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EXECUTIVE CABINET

Day: Wednesday
Date: 27 January 2021
Time: 1.00 pm (or at the rise of the Strategic Commissioning Board, which ever is the later).
Place: Zoom Meeting

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	
3a	EXECUTIVE CABINET To consider the Minutes of the meeting of the Executive Cabinet held on 16 December 2020.	1 - 14
3b	STRATEGIC COMMISSIONING BOARD To receive the Minutes of the meeting of the Strategic Commissioning Board held on 16 December 2020.	15 - 20
3c	EXECUTIVE BOARD To receive the Minutes of the Executive Board meetings held on 9 December 2020. 6 January and 13 January 2021.	21 - 44
3d	LIVING WITH COVID BOARD To receive the Minutes of the Living with Covid Board meeting held on 9 December 2020.	45 - 52
4	MONTH 8 FINANCE REPORT To consider the attached report of Executive Member, Finance and Economic Growth / Director of Finance.	53 - 66
5	SEXUAL HEALTH CONTRACTS TO SUPPORT HIGH RISK COMMUNITIES To consider the attached report of the Executive Member, Adult Social Care and Population Health / Public Health Consultant.	67 - 74

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
6	LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22 To consider the attached report of the Executive Member, Finance and Economic Growth / Assistant Director, Exchequer Services.	75 - 232
7	COUNCIL TAX BASE 2021/2022 To consider the attached report of the Executive Member, Finance and Economic Growth / Assistant Director, Exchequer Services.	233 - 246
8	CHRISTMAS SUPPORT PAYMENT FOR WET LED PUBS To consider the attached report of the Executive Member, Finance and Economic Growth / Assistant Director, Exchequer Services.	247 - 250
9	RESIDENTIAL FREEHOLD LAND DISPOSALS To consider the attached report of the Executive Member, Finance and Economic Growth / Director of Growth.	251 - 268
10	DOING BUSES DIFFERENTLY: CONSULTATION ON THE IMPACT OF COVID-19 ON THE PROPOSED BUS FRANCHISING SCHEME To consider the attached report of the Executive Member, Transport and Connectivity / Director of Growth.	269 - 280
11	DETERMINATION OF ADMISSION ARRANGEMENTS SEPTEMBER 2022 To consider the attached report of the Executive Member, Lifelong Learning, Equalities, Culture and Heritage / Director of Children's Services.	281 - 308
12	2021 CENSUS UPDATE To consider the attached report of the Executive Leader / Assistant Director, Policy, Performance and Communications.	309 - 314
13	PLANNING REFORM CONSULTATION - SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE To consider the attached report of the Executive Member, Housing, Planning and Employment / Director of Growth.	315 - 324
14	URGENT ITEMS To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	

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

16 December 2020

Commenced: 1.40pm

Terminated: 2.20pm

Present: Councillors Warrington (Chair), Fairfoull, Feeley, Gwynne, Kitchen Ryan and Wills

Apologies for absence: Councillors Bray and Cooney

In Attendance:	Dr Ashwin Ramachandra	Co-Chair, Tameside & Glossop CCG
	Dr Asad Ali	Co-Chair, Tameside & Glossop CCG
	Steven Pleasant	Chief Executive & Accountable Officer
	Sandra Stewart	Director of Governance & Pensions
	Kathy Roe	Director of Finance
	Steph Butterworth	Director of Adults Services
	Ian Saxon	Director of Operations & Neighbourhoods
	Richard Hancock	Director of Children's Services
	Jayne Traverse	Director of Growth
	Jessica Williams	Director of Commissioning
	Jeanelle De Gruchy	Director of Population Health
	Tom Wilkinson	Assistant Director of Finance
	Sarah Threlfall	Assistant Director, Policy, Performance & Communication
	Ilys Cookson	Assistant Director, Exchequer Services
	David Berry	Head of Employment and Skills

103. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

104. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the meeting of the Executive Cabinet meeting held on 25 November 2020 be approved as a correct record.

105. MINUTES OF STRATEGIC COMMISSIONING BOARD

RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 25 November 2020 be noted.

106. MINUTES OF EXECUTIVE BOARD

RESOLVED

That the Minutes of the meetings of Executive Board held on 11 November and 2 December 2020, be noted.

107. MINUTES OF THE LIVING WITH COVID BOARD

RESOLVED

That the Minutes of the meeting of the Living with Covid Board held on 4 November and 18 November 2020 be noted.

108. MINUTES OF THE CARBON AND WASTE REDUCTION PANEL

RESOLVED

That the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 18 November 2020 be noted.

109. MINUTES OF THE STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel meeting held on 14 December 2020. Approval was sought of recommendations of the Strategic Planning and Capital Monitoring Panel arising from the meeting.

RESOLVED

- (a) The minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 14 December 2020, be noted; and
- (b) That the following recommendations be approved:

CAPITAL PROGRAMME FINANCIAL MONITORING REPORT

That the EXECUTIVE CABINET be RECOMMENDED to:

- (i) Note the forecast outturn position for 2020/21 as set out in Appendix 1.
- (ii) Approve the re-profiling of budgets into 2021/22 as set out on page 4 of Appendix 1.
- (iii) Note the funding position of the approved Capital Programme as set on page 9 of Appendix 1. Members are reminded that the Period 6 finance report asked for approval to remove all remaining earmarked schemes and approve a full review and re-prioritisation of the future Capital Programme, to be concluded alongside the Growth Directorate's review of the estate and identification of further surplus assets for disposal.
- (iv) Note the changes to the Capital Programme as set out on page 10 in Appendix 1
- (v) Note the updated Prudential Indicator position set out on pages 11-12 of Appendix 1, which was approved by Council in February 2020.

CAPITAL PROGRAMME – OPERATIONS AND NEIGHBOURHOODS (NOVEMBER 2020)

That the EXECUTIVE CABINET be RECOMMENDED to note the following:

- (i) rescheduling to the Tameside Asset Management Plan (TAMP) and the Highways Maintenance Programme. The commencement of the works programme was revised due to Covid 19.
- (ii) the progress with regards to Flooding: Flood Prevention and Consequential Repairs and the rephrasing as a result of the successful bid for Department of Transport funding to improve highway drainage in the borough
- (iii) progress with regard to the Slope Stability Programme.
- (iv) progress with regards to the Cemetery Boundary Walls Programme.
- (v) the rescheduling to Replacement of Cremators and Mercury Abatement, Filtration Plant and Heat Recovery Facilities Programme by the significant impact Covid 19 has had on the operation of the Crematorium and the suppliers of cremator equipment.
- (vi) the start date for the Children's Playground Programme.
- (vii) the progress with regards to the Ashton Town Centre Public Realm Project.
- (viii) the impact of Covid 19 on the LED Street Lighting Lanterns Project.

- (ix) the progress with regards to the Mayor's Challenge Fund Programme (MCF).
- (x) progress with regards to the £400,000 awarded under the Emergency Active Travel Fund.
- (xi) the progress with regards to the Highways England – Designated Funds Scheme.
- (xii) that works are progressing with regards to the successful Transport Infrastructure Investment Fund – Highway Maintenance Challenge Fund bid of £400,000 (£350,000 from the Department of Transport, £50,000 Tameside) with respect of improving highway drainage infrastructure.
- (xiii) progress with regards to Department for Transport – Safer Roads Fund project in conjunction with Oldham MBC.
- (xiv) the replacement tipper as set out in section 2.31 in this report arrived at the end of July 2020 and is now operational.
- (xv) authority was granted to procure two minibuses via competitive tender as set out in section 2.33
- (xvi) approval has been given for the purchase of an additional gully cleansing vehicle to enable the Council to maintain the highway gully network in line with our service standards as set out in section 2.34
- (xvii) the allocation of £300,000 from Transport for Greater Manchester (TfGM) for bus stop enhancements within Tameside, and seek approval from Executive Cabinet for £300,000 to be added to the Council's Capital programme for this project to be delivered by the Council.
- (xviii) approval for the revised funding package required to deliver the Ashton Streetscape MCF scheme as set out in 2.27 of this report. This revision does not require any additional funding from the Council's Capital programme.
- (xix) approval to commit funding from the existing Sustainable Travel budget for works to the Tame Valley Loop as identified in Sections 3.23-3.29 of this report.
- (xx) the potential changes to the individual Mayor's Challenge Fund schemes funding packages as set out in Appendix 3 of this report. The revisions, at this stage, are estimates only and are subject to further scheme development and TfGM approval.

ADULTS CAPITAL PLAN

That the EXECUTIVE CABINET be RECOMMENDED to:

- (i) note the updates provided in this report.
- (ii) approve Statutory Compliance expenditure of £100,000 (in total) to be allocated from the Disabled Facilities Grant budget to support the adaptations required at the Mount Street, Hyde supported living scheme.
- (iii) approve that the methodology by which the Housing Adaptations Service is resourced from the current fee based structure to one of direct capitalisation of salaries directly from the Disabled Facilities Grant.

LEISURE ASSETS CAPITAL INVESTMENT PROGRAMME

RESOLVED

That the EXECUTIVE CABINET be RECOMMENDED to note the report.

FINANCE & IT CAPITAL UPDATE REPORT

RESOLVED

That the EXECUTIVE CABINET be RECOMMENDED to note the report and the details of the status of the schemes in the programme.

GROWTH CAPITAL REPORT

That the EXECUTIVE CABINET be RECOMMENDED to approve that the following be added to the approved Council Capital Programme:

- (i) The Corporate Landlord Statutory Compliance capital expenditure for the period identified in Appendix 5 of £0.028m.
- (ii) S106 funding allocations of £0.052m as detailed in section 2.29.
- (iii) That £0.793m of Growth's 2020/21 capital budget is re-phased as set out in APPENDIX 6.

EDUCATION CAPITAL REPORT

That EXECUTIVE CABINET be RECOMMENDED to approve:

- (i) Proposed changes to the Education Capital Programme, Basic Need Funding Schemes Appendix 1, Special Provision Fund and Healthy Pupils' Capital Fund as outlined in Appendix 2A and 2B and School Condition Allocation Funding Schemes Appendix 3.
- (ii) To transfer £56,000 of fire safety budget back to the unallocated SCA budget now that final costs for replacement fire alarms have been obtained) paragraph 6.8)
- (iii) Allocate £13,000 to works to upgrade the gas supply at Broadbottom CE (paragraph 6.12)
- (iv) retrospective costs £10,123 funded from contingency following an urgent inspection of Victorian lath and plaster ceilings at eight schools during the October half term (paragraph 6.15)
- (v) retrospective urgent works to the boiler control system at Hurst Knoll CE undertaken during October half term costing £5,010 funded from contingency (paragraph 6.17)
- (vi) Design work to tender stage for electrical re-wires at Fairfield Primary (£10,614) and Arlies Primary (£9,981) be approved (paragraph 6.20)
- (vii) That a high level estimate of £220,000 be allocated to carry out replacement roof works at Stalyhill Infant school (paragraph 6.23)
- (viii) That £30,000 be allocated to carry out further investigation and scheme development for roof replacements and repairs at Corrie, Fairfield, Greswell, Hollingworth and Oakdale schools while noting that the main works to these roofs will need to be prioritised over several financial years;
- (ix) To allocate £15,000 for scheme development to tender stage for improved security access arrangements at Milton St John's CE school;
- (x) To allocate £10,000 for design to tender stage of replacement boilers at Audenshaw Primary School;
- (xi) To note that the boilers at Gorse Hall and Hurst Knoll school require replacement and to set aside £200,000 from 2021/22 SCA funding for this purpose. Bids have also been submitted to the Greater Manchester decarbonisation fund and it is hoped that some or all of this amount may be offset;
- (xii) To allocate a further £10,000 of 2020/21 funding to carry out further visits at February 21 half term to complete asbestos management reports;
- (xiii) To obtain costs to begin a five-year rolling programme of building condition surveys to ensure the asset management plan is maintained;
- (xiv) To allocate £32,500 of unallocated Basic Need Grant to Mossley Hollins to cover final costs;
- (xv) Following a consultation with the school and parents, an appraisal of the options to expand Hawthorns Primary School is further progressed by officers and an outline business case is developed for consideration by members in April 2021. An indicative Capital Allocation of £200,000 is made from the Basic Need funding for the design, surveying and business appraisal activity.

CHILDRENS SOCIAL CARE PROPERTY CAPITAL SCHEMES UPDATE REPORT

That the EXECUTIVE CABINET be RECOMMENDED:

- (i) to note the delays in relation to the purchase of the new residential property for the assessment unit as set out in section 2.1 of the report;
- (ii) to approve the drawdown of a further £48,000 from the Children's Earmarked Reserve to fund the additional works, outlined at 2.2, to make St Lawrence Road safe and bring it into use; and

- (iii) to approve the drawdown of £13,541 from the Children's Earmarked Reserve to fund the additional works and refurbishment of the Fairfield Unit as outlined in 2.3.

110. CONSOLIDATED 2020/21 REVENUE MONITORING STATEMENT AT 31 OCTOBER 2020

Consideration was given to a report of the Executive Member, Finance and Economic Growth / CCG Chair / Director of Finance, which updated Members on the financial position up to 31 October 2020 and forecasts to 31 March 2021.

The Director of Finance reported that at Month 7, the Council was forecasting a year end overspend of £3.4m, which was a slight improvement on the position reported at month 6 due mainly to a revised forecast in Children's Social Care. COVID pressures exceeded £40m but with £39m of COVID related grant funding and other income contributions, the net pressure relating to COVID was £0.898m.

Significant pressures remained across Directorates, most significantly in Children's Social Care where expenditure was forecast to exceed budget by £3.718m, with further cost pressures in Adults and Education, and income loss pressures in the Growth Directorate.

In the first 6 months of the year the NHS had operated under a national command and control financial framework, with CCGs and providers advised to assume a break-even financial position in 2020-21. Changes to the national financial regime from month 7 meant that individual organisations financial positions would be monitored within the context of a financial envelope set at an STP (Sustainability and Transformation Partnership) level, which for the CCG, meant at a Greater Manchester level.

The CCG was showing a year to date pressure of £4,924k, but a break even position by year end. This related to top up payments which had not yet been received: £4,277k outstanding from command & control in first half of year, plus £647k Hospital Discharge Programme costs in M7. A decision on funding for the first half of the year would be made by NHSE by the end of November.

RESOLVED

That the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 to the report, be noted.

111. IMPLEMENTATION OF THE 2020 MODEL PAY POLICY FOR BOTH SCHOOL BASED AND CENTRALLY BASED TEACHING STAFF

Consideration was given to a report of the Executive Leader / Executive Member of Lifelong Learning, Equalities, Culture and Heritage / Assistant Director, People and Workforce Development, which outlined key statutory changes to pay and conditions effective from 1 September 2020 for all staff who were employed and subject to teachers pay and conditions.

It was reported that, following the recommendation of the School Teachers Review Body (STRB) the Department for Education produced a 2020 School Teachers' Pay and Conditions Documents (STPCD) that came into force on the 14 October 2020. The updated STPCD recommended that:

- Minimum of the Main Pay Range (MPR) was increased by 5.5%.
- Maximum of the MPR and the minima and maxima of all other pay and allowance ranges for teachers and school leaders were uplifted by 2.75%.
- The uplifts applied to all four regional pay bands; and
- Advisory pay points were reintroduced on the MPR and Upper Pay Range (UPR) from September 2020.

A summary of the statutory changes to the school teachers pay and conditions documents and the implications for the Councils Model Pay Policy 2020 were detailed.

It was proposed to provide the corresponding percentage uplift on all discretionary pay points in all teacher pay ranges and on all allowances. A 2.75% uplift on all discretionary points in the unqualified, leading practitioner and leadership pay ranges. This proposal was consistent with previous years approach and feedback at a local consultative level whereby local trade union representatives and head teachers had previously and consistently supported the uplift of all discretionary points within a pay range to the same level as that awarded to the minima and maxima pay levels. It was further proposed to adopt the advisory 6-point main pay range (MPR) and 3 point upper pay range (UPR) pay points.

RESOLVED

- (i) That the Model Pay Policy 2020 as detailed in Appendix 1 to the report, be implemented for all centrally based teaching staff employed within the Education Service;**
- (ii) That the Model Pay Policy 2020 as detailed in Appendix 1 to the report, be recommended for adoption by all Governing Bodies of community, voluntary controlled and voluntary aided schools within the Borough, and that it applies to all teaching staff employed within these schools;**
- (iii) That the national cost of living pay award be implemented with effect from 1 September 2020, to all teacher pay ranges and allowances as follows:**
 - Minimum of the main pay range (MPR) is increased by 5.5 per cent.**
 - Maximum of the main pay range (MPR) and the minimum and maximum of all other pay ranges (i.e. unqualified pay range, upper pay range (UPR) leading practitioner and leadership pay range) and allowance ranges (i.e. TLR and SEN allowances) are increased by 2.75 per cent.**
 - Advisory pay points are reintroduced on the MPR and UPR from September 2020, applying a higher than 2.75 per cent pay increase on the MPR2 – MPR5 pay points.**

112. PLAYING PITCH STRATEGY

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Director of Growth / Director of Growth, which reminded Members that approval to sell the freehold interest in the former Hartshead School site was given by Executive Cabinet on 25 September 2019. The terms of sale included an undertaking by the Council to Sport England to: refresh the Tameside Playing Pitch Strategy, install an all-weather practice cricket facility at Ladysmith Cricket Club in Ashton, the development of a School Sports Facility Strategy and provision of two additional full size adult grass football pitches in the locality with the costs met from the proceeds of sale estimated at approximately £75,000.

The report set out proposals to deliver the undertaking made to sport England and sought approval to proceed based on the information set out in the report.

The report stated that it was proposed that two practice wickets be installed on the former tennis court at the club site bringing the area back in to productive use. The installation was dependent upon a successful planning application, which would be submitted in December 2020. If planning approval was achieved then the installation would take place in March 2021 in readiness for the start of the 2021 cricket season.

Further, there was a requirement to mitigate against the loss of natural turf pitches at the Former Hartshead school site. However, there was currently no identified user demand for additional pitches in this locality so this need should be re-evaluated as part of the new Playing Pitch Strategy.

RESOLVED

- (i) That the development of an updated Playing Pitch Strategy for Tameside be approved;**
- (ii) That an updated strategy for the community use of school sports facilities in Tameside be approved;**
- (iii) That the installation of artificial practice cricket wicket at Ladysmith Cricket Club, Ashton be approved; and**

- (iv) that £0.040m be allocated from the capital programme to fund an all-weather cricket facility at Ladysmith Cricket Club in Ashton.

113. LOCAL RESTRICTION SUPPORT GRANTS – MANDATORY

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Assistant Director of Exchequer Services which detailed the administration of the Local Restrictions Support Grant in accordance with guidance issued by the Secretary of State for the Department for Business, Energy and Industrial Strategy.

Members were informed that on 9 September 2020 the Secretary of State for the Department of for Business, Energy and Industrial Strategy (BEIS) announced the introduction of Local Restrictions Support Grants (LRSG) to help support businesses that were required to close due to localised restrictions as a result of COVID-19. Further guidance on the administration of the LRSG was issued on 3 November 2020.

The grants were a combination of mandatory and discretionary grants and some businesses would be eligible to receive more than one grant.

There were 5 grants payable under the new grant schemes;

- Local Restriction Support Grant (Closed);
- Local Restrictions Support Grant (Sector);
- Local Restrictions Support Grant (Addendum);
- Local Restriction Support Grant (Open); and
- Additional Restrictions Grant

Appendix 1 to the report outlined each grant in detail and highlighted the complexity of administration and understanding for the business community.

The Assistant Director, Exchequer Services, summarised the mandatory grant schemes, which went live in Tameside on the 10 November 2020. The mandatory grant schemes were the Local Restriction Support Grant (Closed), Local Restrictions Support Grant (Sector) and Local Restrictions Support Grant (Addendum).

The government had confirmed that local authorities would be reimbursed in full for all grants that were paid to eligible businesses that were affected. Payments would be made under section 31 of the Local Government Finance Act 2003, however grant funding letters had not yet been received for all grants from BEIS.

The application form for the mandatory grants went live on 10 November 2020 after approval from internal audit had been secured. As at 20 November 2020, a total of 654 had been received and 110 paid to date to the value of £143,434.

RESOLVED

That the arrangements for the payment of mandatory grants to business rates payers, as detailed in the report, be noted.

114. LOCAL RESTRICTIONS SUPPORT GRANT AND ADDITIONAL RESTRICTIONS GRANT – DISCRETIONARY

The Executive Member, Finance and Economic Growth / Director of Growth, which set out preferred options for the disbursement of the Local Restrictions Support Grant (Open) & Additional Restrictions Grant Funds.

It was explained that the Council has received five funding for five different business support grants. Three of the funding streams were for mandatory grant schemes (see Minute 113 above), which were fully funded and operated in accordance with prescribed terms. The report focused on the two discretionary funding streams for business rates grants – Local Restrictions Support Grant (Open) and Additional Restrictions Grant.

It was further explained that Local Authorities had been given the discretion to determine the payment schedule and timings for the grants, however Government strongly encouraged payments to be made to eligible businesses as quickly as possible in order to help businesses in need. The success measure of the Tameside schemes would be their implementation with all monies being paid to Tameside businesses. Whilst discretion has been given to Local Authorities, Section 13 of the LRSO (Open) guidance advised that the fund was aimed at hospitality, hotel, bed & breakfast and leisure businesses.

The preferred options for support and design of each funding stream were set out in the report, with other non-preferred options detailed in an appendix to the report. The two schemes set out for approval would provide up to £6,603,940 of financial support to Tameside businesses.

RESOLVED

- (i) That the recommended Local Restriction Support Grant (Open) and Additional Restriction Grant schemes and payments covering the periods before and after National Lockdown, be approved;**
- (ii) That applications be paid immediately once eligibility checks are completed and appropriate state aid declarations have been completed by the applicants;**
- (iii) That a review and outcome report setting out all applications paid be published on the Council website in April 2021; and**
- (iv) That the temporary re-prioritisation until February 2021 of the Growth Directorate Services as set out in the report be agreed, to enable the delivery of Local Restriction Support Grant Open and Additional Restrictions Grant.**

115. ASHTON OLD BATHS – OPERATION AND MAINTENANCE

A report was submitted by the Executive Member, Finance and Economic Growth / Director of Growth, setting out future arrangements for Ashton Old Baths operation and ongoing maintenance.

A summary of the operation of the Ashton Old Baths since opening was provided and it was explained that the centre had experienced high occupancy until the impact of Covid-19. Plans for the future, including income from the new annexe space and the canopy for the event space, put the centre in a positive position for future years.

Members were informed that the new office floor space was expected to generate extra business rates of circa £45,922 per annum from the Ashton Old Baths project. This figure was based on actuals from 2017/18 from Oxford Innovation who managed the Ashton Old Baths Phase 1. This would be in addition to the Business Rate contribution between 2017 and 2020 which on average had been £52,170 per annum.

Members were presented with a forecast of the cumulative overall expenditure above that budgeted by Oxford Innovation over the lifetime of the project to 31 March 2024. This was due to:

- Impact of Covid-19 on occupancy since March 2020.
- The top floor event space was not able to be used for most of the year due to it being too cold, resulting in this planned source of revenue being severely restricted to date, this would be resolved for the financial year 2021/22. The canopy for the top floor event space had been included in the new Annexe phase and was expected to be in place before March 2021.
- Defined Gateway criteria as to the type of companies that were permitted to occupy a unit in the centre under the terms of the ERDF funding, also restricting revenue opportunities especially during the Covid-19 pandemic.

Tameside Council had a management agreement with Oxford Innovation. The agreement was currently in its fourth year and was in the form of a management agreement rather than a lease. The Management Agreement was dated 28 February 2017, for a 5 year term, with the option for two +1 year extensions at TMBC's discretion

The report proposed that the +1, +1 year extensions to the management agreement be enacted. Further, that a modification to the existing contract would also take place to enable Oxford Innovation to provide overall management arrangements to the existing and new Annexe space with the exception of the Data Centre which would be managed by an external provider (currently being procured with budget identified for this management contract).

It was reported that the Annexe needed to be brought under effective management from completion and business continuity was required especially in the Covid-19 operating environment. The modification was needed for economic and technical reasons and would cause significant inconvenience and substantial duplication of costs for the Council if not managed by one provider with operational experience of the building and local market.

It was explained that the economic impact of Brexit uncertainty, followed by the unprecedented drop in economic activity caused by Covid-19 lockdown and subsequent recession, had seen the centre experience its first major decline in occupancy, and demand from businesses who met the gateway criteria. However, there had been continued interest from businesses who met elements of the gateway criteria.

Members were advised that following legal advice there was sufficient comfort in the Grant Funding Agreement to suggest that an expansion of use would be acceptable, provided it targeted existing and growing SMEs in priority sectors. It was proposed that Tameside Council would formally request this change.

The options for Gateway criteria were set out in the report with the preferred option being an evolution to support the future occupancy, start-ups impacted by COVID in the short term and financial performance of Ashton Old Baths (Option 3).

RESOLVED

- (i) That the submission of a change request to the ERDF Monitoring Body to evolve the current gateway criteria for new businesses applying for accommodation to support increased occupancy be authorised;**
- (ii) That the existing Management Agreement be extended to one-plus, one-plus year with Oxford Innovation;**
- (iii) That modification to the existing contract with Oxford Innovation be authorised, to incorporate the new Annexe from February 2021;**
- (iv) Subject to recommendations (ii) and (iii) above, the procurement be approved and enter into a new management contract on expiry of the existing contract after seven years (2024) with a further report to Cabinet in 2022/23 prior to procurement; and**
- (v) That the estimated net revenue budget of £ 36k for Ashton Old Baths as stated in table 1 in the report for the period 2021/22 to 2023/24, be approved. This sum will be financed from the existing Growth revenue budget over this period.**

116. DECARBONISATION OF THE PUBLIC ESTATE - ACCEPTANCE AND EXPENDITURE OF GRANT FUNDING

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Executive Member, Neighbourhoods, Community Safety and Environment / Assistant Director of Strategic Property, providing background information with regard to the Decarbonisation of the Public Estate Fund and the bid submission that the Council had made to the Fund, working as part of GMCA consortium. The report also provided information in relation to the processes involved in bid submission, the timescales involved and the detail of the Council's submission.

It was explained that, as part of the Summer Fiscal stimulus, Government announced £1bn funding for the Public Sector Decarbonisation Scheme (PSDS). The funding was being released, as 100% grants, via Salix Finance (NDPB), between October 2020 and January 2021. The PSDS fund aimed to halve carbon emissions from the Public Estate by 2032, through the deployment of energy efficiency and heating measures.

Members were informed that the PSDS offered a rare opportunity to bid for 100% funding for capital works to the Council's buildings that would produce a real step change in the way buildings were heated and underline the commitment to the Greater Manchester carbon reduction targets. It also provided an opportunity to improve buildings and in some cases would provide planned replacements that would have required funding via internal Council funding. Installed measures would also reduce the Council's overall utility costs.

The PSDS was split into three phases, which were detailed in the report. All bids submitted were relevant to Phase 1 (delivered by March 21) and Phase 2 (delivered by September 21). Further work in 2021 would be required should there be a wish to bid for projects in Phase 3.

A successful Skills fund application, for £983k, was submitted on Wednesday 14 October, to enable a robust Public Sector Decarbonisation Fund submission to be made on November 23. Approval to receive and expend this feasibility funding was given by GMCA Chief Executive and Treasurer, under delegated powers, in October 2020.

Members were further informed that, working under a combined GMCA scheme, baseline assessments of the portfolio had been undertaken. Once assessed a number of buildings were submitted for initial review and detailed technical survey focussed on the required compliance criteria for the fund. The detailed surveys focussed on the types of measures that could be potentially installed at each building and the feasibility of installing the measures.

The total GM bid amounted to over £80 million made up of bid submissions from 13 public sector organisations. There was no filtering or rationing of the levels that organisations could individually bid for. The Council's bid was for £2.4 million for 90 individual measures across 11 buildings.

It was reported that the result of the bid would be announced on the 11 December 2020. If the GMCA bid was successful then the Council would receive a formal notification of the grant conditions.

RESOLVED

- (i) That approval be given in principal to the acceptance of the grant funding from the Public Sector Decarbonisation Fund of circa £2.4 million to be included in Property Services capital budget and expenditure for associated capital works on identified buildings as detailed in the report, be approved; and**
- (ii) It be noted that approval be in principal pending receipt of the formal grant condition letter, which will be received circa 11 December 2020, with subsequent separate Executive Decision in regard to formal acceptance.**

117. THE A57 LINK ROADS INITIATIVE

A report was submitted by the Executive Member, Transport and Connectivity / Director of Growth, which provided an update on the proposed the A57 Link Roads initiative.

