the individual case is considered at Resources Panel as a matter of priority to ensure the right outcome for the young person and carer.

In the event that the former UASC has no recourse to public funds pending an immigration decision then we would match the Staying Put payment to support this arrangement. Benefit claims will be made as soon as the young person is able to do so and this would then contribute to the staying put arrangement.

Young People with Disabilities and Additional Needs

Where young people with disabilities/additional needs meet the criteria for Adult Services, the possibility of them entering into a Staying Put arrangement with their Foster Carer(s) when they become an adult must be considered. This arrangement will fall under Adult Social Cares 'Shared Lives Scheme'.

Ending Staying Put Arrangements

A former relevant child who is pursuing further education or training may be entitled to support until the age of 25, but beyond their 21st birthday this cannot be defined as Staying Put Arrangement.

The Staying Put Arrangement will cease in line with statutory guidance issued by DfE when the young person: a) First leaves the arrangement; or b) Reaches their 21st birthday, if continuously, and still living in the arrangement since their 18th birthday; or c) Completes the agreed programme of education or training (as detailed in their Pathway Plan) being undertaken on their 21st birthday, having lived continuously in the Staying Put Arrangement since their 18th birthday.

Staying Put Arrangements are made through agreement of the young person and their former Foster Carer(s), so either is able to bring the arrangement to an end before the young person reaches the age of 21.

In the event that the Council regards the arrangement as not consistent with the young person's welfare it may withdraw support, but does not have the legal power to bring the arrangement to an end. However, good practice would always be to make, and if necessary to end, arrangements by three-way agreement.

It is the responsibility of the Personal Adviser to work with the young person and help to plan a move to an alternative living arrangement from the Staying Put Arrangement. This should be achieved in a planned way and documented in the young person's Pathway Plan.

In cases where a young person or the former Foster Carer decide that they would like the arrangement to come to an end, each party should give at least 28 days' notice to the Personal Adviser.

Where a young person displays unacceptable behaviour, participates in activities that are deemed inappropriate or persistently fails to meet their responsibilities as agreed in the Staying Put Agreement, the Personal Adviser should call a disruption meeting. Any new or changed requirements, responsibilities or house rules resulting from this meeting should be set out and signed in an updated Staying Put Agreement.

Where the young person does not make their financial contributions to their former foster carer it may result in the placement ending.

STAYING PUT AGREEMENT BETWEEN YOUNG PERSON AND CARER/S

PRIVATE & CONFIDENTIAL

CHILDREN'S SERVICE DIRECTORATE

RE- (YP name and Address)

STAYING PUT LICENSE AGREEMENT

Once the Young Person (YP) becomes 18, if it is agreed that both the young person wants to stay with their carer/s and their carer's want to carry on caring for the young person then a 'Staying Put' arrangement will be made and the carers will then carry on caring for the young person as 'Staying Put' carers.

For the Staying Put arrangement to go ahead, the young person will need to be engaging in education, employment or training in order for the local authority to agree funding for the Staying Put provision.

The Staying Put license agreement was made on the..... to start on the (18th Birthday) and to end on (21st birthday/25th birthday if the YP is in higher education) or before this date due to changes in circumstances.

This agreement is made between (YP).....,and the Staying Put carer..... It enablesto stay atwith their own bedroom and sets out what will be expected of you and what you can expect from your provider.

COST:

Current rate being paid to carer.	£231.74
Minus the YP's weekly contribution to their Carer.	£
Minus room rent through universal credit housing element and personal element/employment paid by YP to carer.	£
Amount the LA will pay to the carer:	£
Total paid to Carer:	£

Please note: It is the responsibility of the young person and the carer to notify the Personal Advisor of the exact amount of through universal credit housing element and personal element so the Staying Put license agreement can be drafted.

AGREEMENT:

The Staying Put agreement is reviewed every year to ensure that the arrangement in place is still right.

However if YP is in employment then the amount of money given to stay with the carers will be reviewed on a regular basis. Please keep all your wage slips as these are needed to help

decide your contribution. Any increase or decrease in wages and any other change in circumstances needs to be brought to the attention of your Personal Advisor, who will update the agreement and give to a 'Resources Panel' to be checked and agreed before the changes are made. This means that payments given to the carer may increase or decrease to reflect any changes in Young Persons circumstances.