Members were advised that the existing A628 TransPennine route connecting the M67 at Mottram to the M1, north of Sheffield, consisted mainly of long sections of single carriageway road with steep gradients and sharp bends often clogged by slow moving HGV's using the link between Greater Manchester and the wider Sheffield region. Unfit for present day needs, Highways England (HE) and its predecessors had attempted to bring forward a number of improvements to the route over

many years. The last major initiative, to construct a full bypass around the villages of Mottram, Hollingworth and Tintwistle was halted by the then Highways Agency in 2009.

Following a wide ranging statutory public consultation initiative in early 2017, Highways England announced in late 2017 that the following elements were being taken forward to the next stage of development:

- Mottram Moor Link Road and A57 (T) to A57 Link Road as described in the report; and
- Safety and technology improvements.

It was explained that, in overall terms, the initiative would:

- Enable the existing A57, between the junction 4, M67 roundabout and a fixed point to be determined to a location east of the Roe Cross Road and Mottram Moor Road junction to be declassified and handed back to the local authority;
- Introduce a new local authority managed single carriageway link from the A57 at Mottram Moor to a junction on the A57 at Brookfield;
- Reduce congestion and improve the reliability of journeys - through Mottram in Longdendale and between Manchester and Sheffield;
- Reduce noise levels and pollution for neighbouring properties - by reducing the amount of traffic from the existing A57 through Mottram in Longdendale;
- Re-connect local communities and create better conditions for pedestrians, cyclists and equestrians - in Mottram in Longdendale; and
- Reduce delays and queues that impact the community - affecting residents, businesses and public transport in the area.

Progress on each of the Options, Development and Construction phases was given and a timetable of provisional key dates was provided.

In 2012 Planning Inspectorate became the government agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs). NSIPs were major infrastructure projects which required a type of approval known as "Development Consent" under procedures governed by the Planning Act 2008. Development Consent, where granted, was made in the form of a Development Consent Order (DCO). The DCO approval process consisted of six separate stages as set out in Appendix B to the report.

The requirement for a Local Impact Report (LIR) to be submitted by relevant Local Authorities to the Planning Inspectorate was outlined. This gave details of the likely impact of the proposed development on the authority's area. Along with National Policy Statements, LIRs were the only documents that must be specifically taken into account when a decision was made on an NSIP application.

For Tameside, once general submission dates were confirmed for the scheme, an LIR would be prepared by consultants appointed by the Council. Tameside costs associated with appointing the consultants and the delivery of the LIR had been provisionally allocated over financial years 2020/21 and 2021/22. The appointment process would be the subject of further governance as appropriate.

RESOLVED

That the drawing down of the allocated £100k funding as appropriate be authorised, to fund the cost of Tameside's input and submission to the Planning Inspectorate as part of the Development Consent Order approval process.

118. WINTER COVID GRANT

The Executive Leader / Assistant Director, Policy, Performance and Communications submitted a report setting out proposals for spending the 'Covid Winter Grant' before the 31 March 2021 to support families who were struggling to access food and warmth.

It was explained that Tameside had been allocated **£894,614.60**. Funding would be ring fenced and covered the period until end of March 2021, and would be paid as follows:

- 50% of funding would be made at the beginning of December;
- 25% of funding made following Management Information to DWP return due mid-February covering December and January's expenditure;
- 25% final funding payment made and adjusted after final Management Information to DWP return due April covering February and March's expenditure.

It was for each individual LA to determine eligibility in their area and target support within the scope of the following conditions:

- At least 80% of the total funding would be ring-fenced to support families with children, with up to 20% of the total funding to other types of households, including individuals;
- At least 80% of the total funding would be ring fenced to provide support with food, energy and water bills (including sewerage), with up to 20% on other items; and
- Where an eligible child lived on his or her own, they were a household that included a child covered in the 80% allocation for households with children.
- Vulnerable households, which included a person aged 19 to 25 with special educational needs and disability (SEND) and/or care leavers in accordance with the Children and Families Act 2014, may still be eligible for grant support however that support fell within the 20% allocation to households without children.

It was proposed to allocate funding to the provision of food vouchers for major supermarkets to pay for food for key cohorts including; all children attending schools in Tameside who were eligible for Free School Meals; all college students eligible for Free School Meals or bursaries; all 2, 3 and 4 year olds entitled to free child care; and all Care Leavers.

Going forward the identified families will receive support for the 3 scheduled school holiday weeks to March 2021:

- Two weeks at Christmas (£20)
- One week at February half term (£15)

For the purposes of distribution of funding, it was proposed to allocate on the basis of children attending Tameside schools. All other GM authorities agreed this in principle (potentially with the exception of Wigan).

RESOLVED

- (i) That the Covid Winter grant be spent on supporting vulnerable families and individuals as set out in Appendix 1 to the report;**
- (ii) That a voucher scheme for children eligible for free school meals be established. This scheme will enable children eligible for Free School Meals to receive a £20 a week food voucher for the Christmas Break and £15 voucher for February half term;**
- (iii) That any families who are not eligible for Free School Meals but are in need of support to contact the Early Help Access Point for help, support and advice;**
- (iv) That the voucher scheme be extended out to Care Leavers for the Christmas period (to a value of £40);**
- (v) That the scheme is further extended to low income sixth form and college students (to a value of £20). Administration of grants to students via the colleges will be formalised by letter to the colleges reflecting any appropriate conditions in relation to the administration of the grants on behalf of the Council;**
- (vi) That an amount of money be invested in welfare rights to provide food vouchers to those who are in financial need (£120,000 to fund 1,200 vouchers to a value of £30 per household);**
- (vii) That remaining funds be directed to organisation's working directly with the community to provide food and support with utility bills. Where grants are made to third party organisations, this will be done by letter containing appropriate conditions, for grant funding up to £10k;**

- (viii) As an element of the scheme is discretionary there is a risk that demand in December may limit the pot in February, enough funding will be retained to pay vouchers to the Free School Meals, college and Care Leavers cohort in February, all other committed funding will require a separate decision in January; and
- (ix) That arrangements be agreed with the following supermarkets to distribute vouchers: Tesco, Sainsbury's, Morrison's and Asda, subject to written terms and conditions attached to the purchase order.

119. EXEMPT ITEM

RESOLVED

That under Section 100 (A) of the Local Government Act 1972 (as amended) the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A and that, on balance, under paragraph 10 of Part 2 of Schedule 12A, it would not be in the public interest to disclose this information as disclosure would, or would likely to, prejudice the commercial interests of the Council and/or 3rd parties.

120. ASHTON MOSS

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Director of Growth, which summarised the next steps in the development of Ashton Moss. The next steps included:

- to progress Heads of Terms and subsequent legal agreements with key landowners at Ashton Moss East and Ashton Moss West;
- enter into Memorandum's of Understanding (MOU's) with key land owners;
- to appoint Project Manager's to advise on the appointment of Engineers; and
- to appoint Quantity Surveyors to design, specify, procure and manage various site investigations and related studies.

RESOLVED

- (i) That the progression of without prejudice negotiations on Heads of Terms with a potential Inward Investment company and land owner be supported, subject to a further report on the detailed terms in due course;
- (ii) That the negotiating and signing of Memorandum's of Understanding and licences to access land and undertake studies with key landowners at Ashton Moss East and Ashton Moss West, be supported;
- (iii) That the undertaking of various site investigation and services studies as set out in para. 2.4 of the report be supported, at an estimated budget cost of £0.350m, and
- (iv) That the appointment of Project Managers as set out in para 2.5 of the report be supported, at an estimated budget cost of £0.035m.

121. URGENT ITEMS

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

CHAIR

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STRATEGIC COMMISSIONING BOARD

16 December 2020

Comm: 1.00pm

Term: 1.40pm

Present: Dr Ashwin Ramachandra – NHS Tameside & Glossop CCG (Chair)
Councillor Brenda Warrington – Tameside MBC
Councillor Bill Fairfoull – Tameside MBC
Councillor Leanne Feeley – Tameside MBC
Councillor Allison Gwynne – Tameside MBC
Councillor Joe Kitchen – Tameside MBC
Councillor Oliver Ryan – Tameside MBC
Steven Pleasant – Tameside MBC Chief Executive and Accountable Officer
Dr Asad Ali – NHS Tameside & Glossop CCG
Dr Christine Ahmed – NHS Tameside & Glossop CCG
Dr Kate Hebden – NHS Tameside & Glossop CCG
Dr Vinny Khunger – NHS Tameside & Glossop CCG

Apologies for absence: Councillors Warren Bray, Gerald Cooney, Eleanor Wills and Carol Prowse

In Attendance:	Sandra Stewart	Director of Governance & Pensions
	Kathy Roe	Director of Finance
	Richard Hancock	Director of Children's Services
		Director of Adults Services
	Ian Saxon	Director of Operations and Neighbourhoods
	Jayne Traverse	Director of Growth
	Jess Williams	Director of Commissioning
	Jeanelle De Gruchy	Director of Population Health
	Sarah Threlfall	Assistant Director, Policy, Performance & Communications
	Ilys Cookson	Assistant Director, Exchequer Services
	David Berry	Head of Employment and Skills

68. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Board members.

69. MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting of the Strategic Commissioning Board held on 25 November 2020 be approved as a correct record.

70. MINUTES OF THE EXECUTIVE BOARD

RESOLVED

That the Minutes of the meetings of the Executive Board held on: 11 November 2020 and 2 December 2020, be noted.

71. MINUTES OF THE LIVING WITH COVID BOARD

RESOLVED

That the Minutes of the meeting of the Living with Covid Board held on 4 November and 18 November 2020 be noted.

72. CONSOLIDATED 2020/21 REVENUE MONITORING STATEMENT AT 31 OCTOBER 2020

Consideration was given to a report of the Executive Member, Finance and Economic Growth / CCG Chair / Director of Finance, which updated Members on the financial position up to 31 October 2020 and forecasts to 31 March 2021.

The Director of Finance reported that at Month 7, the Council was forecasting a year end overspend of £3.4m, which was a slight improvement on the position reported at month 6 due mainly to a revised forecast in Children's Social Care. COVID pressures exceeded £40m but with £39m of COVID related grant funding and other income contributions, the net pressure relating to COVID was £0.898m.

Significant pressures remained across Directorates, most significantly in Children's Social Care where expenditure was forecast to exceed budget by £3.718m, with further cost pressures in Adults and Education, and income loss pressures in the Growth Directorate.

In the first 6 months of the year the NHS had operated under a national command and control financial framework, with CCGs and providers advised to assume a break-even financial position in 2020-21. Changes to the national financial regime from month 7 meant that individual organisations financial positions would be monitored within the context of a financial envelope set at an STP (Sustainability and Transformation Partnership) level, which for the CCG, meant at a Greater Manchester level.

The CCG was showing a year to date pressure of £4,924k, but a break even position by year end. This related to top up payments, which had not yet been received: £4,277k outstanding from command & control in first half of year, plus £647k Hospital Discharge Programme costs in M7. A decision on funding for the first half of the year would be made by NHSE by the end of November.

RESOLVED

That the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 to the report, be noted.

73. GM REPROCUREMENT OF DIRECT ACCESS NOUS, HEAD AND NECK MRI DIAGNOSTICS SERVICES AND AGE RELATED HEARING LOSS SERVICES

Consideration was given to a report of the Executive Member, Adult Social Care and Population Health / Chair of the Tameside and Glossop CCG / Director of Commissioning, which detailed the commissioning of Age Related Hearing Loss, Non Obstetric Ultrasound and Head and Neck MRI services through the GM Process.

The Director of Commissioning reported that there were 3 services commissioned via GM AQP arrangements, these were:

- Age Related Hearing Loss;
- Non-Obstetric Ultrasound (NOUS); and
- Magnetic Resonance Imaging Head and Neck (MRI)

The contracts awarded in the re-procurement carried out in October were due to expire on 30 September 2020 and in preparation, in 2018 NHS Tameside and Glossop agreed to continue to be part of the GM collaborative approach.

Due to the complex nature of the procurement, the changing commissioning landscape and the impact of COVID GM, the procurement was delayed and Directors of Commissioning (GM DoCs)

agreed to extend the current contracts, initially for 6 months to 31 March 2021 but with an option for a further 6 months to 30 September 2021. In November 2020 GM DoCs confirmed the need to extend to 30 September.

Tameside and Glossop Health Care Advisory Group (HCAG) confirmed they wanted to maintain choice for the population and had no issues with an AQP procurement or a non AQP procurement as long as choice was part of the procurement. The draft service specifications for each service were reviewed by HCAG with the inclusion of an ear wax removal option within the Age Related Hearing Loss specification being identified as a key improvement.

The GM Commissioner Group had collectively agreed the procurement documentation and for Tameside and Glossop this had also been shared with STAR. It was explained that from a finance perspective it was important that Tameside & Glossop CCG remained part of the GM procurement to benefit from the unit price reductions.

RESOLVED

That the commissioning of Age Related Hearing Loss, Non Obstetric Ultrasound Sound and Head and Neck MRI services through the GM procurement process, be approved.

74. MACMILLAN GP IN CANCER AND PALLIATIVE CARE

Consideration was given to a report of the Executive Member, Adult Social Care and Health / Chair of the Tameside & Glossop CCG / Director of Commissioning, which sought approval for the recruitment of a Macmillan GP to the revised job description.

It was explained that Tameside and Glossop CCG had employed a Macmillan GP since 2014-15, in line with other CCGs across GM. Macmillan funding was awarded in Quarter 4, 2014-15 for two years with an option to extend for an additional 12 months on understanding that, pending evaluation, the CCG had intentions to fund this post beyond this period. The service agreement between Macmillan and NHS T&G stipulated that when Macmillan payments ended the CCG should continue to fulfil all the continuing obligations.

It was further explained that role had supported the Strategic Commission's Cancer and Palliative Care agenda and helped reduce premature deaths. The Macmillan GP role realised a number of benefits to the Strategic Commission but in order to sustain progress and gain momentum in a number of areas there was a requirement to refocus the role on two key aims:

- Lead the Improvement in the quality of local cancer and palliative care outcome; and
- Reduce historic boundaries between Health and Social Care.

With regard to funding, the Macmillan Grant Agreement (June 2016 to June 2019) of £19,850 per annum covered two sessions per week at £202.55 per session (plus travel expenses) for 49 weeks per year.

To ensure equity of pay with other clinical posts within the CCG it was agreed that the CCG would supplement Macmillan funding by £23,401 year to give a £43,251 post that covered two sessions per week (for 49 weeks per year) at £353.50 per session plus 26% on costs (pension contributions, salary increments and mileage).

To maintain the post from June 2019 to June 2020 TMBC Public Health funding was used with the CCG recurrent funding in place since June 2020. The report concluded that the redesigned Macmillan GP role would enable a greater focus on the Strategic Commission's Cancer and Palliative Care agenda and help reduce premature deaths.

RESOLVED

That the recruitment in Q4 2020-21 of a Macmillan GP to the revised job description, with a view to the Macmillan GP commencing in post on 1 April 2021, be approved.

75. ADULT SERVICES HOUSING AND ACCOMMODATION WITH SUPPORT 2021-2026

A report was submitted by the Executive Member, Health, Social Care and Population Health / Clinical Lead, Living Well / Director of Adults Services, outlining a range of accommodation schemes needed over the coming 3-5 years to meet current and future need across all adult groups.

It was explained that the demand for supported living and extra care in Tameside was now outstripping supply and there was therefore a need to expand the amount of accommodation with support schemes to meet this and projected future need, whilst ensuring that in line with local and national policy, people are supported to Live Well at Home (LWAH).

Presently, new accommodation was delivered through ad hoc arrangements and specific approved developments working with RPs and Private Partners (and in some cases RP/Private Partners working together). Such arrangements had delivered 23 apartments at Mount Street, and three houses at Marsden Close due for occupation 1 January 2021 along with 5 apartments at Hart Street due April 2021. These ad hoc arrangements at the current rate and pace of delivery would not meet the identified demand over the next five years.

There was currently high demand for accommodation with support that would continue to grow if new accommodation schemes were not developed. There were currently:

- 56 service users who were being accommodated out of borough due to the lack of specialist accommodation within the borough at the time of placement. There had been on-going work as part of the LWAH project to facilitate returns to borough for those who were able. There was a real concern that without increasing capacity such costly placements would very quickly become long term and the opportunity to return people to supported living in the borough would be lost;
- 98 people currently on the Disability Housing Register who may fall into services if the care provided by family in their home broke down due to the accommodation within which they resided no longer meeting the family situation; and
- 36 people awaiting accommodation on the Accommodation Options Group (AOG) waiting list. The majority of these were awaiting an extra care provision, which the identified schemes would provide.

The growth in the number of people waiting for suitable supported accommodation would be set to continue if no further action was taken and so the expansion of stock was pivotal.

Information from the Tameside Housing Needs Assessment (December 2017) highlighted that:

- By 2031 there would be a need for an additional 83 units of specialist accommodation for people with learning disabilities;
- Within the same timescale a need for an additional 281 units of supported accommodation for people with mental health needs; and
- By 2035 an extra 720 wheelchair friendly homes were needed, including 187 fully wheelchair adapted properties.

In addition to the growing demand from people requiring accommodation there was a need to expand housing stock to meet the needs of existing service users who, whilst already accommodated, were living in accommodation that either no longer met their needs comfortably or was no longer fit for purpose. A further pressure in relation to accommodation would come through young people transitioning from Children's into Adult Services. More local young people who were also care leavers were now in need of support to make the transition from care to living independently.

Progress on previously approved accommodation schemes at; Mount Street, Hyde and Hart Street, Droylsden was provided and an illustration given of the identified need and potential accommodation solutions.

It was further explained that through research locally and actual experience recently in Tameside, it was clear that supporting people in larger schemes of self-contained flats not only offered better

quality independent living for individuals, it allowed the delivery of 24 hour support in a far more cost-efficient way, and was certainly far more cost effective than being placed in higher cost residential placements both in and out of borough.

The report sought approval to progress the accommodation plans as set out in the report. The proposals would deliver high quality living environments offering the opportunity to deliver cost effective services for vulnerable people requiring long term support.

The schemes would support the delivery of savings and cost avoidance to the Adult Services budget whilst meeting the capacity required by the increasing demand from people requiring support over the coming few years. The scale of savings and avoidance of cost would be determined in the future as each accommodation scheme was occupied by the various Adult Services user groups.

The report concluded that, in supporting progression of this strategy the Council was making a strong commitment to meeting the needs of adults with complex needs by prioritising the continuation of the provision of 24 hour supported living service.

RESOLVED

- (i) That approval be given to progress the plans devised by Adult Services in conjunction with Growth and thereby the resultant accommodation schemes identified in ongoing discussions with registered provider partners. The accommodation schemes developed will increase capacity in the borough for the provision of accommodation with support for the range of Adult service users enabling them to live in their own homes.**
- (ii) That authority be given to enter individual agreements to deliver accommodation with support for the Adults' service users, subject to such relevant governance required Key/executive decision setting out the details including vfm together with advice from STAR Procurement should any procurement activity be required within each individual scheme in relation to the application of the Public Contracts Regulations 2015.**
- (iii) That approval be given to provide the support in the accommodation at all locations by either the in-house Long Term Support Service, or through tender with independent sector providers (to be established based on the needs identified and requirements of each scheme).**

76. URGENT ITEMS

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

CHAIR

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BOARD

9 December 2020

Present **Elected Members** **Councillors Warrington (In the Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne and Ryan**
Chief Executive **Steven Pleasant**
Borough Solicitor **Sandra Stewart**
Deputy Section **Tom Wilkinson**
151 Officer

Also In Attendance: **Steph Butterworth, Ilys Cookson, Jeanelle De Gruchy, Richard Hancock, Ian Saxon, Paul Smith, Sarah Threlfall, Jayne Traverse, Emma Varnam, Debbie Watson, and Jess Williams**

Apologies **for Councillors Kitchen and Wills**
Absence

174 DECLARATIONS OF INTEREST

There were no declarations of interest.

175 MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Executive Board meeting on the 2 December 2020 were approved as a correct record.

176 ASHTON OLD BATHS – OPERATION AND MAINTENANCE

Consideration was given to a report of the Executive Member for Finance and Growth / Director of Growth / Interim Head of Investment and Development. The report set out future arrangements for Ashton Old Baths operation and ongoing maintenance.

The Head of Employment and Skills provided a summary of the operation of the Ashton Old Baths since opening. The centre had experienced high occupancy until the impact of Covid-19. Plans for the future including income from the new annexe space and the canopy for the event space put the centre in a positive position for future years.

Members were reminded that the new office floor space was expected to generate extra business rates of circa £45,922 per annum from the AOB project. This figure was based on actuals from 2017/18 from Oxford Innovation who manage the Ashton Old Baths Phase 1. This would be in addition to the Business Rate contribution between 2017 and 2020 which on average has been £52,170 per annum.

Members were presented with a forecast of the cumulative overall expenditure above that budgeted by Oxford Innovation over the lifetime of the project to 31 March 2024. This was due to:

- Impact of Covid-19 on occupancy since March 2020.
- The top floor event space was not able to be used for most of the year due to it being too cold, resulting in this planned source of revenue being severely restricted to date, this would be resolved for the financial year 2021/22. The canopy for the top floor event space had been included in the new Annexe phase and was expected to be in place before March 2021.
- Defined Gateway criteria as to the type of companies that were permitted to occupy a unit in the centre under the terms of the ERDF funding, also restricting revenue opportunities especially during the Covid-19 pandemic.

This report proposed that the management agreement be extended by a year with the ability to extend by a further year. Further, that a modification to the existing contract would also take place to enable Oxford Innovation to provide overall management arrangements to the existing and new Annexe space with the exception of the Data Centre, which would be managed by an external provider (currently being procured with budget identified for this management contract).

It was stated the reasons for extending and modifying the management agreement were pragmatic, the Annexe needed to be brought under effective management from completion and business continuity was required especially in the Covid-19 operating environment. The modification was needed for economic and technical reasons and would cause significant inconvenience and substantial duplication of costs for the Council if not managed by one provider with operational experience of the building and local market.

It was explained that the economic impact of Brexit uncertainty, followed by the unprecedented drop in economic activity caused by Covid-19 lockdown and subsequent recession had seen the centre experience its first major decline in occupancy, and demand from businesses who met the gateway criteria. However, there had been continued interest from business who met elements of the gateway criteria.

Members were advised that following procurement advice there was sufficient comfort in the Grant Funding Agreement to suggest that an expansion of use would be acceptable, provided it targeted existing and growing SMEs in priority sectors. It was proposed that Tameside Council would formally request this change. This would be submitted following Cabinet's consideration of this report.

AGREED

That Executive Cabinet be recommended to:

- (i) Authorise the submission of a change request to the ERDF Monitoring Body to evolve the current gateway criteria for new businesses applying for accommodation to support increased occupancy.**
- (ii) Extend the existing Management Agreement to one-plus, one-plus year with Oxford Innovation.**
- (iii) Authorise modification to the existing contract with Oxford Innovation to incorporate the new Annexe from February 2021.**
- (iv) Subject to recommendations (ii) and (iii), approve the procurement and enter into a new management contract on expiry of the existing contract after seven years (2024) with a further report to Cabinet in 2022/23 prior to procurement.**
- (v) Approve the estimated net revenue budget of £ 36k for Ashton Old Baths as stated in table 1 for the period 2021/22 to 2023/24. This sum will be financed from the existing Growth revenue budget over this period.**

177 DECARBONISATION OF THE PUBLIC ESTATE - ACCEPTANCE AND EXPENDITURE OF GRANT FUNDING

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Assistant Director of Strategic Property. The report provided background information in regard to the Decarbonisation of the Public Estate Fund and the bid submission that the Council had made to the fund working as part of GMCA consortium. The report also provided information in relation to the processes involved in bid submission, the timescales involved and the detail of the Councils submission.

The report summarised that as part of the Summer Fiscal stimulus, Government announced £1bn funding for the Public Sector Decarbonisation Scheme (PSDS). This funding was being released, as 100% grants, via Salix Finance (NDPB), between October 2020 and January 2021. The PSDS fund aimed to halve carbon emissions from the Public Estate by 2032, through the deployment of energy efficiency and heating measures.

The Assistant Director of Strategic Property stated that the PSDS offered a rare opportunity to bid for 100% funding for capital works to the Councils buildings that would produce a real change and underline the Councils commitment to the Greater Manchester carbon reduction targets. It also provided an opportunity to improve buildings and in some cases would provide planned replacements that would have required funding via internal Council funding. Installed measures would also reduce the Councils overall utility costs.

It was reported that the result of the bid would be announced on the 11 December 2020. If the GMCA bid was successful then the Council would receive a formal notification of the grant conditions.

Discussion ensued on how the schools were selected in **Appendix A**. Members of the Board asked that all schools be assessed so that they could be considered for future grants and phases.

AGREED

That Executive Cabinet be recommended to:

- (i) Give approval in principal to the acceptance of the grant funding from the Public Sector Decarbonisation Fund of circa £2.4 million to be included in Property Services capital budget and approve expenditure for associated capital works on identified buildings as detailed in the report.**
- (ii) Note that approval would be in principal pending receipt of the formal grant condition letter, which will be received circa 11 December, with subsequent separate Executive Decision in regard to formal acceptance.**

178 DROYLSDEN LIBRARY

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Director of Growth.

In order to take advantage of an immediate and time limited funding opportunity the Council needed to consider bringing forward one element of the Droylsden Town Centre redevelopment proposals, specifically the relocation of Droylsden Library. This report set out the nature of the funding opportunity available to the Council, the options available to the Council for the relocation of Droylsden Library and sought approval to bring forward plans for its relocation to the ground floor of Guardsman Tony Downes House (Greater Manchester Pension Fund building)

The Director of Governance and Pensions highlighted that there had been no actual decision or governance to relocate the library. Further, in order to progress this project, it needed to be managed very carefully given the age of the consultation as balanced against the very tight timescales preferably so that abortive costs were avoided. It was proposed that an Executive Decision be taken to allow for work to begin on the Droylsden Library Relocation and for this report to be redrafted with a focus on the library itself, its content, facilities, and community space and accessibility issues.

AGREED

That the report be redrafted and proceed to Cabinet in January 2020 and that and appropriate Executive Decision be produced to allow for work to begin on the Droylsden Library Relocation.

179 THE A57 LINK ROADS INITIATIVE UPDATE

Consideration was given to a report of the Executive Member of Transport and Connectivity / Director of Growth. The report provided an update on the proposed A57 Link Roads initiative.

The report summarised the progress of the Mottram and A57 Trunk Road improvements. Highways England (HE) had appointed its delivery partner for the new bypass. Having reaffirmed all the work undertaken to date, the consultants were concentrating on issues around traffic modelling, air quality issues and noise. To deliver the scheme outcomes, within a fixed financial budget of £180.6m, the consultants had proposed four design amendments which had been accepted by HE. These were subject to further discussions with Tameside officers. Further, the report detailed the progress of the work undertaken on Traffic Modelling, Air Quality, Blight Issues and improved facilities for pedestrians, cyclists and horse riders.

AGREED

That Executive Cabinet be recommended to authorise drawing down the allocated £100k funding as appropriate to fund the cost of Tameside's input and submission to the Planning Inspectorate as part of the Development Consent Order approval process.

180 TAMESIDE AND STOCKPORT PARTNERSHIP OPPORTUNITIES

AGREED

That the Tameside and Stockport Partnership Opportunities item be deferred to the next meeting of the Executive Board.

181 ADULT SERVICES HOUSING AND ACCOMMODATION WITH SUPPORT STRATEGY 2021-2026

Consideration was given to a report of the Executive Member for Health, Social Care and Population Health / Clinical Lead for Living well / Director of Adult Services. The report outlined a range of accommodation schemes needed over the coming 3-5 years to meet current and future need across all adult groups.

The demand for expanding and improving the accommodation provided by the Council required ongoing management. The North West Sustainability Review highlighted a region at 'tipping point' in the requirements for older peoples housing and social care needs, where incremental measures would no longer be enough. This had led the Council to move away from failure demand towards long term investment and early intervention.