With the support of the carer (insert Young Person's name.....) agrees that the rules of him/her having this arrangement to 'Stay Put' are as follows:

-will make their agreed payments regularly and on time either through Universal Credits Claim or Employment.
- has read and understood the expectations (house rules) of the arrangement.

EXPECTATIONS:

Things (YP's name)..... Must do as part of the agreement:

- (YP's name) to make use of the support outlined in your Pathway plan.
- If at any time, the carer is worried about your safety, they have the right to enter your room to check on your wellbeing.
- (YP's name) to pay the agreed amount of weekly money/ rent and keep the payments on time.
- (YP's name) to pay for any loss or damage to your own furniture or belongings.
- You must ask your carer if you want to keep a pet.
- (YP's name) to be considerate to all the people who share the house.
- (YP's name) to ask permission from their carer for any overnight visitors.
- (YP's name) not stay away from their home for more than three nights per week unless you are going on holiday or it is agreed beforehand.
- You or your carer can end the Staying Put Agreement at any time by giving 14 days' notice.

Things (carer name)Must do as part of the agreement:

- Support and encourage (YP's name) to develop appropriate independent living skills in preparation for living independently.
- Support and encourage (YP's name) to engage in Employment, Education or Training.
- Support and encourage (YP's name) to make benefits claim if necessary and to alert DWP (universal credits) if there are any changes in circumstances.
- To raise any health, welfare and safeguarding concerns regarding (insert name of young person) to the Personal Advisor, however should this be urgent then contact emergency services.
- To inform the Personal Advisor of any changes in circumstances that would impact on the license agreement and overall staying put arrangement. (Eg – the YP is staying away from home for more than the agreed time (3 days), YP has move out or the YP enters into employment etc)
- To raise any concerns/ conflicts with the Personal Advisor in the first instance to enable the Personal Advisor to offer mediation/support to help resolve any issues.

Add any other expectations relevant to the individual's arrangement.

(YP's name) and (Name of provider/s) agree to adhere to the conditions set out as part of this staying put license agreement set out above)

Signed: _____(YP) Date: _____

Signed : _____(Carer).Date: _____

Report to:	EXECUTIVE CABINET
Date:	25 January 2023
Executive Member:	Councillor David Sweeton – Executive Member (Inclusive Growth, Business & Employment)
Reporting Officer:	Julian Jackson – Director of Place Gregg Stott – Assistant Director, Investment, Development & Housing
Subject:	UK SHARED PROSPERITY FUND (TAMESIDE)
Report Summary:	The report provides an update on the successful bid by the Council to the UK Shared Prosperity Fund (UKSPF) for Tameside under the Communities and Place investment priority. Approval is sought to implement the programme of works, to formally accept the funding and to enter into the Grant Funding Agreement.
Recommendations:	That Executive Cabinet be recommended to: <ul style="list-style-type: none">(i) Note the successful bid by the Council to UKSPF;(ii) Delegate to Director of Place, the approval for entering into the formal agreements for the receipt of UKSPF funding subject to satisfactory approval by Legal and Finance for the projects set out in Appendix 1.(iii) Approve the Director of Place to manage the programme of works associated with the UKSPF Programme for Tameside and to drawdown and incur all UKSPF expenditure related to delivery.(iv) Any variations to the programme to be agreed by Councillor David Sweeton – Executive Member (Inclusive Growth, Business & Employment) in consultation with the First Deputy Finance.(v) Include the projects within the UKSPF Communities and Place programme for Tameside in the Council's Capital Programme to ensure quarterly monitoring by the Strategic Planning & Capital Monitoring Panel.
Corporate Plan:	Key aims of the Corporate Plan are to provide opportunities for people to fulfil their potential through work, skills and enterprise and to ensure modern infrastructure and a sustainable environment that works for all generations and future generations. The interventions that will be supported by the UKSPF programme in Tameside will deliver against these aims in the areas of job creation, modern infrastructure and a sustainable environment
Policy Implications:	The interventions that will be supported by the UKSPF programme in Tameside will support delivery of the Borough's Inclusive Growth Strategy 2021, the Housing Strategy 2021 to 2026, Tameside Climate Change & Environment Strategy, the Council's growth priorities agreed at Council February 2020 and the draft Greater Manchester Places for Everyone joint development strategy.
Financial Implications:	The report provides supporting details of the recently announced

**(Authorised by the statutory
Section 151 Officer)**

successful grant funding bid to the UK Shared Prosperity Fund (UKSPF) under the Communities and Place investment priority. The grant award to the Council is £1,979,141.

Appendix 1 provides further details of the allocation of this grant award that is profiled to be expended by 31 March 2025. It is noted that the expenditure will be a combination of revenue and capital. Approval to include the related projects within the revenue budget and approved capital programme of the Place Directorate will be reported to Members via the existing governance approval processes as appropriate.

In addition, the Council awaits the related grant funding agreement for the award, the acceptance of which will be subject to a separate decision.

Section 3.2 of the report refers to funding that has been made available to the Council (via the GM Investment Plan) to fully fund a UKSPF Project Manager on a 2.5 years fixed term contract. Details of the post grade or sum awarded are not contained within this report. It is therefore advised that the supporting details are included within the afore-referenced decision to formally accept the UKSPF award once the grant conditions are available.

All works and services that will be funded via the grant award are to be commissioned in accordance with the approved procurement procedures with advice sought via STaR as appropriate.

Legal Implications:

**(Authorised by the Borough
Solicitor)**

As outlined in the report, approval is sought to implement the programme of works funded by the UKSPF, to formally accept the funding and to enter into the Grant Funding Agreement with GMCA. The terms and conditions of the grant funding agreement with GMCA are not yet known. It is likely that it will set out specific monitoring requirements, any subsidy control implications and the circumstances under which the funding could be clawed back so further legal advice on its terms should be sought to ensure compliance. Any commissioned works or services proposed under the programme should be procured in line with the Council's Contract Procedure Rules and appropriate advice sought from STaR Procurement.

Risk Management:

Risks associated with the project are set out at Section 4.

Background Information:

The background papers relating to this report can be inspected by contacting:

Mike Reed – Head of Major Programmes



Telephone: 07974 111 756



e-mail: mike.reed@tameside.gov.uk

Or, Sarah Jamieson – Head of Economy, Employment and Skills



Telephone: 0161 342 3629



e-mail: sarah.jamieson@tameside.gov.uk

1. INTRODUCTION

- 1.1 The UK Shared Prosperity Fund (UKSPF) is a £2.6bn fund designed to succeed and improve upon EU structural funds.
- 1.2 Devolved authorities are responsible for submitting implementation plans, working to set Government timescales. An overarching implementation plan was submitted by the Greater Manchester Combined Authority (GMCA) to Central Government in July 2022, followed by an Investment Plan in September 2022. Approval of the Investment Plan was received by GMCA from Central Government on 5 December 2022. Following this approval GMCA are now able to provide the relevant grant agreements to Greater Manchester (GM) Local Authorities (LA's), including Tameside.
- 1.3 The UKSPF funding in GM is split across Investment Priorities as shown in Table 1 below.

Table 1 Total UKSPF in GM across the Investment Priorities

Investment Priority	Year One 2022/23	Year Two 2023/24	Year Three 2024/5	Total
Communities and Place	£7,269,019	£10,038,086	£9,689,466	£26,996,571
SME Workspace (E22)	£2,000,000	£3,000,000	£10,000,000	£15,000,000
Local Business (E22)	£500,000	£6,500,000	£9,500,000	£16,500,000
People and Skills	£0	£0	£22,000,000	£22,000,000
Admin Fee 4% (Flat rate applied)	£407,020	£814,071	£2,132,934	£3,354,025
Total by Year	£10,176,039	£20,352,157	£53,322,400	£83,850,596

- 1.4 The GM UKSPF Investment Plan identified a limited number of cross cutting priorities that would be reflected across all UKSPF investment. It is suggested that all proposals for UKSPF will be asked to outline their approach to delivering and reporting on each of the cross-cutting priorities. These are:
- Contribution to GM's 2038 net zero ambitions,
 - Contribution to reducing inequalities, and:
 - Embedding social value.