Approval had been granted for various potential accommodation schemes over the past 12 months based on the need to increase capacity to meet existing and future need as outlined in Section 2 of this report. Of the potential schemes approved the Council had to date been able progress the following schemes:

- Mount Street, Hyde (SCB August 2020)
- Hart Street, Droylsden (SCB July 2019)

Work had progressed significantly in relation to defining the current and future housing requirement over the coming years. In line with this work had progressed more using links with Registered Housing Providers locally to progress the immediate accommodation needs.

In line with the Council's ambitions of supporting all people that were eligible for services to Live Well at Home a plan had been designed to significantly increase the availability of high quality accommodation with support.

The identified need and potential accommodation solutions were constantly being updated, Members received the most recent table containing the schemes, number of units and timescale.

Delivering the plans would be a key factor in delivering savings and efficiencies for the Council, whilst increasing the quality and range of independent living options for people supported by the Service.

To enable timely decisions and to maximise the potential savings/cost avoidance whilst enabling Adult services to facilitate smooth transitions authority was sought to agree terms to enter individual agreements to deliver accommodation with support for the Adults service users. Advice would be sought in respect of each accommodation project, to agree the details and the value for money of each scheme individually together with advice from STAR Procurement should any procurement activity be required within each individual scheme in relation to the application of the Public Contracts Regulations 2015.

AGREED

That the Strategic Commissioning Board be recommended to agree

- (i) That approval is given to progress the plans devised by Adult Services in conjunction with Growth and thereby the resultant accommodation schemes identified in ongoing discussions with registered provider partners. The accommodation schemes developed will increase capacity in the borough for the provision of accommodation with support for the range of Adult service users enabling them to live in their own homes.**
- (ii) That authority is given to enter individual agreements to deliver accommodation with support for the Adults' service users, subject to such relevant governance required Key/executive decision setting out the details including vfm together with advice from STAR Procurement should any procurement activity be required within each individual scheme in relation to the application of the Public Contracts Regulations 2015.**
- (iii) That approval is given to provide the support in the accommodation at all locations by either the in-house Long Term Support Service, or through tender with independent sector providers (to be established based on the needs identified and requirements of each scheme).**

182 LOCAL RESTRICTIONS SUPPORT GRANT AND ADDITIONAL RESTRICTIONS GRANT - DISCRETIONARY

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Director of Growth which set out preferred options for the disbursement of the Local Restrictions Support Grant (Open) (LRSG) and Additional Restrictions Grant Funds (ARG).

It was stated that the LRSG (Open) was intended to help kick start recovery for businesses that were not legally required to close but were severely impacted by the restrictions under LCAL 2 (Tier 2) and LCAL High type restrictions, and was retrospective applying from 1 August 2020 (as per LRSG (Open)).

Tameside Council had been allocated £1,811,940 for the period 1 August 2020 to 4 November 2020. It was proposed that Tameside Council managed this allocation closely and utilised the ARG to top up the budget should demand exceed Government funding. It was expected that all Local Authorities would be given a new 28 day allocation following re-entry into Tier 3 or 2, however this had not yet been confirmed with a funding amount in formal guidance or offer letters by Government.

Members were advised that the ARG was intended to allow Local Authorities to support businesses in their local economies and to provide additional support to grant funding under the Local Restrictions Support Grant from the 24 October 2020 (GM entering LCAL 3 'Tier 3'). Government envisaged that this would primarily take the form of discretionary grants, but that Local Authorities could also use this funding for wider business support activities. Tameside Council had been allocated £4,792,000 (confirmed by GMCA 13 November 2020) for the period beyond 24 October and was required to spend the money in financial years 2020/21 – 2021/22. It was proposed Tameside Council would not utilise any other funding beyond that provided by Government and would not overspend on this allocation. It was further proposed that initially £2m of funding would be

utilised for ARG with the remaining £2.7m available for top up of LRSG Open and potential additional use for ARG.

The number of self-employed residents in Tameside could be gained from Government data provided in August 2020 **Appendix C** to the report suggested that there were 9,800 Tameside residents eligible for the SEISS, of which 7,700 had made a claim by 31/7/2020. The options set out in the report did not include support for self-employed who had not received support due to the limitations of the Government's national scheme. Tameside Council as part of GMCA continued to lobby the Government on modifying the national scheme.

It was explained that the LRSG (Open) preferred option was predicated on a streamlined approach to administration with RV the basis of award levels and Non RV based on property rental / mortgage costs and was aligned to other GM LA schemes. The report proposed that income levels were not used as the options were targeted on sectors that have had restrictions. This would provide a more responsive process for applicants due to lower processing times. Other non-preferred options were set out in **Appendix D** to the report.

With regards to ARG funding options for the allocation for period 24 October to 31 March 2022. Authorities in Greater Manchester were working towards the following collective principles in the design of an ARG scheme:

- a) Businesses which were badly affected by the restrictions but who were not receiving other grant support
- b) Other businesses which were important for each LAs economy

The ARG fund would need to be spent by the end of 2021/22 (31/03/2022). It was likely that the funding would be fully utilised during the national lockdown period and following months due to need and demand.

The preferred option for ARG was for Tameside trading businesses that were not receiving LRSG (Closed) / (Closed) addendum / (Sector) grant would receive one off payments based on employee numbers. This option was open to RV and Non RV but not domestic businesses including employed in domestic premises.

AGREED

That the Executive Cabinet be recommended to:

1. **Approve the recommended Local Restriction Support Grant (Open) and Additional Restriction Grant schemes and approve payments covering the periods before and after National Lockdown.**
2. **Approve applications to be paid immediately once eligibility checks are completed and appropriate state aid declarations have been completed by the applicants.**
3. **Receive a review and outcome report setting out all applications paid to be published on the Council website in April 2021.**
4. **To agree the temporary re-prioritisation until February 2021 of the Growth Directorate Services as set out as 7.1 to enable the delivery of Local Restriction Support Grant Open and Additional Restrictions Grant.**

183 FORWARD PLAN

AGREED

That the forward plan of items for Board be noted.

CHAIR

BOARD

6 January 2021

Present

Elected Members	Councillors Warrington (In the Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne Kitchen and Ryan and Wills
Chief Executive	Steven Pleasant
Borough Solicitor	Sandra Stewart
Section 151 Officer	Kathy Roe

Also In Attendance: Dr Asad Ali, David Berry, Steph Butterworth, Ilys Cookson, Jeanelle De Gruchy, Richard Hancock, James Mallion Dr Ashwin Ramachandra Ian Saxon, Sarah Threlfall, Jayne Traverse, Graham Holland and Jess Williams

184 DECLARATIONS OF INTEREST

There were no declarations of interest.

185 MINUTES OF PREVIOUS MEETING

AGREED:

That the minutes of the meeting of Board held on the 9 December 2020 be approved as a correct record.

186 LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22

Consideration was given to a report of the Executive Member (Finance and Economic Growth) / Assistant Director (Exchequer Services), which, set out the proposal for the continuation of the council tax reduction scheme for 2021/22 and recommended the approval of a hardship fund to be administered by Exchequer Services under the Section 13A policy.

It was reported that at the end of quarter two of 2020/21 approximately 18,155 people had claimed council tax support. Of this number, there were approximately 7,519 (41%) people of pensionable age who would be guaranteed protection under the CTS scheme. Therefore approximately 10,636 (59%) claimants were of working age.

It was explained that claimant caseload fluctuated on a daily basis and overall there had been little movement on overall claimant numbers from 1 April 2013. The caseload continued to fall during 2020/21 even though residents had more to pay in Council Tax due to the Council Tax rise in April 2020 and despite the impact of the Coronavirus pandemic; however, this decline appeared to follow the pattern from previous years. The Assistant Director highlighted that the effects of the end of the Governments furlough scheme was still to be seen.

It was stated that it was considered best practice to recognise the recommendations made to all Local Authorities by the LGO and provide clarity within the scheme, therefore to provide clarity in Tameside's Council Tax Support Scheme in relation to the treatment of these adjustments to entitlement to Council Tax Support, wording was inserted into the Scheme for 2020/21 at Schedule 8, paragraph (10). The wording would remain in the scheme for 2021/22.

The Assistant Director (Exchequer Services) reported that the Hardship Fund for 2020/21 was £50k and this would remain the same for 2021/22. Hardship funding was identified from existing budgets had previously been administered via the Tameside Resettlement Scheme. However, the Hardship

Fund would now be administered by Exchequer Services under the Section 13A Policy which was detailed at **Appendix 2** to the report. As at 30 November 2020, four applications for Hardship Relief had been received in the 2020/21 financial year; none of which were successful and no monies had been paid.

Further, as part of its response to COVID-19, the Government had announced in the Budget on 11 March 2020 that it would provide local authorities in England with £500m of new grant funding to support economically vulnerable people and households in their local area. Tameside had been allocated a Council Tax Hardship Fund of £2,158,109 by the government with the 'strong expectation' that billing authorities, such as Tameside would provide all recipients of working age local council tax support ('LCTS') during the financial year 2020-21 with a further reduction in their annual council tax bill of up to £150.

As at 31 October 2020, 11,690 working age claimants had benefited of a maximum of £150. £1.7m of the funding had been distributed leaving an additional £438k for claimants until the end of the financial year.

AGREED:

That the Council be recommended to

- (a) continue the scheme introduced in 2013/14, as amended in 2016/17, and adopts the council tax reduction scheme for 2021/22 set out in Appendix 3;**
- (b) approve 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.**

187 COUNCIL TAX BASE 2021/2022

Consideration was given to a report of the Executive Member (Finance and Economic Growth) / Assistant Director (Exchequer Services), which set out the calculation of the Council Tax. Members were reminded that the Local Government Finance Act 1992 required 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. The Calculated Tax Base would be used to determine the level of Council Tax income that the Council could raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each band D equivalent dwelling.

It was reported that the calculation of the authority tax base for Council Tax setting purposes gave an estimated Band D equivalent of 63,756.1 properties. There were no Ministry of Defence properties in Tameside. An estimated collection rate of 97% gave a Council Tax base of 61,843.4.

The calculation of the Mossley Parish tax base for Council Tax setting purposes gave an estimated Band D equivalent of 3,441.5 properties. There were no Ministry of Defence properties in Mossley. An estimated collection rate of 97% gave a Council Tax base of 3,338.3.

AGREED:

That the Council be recommended, that pursuant to the figures set out in the report of the Assistant Director (Exchequer Services), and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012

- 1. the amount calculated by Tameside Metropolitan Borough Council as its Council Tax base for the year 2021/2022 shall be 61,843.4**
- 2. the amount calculated by Tameside Metropolitan Borough Council as the tax base for the Town Council of Mossley for the year 2021/2022 shall be 3,338.3**

188 CHRISTMAS SUPPORT PAYMENT FOR WET LED PUBS

Consideration was given to a report of the Executive Member (Finance and Economic Growth) / Assistant Director (Exchequer Services), which detailed the latest government grant for wet led public houses in response to the Covid-19 economic situation.

It was reported that under the CSP scheme, local authorities would receive a one-off payment amounting to £1,000 per wet-led pub in each eligible local authority where Tier 2 or Tier 3 restrictions had been imposed, following the scheduled Tier review dates of 2 December and 16 December.

Grant monies would be paid to local authorities under section 31 of the Local Government Act 2003, and local authorities would receive 80% of the estimated grant funding based on an initial government estimate. When, or if, this threshold of funding had been spent, the government had confirmed that they would top up funding to local authorities if required.

The grant covered the period between 2 December 2020 and 29 December 2020 only; it could not be granted retrospectively. The grant scheme would close on 29 December 2020 and final applications would need to be received by 31 January 2021. Grant funding would be paid as soon as possible to eligible businesses and no later than 28 February 2021.

Members were advised that businesses established after 11 March 2020 and before 1 December 2020 could still be eligible for this grant and could be asked to supply accounting evidence that they derive under 50% of their income from food sales covering the period that they had been open.

It was estimated that there were 90 pubs within the Tameside area that were eligible to receive the £1,000 lump sum payment. This could be paid in addition to other grants that the wet led pub could be eligible to receive under either the mandatory or discretionary grant schemes.

AGREED:

That the government scheme for Christmas Support Payments to eligible wet led pubs be noted.

189 MONTH 8 FINANCE REPORT

Consideration was given to a report of the Executive Member (Finance and Economic Growth) / Lead Clinical GP / Director of Finance which covered the Month 8 2020/21 financial position reflecting actual expenditure to 30 November 2020 and forecasts to 31 March 2021. The Director of Finance reported that at Month 8, the Council was forecasting a year end overspend of £3.5m, which was a slight deterioration on the position reported at month 7.

It was explained that significant pressures remained across Directorates, most significantly in Children's Social Care where expenditure was forecast to exceed budget by £3.806m, with further cost pressures in Adults and Education, and income loss pressures in the Growth Directorate. These were due to underlying financial pressures that the Council would have faced regardless of the COVID pandemic.

It was further explained that the CCG was showing a YTD pressure of £1,055k, but a break even position by year end. This difference related to top up payments for the Hospital Discharge Programme, which had not yet been received.

AGREED:

That the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 to the report be noted.

190 2019/20 STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT

Consideration was given to a report of the Executive Member (Housing Planning and Employment) / Director of Growth, which sought approval to publish the 2019/20 revision of the Strategic Housing and Economic Land Availability Assessment (SHELAA) and to publish the 2019 and 2020 revision of the Brownfield Land Register.

Members were reminded that the purpose of the 2019/20 SHELAA was to build upon previous iterations of the assessment identifying and quantifying the housing and economic land potential in the borough. The report provided the details to the SHELAA presented to Members through the all Member development session in relation to the 2020 GMSF (27 October 2020) and as contained within the approved GMSF and its supporting background documents. It covered the period 1 April 2020 to 31 March 2037.

Additionally, the Brownfield Land Register was a mechanism to provide up to date and consistent information on brownfield sites in the borough that were considered appropriate for residential development. The register was prepared in accordance with government guidance, regulatory requirements and builds on those previously approved.

It was stated that the SHELAA continued to make best use of sites in highly accessible locations, located around transport hubs and the borough's town centres and indicated a potential supply of 6,923 net additional dwellings between 1 April 2020 and 31 March 2037. In addition, 26,432 sqm of office floorspace and 116,471 sqm of industrial and warehousing were identified to support future employment growth.

Further, the Brownfield Land Register highlighted those SHELAA sites that were wholly brownfield, not under construction and met other specific criteria, as set out in regulations. In 2020, 108 sites fall into this category from the SHELAA and form the register, with potential to deliver 3,842 residential units.

AGREED:

That the Executive Member for Housing Planning and Employment be recommended to agree to:

- (i) Locally publish the 2019/20 revision of the Strategic Housing and Economic Land Availability Assessment in accordance with delegated authority as agreed by Executive Cabinet on 29 July 2020, minute no 34 refers.**
- (ii) Publish the 2019 and 2020 revision of the Brownfield Land Register in accordance with approved delegated authority as agreed by Executive Cabinet on 29 July 2020, minute no. 34 refers.**

191 TAMESIDE AND STOCKPORT PARTNERSHIP OPPORTUNITIES

Consideration was given to a report of the Executive Member (Lifelong Learning, Equalities, Culture and Heritage) / Deputy Executive Leader (Children and Families) / Director of Children's Services, which sought approval for scoping work, to explore opportunities related to enhanced partnership in the Education and SEND service.

It was stated that Tameside and Stockport had a track record of working successfully together in Children's Services over the past three years, including through the DfEs Innovation Program and as Partners in Practice. It was believed that it was the time to explore the opportunities that exist to potentially extend and accelerate this partnership. A position given further impetus as a result of the impact of the current pandemic and the wider financial pressures for Local Authorities, not only in 2020/21, but for the foreseeable future. This collaboration therefore provided an opportunity to respond to the challenges of the pandemic and to help deliver on shared 'build back better' ambitions.

This initial scoping exercise undertaken jointly across, in the first instance both Local Authorities Education and SEND departments, would underpin the development of more detailed options appraisals, where the evidence supported this, which would in turn then be available for consideration through the due governance processes of each Authority.

The report detailed five key areas that the scoping work would initially focus on:

- Leadership
- School Improvement
- SEND sufficiency and commissioning plan
- Technical posts
- Traded Services

Further to this proposal it was anticipated that in parallel to this initial scoping work in relation to Education and SEND services that preliminary work would also begin to scope out potential wider opportunities across Children's Services. This was likely to include areas such as placement commissioning and sufficiency, quality assurance and independent review.

The program would be overseen by a Program Board from both LAs including Lead Members, Directors of Children's Services, finance, legal, HR and school representation. An explicit objective of this programme board would be to initially identify and firm up the areas for collaboration including an appropriate options appraisal and in doing so quantify the risks, impact and outcomes, including the tangible savings that could be achieved within an agreed timeframe. Then steer proposals through due diligence and appropriate governance including any necessary policy changes and then oversee implementation.

AGREED:

- (i) That Board note the content of this report and the potential opportunities that it presents**
- (ii) That Board support the scoping work proposed to explore in the first instance, the opportunities related to "enhanced partnership" in our Education and SEND service and the intention to scope out the opportunity and options with a view to establishing an agreed model within 9-12 months**
- (iii) That Board note the proposed secondment arrangements (for an initial period of 2 years) for a single "Director of Education" position working across both Local Authorities to lead this work.**

192 COMMISSIONING PLANS FOR 21/22

Consideration was given to a report of the Executive Member Adult Social Care and Health) / CCG Chair / Director of Commissioning, which set out the providers operating under contracts that were due to expire in March 2021 and detailed the recommendations for the extension of the contracts.

It was reported that NHS Tameside and Glossop CCG (T&G CCG) had a number of contracts for NHS services that were due to expire in March 2021.

It was explained that 2020/21 had been a period of NHS Command and Control with CCGs no longer holding provider contracts in the usual way and unable to invest in services unless COVID-19 related. Providers had operated services in line with nationally set requirements with GM principles being adopted where appropriate.

Therefore, whilst T&G CCG had worked with providers of local services to ensure safety and quality the formal CCG level contracting processes had only started to operate since October 2020 and CCG had been unable to make major commissioning decisions unrelated to COVID-19.

The allocation available to the CCG for 2021/22 was not yet known but was anticipated to be in line with the CCGs 5 year long term plans which would enable the current services to continue to operate.

The Director of Commissioning stated that there were ten Providers operating under contracts that were due to expire in March 2021. All were currently delivering services in line with their contracts with no concerns regarding quality or finance. One contract did not have an option to extend as the provision of DEXA scans was under review with the ICFT when the contract was let.

The proposal was to extend the contracts by one year to enable the Tameside and Glossop system to reach a decision regarding future provision by June 2021 and the enactment of that decision by March 2022.

With all the contracts, STAR had provided advice as to acceptable ways forward in 2021/22. However, this advice was based on current legislation and the expectation was that it should be clearer regarding the 2021/22 Health commissioning arrangements by April 2021. As these arrangements could have a significant impact on future contracts it was proposed to delay any re-procurement planning until June 2021.

AGREED:

- (i) That the Strategic Commissioning Board be recommended to approve the extension of the following contracts:

Provider name	Extension End Date
Practice Plus Group	31/03/2022
In Health Ltd	31/03/2022
Willow Wood	31/03/2023
Hyde Physiotherapy Centre	31/03/2022
Manor House Surgery	31/03/2022
Pioneer Healthcare Ltd	31/03/2022
Stamford House Medical Centre	31/03/2022
Primary Eyecare Services Limited	31/03/2022
Stroke Association	31/03/2023
Diagnostic Healthcare Ltd	31/03/2022

- (ii) That the Strategic Commissioning Board approve the intention to delay the planning of future provision until June 2021 when longer-term Health commissioning arrangements should be known.

193 SEXUAL HEALTH CONTRACTS TO SUPPORT HIGH RISK COMMUNITIES

Consideration was given to a report of the Executive Member (Adult Social Care and Health) / Consultant in Public Health, which proposed ongoing arrangements for the sexual health contracts including allocation of a new grant award and proposed recurrent savings to one of the programmes.

It was explained that the report sought permission to implement a number of contractual changes to ensure the continued delivery of programmes aimed at supporting and improving sexual health outcomes for those in the community at increased risk.

It was reported that following the successful Impact Trial, which Tameside had taken part in, NHS England and the Department for Health and Social Care (DHSC) had confirmed additional funding for local authorities to provide universal routine access to PrEP. It was proposed that the grant allocation be awarded to MFT (Manchester University NHS Foundation Trust) for the provision of

Pre-Exposure Prophylaxis (PrEP) treatment to prevent HIV infection. This would continue to be targeted towards groups at high risk of contracting HIV including men who have sex with men (MSM), black Africans, and transgender men and women, to prevent them catching HIV. The proposal was for the allocation of £26,692 of the grant from the DHSC for the provision of PrEP

Approval was sought for the Extension of the Passionate About Sexual Health (PASH) contract across Greater Manchester for 12 months from 30 June 2021. With the high prevalence of disease and the existing need in Tameside's highest risk communities, Tameside commissioners, along with other GM commissioning partners, were satisfied that the aims of the programme and delivery model were meeting needs. The risk of not commissioning this programme was that HIV and STI rates would increase in Tameside, adding further financial pressure into the system for treatment and more complex support. Tameside's budget for this service was £22,560 and the proposal was for the contract to be extended for 12 months from 1 July 2021 to 30 June 2022.

The Consultant for Public Health stated that Chlamydia infection was the most diagnosed bacterial sexually transmitted infection in the UK, with higher prevalence in young people. All age groups had also seen increases in the rates of gonorrhoea and chlamydia infection in recent years. The report set out proposals for a Covid-19 Emergency Contract Award of the contract for the chlamydia and gonorrhoea screening programme to Brook as the service ceased with immediate effect earlier in the year due to the pandemic.

The service would prevent and control the spread of sexually transmitted infections in young people (under 25). In terms of cost, this was a needs-led service. The maximum total amount required for the full length of this 11-month service would be £49,087. This represented a lower cost than previous models and, while this was only for an interim service over an 11-month period, it was proposed a recurrent saving of 20% of the overall amount allocated for this service in the Population Health budget going forward, which would represent a recurrent £15,000 saving (from the total allocated annual budget of £75,000).

Members were reminded that the RU Clear service ceased abruptly with immediate effect in March 2020 due to the impact of the Covid-19 pandemic on the provider (MFT). As a result of this service ceasing earlier in the year, there was currently underspend in the Population Health budget for the financial year 2020/2021 as this was a needs-led service where spend relates directly to the volume of activity. Alongside this underspend, other sexual health services were struggling for capacity to manage current demands. It was proposed to take £15,000 of the in-year underspend as a non-recurrent saving and £45,790 of the underspend would be re-allocated to MFT via a contract variation as a one off payment to fund additional capacity in the clinical nursing outreach post for the duration of the remaining contract with MFT.

AGREED:

That Strategic Commissioning Board be recommended to agree:

- (i) That Permission be granted to implement the contractual arrangements as detailed in the report to ensure Tameside Council continued to meet its mandated obligations around the provision of open access sexual and reproductive health services;**
- (ii) That permission be granted to award the grant allocation for the provision of Pre-Exposure Prophylaxis to Manchester University NHS Foundation Trust, with 4% held back by Tameside Council to pay for Tameside residents accessing this service out of area**
- (iii) That permission be granted to extend the Passionate About Sexual Health contract for Tameside as part of GM-wide arrangements for 12 months from 30 June 2020**
- (iv) That permission be granted to issue a Covid-19 Emergency Contract Award for the chlamydia and gonorrhoea screening programme to Brook to commence immediately for a period of 11 months (this includes a proposed 20% recurrent saving for this service going forward;**
- (v) That permission be granted to re-allocate in-year underspend for the previous RU Clear chlamydia screening programme as a contract variation for the integrated sexual health service provided by MFT to provide an enhanced clinical outreach offer.**

194 ADULT EDUCATION CAPITAL GRANT

Consideration was given to a report of the Executive Member (Lifelong Learning, Equalities, Culture and Heritage) / Director of Growth, which sought approval for the Provider Capital Grant Programme and to enter into the grant agreement.

Members were advised that the Greater Manchester Combined Authority (GMCA) recognised that in light of the COVID-19 pandemic the additional requirements needed to ensure all learners and staff stayed safe and protected when they returned to a learning environment would be an additional financial burden. To support Adult Education Budget (AEB) providers to put suitable measures in place, GMCA had released Provider Grant Funding from the Local Growth Fund.

Tameside MBC had submitted a bid to Greater Manchester Combined Authority for the Provider Capital Grant Fund on 21 August 2020. The bid had a value of £25k which was the maximum amount that could be bid for. It was reported that Tameside's bid had been approved and a grant agreement had been provided by GMCA for TMBC to enter into.

Tameside Adult Community Education successfully and safely re-opened on the 14 September 2020 providing high quality teaching and learning for Tameside residents accessing basic skills. The capital grant funding had been essential in this process.

AGREED:

That the Executive Member (Lifelong Learning, Equalities, Culture and Heritage) be recommended to approve the Provider Capital Grant Programme and enter into a grant agreement with Greater Manchester Combined Authority on the terms provided.

195 CLARENCE ARCADE DILAPIDATIONS SETTLEMENT

Consideration was given to a report of the Executive Member (Finance and Economic Growth) / Director of Growth, which sought approval on the dilapidations settlement. Members were advised that the Council had entered into a lease agreement on 30 April 2015 with landlord Jersey Street Properties Ltd to occupy a series of retail and office units at Clarence Arcade as 'decant space' as part of the Tameside Administration Centre / Tameside One redevelopment. The lease was for a term of 4 years from 15 May 2015 to 14 May 2019.

As part of the agreement, the Council were responsible for all internal repair and maintenance of the space. Similarly, under the provisions of the lease the Council were responsible for a service charge contribution towards maintenance of both the building structure and the common areas.

It was reported that prior to the lease terminating, the Council appointed Workman LLP to prepare an assessment of the Council's terminal dilapidations liability. As part of this work, Workman estimated the Council's liability as being £27,397.36 for the ground floor shop units and £62,808.51 for the office units, excluding loss of rent. Further, following expiry of the lease, Northern Group had obtained quotations for repairs, redecoration and reinstatement of the internal alterations carried out by the Council under a Licence for Alterations. A quotation dated 13 July 2019 prepared by Artez Contractors for £63,264.00 was issued by the Landlord to the Council on 7 August 2019.

Following a prolonged period of discussion, Sanderson Weatherall had confirmed that subject to approval, they had negotiated a full and final settlement of £53,635.98 as a contribution towards the Council's terminal dilapidations liability.

AGREED:

That the Director of Growth be recommended to approve the dilapidations settlement of £53,635.98 plus VAT recommended by its appointed agents upon the landlord consenting to the Council to be released of all remaining lease obligations.

196 FORWARD PLAN

AGREED

That the forward plan of items for Board be noted.

CHAIR

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BOARD

13 January 2021

Present: **Elected Members** **Councillors Warrington (In the Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen Ryan and Wills**
 Chief Executive **Steven Pleasant**
 Borough Solicitor **Sandra Stewart**
 Section 151 **Kathy Roe**
 Officer

Also in Attendance: **Steph Butterworth, Jeanelle De Gruchy, Richard Hancock, Catherine Moseley, Dr Ashwin Ramachandra, Paul Smith, Sarah Threlfall, Jayne Traverse, Emma Varnam, Debbie Watson, Tom Wilkinson and Jess Williams**

197 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

198 **MINUTES OF PREVIOUS MEETING**

AGREED:

The minutes of the meeting of the Executive Board on the 6 January 2021 be approved as a correct record.

199 **THE COUNCIL'S SPORT AND LEISURE FACILITIES – FINANCIAL SUSTAINABILITY PROPOSALS DURING THE COVID-19 (CORONAVIRUS) PANDEMIC**

Consideration was given to a report of the Executive Member for Neighbourhoods, Community Safety and Environment / Assistant Director of Population Health / Assistant Director of Population Health / Assistant Director of Finance.

The report provided an update on the plans for financial sustainability of the Council's Sport and Leisure facilities provided by Active Tameside. Further, the report sought permission to consult on the proposals and the wider sport and leisure offer as the Council looked at new ways to deliver the services.

The Assistant Director of Population Health explained that the current financial position of the Council plus the impact of the Covid-19 pandemic had meant the current model of delivery of sport and leisure facilities was not sustainable.

Members were reminded that despite measures and the reopening of some services it was predicted that Active Tameside would become technically insolvent mid November 2020. The situation had been made worse as leisure providers were exempt from most Covid-19 emergency support funding. On 2 November 2020 Executive Cabinet approved an amount of £1.8m to be paid via a loan agreement to be paid back over the lifetime of the contract to allow Active Tameside to remain solvent during 2020/21.

It was further explained that as Greater Manchester was placed in Tier 3 from 2 December 2020, Active Tameside were unable to deliver group exercise classes or sell food and beverages, which had also meant they have been unable to open attractions such as the 10 pin bowling at Tameside Wellness Centre. Active Tameside were still working on detailed figures but early estimates for the group exercise loss was around £100K for December 2020 to March 21. There was also an

expectation that Tier 3 would lead to increased cancellations of Memberships, which would severely impact 21/22 revenues.

Active Tameside had sensibly insured themselves against business interruption for events that were outside of their control. An initial claim covering March 20 to October 20 had been submitted to loss adjusters for consideration and this shows losses of around £3m. The eventual insurance payout was unlikely to be received until March 2021.

The DCMS and Sport England had also announced a National Leisure Recovery Fund of £100m that was available for Council commissioned Leisure services. An Expression of Interest was being developed with a deadline of 8 January 2021 for submission. The current best estimates for a Tameside claim varied between £0.25m and £0.5m. Any funding received would assist the Trust to remain solvent at this challenging time.

It was reported that a review had been undertaken to understand the potential for efficiency savings in relation to key facilities within the Council's leisure portfolio. The overall aim was to identify savings proposals to reduce the Council's management fee to the Trust from 2021/22 and therefore support future financial sustainability of the sport and leisure portfolio. The Council were proposing to reduce the current management fee by £0.15m recurrently in 21/22 and by £0.3m in 22/23 and 23/24. Active Tameside had therefore been asked to develop proposals to deliver services supported by the reduced management fee. Along with service redesign, the proposals also considered a range of actions in relation to the facilities which had been operating at a loss over recent years.

A desktop review had been undertaken of available data in relation to facility usage, financial performance and programmed activity and could be found in **Appendix 1**.

It was proposed that the Council carry out a public consultation on the Sport and Leisure offer and the options set out in section 4 from Friday 29 January to Friday 26 March 2021 via the Big Conversation pages on the Council website. The proposed consultation framework was attached at **Appendix 2**.

The Executive Leader led a detailed discussion on the facility usage and financial performance of Active Tameside. It was agreed that the report would be amended to reflect that this report was the start of a review of the wider sport and leisure offer as the Council looked at new ways to deliver these services.

AGREED

That Executive Cabinet be recommended to:

- (i) Note the completion of the Sport and Leisure Review and savings options outlined in section 4 of the report.**
- (ii) Approve the implementation of a public consultation to seek views on the proposals and to inform the Council's future commissioning approach.**
- (iii) Agree to review the results of the consultation and recommendations, with final options presented to Executive Cabinet for decision in June 2021.**

200 2021 CENSUS UPDATE

Consideration was given to a report of the Executive Leader / Assistant Director for Policy, Performance & Communications. The report provided an update on the plans to assist ONS in achieving a successful census in Tameside.

The Assistant Director for Policy, Performance & Communications stated that in order to ensure the census ran smoothly in each local authority area, the ONS had recruited Census Engagement Managers for each area. The Census Engagement Manager for Tameside was Graham Thomas. Each local authority was required to have a Census Liaison Manager and an Assistant Census Liaison

Manager, these were Simon Brunet (Head of Policy, Performance and Intelligence) and Lorraine Kitching (Performance, Intelligence & Scrutiny Service Manager) respectively.

The 2021 Census would be a digital first census with a target of achieving a 75% response rate online. For the majority of households initial contact for the Census would be made via a digital first pack detailing how to complete the census online.

It was recognised that Tameside, along with other areas in Greater Manchester, had a high level of digital exclusion and the Council would need to assist some residents with completing the census. ONS statistics estimated that 11.4% of resident in the UKD35 District (Tameside and Stockport) had either never used the internet or haven't used the internet in the last 3 months. This equated to approximately 20,000 residents aged 18+.

Tameside Council successfully bid for a small pot of funding through 'The Good Things Foundation' to provide online census centres in six of Tameside's libraries. The contract amounted to £13,290 plus an additional £1,050 to cover the costs of training. The bid for this contract was based on running twelve four hour session across the week followed by one additional four and a half hour sessions each Saturday.

AGREED

That Executive Board note the content of the report and support the proposals.

201 RESIDENTIAL FREEHOLD LAND DISPOSALS

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Director of Growth, which set out a supplementary policy: the Corporate Policy Disposals Policy for residential ground plots leased to residents.

The Director of Growth reported that the Council held approximately 900 residential plots of land which were typically occupied by a single home. The vast majority of the leases were for the ground only and the resident usually owned the freehold home.

It was explained that a considerable number of the Council ground leases had less than 60 years remaining which prevented home owners from selling their property as buyers were often unable to obtain a mortgage where ground leases had less than 80 years remaining. This in effect prevented a resident from selling their property unless they were able to attract a buyer with no borrowing requirements. The limitation also prevented some mortgage holders from switching to different lending products which could disadvantage them financially.

There were circa 55 requests from residents to acquire their reversionary freeholds, of which 8 were pressing.

While the Council did not have a statutory duty to sell reversionary freeholds, it would want to assist leaseholders. The Director of Growth highlighted issues that reversionary freeholds and grounds created for residents and leaseholders. Firstly, as residents' leasehold interests got shorter over time it meant that finance became more difficult to obtain. Secondly, residents and leaseholders in England could find that the superior landlord charges high levels of fees for permission to do works or enforces lease clauses that cause hardship.

Therefore it was recommended that reversionary freeholds would only be sold to residents on the appropriate market terms rather than disposing of the reversionary interest portfolio as an investment to a third party.

Disposals would be progressed through negotiation on the basis of a valuation carried out by an approved Chartered Surveyor. The Head of Estates would either appoint a qualified Chartered

Surveyor from the Estates Team or appoint a firm of Agents to carry out the valuation within their existing budget provision.

A discussion took place on timescales and Members asked that the existing outstanding applications be dealt with within 6 weeks in order that residents had an offer to considering accepting that any legal work would follow thereafter.

AGREED

That Executive Cabinet be recommended to agree:

- (i) To adopt the Policy enabling the Disposal of residential ground plots leased plots leased to residents and set out at Appendix 1 noting that this was expected to change in due course by law.**
- (ii) That the Council should as a general principle not dispose of its reversionary freehold portfolio as a whole on the investment market, in order to protect the interests of residents.**
- (iii) Members asked that the existing outstanding applications be dealt within 6 weeks in order that residents had an offer to considering accepting that any legal work would follow thereafter and that the Executive Member receive a monthly spreadsheet setting out progress on the 55 outstanding applications together with any new.**
- (iv) That the time scales for any new applications be 6 weeks That the time scales for any new applications be noted as 6 weeks as set out in paragraph 7.1 of the policy at Appendix 1.**

202 DOING BUSES DIFFERENTLY: CONSULTATION ON THE IMPACT OF COVID-19 ON THE PROPOSED BUS FRANCHISING SCHEME

Consideration was given to a report of the Executive Member for Transport and Connectivity / Director of Growth. The report considered the Greater Manchester Combined Authority consultation for the proposal to introduce bus franchising in Greater Manchester taking account of the possible effects of Covid-19.

Members were reminded that Greater Manchester had an ambition for a truly integrated public transport system, "Our Network", to enable moving around the city-region easy, accessible and affordable. In June 2017 GMCA considered using powers contained in the Transport Act 2000 to improve bus services in Greater Manchester by reforming the current bus market. Between 14 October 2019 and 8 January 2020, GMCA held a consultation on a Proposed Franchising Scheme for the city-region's buses, which asked questions about the Scheme and the Assessment.

Within Tameside, the original consultation exercise was the subject of an Executive Cabinet Report on the 18 December 2019, more than 8,500 responses to the consultation were received. An independent research agency, Ipsos MORI, reviewed, analysed and summarised all the responses to the consultation in a report. Of the 5,905 respondents who answered the question on whether they supported or opposed the Proposed Franchising Scheme, 83% said they supported the Scheme.

The outcome of the consultation was due to be considered by GMCA in spring 2020 but was deferred due to Covid-19. In June 2020, GMCA noted the results of the consultation and asked TfGM to prepare a further report that would consider the potential impact and effects of Covid-19 on the bus market in Greater Manchester and make recommendations about appropriate next steps, before making a final decision.

The Covid-19 Impact on Bus Franchising report considered the potential impact and effects of Covid-19 on the bus market in Greater Manchester, how it could affect the key conclusions of the Assessment and GMCA's proposals for franchising.

The report found that the Proposed Franchising Scheme was still the best option to deliver GMCA's objectives for the bus network and achieve Greater Manchester's long-term ambition for a fully integrated public transport system. This was compared to leaving buses organised as they were now (a 'Do Minimum' option) or a partnership with bus operators.

Under all scenarios, the report noted that franchising was still the best option to achieve Greater Manchester's long-term ambition for a fully integrated public transport system.

AGREED

That Executive Cabinet be recommended to:

- (i) Consider and note the contents of the report in relation to the ongoing bus franchising consultation taking account of the possible effects of Covid-19**
- (ii) To consider and approve the attached formal response to the 12 questions contained in the consultation questionnaire attached at Appendix 1.**

203 DETERMINATION OF ADMISSION ARRANGEMENTS SEPTEMBER 2022

Consideration was given to a report of the Executive Member for Lifelong Learning, Equalities, Culture and Heritage / Director for Children's Services.

The report set out the proposed admission arrangements for Tameside community, and voluntary controlled schools for admission in September 2022. There had been no change to these from September 2021. The report highlighted changes proposed by the Department for Education to the School Admissions Code.

Members were reminded that all admission authorities were required to consult on their coordinated admission scheme and on changes to admission arrangements. Where no changes had been proposed to the coordinated admissions scheme or admission arrangements, there was no requirement to consult. Admission authorities should ensure that their determined admission arrangements comply with the mandatory requirements of the School Admissions Code 2014.

It was reported that for entry to community or voluntary controlled primary, junior and secondary schools in September 2022, no changes were planned and therefore consultation was not necessary. The proposed admission arrangements for entry in September 2022 for community or voluntary controlled primary, junior and secondary schools were set out in **Appendix 1**.

School place planning in the borough was reviewed on an annual basis and forms part of the annual report on admission arrangements that is reported to Executive Cabinet in February. **Appendix 2** set out the latest information.

It was stated all local authorities had a statutory duty to ensure that there were sufficient school places to meet demand in the area. These could be school places available at provision maintained by the local authority, academies, or other non-maintained schools. In order to carry out this statutory duty, Councils needed to carry out school place planning and forecasting.

It was explained that whilst there were currently sufficient places to meet expected demand, the school place planning process must continue to be dynamic particularly in view of significant housing development that was predicted within the borough and the impact that would have on demand and travel to learn patterns.

Members discussed the arrangements in place for School Admission appeals due to Coronavirus and the impact of the expiry of the changes to the regulations on the 31 January 2021. Members were advised that admission appeals had been held online and feedback had been positive due to the accessibility of the hearings online.

AGREED

That Executive Cabinet be recommended to agree the determination of admission arrangements for all Tameside community and voluntary controlled schools for 2022/23 without change from those that applied for admission in 2021/22 as set out in Appendix 1 of the Report other than amendments to the Published Admission Number as set out in the report.

204 CHILDREN AND YOUNG PEOPLE'S EMOTIONAL AND MENTAL WELLBEING COMMUNITY OFFER - UPDATE

Consideration was given to a report of the Executive Member for Adult Social Care and Population Health / Clinical Lead for Starting Well / Director of Commissioning / Assistant Director of Population Health.

The report provided an update on progress in relation to the development of a Tameside and Glossop Children and Young People's (CYP) Emotional and Mental Wellbeing Community Offer and commissioning intentions since the paper was presented at Strategic Commission Board in September 2020.

The Director of Commissioning stated that following a Market Engagement Event in August 2020 for prospective providers to learn more about the process, there were several co-production workshops throughout September and October, which were well attended by providers, stakeholders and young people to explore the desirables for a new Community Offer. A series of parent and carers workshops took place in early January 2021. The outcomes from the workshops formed the core deliverables and design principles of the Community Offer (**Appendix 1**) and therefore informed the development of the specification (**Appendix 2**).

Members were advised that over 50 participants engaged in each of the co-production workshops, including stakeholders of the Tameside and Glossop CYP Emotional Wellbeing and Mental Health Strategic Group, and interested providers via an expression of interest through the North West Procurement Portal. The parent and carer workshops were promoted through various networks, as well as through the Communications Team.

It was explained that the outcomes from the co-production workshops were clear in that in order to successfully enable positive outcomes for children and young people's emotional and mental wellbeing, a collaborative partnership approach with a wide menu of choice on offer was essential. Current providers attended the co-production workshops. All potential providers had been encouraged to work collaboratively to meet the expectations of the specification.

The new offer would be commissioned via an NHS contract led by Tameside & Glossop CCG, with Tameside Council as associate commissioner. Current providers (Off the Record, TOG MIND, Anthony Seddon Fund and 42nd Street) had been notified that current contract/grant agreements would end on 31st August 2021.

The initial timeline had been extended to allow potential providers more time to collaborate on the 'offer', so extensions had been granted to all current providers (Off the Record, 42nd Street, TOG MIND and Anthony Seddon Fund) until 31st August 2021, with a start date for the new contract 1 September 2021. It was proposed that invitations to tender would be launched with support from STAR Procurement on 28 January 2021.

Although the total tender value remained the same at £250,000 per annum, the proportions from each organisation had slightly changed following a contract review across population health. Tameside and Glossop CCG had increased investment of £16,200 with the Council's funding remaining at current levels of investment of £91,800. The contract would remain as a 3 + 2 years.

AGREED

That Strategic Commissioning Board be recommended to:

- (i) Note the progress described in the report and the coproduction undertaken with children and young people, parents and carers and key stakeholders which has informed the final specification.**
- (ii) Give permission to tender the redesigned service offer with Tameside & Glossop CCG as lead commissioner and Tameside Council as associate commissioner to the new contract.**

205 FORWARD PLAN

AGREED

That the forward plan of items for Board be noted.

CHAIR

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LIVING WITH COVID BOARD

9 December 2020

Present	Elected Members	Councillors Warrington (In the Chair), Bray, Cooney, Fairfoull, Feeley, Ryan and Gwynne
	Tameside & Glossop CCG Members	Dr Asad Ali, Dr Ashwin Ramachandra, Dr Vinny Khunger, Dr Christine Ahmed, Dr Tim Hendra, Clare Todd, Karen Huntley, Kate Hebden, David Swift and Carol Prowse
	Chief Executive TMBC	Steven Pleasant
	Borough Solicitor	Sandra Stewart
	Deputy Section 151 Officer	Tom Wilkinson
	T&G ICFT Medical Director	Brendan Ryan
	Action Together	Anna Hynes

Also In Attendance: David Berry, Steph Butterworth, Ilys Cookson, Jeanelle De Gruchy, Richard Hancock, James Mallion, Ian Saxon, Paul Smith, Jayne Traverse, Sarah Threlfall, Debbie Watson, Jess Williams

Apologies for Absence: Councillors Kitchen & Wills

Jane Higham and Karen James

29. MINUTES OF PREVIOUS MINUTES

The minutes of the meeting of the Living with Covid Board on the 18 November 2020 were approved as a correct record.

30 LATEST POSITION ON COVID DATA

Consideration was given to a presentation of the Director of Population Health, which detailed the latest position on Covid data. The Director of Population Health presented data on the trends in new cases for Tameside, it was reported that the rate of new cases had reduced. However, the rate of decrease had slowed, the rate of new cases was still high, the rate of new cases in the last seven days per 100,000 people was 117.9/100,000. This was a 20% reduction in new cases compared to seven days ago. Members were advised that the number of acute beds occupied by confirmed and suspected Covid cases had been trending down.

AGREED

That the presentation be noted.

31 RESTRICTIONS AND TIERS- NEXT STEPS

The Director of Population Health delivered a verbal report on the Restrictions and Tiers in Tameside and Greater Manchester.

It was stated that discussions had taken place across Greater Manchester, however, the decision was ultimately with the Government to decide if to change some areas in GM to tier 2. The Director of Population and Health reported that the Government would be evaluating the tiers on the 12 December 2020 with a further evaluation on the 30 December 2020. The Chief Executive highlighted that it was important to take a cautious position given high level of prevalence of Covid-19 in the region. It was reported that the data suggested that there could be a spike in cases in January and

that tier 3 restrictions may not be able to prevent this as students travel and households meet over Christmas.

AGREED

That the information provided be noted.

32 WINTER COVID GRANT AND SUPPORT TO THE VULNERABLE

Consideration was given to a report of the Executive Leader / Assistant Director of Policy, Performance and Communications. The report set out proposals for spending the 'Covid Winter Grant' before the 31 March 2021 to support families who were struggling to access food and warmth. The Council was committed to ensuring that all of the available Winter Covid Grant supported the most vulnerable families and households to access food and warmth during a challenging time.

On Sunday 8 November 2020, the government announced a significant package of extra targeted financial support for those in need over the winter period. The £170 million COVID Winter Grant Scheme, which would be made available at the beginning of December, would see new funding to County Councils and Unitary Authorities (including Metropolitan Council's and London Boroughs), to support those most in need across England with the cost of food, energy and water bills and other associated costs.

Tameside had been allocated **£894,614.60**, funding would be ring fenced and cover period until end of March 2021.

It was proposed to allocate funding to the provision of food vouchers for major supermarkets to pay for food for key cohorts which included, all children attending schools in Tameside who were eligible for Free School Meals, all college students eligible for Free School Meals or bursaries, all 2, 3 and 4 year olds entitled to free child care, all Care Leavers. The amounts and costs of each of these proposals were set out in **Appendix 1**.

This approach would allow the Council to deliver an enhanced offer that would reach a large number of families in a short time frame and provide targeted support in time for Christmas, and would allow Tameside to report outcome requirements to the DWP.

Going forward the identified families would receive support for the 3 scheduled school holiday weeks to March 2021:

- Two weeks at Christmas (£20)
- One week at February half term (£15)

It should be noted that not all LAs had been allocated sufficient funding to cover Free School Meals' through the winter school holidays, this was raised with the DWP during the dial-in call as public expectation was that funding was being provided to LAs for this purpose, however, the DWP were clear that the funding allocation was not intended to replace the Free School Meals offer.

For the purposes of distribution of funding it was proposed to allocate on the basis of children attending Tameside schools. All other GM authorities agreed this in principle (potentially with the exception of Wigan).

AGREED

That the Living with Covid Board approve the following:

- (i) **The Covid Winter grant be spent on supporting vulnerable families and individuals as set out at Appendix 1.**
- (ii) **A voucher scheme for children eligible for free school meals is established. This scheme will enable children eligible for Free School Meals to receive a £20 a week food voucher for the Christmas Break and £15 voucher for February half term.**

- (iii) Any families who are not eligible for Free School Meals but are in need of support to contact the Early Help Access Point for help, support and advice.
- (iv) That this voucher scheme is extended out to Care Leavers for the Christmas period (to a value of £40).
- (v) That this scheme is further extended to low income sixth form and college students (to a value of £20). Administration of grants to students via the colleges will be formalised by letter to the colleges reflecting any appropriate conditions in relation to the administration of the grants on behalf of the Council
- (vi) That an amount of money is invested in welfare rights to provide food vouchers to those who are in financial need (£120,000 to fund 1,200 vouchers to a value of £30 per household)
- (vii) That remaining funds are directed to organisation's working directly with the community to provide food and support with utility bills. Where grants made to third party organisations, this will be done by letter containing appropriate conditions) for grant funding up to £10k.
- (viii) As an element of the scheme is discretionary there is a risk that demand in December may limit the pot in February, enough funding will be retained to pay vouchers to the Free School Meals, college and Care Leavers cohort in February, all other committed funding will require a separate decision in January.
- (ix) To agree arrangements with the following supermarkets to distribute vouchers, Tesco, Sainsbury's, Morrisons' and Asda, subject to written terms and conditions attached to the purchase order.

33 MASS VACCINATION

Consideration was given to a presentation of the Director of Commissioning, which detailed the preparations for delivering vaccinations in Tameside.

It was stated that the aims of the vaccination was to prevent morbidity and mortality by protecting those most vulnerable to Covid-19. The priority would be older age groups, care home residents and staff, frontline health and social care workers who provide care to vulnerable people and the Clinically Extremely Vulnerable (CEV).

The Director of Commissioning detailed phase 1 direct prevention of death and supporting the NHS and social care system. Phase 2 would include targeting groups, which would further reduce hospitalisation and targeted vaccination of those who were high risk of exposure or those delivering key public services.

The Pfizer vaccine was approved by the Medicines and Healthcare Regulatory Authority on the 2 December 2020 it was also expected that the Oxford and AstaZeneca vaccine would be approved imminently. Members were advised of the vaccine characteristics, storage requirements and the possible side effects of the vaccine.

It was reported that Hyde PCN would start vaccinations on Wednesday the 16 December 2020 and that bookings had already started. Confirmation was expected for vaccinations to start at Ashton and PCN on Friday 18 December 2020. Further, it was anticipated that as part of wave 3, Denton, Glossop and Stalybridge PCN's would begin vaccinations on Tuesday the 22 of December 2020.

It was highlighted that the communications were vital to the success of the vaccination programme. It was essential to raise awareness of the importance of continuing with the restrictions on the lead up to and after having the vaccine.

AGREED

That the presentation be noted.

34 MASS TESTING

Consideration was given to a presentation of the Executive Leader / Assistant Director of Population Health, which provided an update on Tameside's position for mass testing.

The Assistant Director of Population Health explained that central government had advised that rapid antigen tests should be made available to areas of high prevalence of Covid-19 including GM.

The roll-out of rapid antigen testing, which generated results on lateral flow devices, was being planned for Greater Manchester in line with Central Government guidance.

It was reported that central government initially indicated they would provide GM with tests to roll out to 10% of the population. DHSC last week offered GM sufficient rapid antigen testing to cover 75% of the population. GM had responded to the offer with a preference to undertake targeted testing at scale.

The proposed targeted cohorts for rapid antigen testing were health and social care staff, key workers, those in supported living, home care and schools with a focus on secondary school pupils and teaching staff.

It was explained that a train the trainer model would be used for mass testing. It was explained that an external provider or local team would train staff or volunteers in a setting. The staff and volunteers would administer the tests and register the results. It was stated that Dukinfield Town hall, Denton Festival Hall, Ashton Primary Care Centre, Mobile unit and Tame street had been considered as test sites. Sites would be chosen based on demographics and hotspots. Jubilee Hall at Dukinfield Town Hall had been selected as the central site with Denton Festival Hall as a smaller 'spoke' site.

With regards to staffing, there would be 2 teams of 60 staff for the Dukinfield Town hall ATS, the teams could work on a shift basis. The current focus was identifying staff internally and staff that could be released on commissioning work.

AGREED

That the presentation be noted.

35 LOCAL RESTRICTIONS SUPPORT GRANTS - MANDATORY

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Assistant Director of Exchequer Services. The report detailed the administration of the Local Restrictions Support Grant in accordance with guidance issued by the Secretary of State for the Department for Business, Energy and Industrial Strategy.

It was reported that the amount of payment was the same for each mandatory grant for the relevant qualifying period:

- Businesses occupying premises appearing on the local rating list with a rateable value of less than £15,000 would receive a payment of £667 14 day qualifying restriction period.
- Businesses occupying premises appearing on the local rating list with a rateable value of exactly £15,000 and less than £51,000 would receive a payment of £1,000 14 day qualifying restriction period.
- Businesses occupying premises appearing on the local rating list with a rateable value of £51,000 or more would receive a payment of £1,500 for each qualifying restriction period.

The Local Restrictions Support Grant (Closed) was a mandatory grant aimed at businesses that had to close as a result of the area being placed in Tier 3 of COVID restrictions. Businesses that would be eligible for this funding were those which;

- were open and providing in-person services to customers from their business premises;

- were required to close for a consecutive period of not less than 14 days as a result of regulations made under the Public Health (Control of Disease) Act 1984; and
- had their first full day of closure on or after 9 September 2020.

It was explained that Tameside's first day of being in Tier 3 was deemed to be 23 October 2020 until 4 November 2020 when national lockdown started, LRSG (Closed) would be payable to eligible businesses for the 13 day period pro rata. BEIS had confirmed that in this instance the 13 day period of closure should be paid although the guidance states that businesses must close for not less than 14 consecutive days.

Members were advised that the Local Restrictions Support Grant (Sector) was aimed at specific business sectors that had been required to close nationally from 23 March 2020 onwards, however grant funding could only be awarded to eligible business from 1 November 2020 onwards and was not retrospective. Businesses that were eligible to receive this funding were:

- Nightclubs, dance halls, and discotheques;
- Sexual entertainment venues and hostess bars.

The amount of grant for the period 1 November to 4 November 2020 (eligible period prior to national lockdown commencing on 5 November 2020) was to be paid pro rata at the same rate as other mandatory Local Restrictions Support Grant (Closed).

The Local Restrictions Support Grant (Addendum) covered the period 5 November 2020 (date of national lockdown) to 2 December 2020 and was aimed at businesses that were mandated to close to manage the spread of coronavirus and includes non-essential retail, leisure, personal care, sports facilities and hospitality businesses. Rate of payment was the same as LRSG (Sector) and (Closed) Payment was to be made per 28 day period that the region was in lockdown as follows:

- Businesses occupying premises appearing on the local rating list with a rateable value of less than £15,000 would receive a payment of £1,334 28 day qualifying restriction period.
- Businesses occupying premises appearing on the local rating list with a rateable value of exactly £15,000 and less than £51,000 will receive a payment of £2,000 28 day qualifying restriction period.
- Businesses occupying premises appearing on the local rating list with a rateable value of £51,000 or more will receive a payment of £3,000 for each qualifying restriction period.

Grant funding would be issued to local authorities at the beginning of the 28-day payment cycle, which was the first day nationwide restrictions come into force. If the allocation proved insufficient for all eligible businesses, top-up funding would be provided. Funding would then be provided on a rolling 28-day basis for as long as national restrictions apply.

The Assistant Director of Exchequer Services reported that as at 20 November 2020, a total of 654 had been received and 110 paid to date to the value of £143,434. The assessment of each application would follow specific criteria to ensure that the application was eligible and to guard against potential fraudulent claims.

AGREED

That the Executive Cabinet be recommended to note the payment of mandatory grants to business rate payers.

36 LOCAL RESTRICTIONS SUPPORT GRANT (OPEN) AND ADDITIONAL RESTRICTIONS GRANT - DISCRETIONARY

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Director of Growth. The report set out preferred options for the disbursement of the Local Restrictions Support Grant (Open) (LRSG) and Additional Restrictions Grant Funds.

The Head of Employment and Skills stated that the LRSG (Open) was intended to help kick start recovery for businesses that were not legally required to close but were severely impacted by the restrictions under LCAL 2 (Tier 2) and LCAL High type restrictions, and was retrospective applying from 1 August 2020 (as per LRSG (Open)).

Tameside Council had been allocated £1,811,940 (84 day allocation, funding confirmed by BEIS on 6 November 2020) for the period 1 August 2020 to 4 November 2020). It was proposed that Tameside Council managed this allocation closely and utilised the Additional Restrictions Grant to top up the budget set out above should demand exceed Government funding. It was expected that all Local Authorities would be given a new 28 day allocation following re-entry into Tier 3 or 2, however this had not yet been confirmed with a funding amount in formal guidance or offer letters by Government.

Members were advised that the Additional Restrictions Grant was intended to allow Local Authorities to support businesses in their local economies and to provide additional support to grant funding under the Local Restrictions Support Grant from the 24 October 2020 (GM entering LCAL 3 'Tier 3'). Government envisaged that this would primarily take the form of discretionary grants, but that Local Authorities could also use this funding for wider business support activities. Tameside Council had been allocated £4,792,000 (confirmed by GMCA 13 November 2020) for the period beyond 24 October and was required to spend the money in financial years 2020/21 – 2021/22.

Tameside Council had been allocated £4,792,000 (confirmed by GMCA 13 November 2020) for the period beyond 24 October and was required to spend the money in financial years 2020/21 – 2021/22. It was proposed Tameside Council would not utilise any other funding beyond that provided by Government and would not overspend on this allocation. It was further proposed that initially £2m of funding would be utilised for Additional Restrictions Grant with the remaining £2.7m available for top up of LRSG Open and potential additional use for Additional Restrictions Grant.