2. TAMESIDE UKSPF PROGRAMME

- 2.1 The Council submitted bids in October 2022 of £1,979,141 and £1,700,000 for Tameside against the UKSPF Communities and Place and SME Workspace investment priorities. Both bids were designed to be an economic driver that delivers genuine levelling up opportunities across Tameside supporting national, GM and Tameside strategic policies.
- 2.2 In October 2022 the three Members of Parliament (MPs) with Parliamentary Constituencies covering Tameside were briefed on the UKSPF Communities and Place and SME Workspace investment priorities and gave their approval to the submissions in accordance with the requirements of the scheme criteria and process.
- 2.3 In December 2022 GMCA received unconditional approval of the GM UKSPF Investment

Plan and a draft MOU and grant determination letter. Following this approval, it has been confirmed that the Tameside Communities and Place submission has been successful and the associated funding will now be awarded subject to a funding agreement. Confirmation on whether the SME Workspace submission for Ashton Old Baths and Town Centre SME workspace hubs has been successful is anticipated by the end of 2022; a separate report will follow on this once the outcome is known.

Communities and Place, Tameside

2.4 Within the Communities and Place investment priority Tameside has been allocated £1,979,141 with set amounts to be utilised in specific timeframes, creating a challenging start and requiring projects that can be delivered without delay:

- 2022/23 : £542,613
- 2023/24 : £731,882
- 2024/25 : £704,646
- Total : £ 1,979,141

2.5 This funding is available under the following interventions:

- E1 Funding for improvements to town centres and high streets, including better accessibility for disabled people, including capital spend and running costs (capital and revenue)
- E3 Creation of and improvements to local green spaces, community gardens, watercourses and embankments, along with incorporating natural features into wider public spaces
- E6 Support for local arts, cultural, heritage and creative activities

2.6 The communities and place funding will support the delivery of a range of borough wide projects against these interventions and a series of town centre specific projects focused on Stalybridge, Hyde and Ashton. The full scope of projects that will be supported by the UKSPF Communities and Place programme in Tameside, their associated costs and the timescales for delivery are set out in **Appendix 1** (the detail of projects within the programme remains subject to change as it is developed further and formal agreements for receipt of funding are finalised).

3. NEXT STEPS

3.1 The Council will need to agree and sign the grant funding agreement to enable the Council to deliver the UKSPF Communities and Place Programme for Tameside and drawdown associated funding

3.2 Within the GM Investment Plan, funding has been made available to the Council to fully fund a UKSPF Project Manager on a 2.5 years Fixed Term Contract. The focus of this role will be to work closely with GMCA to implement and develop UKSPF across all Investment Priorities in Tameside during the delivery period from the start of 2023; this will include ensuring the delivery of outputs/outcomes and facilitating engagement with Members, representatives from partner organisations, and local stakeholders in the delivery programme. The role will evolve throughout the contract period to ensure that local priorities are represented and funding is well utilised locally, with demonstrable outputs/outcomes. The role will sit within the Place Directorate but will work cross Directorate throughout as required.

3.3 The delivery of the interventions supported by UKSPF will be progressed in alignment with the Council's wider Corporate Plan and Inclusive Growth Strategy and designed to deliver genuine levelling up opportunities supporting national, GM and Tameside strategic policies. Delivery will involve appropriate consultation and collaboration with partners to coordinate all interventions.

- 3.4 On-going performance and reporting will be provided via the appropriate governance routes, including the Strategic Planning and Capital Monitoring Panel where any interventions form part of the Council's Capital Programme.

4. RISK MANAGEMENT

- 4.1 The main project risks associated with delivery of the UKSPF Programme for Tameside have been identified in the table below.

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
Procurement	Lack of capacity in the consultancy sector to undertake the work.	Yellow	Early engagement with STaR procurement to understand the most appropriate procurement routes.	Green
Financial	Conditions attached to funding agreement may not be acceptable.	Red	Early engagement with GMCA in relation to terms and conditions.	Yellow
Financial	Insufficient budget to complete the scope of works required.	Red	Early engagement with internal Council teams and external partners to clearly understand requirements.	Green
Financial & Programme	Funding subject to annual confirmation of the grant from Central Government reflecting the terms of the MOU with GMCA.	Red	Programme management and effective engagement with GMCA throughout to ensure all terms are complied with.	Yellow
Programme	Lack of resource capacity to undertake workstreams in line with expectations.	Yellow	Apply adequate resource to the project to ensure programme adherence.	Green

5. CONCLUSION

- 5.1 The interventions supported by the UKSPF programme for Tameside will support delivery of the Council's strategic priorities as set out in the Tameside Corporate Plan and Tameside Inclusive Growth Strategy.
- 5.2 The funding secured provides a significant financial contribution to the Council and provides a proactive approach to the delivery of future inclusive growth.