The number of self employed residents in Tameside could be gained from Government data provided in August 2020 **Appendix C** which suggested that there were 9,800 Tameside residents eligible for the Self-Employment Income Support Scheme, of which 7,700 had made a claim by 31/7/2020. The options set out in the report did not include support for self employed who had not received support due to the limitations of the Government's national scheme. Tameside Council as part of GMCA continued to lobby the Government on modifying the national scheme.

It was explained that The Local Restrictions Support Grant (Open) preferred option was predicated on a streamlined approach to administration with Rateable Value (RV) the basis of award levels and Non RV based on property rental / mortgage costs and was aligned to other GM LA schemes. The report proposed that income levels were not used as the options were targeted on sectors that have had restrictions. This would provide a more responsive process for applicants due to lower processing times. Other non preferred options were set out in **Appendix D**.

With regards to Additional Restrictions Grant funding options for the allocation for period 24 October to 31 March 2022. Authorities in Greater Manchester are working towards the following collective principles in the design of an Additional Restrictions Grant scheme:

- a) Businesses which were badly affected by the restrictions but who were not receiving other grant support
- b) Other businesses which were important for each LAs economy

The Additional Restrictions Grant fund would need to be spent by the end of 2021/22 (31/03/2022). It was likely that the funding would be fully utilised during the national lockdown period and following months due to need and demand.

The preferred option for Additional Restrictions Grant was for Tameside trading businesses who were not receiving LRSG (Closed) / (Closed) addendum / (Sector) grant would receive one off payments based on employee numbers. This option was open to RV and Non RV but not domestic businesses including employed in domestic premises.

AGREED

That the Executive Cabinet be recommended to :

- 1. approve the recommended Local Restriction Support Grant (Open) and Additional Restriction Grant schemes and approve payments covering the periods before and after National Lockdown.**
- 2. Approve applications to be paid immediately once eligibility checks are completed and appropriate state aid declarations have been completed by the applicants.**
- 3. Receive a review and outcome report setting out all applications paid to be published on the Council website in April 2021.**
- 4. To agree the temporary re-prioritisation until February 2021 of the Growth Directorate Services as set out as 7.1 to enable the delivery of Local Restriction Support Grant Open and Additional Restrictions Grant.**

CHAIR

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Report To:	EXECUTIVE CABINET
Date:	27 January 2021
Executive Member / Reporting Officer:	Cllr Ryan – Executive Member (Finance and Economic Growth) Dr Ash Ramachandra – Lead Clinical GP Kathy Roe – Director of Finance
Subject:	STRATEGIC COMMISSION AND NHS TAMESIDE AND GLOSSOP INTEGRATED CARE FOUNDATION TRUST FINANCE REPORT CONSOLIDATED 2020/21 REVENUE MONITORING STATEMENT AT 31 November 2020
Report Summary:	<p>This report covers the Month 8 2020/21 financial position, reflecting actual expenditure to 30 November 2020 and forecasts to 31 March 2021. In the context of the on-going Covid-19 pandemic, the forecasts for the rest of the financial year and future year modelling has been prepared using the best information available but is based on a number of assumptions. Forecasts are subject to change over the course of the year as more information becomes available, the full nature of the pandemic unfolds and there is greater certainty over assumptions.</p> <p>At Month 8, the Council is forecasting a year end overspend of £3.5m. The CCG is reporting that control totals will be met, but that there is risk associated with this. Further details can be found in appendix 1.</p>
Recommendations:	Members are recommended to note the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 .
Policy Implications:	Budget is allocated in accordance with Council/CCG Policy
Financial Implications: (Authorised by the Section 151 Officer & Chief Finance Officer)	<p>This report provides the 2020/21 consolidated financial position statement at 30 November 2020 for the Strategic Commission and ICFT partner organisations. The Council set a balanced budget for 2020/21 but the budget process in the Council did not produce any meaningful efficiencies from departments and therefore relied on a number of corporate financing initiatives, including budgeting for the full estimated dividend from Manchester Airport Group, an increase in the vacancy factor and targets around increasing fees and charges income.</p> <p>The budget also drew on £12.4m of reserves to allow services the time to turn around areas of pressures. These areas were broadly, Children's Services placement costs, Children's Services prevention work (which was to be later mainstreamed and funded from reduced placement costs), shortfalls on car parking and markets income. Each of these services required on-going development work to have the impact of allowing demand to be taken out of the systems and additional income generated. There was additional investment around the IT and Growth Directorate Services, to invest in IT equipment, software and capacity and to develop strategically important sites for housing and business development, including key Town Centre masterplans. A delay in delivering the projects that the reserves were funding is likely to</p>

mean more reserves will be required in future years, placing pressure on already depleting resources.

The NHS was operating under a command and control financial regime for the first six months of 2019/20. Under command and control there was no requirement or expectation that the CCG would deliver efficiency savings. Since October the NHS has entered phase 3 of the COVID recovery process. Under phase 3, financial envelopes have been issued on a Sustainability and Transformation Plan (STP) footprint. In T&G this means that a financial envelope exists at a Greater Manchester level. This report shows that local control totals required to deliver against the envelope will be met, however there is risk associated with this. In order to meet the control total QIPP savings of £7,994k are required, against which there is currently a gap of £174k.

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)**

Councillors are responsible for the financial control and decision making at their council as set out in the Local Government Act 1972 (Sec 151).

Part of that responsibility is to ensure effective financial control in the organisation and the preparation of the annual budget is a key activity at every council. Budgets and financial plans will be considered more fully later in the workbook, but the central financial issue at most councils is that there are limits and constraints on most of the sources of funding open to local councils. This makes finance the key constraint on the council's ability to provide more and better services.

Every council must have a balanced and robust budget for the forthcoming financial year and also a 'medium term financial strategy (MTFS)' which is also known as a Medium Term Financial Plan (MTFP). This projects forward likely income and expenditure over at least three years. The MTFS ought to be consistent with the council's work plans and strategies, particularly the corporate plan. Due to income constraints and the pressure on service expenditure through increased demand and inflation, many councils find that their MTFS estimates that projected expenditure will be higher than projected income. This is known as a budget gap.

Whilst such budget gaps are common in years two-three of the MTFS, the requirement to approve a balanced and robust budget for the immediate forthcoming year means that efforts need to be made to ensure that any such budget gap is closed. This is achieved by making attempts to reduce expenditure and/or increase income. Clearly councillors will be concerned with any potential effect that these financial decisions have on service delivery.

The detailed finance rules and regulations for local councils are complex and ever-changing. However, over the past few years, there has been a significant change in the overall approach to local government funding.

Since 2010 – Government has sought to make the local government funding system more locally based, phasing out general government grant altogether. One of the key implications

of this change in government policy is that local decisions affecting the local economy now have important implications on council income. Therefore, the policy objectives and decision making of the local council plays a far more significant role in the council's ability to raise income than before.

The councillor's role put simply, it is to consider the council's finance and funding as a central part of all decision making and to ensure that the council provides value for money, or best value, in all of its services.

There is unlikely to be sufficient money to do everything the council would wish to provide due to its budget gap. Therefore, councillors need to consider their priorities and objectives and ensure that these drive the budget process. In addition, it is essential that councils consider how efficient it is in providing services and obtaining the appropriate service outcome for all its services.

A budget is a financial plan and like all plans it can go wrong. Councils therefore need to consider the financial impact of risk and they also need to think about their future needs. Accounting rules and regulations require all organisations to act prudently in setting aside funding where there is an expectation of the need to spend in the future. Accordingly, local councils will set aside funding over three broad areas: Councils create reserves as a means of building up funds to meet known future liabilities. These are sometimes reported in a series of locally agreed specific or earmarked reserves and may include sums to cover potential damage to council assets (sometimes known as self-insurance), un-spent budgets carried forward by the service or reserves to enable the council to accumulate funding for large projects in the future, for example a transformation reserve. Each reserve comes with a different level of risk. It is important to understand risk and risk appetite before spending. These reserves are restricted by local agreement to fund certain types of expenditure but can be reconsidered or released if the council's future plans and priorities change. However, every council will also wish to ensure that it has a 'working balance' to act as a final contingency for unanticipated fluctuations in their spending and income. The Local Government Act 2003 requires a council to ensure that it has a minimum level of reserves and balances and requires that the Section 151 officer reports that they are satisfied that the annual budget about to be agreed does indeed leave the council with at least the agreed minimum reserve. Legislation does not define how much this minimum level should be, instead, the Section 151 officer will estimate the elements of risk in the council's finances and then recommend a minimum level of reserves to council as part of the annual budget setting process.

There are no legal or best practice guidelines on how much councils should hold in reserves and will depend on the local circumstances of the individual council.

The only legal requirement is that the council must define and attempt to ensure that it holds an agreed minimum level of reserves as discussed above. When added together, most councils have total reserves in excess of the agreed minimum level.

In times of austerity, it is tempting for a council to run down its reserves to maintain day-to-day spending. However, this is, at best, short sighted and, at worst, disastrous! Reserves can only be spent

once and so can never be the answer to long-term funding problems. However, reserves can be used to buy the council time to consider how best to make efficiency savings and can also be used to 'smooth' any uneven pattern in the need to make savings.

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 :

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 e-mail: tracey.simpson@nhs.net

1. BACKGROUND

- 1.1 Monthly integrated finance reports are usually prepared to provide an overview on the financial position of the Tameside and Glossop economy.
- 1.2 The report includes the details of the Integrated Commissioning Fund (ICF) for all Council services and the Clinical Commissioning Group. The total gross revenue budget value of the ICF for 2020/21 is £980 million.
- 1.3 Please note that any reference throughout this report to the Tameside and Glossop economy refers to the three partner organisations namely:
 - Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT)
 - NHS Tameside and Glossop CCG (CCG)
 - Tameside Metropolitan Borough Council (TMBC)

2. FINANCIAL SUMMARY (REVENUE BUDGETS)

- 2.1 At Month 8, the Council is forecasting a year end overspend of £3.5m, which is a slight deterioration on the position reported at month 7. This is explored in more detail in **appendix 1**.
- 2.2 Significant pressures remain across Directorates, most significantly in Children's Social Care where expenditure is forecast to exceed budget by £3.806m, with further cost pressures in Adults and Education, and income loss pressures in the Growth Directorate. These are due to underlying financial pressures that the Council would have faced regardless of the COVID pandemic.
- 2.3 The CCG is showing a YTD pressure of £1,055k, but a break even position by year end. This difference relates to top up payments for the Hospital Discharge Programme, which have not yet been received but which we anticipate receiving additional allocations for
- 2.4 Further detail on the financial position can be found in **Appendix 1**.

3. RECOMMENDATIONS

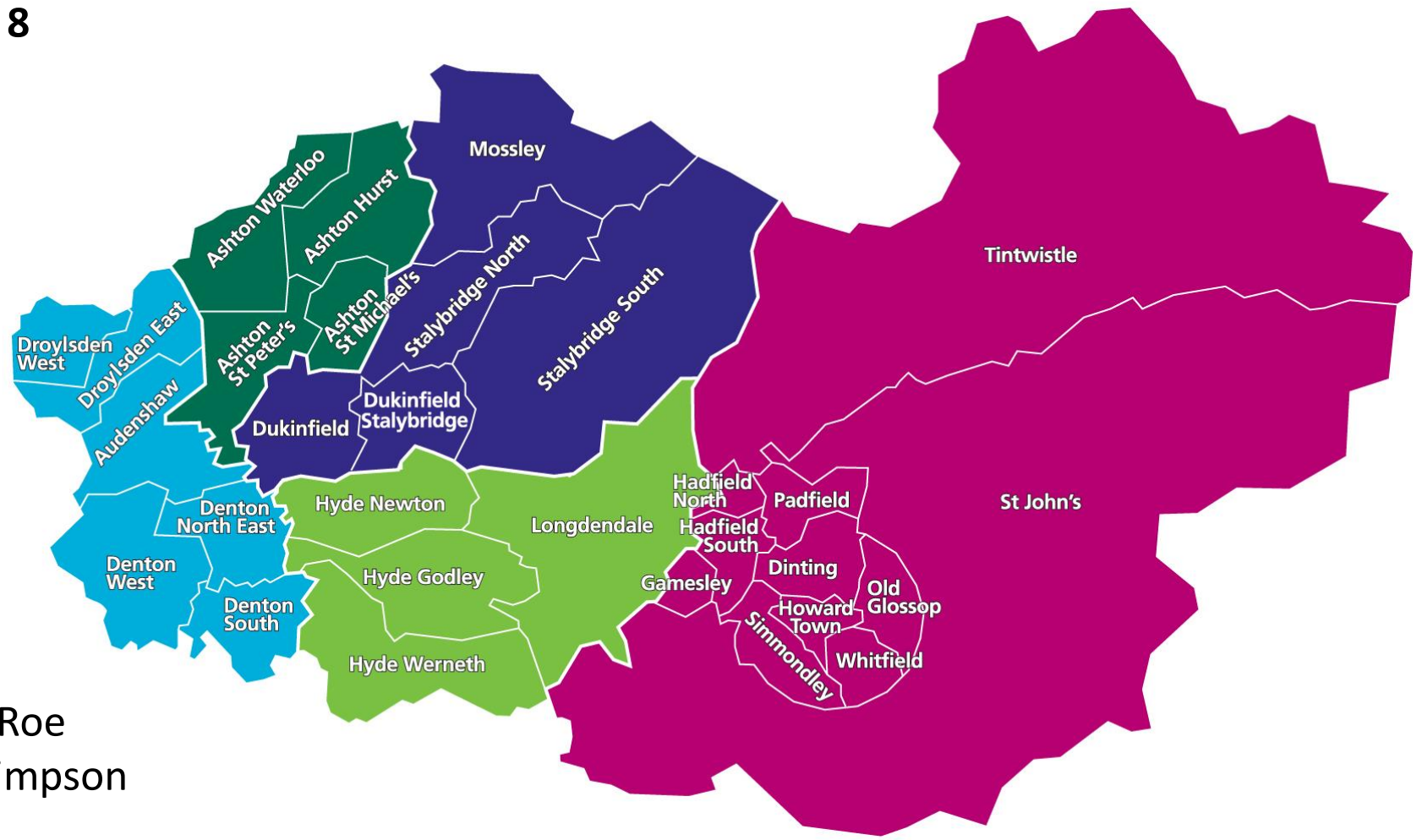
- 3.1 As stated on the front cover of the report.

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Tameside and Glossop Strategic Commission

Finance Update Report Financial Year Ending 31st March 2021 Month 8

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Kathy Roe
Sam Simpson

Month 8 Finance Report

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This report covers the Tameside and Glossop Strategic Commission (Tameside & Glossop Clinical Commissioning Group (CCG) and Tameside Metropolitan Borough Council (TMBC)) and Tameside & Glossop Integrated Care Foundation Trust. It does not capture any Local Authority spend from Derbyshire County Council or High Peak Borough Council for the residents of Glossop.

Finance Update Report – Executive Summary

Children's Services

£3,806k overspend

Children's services continue to present the most significant financial risk to the Integrated Commissioning Fund, both for the 2020/21 forecasts and future year budgets.

At M8 the size of the pressure has increased again as a result of an increase in the number of higher tier placements.

COVID Top Up

The CCG is showing a YTD pressure of £1,055k, but a break even position by year end.

This relates to top up payments which have not yet been received.

Additional allocation of £4,277k relating to COVID claims under command & control in first half of year, was received in full in M8.

But £1,055k of Hospital Discharge Programme costs in M7 & M8 remain outstanding (£647k M7 & £408k M8). Our position assumes that the top up will be paid in full, but risk to the position if the funding does not materialise as expected.

Message from the Directors of Finance

The first Tameside & Glossop patients will receive the COVID vaccine on 15th December 2020. This is a clear and encouraging milestone in our COVID recovery process, with 7 neighbourhood vaccine sites due to be operational by mid January for roll out to the population at large. T&G are central to the GM vaccination programme, with the ICFT acting as the lead employer for the GM mass vaccination site.

While this is clearly an exciting development, it is also one which introduces an element of financial risk to the economy. National funding is available to cover costs of vaccine delivery, but funding outside of the Direct Enhanced Service payment in primary care, will be limited and arrangements for accessing money are not yet finalised. The CCG position currently assumes the vaccination programme will be cost neutral against baseline budgets.

Looking forward to next year, there remains uncertainty about the financial regime within the NHS. A letter outlining the phase 4 response to the COVID pandemic is due to be sent by NHSE before Christmas and planning guidance will follow in mid January.

We don't yet know exactly what this will say. It is clear there will be both an operational and financial challenge to address, as we start to clear waiting lists which have built throughout the pandemic and demand from patients who have avoided visiting their GP begins to present. All of this will be on top of the underlying financial challenge the economy was already facing. Work is already underway to identify further efficiency, but there will inevitably be more to do in the new year.

	Forecast Position		
Forecast Position £000's	Net Budget	Net Forecast	Net variance
CCG Expenditure	439,521	439,521	0
TMBC Expenditure	205,279	208,791	(3,512)
Integrated Commissioning Fund	644,800	648,312	(3,512)
ICFT - GM System Envelope	(1,239)	(1,239)	0
Economy Wide In Year Deficit	(1,239)	(1,239)	(3,512)

Finance Update Report – Strategic Commission Budgets

Forecast Position £000's	Forecast Position					Net Variance		Net Variance	
	Expenditure Budget	Income Budget	Net Budget	Net Forecast	Net Variance	COVID Variance	Non-COVID Variance	Previous Month	Movement in Month
Acute	218,062	0	218,062	218,026	36	0	36	(1,869)	1,905
Mental Health	44,532	0	44,532	44,880	(348)	0	(348)	(398)	50
Primary Care	92,082	0	92,082	91,963	119	0	119	(487)	606
Continuing Care	15,021	0	15,021	14,669	352	0	352	362	(10)
Community	34,501	0	34,501	34,556	(55)	0	(55)	(47)	(8)
Other CCG	31,035	0	31,035	32,194	(1,158)	(1,055)	(103)	(2,484)	1,326
CCG TEP Shortfall (QIPP)	0	0	0	0	0	0	0	0	0
CCG Running Costs	4,288	0	4,288	4,288	0	0	0	(0)	0
Anticipated COVID Top Up	0	0	0	(1,055)	1,055	1,055	0	4,924	(3,868)
Adults	85,925	(47,187)	38,737	39,177	(440)	0	(440)	(440)	0
Childrens Services - Social Care	64,286	(10,288)	53,998	57,804	(3,806)	0	(3,806)	(3,718)	(88)
Education	32,898	(26,500)	6,398	7,081	(684)	(480)	(204)	(684)	(0)
Individual Schools Budgets	119,722	(119,722)	0	0	0	0	0	0	0
Population Health	15,910	(291)	15,619	18,850	(3,231)	(3,500)	269	(3,231)	0
Operations and Neighbourhoods	80,504	(27,583)	52,921	53,226	(305)	(510)	205	(305)	(0)
Growth	45,526	(34,537)	10,988	11,811	(822)	(221)	(601)	(822)	0
Governance	67,086	(57,556)	9,531	9,620	(90)	39	(129)	(90)	0
Finance & IT	9,006	(1,376)	7,630	7,603	27	(29)	56	27	0
Quality and Safeguarding	378	(237)	141	120	21	0	21	13	8
Capital and Financing	10,379	(9,624)	756	6,433	(5,678)	(6,474)	797	(5,678)	0
Contingency	3,377	0	3,377	3,385	(8)	(911)	903	(8)	0
Contingency - COVID Direct Costs	0	0	0	28,244	(28,244)	(28,244)	0	(28,244)	0
Corporate Costs	5,486	(301)	5,184	5,009	175	(100)	275	175	0
LA COVID-19 Grant Funding	0	0	0	(28,216)	28,216	28,216	0	28,216	0
Other COVID contributions	0	0	0	(11,356)	11,356	11,356	0	11,356	0
Integrated Commissioning Fund	980,003	(335,202)	644,800	648,312	(3,512)	(858)	(2,655)	(3,432)	(80)

Forecast Position £000's	Expenditure Budget	Income Budget	Net Budget	Net Forecast	Net Variance	COVID Variance	Non-COVID Variance	Previous Month	Movement in Month
CCG Expenditure	439,521	0	439,521	439,521	0	0	0	0	0
TMBC Expenditure	540,481	(335,202)	205,279	208,791	(3,512)	(858)	(2,655)	(3,432)	(80)
Integrated Commissioning Fund	980,003	(335,202)	644,800	648,312	(3,512)	(858)	(2,655)	(3,432)	(80)

Finance Update Report – Strategic Commission Budgets

Forecast Position £000's	YTD Position			Forecast Position			Variance	
	Budget	Actual	Variance	Budget	Forecast	Variance	COVID Variance	Non-COVID Variance
Acute	144,564	144,754	(189)	218,062	218,026	36	0	36
Mental Health	29,068	28,627	441	44,532	44,880	(348)	0	(348)
Primary Care	60,246	59,967	280	92,082	91,963	119	0	119
Continuing Care	9,728	9,002	726	15,021	14,669	352	0	352
Community	22,783	22,836	(52)	34,501	34,556	(55)	0	(55)
Other CCG	22,201	24,462	(2,261)	31,035	32,194	(1,158)	(1,055)	(103)
CCG TEP Shortfall (QIPP)	0	0	0	0	0	0	0	0
CCG Running Costs	2,698	2,698	0	4,288	4,288	0	0	0
Anticipated COVID Top Up	0	0	0	0	(1,055)	1,055	1,055	0
Adults	25,825	30,687	(4,862)	38,737	39,177	(440)	0	(440)
Children's Services - Social Care	35,998	36,677	(679)	53,998	57,804	(3,806)	0	(3,806)
Education	3,942	(3,311)	7,253	6,398	7,081	(684)	(480)	(204)
Individual Schools Budgets	1,795	2,605	(810)	0	0	0	0	0
Population Health	10,413	6,269	4,144	15,619	18,850	(3,231)	(3,500)	269
Operations and Neighbourhoods	36,259	45,121	(8,862)	52,921	53,226	(305)	(510)	205
Growth	8,541	8,393	149	10,988	11,811	(822)	(221)	(601)
Governance	7,001	9,793	(2,792)	9,531	9,620	(90)	39	(129)
Finance & IT	5,405	5,203	202	7,630	7,603	27	(29)	56
Quality and Safeguarding	94	24	70	141	120	21	0	21
Capital and Financing	504	(850)	1,354	756	6,433	(5,678)	(6,474)	797
Contingency	2,251	1,710	541	3,377	3,385	(8)	(911)	903
Contingency - COVID Direct Costs	0	13,294	(13,294)	0	28,244	(28,244)	(28,244)	0
Corporate Costs	3,456	2,815	641	5,184	5,009	175	(100)	275
LA COVID-19 Grant Funding	0	(33,936)	33,936	0	(28,216)	28,216	28,216	0
Other COVID contributions	0	(9,297)	9,297	0	(11,356)	11,356	11,356	0
Integrated Commissioning Fund	432,773	407,541	25,231	644,800	648,312	(3,512)	(858)	(2,655)
CCG Expenditure	291,288	292,344	(1,055)	439,521	439,521	0	0	0
TMBC Expenditure	141,484	115,197	26,287	205,279	208,791	(3,512)	(3,678)	166
Integrated Commissioning Fund	432,773	407,541	25,231	644,800	648,312	(3,512)	(3,678)	166

Finance Update Report – Headlines

Children's Services

The Directorate is reporting a forecast overspend of £3,806K at period 8 which is an overall increase of £88K from period 7. The forecast overspend is predominantly due to the number and cost of internal and external placements.

Overall the placement forecasts have adversely increased by £264K since period 7; however the increase has been partly offset by a number of areas which are reporting reductions in forecast expenditure. These include the Children with Additional Needs service which is reporting a reduction in forecast expenditure of £130K and the Youth Offending and Youth Justice Service which is reporting a £33k reduction in forecast expenditure. There are also minor reductions in forecasts for transition support £7K and salaries £6K.

TMBC YTD Position

A YTD under spend of £26.3m has been reported in the council, against a full year overspend of £3.5m. The YTD position includes all COVID funding received. This funding needs to cover COVID related costs for the rest of this year and also to support expected funding shortfalls in Council Tax and Business Rates in 2021/22. Because of this, the reported YTD position does not fully represent the underlying financial position and the figure should only be used within the wider context of this narrative.

Further work is required to determine the appropriate accounting treatment for this receipt in advance and this will be reflected in future iterations of this report. A further £8.6m of business rates grants funding is included in the actuals, but not forecasts, because this is due to be repaid to Government. Similarly £5.3m of business rates grant funding received, but not yet spent is included in the YTD position and this will be paid out during December and January.

QIPP

The CCG has a QIPP target for 2020/21 of £7,994k, which we need to deliver in order to meet our overall financial control total.

£6,542k (82%) of the required savings have been banked in the first eight months of the year. With further savings of £1,278k expected in future months.

This leaves a gap of £174k, which we are working to reduce in the months to come. While we are reporting that financial control totals will be met, this gap represents a risk to our financial position.

Mental Health

Mental Health directorate shows a £348k overspend against plan at M8. This is driven by individualised commissioning placements and is offset by an underspend against CHC budgets.

The CCG is currently reporting achievement of the Mental Health Investment Standard, however the following risks should be noted:

PCFT have identified £482k Non Recurrent slippage due to delayed mobilisation. Discussions are currently taking place as to whether:

- PCFT can utilise within their services elsewhere.
- The third sector can utilise non recurrently, for example, on Waiting Lists or Pump Priming new services etc.
- This is required to fund pressures in Individualised Commissioning placements for Mental Health placements

MHIS Audit is currently underway and we await confirmation from KPMG about whether rebasing is required. If prior year spend is rebased, the spend target to meet MHIS in 2020/21 would change. Which has potential to impact upon the level of our achievement.

Tameside & Glossop Integrated Commissioning Fund

Primary Care

Primary Care budgets show a favourable variance of £119k, this is an improvement of £606k versus M7 and is explained through two main movements:

- Budgets for primary care include an allocation of £1.1m for GP Additional Roles and Responsibilities (ARR's) – this is based upon 60% funding. In October we were anticipating spend of ~80%. However at M8 we reduced this to 63%, based on up to date information from PCNs.
- We received an allocation to fund £321k of COVID costs, incurred under command and control in the first half of the year.

Acute

The majority of spend within the Acute area is covered by nationally calculated block contracts. Because of this, forecast spend is broadly in line with the budgets.

The reported movement since last month relates to the presentation of the Independent Sector. Phase 3 planning guidance which states that any spend in excess of the M4 outturn can be reclaimed over and above baseline allocations. The precise mechanisms through which this funding will flow are still to be determined. But in total we expect to reclaim around £1.4m of Independent Sector costs.

Last month we included the gross spend associated with this in the acute directorate, with the additional allocation required to balance the position shown in 'other'.

In M8 we are showing IS spend net of the additional allocation in the acute directorate.

Individualised Commissioning

CHC and non-CHC in MH

No significant movements in packages. Broadcare increased by £125k but offset by £190k of reductions to CHC adjustments (fewer COVID packages anticipated to convert to CHC than last month being the main reason). No movement in FNC forecast spend.

In line with trajectories from previous years, the forecast includes £1m of anticipated Winter Pressures. If no significant pressure/increases materialise in December and January, we can start to release some of this to QIPP. However it's still too early to determine if there will be a Winter spike this year.

COVID (HDP) – Scheme 1

As at 1st Sept 680 COVID funded packages had been commissioned under the Hospital Discharge Programme for packages starting before 1st September. National funding is in place to fund these in 2020/21 while a full assessment of the patients care needs is conducted.

At 1st December 184 of these packages were still open. The CHC Team and TMBC team continue to work through the backlog and will convert these COVID packages of care by 31st March deadline, which is built into the financial position.

Discharge to Assess (D2A) – Scheme 2

For HDP packages commissioned from 1st September, we are able to reclaim up to 6 weeks of costs from NHSE, under D2A rules while the patient is awaiting a full assessment of care needs. Our forecast includes £312k for this (with the income from NHSE also included in the position).

At 1st December there were 10 patients with an open D2A package. Since 1st September a further 57 packages have gone through the D2A process in total. The average length of stay for these packages are 18 days – significantly lower than the 6 week maximum imposed by the guidance.

Summary

Trust I&E excluding COVID-19 expenditure - (£552k) underspend

COVID-19 expenditure: *£1.428m

Net deficit (I&E + COVID-19 Exp): £876k overspend

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GM System Envelope (COVID/Growth): (£1.239m)

Net Surplus (£363k)

* Includes £10k spend in relation to Lateral Flow Devices which are funded outside the financial system envelope

The Trust is reporting an underspend against plan due to:

- **Restoration / Activity plans** – Bed occupancy levels during November were below planned levels of c85% which has resulted in reduced spend on agency and bank staff that would have been required to support these beds. There has also been a reduction to planned activity due to the impact of COVID-19 which has led to a reduction of non-pay spend

Report to: EXECUTIVE CABINET

Date: 27 January 2021

Executive Member: Councillor Eleanor Wills – Executive Member (Adult Social Care and Population Health)

Clinical Lead: Dr Jane Harvey

Reporting Officer: James Mallion, Consultant in Public Health

Subject: **SEXUAL HEALTH CONTRACTS TO SUPPORT HIGH RISK COMMUNITIES**

Report Summary: A number of contractual arrangements are in place for additional sexual health services to meet our statutory obligations and support our most high-risk residents. This report proposes ongoing arrangements for these contracts including allocation of a new grant award and proposed recurrent savings to one of these programmes. These include: permission to allocate a new grant for provision of the PrEP (Pre-Exposure Prophylaxis) HIV prevention treatment (£27k); permission to extend the PASH (Passionate About Sexual Health) GM community outreach contract for 12 months due to Covid impacts (£22k); permission to issue a Covid-19 Emergency Contract Award for the provision of the chlamydia screening programme due to Covid service disruption (£49k inc. recurrent 20% saving proposal); and utilisation of in-year underspend on the current chlamydia screening budget to support enhanced clinical outreach capacity in our most vulnerable communities via the existing integrated sexual health service (£45k)

Recommendations: That Strategic Commissioning Board be recommended to agree:

- (i) That Permission is granted to implement the contractual arrangements as detailed in the report to ensure Tameside Council continue to meet its mandated obligations around the provision of open access sexual and reproductive health services;
- (ii) That permission is granted to award the grant allocation for the provision of Pre-Exposure Prophylaxis to Manchester University NHS Foundation Trust, with 4% held back by Tameside Council to pay for Tameside residents accessing this service out of area
- (iii) That permission is granted to extend the Passionate About Sexual Health contract for Tameside as part of GM-wide arrangements for 12 months from 30 June 2020
- (iv) That permission is granted to issue a Covid-19 Emergency Contract Award for the chlamydia and gonorrhoea screening programme to Brook to commence immediately for a period of 11 months (this includes a proposed 20% recurrent saving for this service going forward);
- (v) That permission is granted to re-allocate in-year underspend for the previous RU Clear chlamydia screening programme as a contract variation for the

integrated sexual health service provided by MFT to provide an enhanced clinical outreach offer.

Financial Implications:

(Authorised by the statutory Section 151 Officer & Chief Finance Officer)

1. Funding of £27,804 from DHSC for the provision of PrEPP has been awarded. Therefore the allocation of grant of (£26,692) to the Northern Sexual Health, Contraception and HIV Services (part of MFT) for the provision of PrEP with a small proportion of the grant (4% - £1,112) held by the local authority to pay for Tameside residents accessing services in other areas under open access arrangements is within budget.
2. Tameside's budget for the PaSH (Passionate about Sexual Health) partnership is £22.560 for both 20/21 and 21/22 so extension of the service will remain within budget.
3. As outlined in Para 5.7 there is funding for a Covid-19 Emergency Contract Award for the chlamydia and gonorrhoea screening programme to Brook to commence immediately for a period of 11 months and to provide an enhanced clinical outreach offer.

Legal Implications:

(Authorised by the Borough Solicitor)

It is imperative that legal and procurement advice is sought from STAR and adhered to ensure that both internal processes and also a legislative requirements are complied with.

How do proposals align with Health & Wellbeing Strategy?

The proposals align with the Starting Well and Developing Well programmes for action

How do proposals align with Locality Plan?

The service is consistent with the following priority transformation programmes:

- Enabling self-care
- Locality-based services

Planned care services

How do proposals align with the Commissioning Strategy?

The service contributes to the Commissioning Strategy by:

- Empowering citizens and communities
- Commission for the 'whole person'

Create a proactive and holistic population health system

Recommendations / views of the Health and Care Advisory Group:

n/a

Public and Patient Implications:

None

Quality Implications:

Tameside Metropolitan Borough Council is subject to the duty of Best Value under the Local Government Act 1999, which requires it to achieve continuous improvement in the delivery of its functions, having regard to a combination of economy, efficiency and effectiveness

How do the proposals help to reduce health inequalities?

Provision of Sexual and reproductive health services has a positive effect on health inequalities. Poor sexual health and lack of access to contraception contributes to inequalities, with more deprived populations experiencing worse sexual health.

What are the Equality and Diversity implications?

The proposal will not affect protected characteristic group(s) within the Equality Act.

The service is available to Adults regardless of ethnicity, gender, sexual orientation, religious belief, gender re-assignment, pregnancy/maternity, marriage/ civil and partnership. Also the approach of these programmes is supportive of inclusion of these groups to further tackle inequalities – particularly around sexual orientation, gender re-assignment and ethnicity.

What are the safeguarding implications?

Sexual and Reproductive Health Services have an important role in the identification and response to abuse. The service has explicit resources for this, is linked into Child Sex Exploitation and Domestic Abuse services and has pathways to safeguard children and vulnerable adults

What are the Information Governance implications? Has a privacy impact assessment been conducted?

There are no information governance implications within this report therefore a privacy impact assessment has not been carried out.

Risk Management:

The purchasers will work closely with the provider to manage and minimise any risk of provider failure consistent with the provider's contingency plan

Access to Information:

The background papers relating to this report can be inspected by contacting James Mallion, Consultant in Public Health



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1. INTRODUCTION

- 1.1 This report is seeking permission to implement a number of contractual changes to ensure the continued delivery of programmes aimed at supporting and improving sexual health outcomes for those in the community at increased risk.
- 1.2 This comprises four separate elements:
- (a) Grant allocation award to MFT (Manchester University NHS Foundation Trust) for the provision of Pre-Exposure Prophylaxis (PrEP) treatment to prevent HIV infection.
 - (b) Extension of the PASH (Passionate About Sexual Health) contract across Greater Manchester for 12 months from 30 June 2021.
 - (c) Covid-19 Emergency Contract Award of the contract for the chlamydia and gonorrhoea screening programme to Brook as the service ceased with immediate effect earlier in the year due to the pandemic (this includes a proposed recurrent 20% saving for this service going forward).
 - (d) Re-allocation of underspend for the chlamydia screening programme in the Population Health budget to vary to the integrated sexual & reproductive health service (MFT) to support ongoing enhancements of clinical nursing outreach capacity to offer more services to the most vulnerable and isolated groups across Tameside.

2. PrEP GRANT ALLOCATION

- 2.1 Further efforts are required to reduce the estimated 4,700 new HIV infections occurring annually in England, of which 2,800 occur among men who have sex with men (MSM).
- 2.2 Following the successful Impact Trial, which Tameside took part in, NHS England and the Department for Health and Social Care (DHSC) have confirmed additional funding for local authorities to provide universal routine access to PrEP. This will continue to be targeted towards groups at high risk of contracting HIV including men who have sex with men (MSM), black Africans, and transgender men and women, to prevent them catching HIV.
- 2.3 Grant conditions and funding were released by DHSC on 25 September 2020 for immediate implementation, Tameside Council has been awarded a ring fenced grant of £27,804 from DHSC for the provision of PrEP. The grant conditions mean that this must be procured from our level 3 sexual health provider. The grant funding relates to the financial year 2020/21 with future years funding dependent upon the spending review.
- 2.4 Provision will commence upon award of the contract with patients previously receiving PrEP via the impact trial being moved over to this funding first. Due to the open-access arrangements already in place as part of the wider sexual and reproductive health obligations on local authorities, Tameside residents are able to access PrEP in other areas, where the providers will subsequently recharge us for this activity. Based on current out-of-area activity levels, £1,112 (4%) of the £27,804 funding will be held back to pay for Tameside residents accessing services in other areas under open access arrangements already in place as part of the wider sexual and reproductive health obligations on local authorities.
- 2.5 The grant conditions state that existing Level 3 sexual & reproductive health services should be the responsible providers for PrEP. BHIVA/ BASHH guidelines describe that 'Initiation of PrEP should occur within the context [of] a comprehensive package of prevention services including level 3 sexual health services'. Conditions also state that relevant data surveillance returns should be submitted to the GUMCAD national monitoring system, which restricts provision to Level 3 sexual health service providers. In Tameside our provider is The Northern service, part of Manchester University NHS Foundation Trust (MFT).
- 2.6 We hold a joint contract with MFT with Stockport and Trafford local authorities. Stockport MBC hold the contract on behalf of the three Local Authorities and are working with STAR

procurement to vary the contract with MFT to include the provision of PrEP as a universal service.

- 2.7 We are seeking permission to award the majority of the grant (£26,692) to the Northern Sexual Health, Contraception and HIV Services (part of MFT) for the provision of PrEP with a small proportion of the grant (4% - £1,112) held by the local authority to pay for Tameside residents accessing services in other areas under open access arrangements.

3. EXTENSION OF THE PASH CONTRACT

- 3.1 The PaSH (Passionate about Sexual Health) partnership was created in 2016, prior to this arrangement each GM borough was commissioning 3 VCSE providers separately. A £100,000 saving was made by commissioning across GM and under one partnership programme. Salford City Council is the lead commissioner. The programme provides economies of scale, additionality and collaborative working under a single GM contract.
- 3.2 The PaSH programme is made up of 3 VCSE partners, Black Health Agency (BHA) for Equality (the lead provider), the LGBT Foundation and George House Trust. The partners deliver a multi-faceted programme of HIV and STI prevention for GM residents and support for those People Living with HIV (PLW HIV), both newly diagnosed and as a long-term condition.
- 3.3 The main aims are to:
- (a) Improve and protect the sexual and reproductive health of residents in population groups most at-risk of exposure to HIV (particularly men who have sex with men and people of Black African origin).
 - (b) Improving the health and wellbeing of residents living with HIV
 - (c) Help the system move away from treating symptoms, to prevention and screening.
- 3.4 Preventing new diagnosis of HIV is particularly cost effective. According to NICE the overall HIV treatment and care costs around £800 million for England, which equates to an estimated £280,000 - £360,000 in costs over a person's lifetime (Medical Research Councils Trials Unit 2015 nice.org.uk/guidance/NG60 document/economic report).
- 3.5 The PaSH programme has delivered innovative and responsive programmes and all three providers have continued offering their services to Tameside residents in different formats in response to COVID-19 issues. PaSH are part of our resilience, providing services to some of our most vulnerable people.
- 3.6 The need for the targeted work on STIs and HIV remains, data from the Public Health Outcomes Framework Sexual Health Profiles illustrates:
- (a) Tameside had the 6th highest new HIV diagnosis rate in the NW in 2019 and an increasing overall prevalence of HIV with 2.18 people with HIV per 1,000 adults (15-59).
 - (b) While HIV testing coverage in Tameside has improved, it is still significantly lower than the national average.
 - (c) A 5% increase in new overall STI diagnoses across the NW, including a 22% increase in gonorrhoea diagnoses in Tameside in 2019.
- 3.7 With the high prevalence of disease and the existing need in our highest risk communities, Tameside commissioners, along with other GM commissioning partners, are satisfied that the aims of the programme and delivery model are meeting needs. This programme supports the ambition to end new cases of HIV in a generation; supports PLW HIV to receive effective treatment and manage their comorbidities; and seeks to address the health inequalities of the communities that suffer the greatest health burdens of STIs (particularly those from BAME communities and men who have sex with men).

- 3.8 Provider resilience and their ability to produce high quality bids, as part of a competitive tender exercise, will be affected by the additional pressure relating to COVID-19. This will include new and existing providers. Given the disruption and uncertainty caused by the current pandemic, providers have indicated that market conditions are not conducive to a full tender exercise therefore there is a risk that carrying out a costly tender exercise may not return the high quality bids that we would want to attract from a wide range of providers. Extending the current contract will allow existing providers to continue to innovate to meet current challenges and will also allow market conditions to stabilise following the impact of the pandemic before going out to tender at a later date.
- 3.9 The risk of not commissioning this programme is that HIV and STI rates will increase in Tameside, adding further financial pressure into the system for treatment and more complex support. Preventing HIV must be a key priority - According to NICE the costs of a single HIV diagnosis, in terms of ongoing treatment and care are between £280,000 and £360,000 over a person's lifetime. There would also be a disproportionate impact on some of our more vulnerable, high risk communities who experience sexual health inequalities if this service were not in place.
- 3.10 This report is seeking permission to extend the contract for 12-months from 01 July 2021 to 30 June 2022. Tameside's budget for this service is and will remain £22,560 per annum.

4. DIRECT AWARD OF CONTRACT – CHLAMYDIA SCREENING (BROOK)

- 4.1 Chlamydia infection is the most diagnosed bacterial sexually transmitted infection in the UK, with higher prevalence in young people. All age groups have also seen increases in the rates of gonorrhoea and chlamydia infection in recent years. The National Chlamydia Screening Programme in England was established in 2003 and it is important that local areas continue to meet the recommendations from Public Health England to work towards detecting high levels of chlamydia infection in the community to prevent further spread and harm. The increasing prevalence of gonorrhoea also has a disproportionate impact on men who have sex with men, therefore contributing to existing inequalities.
- 4.2 The RU Clear Programme was previously commissioned across GM from MFT to provide chlamydia and gonorrhoea screening for young people. This was due to end in June 2020 however the service ceased with immediate effect in March 2020 due to the impact of the Covid-19 pandemic on lab capacity. The longer-term intention will be to go out to tender for this service, however initial market scoping has indicated that this will not be possible at this time due to the limited capacity of providers to engage in a full tender exercise due to Covid-19 pressures. There are also additional providers who, in the coming months will be in the market to provide this service, including MFT, once the required lab capacity is identified. For these reasons, an interim arrangement has been sought for a period of 11-months to ensure provision of this service remains in place for Tameside residents. This timeframe has been identified as reasonable to allow market conditions to stabilise and be able to engage in a full tender exercise.
- 4.3 Brook are a national charity who specialise in sexual health advice, support and services for young people. Initial market scoping work has identified that Brook are able to provide a replacement chlamydia and gonorrhoea screening service for young people, at reduced cost compared to previous arrangements and also at lower cost than the two other providers currently in the market for this service. Brook also have a strong local presence with existing services in neighbouring areas, whereas other providers do not have local bases, which is important for those wanting to access the service face-to-face. Manchester City Council have also already entered into similar interim arrangements with Brook. Due to the ongoing situation with Covid-19, it would not be possible to run a full procurement exercise due to the limited capacity of providers to engage in this.

- 4.4 The service will prevent and control the spread of sexually transmitted infections in young people (under 25). It will provide asymptomatic screening for chlamydia and gonorrhoea for young people via an online ordering system. It will also ensure that any residents diagnosed with infection will receive the appropriate treatment either via local pharmacies or the local specialist sexual health service. The service will have a website to access this screening, which the service will be responsible for promoting. The service will also take responsibility for the full diagnosis and management pathway including all laboratory services, results management, treatment, partner notification and data reporting.
- 4.5 In terms of cost, this is a needs-led service. The maximum total amount required for the full length of this 11-month service will be £49,087 (but could be a minimum of £36,621 if activity is lower). This represents a lower cost than previous models and, while this is only for an interim service over an 11-month period, we are proposing a recurrent saving of 20% of the overall amount allocated for this service in the Population Health budget going forward, which would represent a recurrent £15,000 saving (from the total allocated annual budget of £75,000). It should be noted that we expect this service to commence during quarter 4 of the 20/21 financial year, therefore the cost of this short-term contract will be spread across two financial years.
- 4.6 A direct award to Brook with a maximum value of £49,087 for a period of 11-months is being sought in the short term to ensure that this equivalent replacement service can be put in place following the abrupt ending of the previous service in March 2020. This arrangement is being entered into alongside Trafford and Stockport local authorities with Trafford acting as the lead commissioner. These are also our commissioning partners for the full integrated sexual health service provided by MFT. Advice has been sought from STAR procurement regarding these arrangements who have advised to enact this utilising a Covid-19 Emergency Contract Award. For further information please see enclosed Modification Report in **Appendix 1**. A full engagement process and procurement exercise will subsequently take place for a longer-term service next year. The proposal is for this service to commence as soon as possible once approved.

5. REALLOCATION OF UNDERSPEND FOR CLINICAL OUTREACH PROVISION

- 5.1 As outlined above, the RU Clear service ceased abruptly with immediate effect in March 2020 due to the impact of the Covid-19 pandemic on the provider (MFT) both from an acute clinical perspective and also in terms of the lab capacity required for the asymptomatic chlamydia testing, which was utilised for Covid-19 testing.
- 5.2 As a result of this service ceasing earlier in the year, there is currently an underspend in the Population Health budget for the financial year 2020/2021 as this is a needs-led service where spend relates directly to the volume of activity.
- 5.3 The total allocated budget for the RU Clear service is £75,000 per annum. As of December 2020 the current in-year underspend due to this service ceasing is £70,790.
- 5.4 Alongside this underspend, other sexual health services are struggling for capacity to manage current demands. In the core integrated sexual health service, provided by MFT, there has been significant disruption due to the pandemic due to staff redeployment into acute settings; increased staff absences; and the requirement to change day-to-day working to move to more remote consultations and manage the risk of Covid-19 transmission in face-to-face appointments. This presents resource challenges for the service.
- 5.5 During 2020 the service has enhanced the outreach offer, working alongside the Population Health team, to provide some clinical outreach capacity in the form of a part-time nurse who is able to operate outside of the core service based at Ashton Primary Care Centre. This role targets some of the most vulnerable residents in the borough who need support with

contraception and STI testing & treatment. This is particularly important for those residents who struggle to access the core service.

- 5.6 This new outreach capacity has been extremely valuable, with 66 referrals of vulnerable young people supported by the service in the first 4 months. These referrals have been from a range of partners the service has engaged with including LAC nurses; teenage midwife; children’s residential homes; family nurse partnership; school nurses; teachers; and social workers. These residents have been provided fast track access to advice, STI testing & treatment and contraception, including LARCs. A number of onward referrals to other support services have also been made including social services; complex safeguarding teams; termination clinics; domestic abuse service; substance misuse service; carers support; GPs; and mental health services. This extent of support provided demonstrates the high impact of this outreach capacity.
- 5.7 We are proposing to take £15,000 of the in-year underspend as a non-recurrent saving and £45,790 of the underspend will be re-allocated to MFT via a contract variation as a one-off payment to fund additional capacity in the clinical nursing outreach post (full-time NHS Band 6 nursing post) for the duration of the remaining contract with MFT (up to 31 March 2022). See table below for breakdown of the overall impact on this budget, also considering that this spans two financial years due to the nature of the direct award to Brook for the chlamydia screening service.

	20/21 £	Saving proposed- ongoing	21/22 £
Budget	75,000	15,000	60,000
Expenditure in year			
--RUClear	4,210		0
--Brook	10,000 (maximum)		39,087 (maximum)
MFT variation for outreach (non-recurrent)	45,790		0
Remaining allocation for 21/22 once Brook contract ends			£20,913
Projected Underspend at year end	15,000		0

- 5.8 This increased resource, from existing budgets, will enable enhanced clinical outreach for the remainder of the current contract to vastly increase the number of vulnerable people this service is able to support including our most vulnerable communities. Some of the target groups for support will include those who are homeless and rough sleeping; vulnerable young people at risk of safeguarding issues and sexual exploitation; sex workers; people living in more deprived and isolated communities in Tameside such as vulnerable young people in Hattersley.

6. RECOMMENDATIONS

- 6.1 As set out on the front of the report.

Agenda Item 6

Report to:	EXECUTIVE CABINET
Date:	27 January 2021
Executive Member:	Councillor Oliver Ryan – Executive Member (Finance and Economic Growth)
Reporting Officer:	Ilys Cookson – Assistant Director Exchequer Services
Subject:	LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22
Report Summary:	<p>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 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. Additional costs associated with the default scheme were estimated to be in excess of £3.2m in 2013/14, and this may increase in 2021/22 depending on demand and the amount of council tax support applied.</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>It is recommended that the Council:</p> <ul style="list-style-type: none">(a) continues the scheme introduced in 2013/14, as amended in 2016/17, and adopts the council tax reduction scheme for 2021/22 set out in Appendix 3;(b) 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 MHCLG
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance 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 2020/21, the estimated 'cost' of the scheme, in terms of revenue foregone, is approximately £16.5m, compared to £14.3m in 2019/20. This increase in the cost of the scheme is in part due to increases in Council Tax payable, but also due to a significant increase in the number of Council Support Claimants during 2020. This increase in claimant numbers is attributed to the economic impact of the COVID-19 pandemic and may increase further over the coming months if economic conditions and employment levels deteriorate. 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.

No changes are proposed to either the Council Tax Support Scheme or the Hardship Fund for 2021/22. 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 legal implications in relation to the decisions sought are set out in the main body of this report together with the proposals to ensure that the scheme complies with the requirements of 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



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1. INTRODUCTION

- 1.1 The Welfare Reform Act 2012 contained provision to abolish Council Tax Benefit. The Government replaced it with a power for each local authority to have its own locally set council tax reduction scheme. The necessary primary legislation is included in the Local Government Finance Act, passed on 31 October 2012 which contained provision, amended by The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017, that Councils wishing to implement a local scheme must have the scheme approved by 11 March each year.
- 1.2 The local scheme was funded in the first year by way of a fixed grant which the Department of Communities and Local Government (now The Ministry of Housing, Communities and Local Government) have determined as being 90% of the 2011/12 outturn for Council Tax Benefit expenditure. In real terms this reduction in funding equated to 17.3% for Tameside for 2013/14 and a local council tax support scheme was set taking into account the costing envelope available.
- 1.3 Tameside's own local Council Tax Support (CTS) scheme was set at the Council meeting on 21 December 2012. The scheme was adopted to a challenging timescale additionally, the Universal Credit Regulations 2013, on which the principals of the Council Tax Support Scheme were based, was not passed through parliament until 25 February 2013.
- 1.4 The 2013/14 CTS scheme which had been in place since 1 April 2013 was revised after consultation had been carried out with the public between 14 September 2015 and 30 November 2015. The Police Authority and Fire and Rescue Authority precepting bodies were also consulted.
- 1.5 The following elements were introduced to the scheme from 1 April 2016:
- Capping support to a Band A property.
 - Reduce the maximum CTS award to 75%.
 - Align deductions for non-dependents of working age to the same level as those in the prescribed scheme for claimants of pensionable age.
 - Non-dependent deductions are disregarded for CTS claimants in receipt of a Staying Put payment.
- 1.6 In consideration of setting the local CTS scheme for 2021/22 this reports sets out:
- What the Council is required to do
 - The operation of the Council Tax Support scheme since 2013/14 and revisions effective from 01 April 2016 and in line with recommendations in 2019 The Local Government Ombudsman.
 - Amended wording to clarify the date an electronic form is treated as issued.
 - The operation of the scheme in relation to the COVID-19 pandemic.
 - The operation of the Hardship Payment Fund under the Section 13A Policy.
 - Proposed Council Tax Support scheme 2021/2022.

2. PROCEDURAL REQUIREMENTS

- 2.1 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 receive in council tax benefit.

- Consider the statutory public sector equality duty in adopting a scheme and the child poverty strategy.
- Consult all major precepting authorities.
- Consult generally on the draft scheme.

2.2 A procedural requirement in drafting the council tax support scheme was to consult with members of the public and precepting bodies. As the scheme will remain unchanged from that set for 2013/14 and amended for 2016/17 it is not necessary to consult as no changes are proposed for the forthcoming year. Precepting bodies have been informed that the 2021/22 scheme will be unchanged from that which was set in 2016, and therefore there will be no impact on the precept budgets as a result of this.

2.3 The procedural requirements are contained in the Local Government Finance Act 2012.

3. COUNCIL TAX SUPPORT SCHEME IN OPERATION

3.1 In considering the setting of the local council tax support scheme 2021/22, 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, impact on equalities, communications and on the recovery of Council Tax remained within projections which took place at the time the scheme was set.

Demand

3.2 As at the end of quarter two of 2020/21 approximately 18,155 people claim council tax support. Of this number, there are approximately 7,519 (41%) people of pensionable age who will be guaranteed protection under the CTS scheme. Therefore approximately 10,636 (59%) 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

Total claimants							
01/04/13	14/04/14	10/04/15	18/04/16	04/04/17	18/10/18	01/10/19	29/10/20
23,716	23,231	22,029	20,889	20,087	19,140	18,161	18,155

Claimant caseload fluctuates on a daily basis and overall there has been little movement on overall claimant numbers from 01 April 2013. The caseload continued to fall during 2020/21 even though residents had more to pay in Council Tax due to the Council Tax rise in April 2020 and despite the impact of the Coronavirus pandemic; however this decline appears to follow the pattern from previous years. The fall is unlikely to be attributed to the changes introduced to the scheme which became effective from 01 April 2016 because, while the changes affected the majority of existing claimants by way of a reduced amount of CTS awarded, it did not change the eligibility criteria.

4. OTHER FACTORS TO BE CONSIDERED

4.1 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 2020/21.

- 4.2 The Ministry of Housing, Communities and Local Government (MHCLG) have not issued any guidance on what Local Authorities should consider including in their local scheme for the forthcoming financial year. Should MHCLG release guidance at a future date then this would be included in a revision to the scheme to be effective from 01 April 2021.
- 4.3 The Local Government Ombudsman in their report of August 2019 to Local Authorities titled “Council Tax Reduction – Guidance for Practitioners” to help Local Authorities manage complex council tax reduction enquiries and complaints, made a number of recommendations to Councils. It is considered best practice to recognise the recommendations made to all Local Authorities by the LGO and provide clarity within the scheme, therefore to provide clarity in Tameside’s Council Tax Support Scheme in relation to the treatment of these adjustments to entitlement to Council Tax Support, wording was inserted into the Scheme for 2020/21 at Schedule 8, paragraph (10). The wording will remain in the scheme for 2021/22.
- 4.4 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.
- 4.5 The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 set out the way in which applications may be accepted by a Local Authority. Schedule 7, paragraph 2(b) states:
2. An application may be made—
(b) by means of an electronic communication in accordance with Part 4 of this Schedule.
- 4.6 Paragraph 13 of Schedule 7 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 provides that:
(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed—
(a) by this Part; and
(b) by or under an enactment,
are satisfied.
(2) An 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.
- 4.7 To determine the commencement date of entitlement to Council Tax Support, determination must be made of the date the application is treated as made. The date on which an application is made is legislated for in paragraph 5, of Schedule 8 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012. Paragraph 5(1)(f) states:
(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 an 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;
- 4.8 There is no definition within the prescribed Regulations of when an application form is “issued”. When a person requested a paper application form, the date the form was sent in the post or handed to the person was recorded and that date was treated as the date “issued”. However, paper forms are no longer provided and a determination has to be made as to what

date the issue date should be. The electronic application form registers the date that the person first accesses the form to commence completion, shown as Date of First Contact. The form can then be saved and the person has the opportunity to return to the form at a later time or date to complete the information and submit their application.

- 4.9 To clarify this point, the following wording is to be inserted into the Scheme:
 Schedule 1, paragraph 48 and Schedule 9, paragraph 64
(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.

5. EQUALITY IMPACT ASSESSMENT

- 5.1 The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of:

Age	Gender	Race	Gender reassignment
Disability	Maternity	Sexual orientation	Religion or belief

- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 The population of Tameside is estimated at 226,493 based on the 2019 mid-year population statistics from the Office for National Statistics (ONS). Trends show an ageing population. The number of people aged 65 years is now 40,026 according to the ONS and the gender split of Tameside's overall population is 49% male and 51% female. There are currently 101,453 households in Tameside as at October 2020.
- 5.6 Tameside has approximately 18,155 CTS claimants (as at October 2020), of these 7,519 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 one undertaken in 2015 in consideration of the changes to the scheme which became effective from 01 April 2016. The scheme to be adopted in 2021/22 is the same scheme as that set for 2016/17, 2017/18, 2018/19, 2019/20 and 2020/21.