6. RECOMMENDATIONS

- 6.1 As set out at the front of the report.

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APPENDIX 1

Tameside UKSPF Programme (Communities and Place)

Project Name	Total Project Costs	Project Summary	Timescales
Borough Wide			
Social Value	£125,000	The funding will be used to increase outputs around employment for residents, skills improvements and sponsorship via social value commitments which can be used as additional funding for projects within Tameside.	Q4 22/23 to Q4 24/25
Cultural Activities (Greenspace)	£41,600	This funding will be used to deliver a programme of cultural activities within parks and countryside sites to encourage local residents to keep using their local greenspace as well as encouraging visitors into the Borough.	Q1 23/24 to Q4 24/25
Cultural Sector support & development	£157,500	This will enable the cultural sector of Tameside to deliver events and projects in borough but crucially also enable them to be better placed to bid for much needed external investment. This will mean more content for events and activities in Town Centres and across our venues.	Q4 22/23 to Q4 24/25
Improvements to Parks, Play Areas & Countryside Sites and Town Centre cleanliness(Litter hubs)	£350,041	This funding will be used to deliver capital projects in Council owned parks and countryside sites, such as repairs to existing footpaths in the countryside, play equipment for young people with disabilities, cycle parking in parks and funding for replacement litter bins in town centres.	Q1 23/24 to Q4 24/25
Footfall data for town centres	£45,000	Footfall data enables us to carry out analysis and assess health checks and visitor numbers for our town centres.	Q4 22/23 to Q4 24/25
Sub-total	£719,141		
Stalybridge			
Stalybridge West Delivery Strategy	£50,000	To deliver this next stage in the work programme to produce a development prospectus, next stage planning and delivery strategies and undertake a Soft	Q4 22/23

		Market Test around the development opportunity in Stalybridge around the emerging Masterplan from the Evergreen work.	
Stalybridge Old Town Hall site	£20,000	Additional work to enable the site to meet its potential as an attractive and inviting space, to complement the public realm works along Market Street.	Q4 22/23
Stalybridge Civic Hall	£320,000	The Civic Hall is at the forefront of the High Street Heritage Action zone scheme this work will secure its long term future, including work to the windows, electrical, ventilation, lighting and internal remodelling works. This will ensure the Civic hall is retained at the heart of the cultural quarter and the town centre as an asset to the people of the town and the Borough.	Q4 22/23 to Q4 23/24
Sub-total	£390,000		
			Hyde
Hyde Market Relocation Feasibility	£40,000	A study is required that will assess the feasibility if relocating the market elsewhere within the town centre. A town centre wide masterplan has been commissioned for Hyde which is likely to support the need to consider the location of Hyde market.	Q4 22/23 to Q3 23/24
Hyde Outdoor Market	£75,000	This work would create a more viable and attractive offer for both local market traders and the local community as well as open up the possibilities of the shopping centre.	Q2 23/24
Hyde Town Centre Engagement Unit	£25,000	A Hyde Town Centre masterplan has been commissioned. As part of the work in preparing the masterplan, UKSPF would enable the refurbishment of a vacant unit in the town centre that by the local community for gatherings and for consultation events to support the preparation of the Hyde Town Centre Masterplan which sits within the Hyde Triangle Growth Location.	Q4 22/23
Sub-total	£140,000		
			Ashton
Ashton Creative Improvement District	£400,000	Following the model in Stockport & Rochdale, utilising empty retail units for creative use thereby increasing footfall with a positive economic effect on town centres.	Q4 22/23 to Q4 24/25

Ashton Market Hall	£250,000	To support the re-purposing of Ashton Market Hall in line with the ambition of the emerging public realm strategy for the town centre and the Levelling Up Fund ambitions for Market Square, to provide additional flexible space – communal seating, planters, network points and power for small business pods, monthly pop up club, student zone, community group hub etc.	Q4 23/24 to Q4 24/25
St Petersfield Fountains	£40,000	To repair mechanisms and bring the fountains back into use, which would provide a significant feature to the public realm and are in line with the ambitions of the St Petersfield masterplan.	Q4 22/23
Ashton Car Park Strategy	£40,000	To support wider work on the town centre, there is a need for a car parking strategy that with review the existing provision in the town centres.	Q4 22/23
Sub-total	£730,000		
TOTAL	£1,979,141		Completion by Q4 25/26

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