- 5.7 In addition to considering the effects on the key characteristic groups it is important to also consider:
- Economic vulnerability – 93% of the working age claimants (i.e. non-protected people below pension credit age) are out of work. For those with a disability this is 99% (although this is a function of incapacity / disability benefits being used as a proxy for disability).
 - Carers – 854 (5%) of all claimants receive Carer's Allowance.
 - Maternity – 3 (0.03%) of working age claimants receive Maternity Allowance.
 - War widows – 20 (0.1%) of all claimants are war widows (of which 7 are of working age).
- (Data as at 29 October 2020)

5.8 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, maternity, race, sexual orientation, gender re-assignment and religion and belief. The detail of the quarter two review of the scheme for 2020/21 is detailed here. The full equalities impact assessment undertaken in 2015 remains current and can be seen at Appendix One.

5.9 The conclusions drawn from the evidence & analysis of the effects on equality on the key characteristic groups are detailed here:

Workers

5.10 As at the end of quarter two (data taken 29 October 2020) 10,636 or 59% of total claimant base are working age claimants and 93% of those working age claimants are out of work. Working age claimants have increased by 105 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.

Disabled

5.11 A total of 5,000 claimants are disabled (28% of total claimants) and of those 2,513 are pensioners and so must be fully protected. There has been an increase in the number of working age disabled claimants from 2,379 to 2,487 between quarter one and two. Of the 2,487 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 £151.40 per week (2020/21 rates), from 516 to 611 people.

5.12 The number of working age disabled claimants has increased from 2,306 at quarter 4 in 2019/20 to 2,487 in quarter two 2020/21. A total of 27 disabled claimants were working in quarter two; a decrease of eight claimants between quarter 4 in 2019/20 to quarter two 2020/21. A total of 854 claimants (5%) receive Carer's Allowance and have been provided with extra support by having an additional element of allowable income in the assessment. This is a decrease of 1 person from quarter one.

5.13 In quarter two there are two less claimants in receipt of war pensions or war widow's pensions which are excluded from the assessment for council tax support.

Women

5.14 A total of 59% (10,711) of claimants are female. The number of lone parent households has increased by 54 claims between quarter one and quarter two. Of all the lone parent households, 2,445 (87% of all lone parent claims) are female. Of those that do not receive maximum support, disregarding Child Benefit in full offers some protection to this claimant category, (1,619 claims, 66% of the total female lone parent claims) however this is not

specifically restricted to female households nor is the disregard of childcare costs for working claimants with children. The number of female pensioners has fallen between quarter one and two to 4,322 from 4,359 (23.8 % of total claimants). The scheme has affected women more than men as expected as there are more female claimants.

Children and families

- 5.15 In setting the 2013/14 scheme the Child Poverty Strategy was considered as this commits the Council and its partners to eliminating the effects of child poverty and supporting the most vulnerable while reducing inequalities. The scheme continues to provide some protection for families with children by disregarding child benefit in full which affected 2,358 working age claimants (22% of working age claimants) of which 1,619 or 69% are lone parents and female in quarter two. Child care costs are disregarded for claimants in work in 28 claims of which 26 (93%) are single parents and 2 (7%) are couples.
- 5.16 Child maintenance has been taken into account in the calculation for 25 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

- 5.17 War pensions and war widow's pensions are disregarded in full from the calculation for CTS.

Effect of scheme changes introduced in April 2016

- 5.18 Band A cap. 1,639 (15%) of working age claimants have been affected by the introduction of cap on the amount of CTS awarded to that of a Band A property. Claimants living in higher banded properties have to pay the difference in Council tax between a Band A property. There are 52,586 Band A properties in the Borough.
- 5.19 Reducing the maximum award to 75%. The total working age caseload of 10,636 has been affected by reducing the maximum award from 80% when the scheme was set in April 2013 to 75% in April 2016. Pensioners are not affected as they continue to be protected in accordance with legislation.
- 5.20 Align deductions for non-dependents of working age to the same level as those in the prescribed scheme for claimants of pensionable age. There are 10,636 working age claimants however of these only 503 have a working age non-dependant where a deduction is taken.
- 5.21 Non-dependent deductions are disregarded for CTS claimants in receipt of a Staying Put payment. In the last year 1 claimant has benefitted from having a non-dependent deduction disregarded as they have an 18 year to 21 year old person living in the household who is subject to the Staying Put scheme after leaving care.

6. MITIGATION AND SUPPORT

- 6.1 In setting the 2013/14 local Council Tax Support scheme a Hardship Fund was put in place. 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 2020/21 was £50k and this will remain the same for 2021/22. Hardship funding is identified from existing budgets has previously been administered via the Tameside Resettlement Scheme. However, the Hardship Fund will now be administered by Exchequer Services under the Section 13A Policy which is detailed at Appendix two.

- 6.2 However this amount does not exclude approved applications being granted should the maximum allocated funding being exceeded.
- 6.3 Residents may also obtain advice and assistance on the Hardship Fund and Council Tax Support scheme from the Council's Benefits Service, Citizens Advice Bureau, Tameside Welfare Rights Service and other local advice services such as MiNT.
- 6.4 As at 30 November 2020, four applications for Hardship Relief have been received in the 2020/21 financial year; none of which were successful and no monies have been paid. The circumstances of the claims do not suggest that any one equalities group has been adversely affected. Residents may also obtain advice and assistance on the hardship scheme from the Council's Benefits Service, Citizens Advice Bureau and Tameside Welfare Rights Service.
- 6.5 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 £151.40 per week for the higher rate (2020/21 rates). This benefits 611 disabled claimants as at quarter two. 854 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 decreased from 93% to 87% of all lone parent claimants. Female pensioners have reduced between quarters one and two by 37. A total of 826 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 21 year old person living in the household who is subject to the Staying Put scheme after they have left local authority care. There is currently 10 people residing in Tameside in receipt of Staying Put payments however only 1 of these is in receipt of CTS and benefiting from the disregard at present.

There continues to be no specific impacts negative or positive on the following protected characteristic areas – ethnicity, marriage/civil partnership, sexual orientation, religion and belief, gender re-assignment.

- 6.6 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.
- 6.7 The scheme, including the changes introduced in April 2016, 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 2021/22 that

was set in 2013/14 and revised in 2016/17 and continue to use the annual DWP Housing Benefit upratings, and the annual uprated UC elements as applicable. Further equalities analysis will continue to take place in each claimant category 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.

- 6.8 The Benefits and Council Tax service works closely with housing and voluntary sector colleagues who assist claimants in supported accommodation. There are strong links with local DWP Job Centre colleagues to ensure that claimants of Universal Credit also complete a claim for Council Tax Support at the point of becoming unemployed.
- 6.9 As Universal Credit is rolled out in Tameside and in other parts of the country we will, wherever possible, monitor the effects of the CTS scheme in relation to Universal Credit claimants, however as this benefit is administered entirely by the DWP it may not be possible to do so as the Council has little information on which a comparison between entitlement to CTS using Housing Benefit annual uprated amounts and Universal Credit uprated amounts can be made. The law states that Universal Credit annual upratings must be used for claimants in receipt of Universal Credit.
- 6.10 As part of its response to COVID-19, the Government announced in the Budget on 11 March 2020 that it would provide local authorities in England with £500m of new grant funding to support economically vulnerable people and households in their local area. Tameside has been allocated a Council Tax Hardship Fund of £2,158,109 by the government with the 'strong expectation' that billing authorities, such as Tameside will provide all recipients of working age local council tax support ('LCTS') during the financial year 2020-21 with a further reduction in their annual council tax bill of up to £150.
- 6.11 As at 31 October 2020, 11,690 working age claimants have benefited for a maximum of £150. £1.7m of the funding has been distributed leaving an additional £438k for claimants until the end of the financial year.
- 6.12 The government has further directed that billing authorities should establish their own local approach to using any remaining grant to assist those in need. A review has been undertaken in December 2020 to ensure all funding is distributed to Tameside council tax support claimants.

7. SCHEME COSTS AND IMPACT ON COLLECTION

- 7.1 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 in Council Tax Benefit. This means that any reductions in funding cannot impact on pensioners so the full impact falls entirely upon claimants of below pension credit age.
- 7.2 A further policy update received in July 2013 from The Ministry of Housing, Communities and Local Government confirmed that the amount of funding would not be identifiable from 2013/14 onwards as it stated that it is entirely for local authorities to decide how much they are prepared to spend on council tax support, which is why allocations for future years will not be separately identifiable.
- 7.3 With the reduction in monies available to fund the scheme it has been important to continually monitor the cost of the scheme. 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

April 2013	April 2014	April 2015	April 2016	April 2017	April 2018	April 2019	April 2020
£16.6m	£15.9m	£14.9m	£14.3m	£13.7m	£13.8m	£13.8m	£13.9m

- 7.4 Although the CTS scheme changed in April 2016 requiring that all claimants pay at least 25% of their Council Tax liability and the Council Tax increased in 2020/21 by 3.99% (including 2% Social care precept) the actual scheme costs remained the same. A social care precept and a Council Tax increase are expected from April 2021 which will impact on the scheme. This however would be offset by any increase in Council Tax collected. Scheme costs will continue to be closely monitored every quarter.
- 7.5 Any increase in Council Tax from April 2021 will have the effect of increasing scheme costs however as the costs have stabilised over the last 4 years and, despite the Coronavirus pandemic, the number of claimants has not increased significantly, suggests that the scheme costs will stabilise or decrease.
- 7.6 Claimants in receipt of Council Tax Support are monitored in terms of ensuring that Council Tax liabilities are paid. 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.
- 7.7 A total of 59.58% of all Council Tax due for CTS claimants was collected as at 31 October 2020 totalling £1.8m. Of that £717k was collected from pensioners in receipt of CTS and £1.08m from working age claimants in receipt of CTS.

8. RISKS

- 8.1 In setting the local Council Tax Support scheme for 2021/22 it is important to consider the risks in doing so. If a local scheme is not set by 11 March 2021 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.. Costs associated with the default scheme were estimated to be in excess of £3.2m in 2013/14, and this is likely to increase depending on demand and the amount of council tax support paid.
- 8.2 There is a continued risk that demand for support could increase if the economic picture continues to worsen due to the COVID-19 pandemic and 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.
- 8.3 Implementation of the local scheme has meant that some people are paying Council Tax for the ninth year as all working age claimants must pay at least 25% of their Council Tax liability. Small debts are difficult to collect and often take years to clear. This is particularly so where an attachment of benefit is in place to recover Council Tax arrears because the DWP 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, however to date this has not been evident.
- 8.4 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.

9. CONCLUSIONS

- 9.1 In setting a Council Tax Support scheme for 2021/22 it has been important to consider the current operation of the scheme.
- 9.2 Demand for the CTS scheme has been stable throughout the year to date despite the economic impact of the COVID-19 pandemic. 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.
- 9.3 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.
- 9.4 The procedural requirements have been adhered to as the scheme will be adopted before 11 March 2021 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.
- 9.5 Additional wording has been incorporated into the scheme for 2021/22 to clarify the position of the Local Authority regarding electronic application forms and the date on which these forms should be treated as issued.
- 9.6 As it is not intended to change the basis of the scheme no consultation other than that required to precepting bodies and the general public consultation on the Forward Plan for a Key Decision no further consultation is believed to be required under the legislation. Precepting bodies have been notified that the same scheme is proposed to be adapted in 2021/22 as that set in 2013/14, and as revised in April 2016.
- 9.7 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, self-service account access, advice and summons surgeries.

10. RECOMMENDATIONS

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

APPENDIX ONE

EQUALITY IMPACT ASSESSMENT

DEMOGRAPHIC INFORMATION

EIA Demographic information

Council Tax Support Client Base

The tables below provide data on people by particular household characteristics. The data is based on known characteristics (i.e. those people who reported a particular characteristic). As not all people choose to report a characteristic the total won't be the same as above.

		All		Pensioners (Protected)		Working age (Not Protected)		Working age by Council Tax Bands (Not Protected)					
		Number	% (a)	Number	% (b)	Number	% (b)	Number	% (c)	Number	% (c)	Number	% (c)
								Band A	Band B	Band C and above			
Age		21,513	100%	9,753	45%	11,760	55%	9,915	84%	1,145	10%	700	6%
Gender	Male	8,783	41%	4,182	48%	4,601	52%	4,024	87%	349	8%	228	5%
	Female	12,730	59%	5,571	44%	7,159	56%	5,891	82%	796	11%	472	7%
Disabled	Total	5,224	24%	2,812	54%	2,412	46%	2,004	83%	270	11%	138	6%
(1)	In work	34	0.2%	0	0%	34	100%	23	68%	5	15%	6	17%
Not Disabled	Total	16,289	76%	6,941	43%	9,348	57%	7,911	84%	875	10%	562	6%
Race (2)	White	13,661	90%	5,520	40%	8,141	60%	7,025	86%	706	9%	410	5%
	Non-white	1,480	10%	639	43%	841	57%	611	73%	130	15%	100	12%
Carers (3)		623	3%	65	10%	558	90%	392	70%	91	17%	75	13%
War Pension		40	0.2%	33	82%	7	18%	6	86%	0	0%	1	14%
Single person household		14,640	68%	7,340	50%	7,300	50%	6,362	87%	629	9%	309	4%
Total number of claims that are households with children		5,007	23%	78	2%	4,929	98%	3,876	79%	653	13%	400	8%
Lone parent household		3,357	16%	40	1%	3,317	99%	2,697	81%	400	12%	220	7%
Female lone parent households		3,128	14%	27	1%	3,101	99%	2,512	81%	379	12%	210	7%
Couple with children		1,650	8%	38	2%	1,612	98%	1,179	73%	253	16%	180	11%
Couple with no children		3,185	15%	2,307	72%	878	28%	677	77%	118	13%	83	9%

Sources: Tameside MBC Council Tax and Benefit systems as at September 2015.

Religion and Belief / Sexual Orientation / Gender Re-Assignment / Pregnancy and Maternity / Marriage and Civil Partnership

Specific data is not available on these protected characteristics for the CT client base. It is not anticipated that there will be any disproportionate impact on these protected characteristic groups.

Notes:

(a) Percentage of total CTS caseload

- (b) Percentage of claims within that characteristic
- (c) Percentage of working age claims within that characteristic
- (1) Disability is based on receipt of disability income or the disability premium
- (2) Race is based on claims where the ethnic origin has been provided.
- (3) Carer is based on a person in receipt of a carer premium.

EQUALITIES IMPACT ASSESSMENT		
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

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.

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.

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.

Since 2010 the Council has had £104 million less to spend on services due to funding cuts from 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. Cap Council Tax Support to a Band A
2. Reduce the maximum 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 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. Cap Council Tax Support to a Band A
2. Reduce the maximum 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

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.

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

Proposal A – Cap 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 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

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

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)

- 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.

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 - Cap Council Tax Support to a Band A

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 will have a larger shortfall. This change would affect the following working age groups:

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.

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.

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. The nondependent deductions may impact on anyone caring for a young person who has previously been a foster child up to the age of 18, and in receipt of a Staying Put Payments. There are no CTS claimants in receipt of Staying Put Payments in respect of a foster child becoming 18 and being cared for up to 21 at present. It is suggested that as the proposal to introduce non-dependant deductions may impact on claimants continuing to support a young person beyond the age of 18 and who are in employment, that the non-dependent deductions should not apply in these specific cases

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. Cap Council Tax Support to a Band A
2. Reduce the maximum 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.

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.

Staying Put claimants The non-dependent deductions may impact on anyone caring for a young person who has previously been a foster child up to the age of 18, and in receipt of a Staying Put

Payments. There are no CTS claimants in receipt of Staying Put Payments in respect of a foster child becoming 18 and being cared for up to 21 at present. As the proposal to introduce non-dependant deductions may impact on claimants continuing to support a young person beyond the age of 18 and who are in employment, that the non-dependent deductions should not apply in these specific cases. **Section 5 – Monitoring**

MONITORING PROGRESS

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

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
I. Cookson .	04 December 2015

APPENDIX TWO

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 and the on-line application form can be found at <https://www.tameside.gov.uk/careleaversdiscount>

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 2021 - 2022

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 2020-21

THE SCHEME PART 1 General

1. Citation, commencement and application

(1) This scheme may be cited as the Tameside Council Tax Support Scheme 2020-21 and comes into force on 1 April 2020.

2. Interpretation

(1) In this scheme –

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

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

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

“alternative maximum council tax support” means the amount determined in accordance with Part 4 of Schedule 1 and Schedule 3;

“applicable amount” means the amount calculated in accordance with paragraph 6 of Schedule 1 and Schedule 2;

“applicant” means a person who has made an application;

“application” means an application for a reduction under a scheme;

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“assessment period” means—

(a) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 20 of Schedule 1 for the purpose of calculating the weekly earnings of the applicant; or

(b) in relation to any other income, the period determined in accordance with paragraph 17 of Schedule 1 for the purpose of calculating the weekly income of the applicant;

“attendance allowance” means -

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

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

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

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

“basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995 and the State Pension Credit Act 2002 and the Welfare Reform Act 2007 and the Pensions Act 2014;

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

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

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

“child” means a person under the age of 16;

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

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;

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

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;

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

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“couple” has the meaning given by regulation 4 of these Regulations;

“Default Scheme Regulations” means the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012;

“designated office” means the office of the authority designated by it for the receipt of applications—

(a) by notice upon or with a form supplied by it for the purpose of making an application;

(b) by reference upon or with such a form to some other document from it and sent by electronic means or otherwise on application and without charge; or

(c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA;

“earnings” has the meaning given by paragraph 18, 20 or 21 of Schedule 1 as the case may be;

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

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

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

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

“extended reduction” means a reduction under a scheme for which a person is eligible under Part 7 of Schedule 1 or paragraph 2 of Schedule 8;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 39 of Schedule 1;

“extended reduction (qualifying contributory benefits)” means a reduction under Schedule 1 by which a person is eligible pursuant to paragraph 38 or 41 of Schedule 1;

“family” has the meaning given by regulation 6 of these Regulations;

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

“the Grenfell Tower charitable funds” means the funds identified in the document entitled “Charity Commission for England and Wales – Grenfell Tower charitable funds update - 29th January 2019;

“the Grenfell Tower Residents’ Discretionary Fund” means the £5 million fund announced on 16th June 2017 and administered by Westminster City Council for the benefit of households affected by the fire at Grenfell Tower on 14th June 2017;

“Grenfell Tower support payment” means any payment made by the council of the Royal Borough of Kensington and Chelsea to an individual as a result of the fire at Grenfell Tower on 14th June 2017;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1)(c) or 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

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

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

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

“independent hospital”—

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

- (b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and
(c) in Scotland means an independent healthcare service as defined by section 10F of the National Health Service (Scotland) Act 1978;

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

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

“the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072), and registered charity of that name established on 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;

“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 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 Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund; or

(b) a person who has received a Grenfell Tower support payment;

“reduction week” means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

“relative” means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

“relevant week”, in relation to any particular day, means the week within which the day in question falls;

“remunerative work” has the meaning given by regulation 10 of these Regulations;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 8 (non-dependant deductions) of Schedule 1;

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

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

“the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(b));

“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998;

“second authority” means the authority to which a mover is liable to make payments for the new dwelling;

“self-employed earner” is to be construed in accordance with section 2(1)(b) of the SSCBA;

“shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;

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

“the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited,

incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions;

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

"the SSCBA" means the Social Security Contributions and Benefits Act 1992;

"state pension credit" means state pension credit under the State Pension Credit Act 2002;

"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;

"working tax credit" means a working tax credit under section 10 of the Tax Credits Act 2002;

"young person" means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

(2) In these Regulations, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of these Regulations, a person is on an income-based jobseeker's allowance on any

- day in respect of which an income-based jobseeker's allowance is payable to him and on any day—
- (a) in respect of which he satisfies the conditions for entitlement to an income based jobseeker's allowance but where the allowance is not paid because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995 (circumstances in which a jobseeker's allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income based jobseeker's allowance is payable to him or would be payable to him but section 19 or 19A or regulations made under section 17A or 19B of that Act;
 - (c) in respect of which an income-based jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- (4) For the purposes of these Regulations, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day-
- (a) in respect of which he satisfies the conditions for entitlement to an income related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007 (disqualification); or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- (5) For the purposes of these Regulations, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In these Regulations, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- (7) In these Regulations, references to a person in class A, B or C (as the case may be) is a reference to class A, B or C described in paragraphs 2 to 4 of Schedule 1.
- (8) References in these Regulations to an applicant participating as a service user are to-
- (a) a person who is being consulted by or on behalf of-
 - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;
 - (aa) a person who is being consulted by or on behalf of –
 - (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
 - (b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

3. Meaning of “pensioner” and “person who is not a pensioner”

In these Regulations a person is –

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

4. Meaning of “couple”

In these Regulations “couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household;
or
- (b) two people who are not married to, or civil partners of, each other but are living together as 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 non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a scheme.

10. Remunerative work

- (1) Subject to the following provisions of this regulation, a person must be treated for the purposes of these Regulations as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done

in expectation of payment.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—

- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week must be treated as not being in remunerative work in that week.

(7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave, shared parental leave, 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 those 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) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration

Act 1971 by virtue of—

- (a) article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (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;
- (5) A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a),(b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is –
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005;
 - (f) a person who has humanitarian protection granted under those rules;
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
 - (h) in receipt of income support or on an income-related employment and support allowance; 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 Regulations” means the Immigration (European Economic Area) Regulations 2016; and
- “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2016.

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 is a party to 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.

SCHEDULE 1: Pensioners

PART 1

1. Classes of persons entitled to a support under this scheme

(1) The classes of pensioners described in paragraphs 2 to 4 are entitled to support under this scheme.

(2) In those paragraphs, references to an applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

2. Class A: pensioners whose income is no greater than the applicable amount

On any day class A consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who subject to paragraph 5 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support amount can be calculated;
- (d) who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority's scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount; and
- (f) who has made an application.

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

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

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support amount can be calculated;
- (d) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority's scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
 - (ii) amount B is $2 \frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount; and
- (g) who has made an application.

4. Class C: alternative maximum council tax support

(1) On any day class C consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support amount can be calculated;
- (d) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority's scheme;

- (e) who has made an application; and
 - (f) in relation to whom the condition in sub-paragraph (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;
 - (iii) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period; and;
 - (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
 - (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;
- (b) the person's close relative;
- (c) the close relative of the person's partner; or
- (d) the close relative of a child or young person for whom the person or the person's partner is responsible, then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person ("P") who is—

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
 - (i) in a dwelling, other than a dwelling P occupies as P's home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007,

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

(3D) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (3F) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (4) This sub-paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or in Northern Ireland under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.
- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
 - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- (6) In this paragraph—
- “continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;
- “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
 - (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- “medically approved” means certified by a medical practitioner;
- “member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;
- “patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
- “prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;
- “residential accommodation” means accommodation which is provided in—
- (a) a care home;
 - (b) an independent hospital;
 - (c) an Abbeyfield Home; or
 - (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- “training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

5A. Periods of absence from a dwelling - Transitional Provision

(1) The amendments made to paragraph 5, in accordance with paragraph 2 of the Council Tax Reduction Schemes (Prescribed Requirements)(England)(Amendment) Regulations 2016 (Statutory Instrument 2016 No.1262), shall not apply in respect of a person who is temporarily absent from Great Britain on 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 sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

(2) In Schedule 2—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

PART 3

6A. Transitional provisions for restrictions on amounts for children and young persons

(1) This regulation applies where—

(a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority’s scheme established under section 13A(2) of the Local Government Finance Act 1992 (“a section 13A(2) scheme”); and

(b) the person is, or the person and the person’s partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a “protected individual”).

(2) Where this regulation applies, the amendments made by regulation 7 of SI 2017 No. 1305 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority’s section 13A(2) scheme; or

(b) the person or the person’s partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7 of SI 2017 No. 1305 apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority’s scheme for a reduction under an authority’s section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person’s partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

(a) the person or the person’s partner (if any) is responsible for one or more protected individuals who are members of the same household; and

(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person’s partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

(a) the number of protected individuals for whom either the person or the person’s partner (if any) is responsible, and who are members of the same household, is one;

(b) the number of new individuals for whom either the person or the person’s partner is responsible, and who are members of the same household, is two or more; and

(c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

(a) the child amount in relation to the protected individual; and

(b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person’s partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

(a) “the 2012 Regulations” means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;

(b) “applicable amount”, “child”, “partner” and “young person” have the same meanings as in the 2012 Regulations;

(c) “child amount” means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;

(d) “child tax credit provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(e) “default provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(f) “new individual” means a child or young person who is not a protected individual;

(g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);

(h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

PART 3

Maximum council tax support for the purposes of calculating eligibility for support under the scheme and amount of support

7. Maximum council tax support amount under a scheme

(1) Subject to sub-paragraphs (2) to (4), the amount of a person's maximum council tax support in respect of a day shall be 100 per cent of the amount A/B where—

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

(b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under paragraph 8 (non-dependant deductions).

(2) In calculating a person's maximum council tax support under the authority's scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than support under that authority's scheme), is to be taken into account.

(3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons in determining the maximum council tax support in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 75(1) of the Schedule to the Default Scheme Regulations applies.

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

8. Non-dependant deductions

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 7 are—

(a) in respect of a non-dependant aged 18 or over in remunerative work, £12.40 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.05 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 £217.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);

(b) not less than £217.00 but less than £377.00, the deduction to be made under this paragraph is £8.25;

(c) not less than £377.00 but less than £469.00, the deduction to be made under this paragraph is £10.35.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

(a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;

(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and

(c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

(a) severely sight-impaired or blind or treated as such by virtue of sub-paragraphs (12) or (13) below; or

- (b) receiving in respect of himself either—
 - (i) attendance allowance, or would be receiving that allowance but for-
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for-
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or-
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if—
 - (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full-time student within the meaning of Part 11 of the Schedule to the Default Scheme Regulations (students); or
 - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) “patient” has the meaning given in paragraph 5(6) of this Schedule, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
 - (e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.
- (8) No deduction is to be made in respect of a non-dependant—
 - (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance;
 - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or
 - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependent’s weekly gross income—
 - (a) any attendance allowance, disability living allowance, personal independence payment or AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme 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))
 - (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 Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme 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 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 sub-paragraph (6)(a) if the applicant or his partner-
- (a) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or,
 - (b) is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or
 - (c) in Scotland, has been certified as blind and in consequence he is registered in a register maintained by

- or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.
- (11A) For the purposes of sub-paragraph (8), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.
- (12) For the purposes of sub-paragraph (11), a person who has ceased to be registered as severely sight-impaired or blind on regaining his eyesight is nevertheless be treated as severely sight-impaired or blind for a period of 28 weeks following the date on which he ceased to be so registered.
- (13) The reference in sub-paragraph (9)(b) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

8A. Localised scheme regarding non-dependant deductions.

- (1) No deduction is to be made in respect of any non-dependants occupying an applicant’s dwelling if the applicant or his partner is in receipt of a Staying Put payment for a young person aged 18 up to 21 years, where –
- (a) the applicant or his partner was a Foster Carer; and
 - (b) they wish to continue to provide their home to support a young person they have fostered, and
 - (c) the young person agrees to the arrangement.

PART 4
Alternative maximum council
tax support for the purposes of calculating eligibility for
support under the scheme and amount of support

9. Alternative maximum council tax support under a scheme

- (1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax support in respect of a day where the conditions set out in paragraph 4 (alternative maximum council tax support) are fulfilled, is the amount determined in accordance with Schedule 3 (amount of alternative maximum council tax support).
- (2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax support in his case, the amount determined in accordance with Schedule 3 must be divided by the number of persons who are jointly and severally liable for that tax.
- (3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

PART 5
Amount of support under the scheme

10. Amount of support under a scheme: Classes A to C

- (1) Where a person is entitled to support under the authority’s scheme in respect of a day, the amount of the support to which he is entitled is as follows.
- (2) Where the person is within class A, that amount is the maximum council tax support amount in respect of the day in the applicant’s case.
- (3) Where the person is within class B, that amount is the amount found by deducting amount B from amount A, where “amount A” and “amount B” have the meanings given in paragraph 3 (income greater than applicable amount).
- (4) Where the person is within class C, that amount is the amount which is the alternative maximum council tax support in respect of the day in the applicant’s case.
- (5) Sub-paragraph (6) applies where both—
- (a) sub-paragraph (2) or sub-paragraph (3), and
 - (b) sub-paragraph (4),
- apply to a person.
- (6) The amount of the support to which he is entitled is whichever is the greater of—
- (a) the amount of the support given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
 - (b) the amount of the support given by sub-paragraph (4).

PART 6
Income and capital for the purposes of calculating eligibility for support under the authority's scheme and amount of support.

CHAPTER 1
General

11. Calculation of income and capital: applicant's family and polygamous marriages

(1) The income and capital of—

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

is to be calculated in accordance with the provisions of this Part.

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of the applicant.

(3) Where an applicant or the partner of an applicant is married polygamously to two or more members of his household—

- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member must be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

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

(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependent and an applicant have entered into arrangements in order to take advantage of the authority's scheme and the non-dependant has more income and capital than the applicant.

(2) Except where the applicant is on a guarantee credit the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess must be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

CHAPTER 2
Income

13. Applicant in receipt of guarantee credit

In the case of an applicant who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income shall be disregarded.

14. Calculation of applicant's income in savings credit only cases

(1) In determining the income and capital of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 24(1)(c)(calculation of income on a weekly basis);
- (c) the higher amount disregarded under this Schedule in respect of—
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which are made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 4 (sums disregarded from earnings);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under regulation 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 12 (circumstances in which income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;

- (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act;
 - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 4 to these Regulations.
- (3) Paragraphs 16 to 36 of this Schedule do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 31 to 36 of this Schedule.
- (5) This sub-paragraph applies if—
- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less;
 - (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
 - (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

15. Calculation of income and capital where state pension credit is not payable

Where neither paragraph 13 (applicant in receipt of guarantee credit) nor 14 (calculation of income in savings credit only cases) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 16 to 21, 24, 25, 27 to 29 and chapter 3 (capital) of this Part.

16. Meaning of “income”

- (1) For the purposes of classes A to C, “income” means income of any of the following descriptions—
- (a) earnings;
 - (b) working tax credit;
 - (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
 - (d) income from annuity contracts (other than retirement pension income);
 - (e) a war disablement pension or war widow's or widower's pension;
 - (f) a foreign war disablement pension or war widow's or widower's pension;
 - (g) a guaranteed income payment;
 - (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
 - (i) income from capital other than capital disregarded under Part 1 of Schedule 6 (capital disregards);
 - (j) social security benefits, other than retirement pension income or any of the following benefits—
 - (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iv) attendance allowance payable under section 64 of the SSCBA;
 - (v) an increase of disablement pension under section 104 or 105 of that Act;
 - (vi) child benefit;
 - (vii) any guardian's allowance payable under section 77 of the SSCBA;
 - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act;
 - (ix) any
 - (aa) social fund payment made under Part 8 of that Act; or
 - (bb) occasional assistance;
 - (x) Christmas bonus payable under Part 10 of that Act;
 - (xi) housing benefit;
 - (xii) council tax benefit;
 - (xiii) bereavement payment;
 - (xiv) statutory sick pay;
 - (xv) statutory maternity pay;
 - (xvi) statutory paternity pay payable under Part 12ZA of the SSCBA;
 - (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;
 - (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
 - (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;
 - (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, or
- (bb) that needs to be met to avoid a risk to the well-being of an individual; and
- (ii) enabling qualifying individuals to establish or maintain a settled home, and “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—
 - (aa) in prison, hospital, an establishment providing residential care or other institution, or
 - (bb) homeless or otherwise living an unsettled way of life.

(6) In sub-paragraph (5)(b) “local authority” means a local authority in England within the meaning of the Local Government Act 1972.

17. Calculation of weekly income

(1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant, where the period in respect of which payment is made—

- (a) does not exceed a week, the whole of that payment must be included in the applicant’s weekly income;
- (b) exceeds a week, the amount to be included in the applicant’s weekly income is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
 - (i) 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
 - (ii) 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;
 - (jb) statutory parental bereavement pay under 12ZD of that Act;
 - (k) 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

(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 principal residence, any payments made 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 sub-paragraph (ii), (iv), (v) or (vii) above;
 - (ix) main phase employment and support allowance;
 - (g) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
 - (h) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
 - (i) a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (j) an AFIP would be payable to that person but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
 - (k) paragraph (f),(g),(h) or (i) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - (l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (11) For the purposes of sub-paragraph (10), once sub-paragraph (10)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph is to, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable,

of work.

(12) For the purposes of sub-paragraph (10), once sub-paragraph (10)(e) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is to, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

(13) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

- (a) to whom an attendance allowance or care component of disability allowance is payable or would be payable but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (d) who ceased to be registered as blind or as severely sight-impaired in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(14) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave, shared parental leave, 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 paternal 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(11)(b)(i) is that either—

- (a) the applicant or, as the case may be, the other member of the couple—
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as 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 sub-paragraph (8) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

- (a) subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- (b) an amount in respect of—
 - (i) income tax; and
 - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30; and
- (c) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.

(3) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(4) Subject to sub-paragraph (5), no deduction is to be made under sub-paragraph (2)(a) or (3), in respect of—

- (a) any capital expenditure;
- (b) the depreciation of any capital asset;
- (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
- (d) any loss incurred before the beginning of the assessment period;
- (e) the repayment of capital on any loan taken out for the purposes of the employment; and
- (f) any expenses incurred in providing business entertainment.

(5) A deduction must be made under sub-paragraph (2)(a) or (3) in respect of the repayment of capital on any loan used for—

- (a) the replacement in the course of business of equipment or machinery; and
- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(6) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (2)(a) or (3) where it is not satisfied given the nature and the amount of the expense that it has been

reasonably incurred.

(7) For the avoidance of doubt—

- (a) a deduction must not be made under sub-paragraph (2)(a) or (3) in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction must be made thereunder in respect of—
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.

(8) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—

- (a) an amount in respect of—
 - (i) income tax; and
 - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30 of this Schedule; and
- (b) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.

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

(10) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium is to be determined—

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

(11) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

30. Calculation of deduction of tax and contributions of self-employed earners

(1) The amount to be deducted in respect of income tax under paragraph 29(1)(b)(i), (2)(b)(i) or (8)(a)(i) (calculation of net profit of self-employed earners) is to be calculated—

- (a) on the basis of the amount of chargeable income; and
- (b) as if that income were assessable to income tax at the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate or the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of national insurance contributions under paragraph 29(1)(b)(i), (2)(b)(ii) or (8)(a)(ii) of this Schedule is the total of—

- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of that Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.

(4) In this paragraph “chargeable income” means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (3) of paragraph 29;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

CHAPTER 3 Capital

31. Calculation of capital

(1) The capital of an applicant to be taken into account must, subject to sub-paragraph (2), be the whole of his capital calculated in accordance with this Part.

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 6 (capital disregards).

(3) An applicant's capital is to be treated as including any payment made to him by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which support under the Authority's scheme was allowed before those arrears were paid.

32. Calculation of capital in the United Kingdom

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

33. Calculation of capital outside the United Kingdom

Capital which an applicant possesses in a country outside the United Kingdom is to be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

34. Notional capital

(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to support under the authority's scheme or increasing the amount of that support except to the extent that that capital is reduced in accordance with paragraph 35 (diminishing notional capital rule).

(2) A person who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case

is to be regarded as not depriving himself of it.

(3) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—

- (a) the value of his holding in that company must, notwithstanding paragraph 31 (calculation of capital) be disregarded; and
- (b) he must, subject to sub-paragraph (4), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(4) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (3) is to be disregarded.

(5) Where an applicant is treated as possessing capital under sub-paragraph (1) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

35. Diminishing notional capital rule

(1) Where an applicant is treated as possessing capital under paragraph 34(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions,is to be reduced by an amount determined under sub-paragraph (3);
- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—

- (a) he is in receipt of support under the authority's scheme; and
 - (b) but for paragraph 34(1), he would have received greater support under that scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is to be equal to the aggregate of—
- (a) an amount equal to the additional amount of support in council tax to which subparagraph (2)(b) refers;
 - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
 - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of that reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b), the condition is that the applicant would have been entitled to support in council tax under the authority's scheme in the relevant week but for paragraph 34(1).
- (5) In such a case the amount of reduction in the amount of the capital which he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—
- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 34(1);
 - (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week, within the meaning of regulation 2 of those Regulations (interpretation), which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,
 - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a),(b),(c),(d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by-
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
 - (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) must be re-determined under that sub-paragraph if the applicant makes a further application for support in council tax under the authority's scheme and the conditions in sub-paragraph (8) are satisfied, and in 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 council tax support under the authority's scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b) means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) and (e) means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

"relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 34(1) -

- (a) was first taken into account for the purpose of determining his entitlement to council tax support under the authority's scheme; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction in council tax under that authority's scheme,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition the later or latest such reduction week or, as the case may be, the later or latest such part-week of the relevant week;

"relevant subsequent week" means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

36. Capital jointly held

Except where an applicant possesses capital which is disregarded under paragraph 34(4) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

37. Calculation of tariff income from capital

The capital of an applicant, calculated in accordance with this Part, is to be treated as if it were a weekly income of—

- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
- (b) £1 for any excess which is not a complete £500.

PART 7

Extended reductions [support]

38. Extended reductions [support] (qualifying contributory benefits)

(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to support under a scheme (by virtue of falling 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 sub-paragraph (1)(b).

39. Duration of extended reduction [support] period (qualifying contributory benefits)

- (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

40. Amount of extended reduction [support] (qualifying contributory benefits)

- (1) For any week during the extended reduction period the amount of the extended support (qualifying contributory benefits) the applicant is entitled to is the greater of—
- (a) the amount of council tax support under the authority's scheme to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
 - (b) the amount of support under the authority's scheme to which the applicant would be entitled by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 38 (extended reductions [support] (qualifying contributory benefits)) did not apply to the applicant; or
 - (c) the amount of support under the authority's scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 38 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of extended support (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for support under the authority's scheme, no support is to be awarded during the extended reduction period.

41. Extended reductions [support] (qualifying contributory benefits): movers

- (1) This paragraph applies—
- (a) to a mover; and
 - (b) from the Monday following the day of the move.
- (2) The amount of the extended support (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is the amount of support under the authority's ("the first authority") scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended support (qualifying contributory benefits) may take the form of a payment from the first authority to—
- (a) the second authority; or
 - (b) the mover directly.

42. Relationship between extended reduction [support] (qualifying contributory benefits) and entitlement to a council tax support by virtue of classes A to C

- (1) Where an applicant's support under the authority's scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 38(1)(b) (extended reductions [support](qualifying contributory benefits)), that support does not cease to have effect until the end of the extended reduction period.
- (2) Part 9 (period of entitlement, changes of circumstances) does not apply to any extended support (qualifying contributory benefits) payable in accordance with paragraph 40(1)(a) or paragraph 41(2) (amount of extended reduction: movers).

43. Continuing reductions where state pension credit claimed

(1) This paragraph applies where—

- (a) the applicant is entitled to support under the authority's scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—
 - (i) the applicant has attained the qualifying age for state pension credit; or
 - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit; and
- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to support under the authority's scheme for the period of 4 weeks beginning on the day following the day on which the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, or income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to support under the scheme.

(4) Where support under that scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3), and the last day of that period falls on a day other than the last day of a reduction week, then support under the scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant shall be disregarded;
- (b) the maximum council tax support amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The appropriate maximum council tax support amount is to be calculated in accordance with paragraph 7(1) if, since the date it was last calculated—

- (a) the applicant's council tax liability has increased; or
- (b) a change in the deduction under paragraph 8 (non-dependant deductions) falls to be made.

44. Extended reductions: movers into the authority's area

Where—

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

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

PART 8

When entitlement begins and change of circumstances

45. Date on which entitlement begins

(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for support under the authority's scheme is made and who is otherwise entitled to that support is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to support under the authority's scheme and becomes liable for the first time for the authority's council tax in respect of a 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 non-dependant has occurred since—

(i) the date on which the applicant's entitlement to support under the authority's scheme first began;
or

(ii) the date which was the last effective date in respect of such a change,
whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is the first day of the next reduction week to commence after the date determined under that sub-paragraph.

47. Change of circumstances where state pension credit in payment

(1) Sub-paragraphs (2) and (3) apply where—

(a) an applicant is in receipt of state pension credit;

(b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and

(c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of support he receives under the authority's scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

(a) an increase in the support he receives under that scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or

(b) a decrease in the reduction he receives under that scheme, the change takes effect from the first day of the reduction week next following the date on which—

(i) the authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or

(ii) state pension credit is increased

whichever is the later.

(3) Where the change of circumstance ("the relevant change") is that the applicant's state pension credit has been reduced and in consequence the support the applicant receives under the authority's scheme reduces—

(a) in a case where the applicant's state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or

(b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—

(i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or

(ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of support the applicant receives under the authority's scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of support he receives under the scheme, the change takes effect from the first day of the reduction week next following the date on which—

(a) the authority receives notification from the Secretary of State of the award of state pension credit; or

(b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

(a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and

(b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of support the applicant receives under the authority's scheme, the change of circumstances referred to in paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of support the applicant receives under the authority's scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 43 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph "official error" means an error made by—

(a) The authority or a person—

(i) authorised to carry out any function of the authority relating to its scheme; or

(ii) providing services relating to its scheme directly or indirectly to the authority; or

(b) an officer of—

(i) the Department for Work and Pensions; or

(ii) the Commissioners of Inland Revenue,

acting as such, but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

"relevant calculation or estimate" means the calculation or estimate made by the Secretary of State of the applicant's or, as the case may be, the applicant's partner's income and capital for the purposes of the award of state pension credit;

"relevant determination" means a change in the determination by the authority of the applicant's income and capital using the relevant calculation or estimate, in accordance with paragraph 14(1) (calculation of applicant's income in savings credit only cases).

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 liability, 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).

51. 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	(1) £187.75
(2) Couple where one or both members have attained pensionable age	(2) £280.85
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £280.75
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £93.10

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;	(a) £68.27
(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) £68.27

(2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

PART 2 Family premium

3. Family premium

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—

(a) is £17.60 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.

(1) Subject to paragraph (2), the amendment in regulation 2(4)(b) does not apply to a person who, on 30th April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act and is—

(a) a member of a family of which at least one member is a child or young person; or

(b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

(a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or

(b) the person makes a new application for support under an authority's scheme under section 13A(2) of the Act.

(3) For the purposes of this regulation—

(a) "the Act" means the Local Government Finance Act 1992;

(b) "child", "family", "partner", "polygamous marriage" and "young person" have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

PART 3 Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 6(1)(d) of Schedule 1, applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5. Subject to sub-paragraph (2), for the purposes of this Part, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

6. Severe disability premium

(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

- (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
- (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
- (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him;

(b) in the case of an applicant who has a partner—

- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
- (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
- (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in subparagraph (2)(b)(ii), and that partner is blind or severely sight-impaired or is treated as such within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind or severely sight-impaired if he is registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight is nevertheless be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

(a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or

(b) a person who is blind or is treated as blind within the meaning of subparagraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt notwithstanding section 86 of that Act and regulations made thereunder;

(c) as being in receipt of an AFIP, if he would, but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—

(a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date when the award is first paid; and

(b) a reference to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element is to include reference to a person who would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under

7. Enhanced disability premium

(1) The condition is that-

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or
- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of payment in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate under section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

8. Disabled child premium

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family ; or
- (b) is blind within the meaning of paragraph 6(4) of this Schedule or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

9. Carer premium

(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in a case within sub-paragraph (2)(a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
- (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

10. Persons in receipt of concessionary payments

For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

11. Person in receipt of benefit

For the purposes of this Part, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4

12. Amounts of premium specified in Part 3

Provision	Amount
1) Severe Disability Premium— (a) where the applicant satisfies the condition in paragraph 6(2)(a);	(1) (a) £66.95;
(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) £66.95; (ii) £133.90.
(2) Enhanced disability premium.	(2) £26.60 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) £65.52 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium	(4) £37.50 in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3: Amount of alternative maximum council tax reduction [support] for pensioners

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax support in respect of a day for the purpose of paragraph 9 of Schedule 1 is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 4(2) of Schedule 1 applies (class C); and
- (b) “person to whom paragraph 75(1) of Schedule 1 to the Default Scheme Regulations applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than support under the authority’s scheme); and
- (c) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) Second adult	(2) Alternative maximum council tax reduction [support]
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension	(b)

credit or an income- based jobseeker's allowance— (i) is less than £215.00 per week; (ii) is not less than £215.00 per week but less than £279.00 per week;	(i) 15 per cent of the council tax due in respect of that day; (ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 73(1) of Schedule 1 to the Default Scheme Regulations applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance	(c) 100 per cent of the council tax due in respect of that day

2. In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income —

- (a) any attendance allowance, or any disability living allowance or any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP; and
- (b) any payment to which paragraph 8(9)(b) or (10) of Schedule 1 to these Regulations refers (and sub-paragraph (13) of paragraph 8 applies to this paragraph as it applies in relation to that paragraph).

3. Where there are two or more second adults residing with the applicant and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income is to be disregarded in determining the amount of any alternative maximum council tax reduction [support], unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 4: Sums disregarded from applicant's earnings for pensioners

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—

- (a) £25 in the case of a lone parent;
- (b) £20 in any other case.

2. In a case where an applicant is a lone parent, £25 of earnings.

3. (1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—

- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;
- (c) as an auxiliary coastguard in respect of coast rescue activities;
- (d) in the manning or launching of a lifeboat if the employment is part-time;
- (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.

(3) If—

- (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
- (b) either of them has, or both of them have, other earnings, so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

4. (1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or his partner is a carer if paragraph 9 of Part 3 of Schedule 2 (amount applicable for carers) is satisfied in respect of him.

5. (1) £20 is disregarded if the applicant or, if he has a partner, his partner—

(a) is in receipt of—

- (i) long-term incapacity benefit under section 30A of the SSCBA;
- (ii) severe disablement allowance under section 68 of that Act;
- (iii) attendance allowance under section 64 of that Act;
- (iv) disability living allowance;

- (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries Civilians) Scheme 1983;
 - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
 - (ix) main phase employment and support allowance; or
- (b) is or are registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
- (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
 - (ii) in any other case, 364 days; or
- (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 2007 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act 2007 has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or was in receipt of a reduction under an authority's scheme (including under another authority's scheme) and—

- (a) £20 was disregarded in respect of earnings taken into account in that award; and
- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

- (a) entitlement to housing benefit; or
- (b) receipt of a reduction under the authority's (including under another authority's) scheme; or
- (c) employment,

following the first day in respect of which that benefit is awarded or the support given under that scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6. (1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
 - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
 - (c) paragraph 13 of Schedule 1 does not apply,
- the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 7 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 11 of Schedule 1 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it shall not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995, and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 5 to these Regulations had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

(a) £5 must be disregarded if an applicant who has no partner has earnings;

(b) £10 must be disregarded if an applicant who has a partner has earnings.

9. Any earnings, other than earnings referred to in paragraph 17(9)(b) of Schedule 1, derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under the authority's scheme.

10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant—

(i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) if he is a member of a couple—

(aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his family includes at least one child or young person; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person;

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) any amount disregarded under this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 24(1)(c) of Schedule 1 (calculation of income on a weekly basis); and

(c) £17.10.

(4) The provisions of regulation 10 (remunerative work) are to apply in determining whether or not a person works for on average not fewer than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation was a reference to 30 hours.

11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

SCHEDULE 5: Amounts to be disregarded in the calculation of income other than Earnings for Pensioners

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following, namely—
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment and, if the amount of that payment has been adjusted to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) a pension paid by a government to victims of National Socialist persecution.
2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—
 - (a) the applicant's need for constant attendance;
 - (b) the applicant's exceptionally severe disablement.
3. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
4. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
6. (1) Any payment which is—
 - (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
 - (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 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) £58.90 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

(3) In this paragraph and paragraph 18 a reference to a “student loan” or a “grant” is a reference to a student loan or a grant within the meaning of Part 11 of the Schedule to the Default Scheme Regulations.

20.(1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

21. Except in a case which falls under paragraph 10 of Schedule 4, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22. Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 6 does not exceed £10,000, any income actually derived from such capital.

23. Except in the case of income from capital specified in Part 2 of Schedule 6 (capital disregards), any actual income from capital.

24. Where the applicant, or the person who was the partner of the applicant on 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.

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 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 Grenfell Tower charitable funds, the Grenfell Tower Residents' Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
- (1A) Any Grenfell Tower support payment.
- (b) the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support 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 and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.
- (4) Sub-paragraph (3) does not apply if –
- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.
- (5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and
- (b) the payment is made either—
- (i) to that person's parent or step-parent; or
- (ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or stepparent, to any person standing in the place of his parent,
- but only for a period from the date of the payment until the end of two years from that person's death.
- (6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, where—
- (a) that person at the date of his death (“the relevant date”) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and
- (b) the payment is made either—
- (i) to that person's parent or step-parent; or
- (ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or stepparent, to any person standing in place of his parent, but only for a period of two years from the relevant date.
- (7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—
- (a) any payment of income or capital made under or deriving from any of the Trusts; or
- (b) a Grenfell Tower support 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—

- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;
- (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
- (c) in accordance with the terms of a trust established for the benefit of the applicant or his partner, the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

- (a) purchasing premises which the applicant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21.—(1) Subject to paragraph 22 any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;
- (c) in lieu of the payment of benefit;
- (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
- (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or Section 91 of the Housing (Scotland) Act 2001;
- (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 16 of schedule 1).

(2) In sub-paragraph (1), “benefit” means—

- (a) attendance allowance under section 64 of the SSCBA;

- (b) disability living allowance;
- (c) personal independence payment;
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker's allowance;
- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (n) working tax credit;
- (o) income-related employment and support allowance;
- (p) social fund payments under Part 8 of the SSCBA;
- (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; or
- (t) funeral expense assistance given in accordance with section 34 of that Act.

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.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) is to have effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of support under the authority's scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person; or
 - (iii) was the partner of that person at the date of his death;

“official error” means—

- (a) where the error relates to housing benefit or council tax benefit (in respect of any period before 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 sub-paragraph (2).

23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable

in converting that capital into Sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings for pensioners) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26. The dwelling occupied as the home; but only one dwelling may be disregarded under this paragraph.

27.—(1) Subject to sub-paragraph (2) where an applicant falls within class C (alternative maximum council tax reduction), the whole of his capital.

(2) Sub-paragraph (1) does not apply, where an applicant falls within class B (income greater than applicable amount) and class C.

28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum; or

(b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

29. Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments); or

(b) Any payment made as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013

(c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);

(d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or

(e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments);

(f) Under sections 31 to 33 of the Care Act 2014 (direct payments); or

(g) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).

29A. A payment made under the Age-Related Payments Regulations 2013.

29B. Any payments to an applicant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).

29C.—(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care).

(2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—

(a) was formerly in the applicant’s care;

(b) is aged 16 or over; and

(c) continues to live with the applicant.

PART 2

Capital disregarded only for the purposes of determining deemed income

30. The value of the right to receive any income under a life interest or from a life rent.

31. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

32. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

33. Where property is held under a trust, other than—

(a) a charitable trust within the meaning of the Charities Act 1993; or

(b) a trust set up with any payment to which paragraph 16 of this Schedule applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant’s partner, or both, that property.

PART 1 Applications

Procedure by which a person may apply for support under the scheme

1. Paragraphs 2 to 7 apply to an application made under this scheme.
2. An application may be made—
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
3. (1) An application which is made in writing must be made to the designated office on a properly completed form.
(2) The form must be provided free of charge by the authority for the purpose.
4. Where an application made in writing is defective because—
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
7. (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

PART 2 Appeals

Procedure by which a person may appeal against certain decisions of the authority

8. (1) A person who is aggrieved by a decision of the authority which affects-
 - (a) the person's entitlement to support under its scheme, or
 - (b) the amount of any support to which that person is entitled,may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
(2) The authority must—
 - (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing—
 - (i) that the ground is not well founded, 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 for support under its scheme, and
- (b) The applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales;

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

PART 2

3. Applications

Except for paragraph 6 (which applies to persons who are not pensioners only), paragraphs 4 to 14 apply to persons who are pensioners and persons who are not pensioners.

4. Making an application

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

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

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

(3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

(4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

(5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

(6) Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in subparagraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

(7) The authority must—

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

5. Change of circumstances: persons who are not pensioners

Paragraph 6 applies only in relation to persons who are not pensioners.

6. Date on which change of circumstances is to take effect

(1) A change of circumstances which affects entitlement to, or the amount of, support under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit. Where the change is a nominal amount the authority may decide that the change takes effect from a different date

(2) Subject to sub-paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

(3) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

(4) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(5) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(6) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (5) they take effect from the day to which the appropriate sub-paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.

(7) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(8) Without prejudice to sub-paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

7. Evidence and information

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

(2) This sub-paragraph is satisfied in relation to a person if—

(a) the application is accompanied by—

(i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or

(ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or

(b) the person has made an application for a national insurance number to be allocated to him and the application for support is accompanied by—

(i) evidence of the application for a national insurance number to be so allocated; and

(ii) the information or evidence enabling it to be so allocated.

(3) Sub-paragraph (2) does not apply—

(a) in the case of a child or young person in respect of whom an application for support is made;

(b) to a person who—

(i) is a person treated as not being in Great Britain for the purposes of these Regulations;

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration And Asylum Act 1999; and

(iii) has not previously been allocated a national insurance number.

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

(5) Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (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 Grenfell Tower charitable funds, the Grenfell Tower Residents' Discretionary Fund, the Windrush Compensation Scheme 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 paragraph 48 of

Schedule 1 for Pensioners, paragraph 64 of schedule 9 for working age, paragraph 7 of this schedule and Part 1 of Schedule 7 being satisfied, or as soon as reasonably practicable thereafter.

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;
 - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) setting out the circumstances a change in which might affect entitlement to the support or its amount.
- (3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- (4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.
- (5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- (6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- (7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).
- (8) This sub-paragraph applies to—
- (a) the applicant;
 - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
 - (d) a person appointed by the authority under paragraph 4(3) of this schedule (persons appointed to act for a person unable to act);

PART 4

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 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 10—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

5. Polygamous marriages

Where an applicant is a member of a polygamous marriage, his applicable amount for a week is the aggregate of such of the following amounts as may apply in his case—

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 10 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 3 of that Schedule (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) the amount of any elements which may be applicable to him determined in accordance with Parts 1 and 2 of that Schedule;
- (e) the amount of either the—
 - (i) limited capability for work and work-related activity element; or
 - (ii) limited capability for work element,which may be applicable to him in accordance with Part 2 of that Schedule (the components);
- (f) the amount of any transitional addition which may be applicable to him in accordance with Parts 3 and 4 of that Schedule (transitional addition).

6. Applicable amount: persons who have an award of universal credit

(1) In determining the applicable amount for a week of an applicant—

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

an award of universal credit, the applicable amount will be the calculation or estimate of the maximum amount of the applicant, or the applicant’s partner, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in subparagraph (2).

(2) The adjustment referred to in sub-paragraph (1) is where a housing costs element has been awarded to the applicant, his partner or the applicant and his partner jointly, the amount of that element is to be deducted from the applicable amount.

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

PART THREE
Maximum Council Tax Support under this Scheme

7. Maximum council tax support amount for the purposes of calculating eligibility for support under the authority's scheme

(1) Subject to sub-paragraphs (2) to (4), the amount of a person's maximum council tax support amount in respect of a day is 75 per cent of the amount A/B where—

- (a) A is the lower of
- (i) the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, reduced by any reduction made in consequence of any enactment in or made under the 1992 Act (other than a reduction under this scheme); and
 - (ii) the amount that would have been determined as payable under (i) if the property was in valuation band A and
- (b) B is the number of days in that financial year less any deduction in respect of non-dependants which fall to be made under paragraph 8.

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax support in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (2) does not apply in his case.

(4) The reference in sub-paragraph (2) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 40(2) applies.

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

8. Non-dependant deductions

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 7 are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, $£12.40 \times 1/7$;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $£4.05 \times 1/7$.

(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 £217.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than £217.00 but less than £377.00, the deduction to be made under this paragraph is £8.25;
- (c) not less than £377.00 but less than £469.00, the deduction to be made under this paragraph is £10.35.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- (a) blind or severely sight-impaired or treated as such by virtue of sub-paragraphs (12) or (13) below; or
- (b) receiving in respect of himself—
- (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA;
 - or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component, but for—

- (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA;
 - or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if—
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere;
 - or
 - (b) he is in receipt of a training allowance paid in connection with youth training established under Section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full-time student within the meaning of Part 6 (Students); or
 - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) “patient” has the meaning given in paragraph 5(6) of Schedule 1, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
 - (e) he is not residing with the applicant because he is a member of the regular forces or the reserved Forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.
- (8) No deduction is to be made in respect of a non-dependant—
- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance;
 - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount); but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
 - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant’s weekly gross income—
- (a) any attendance allowance, disability living allowance or personal independence payment or AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006) which, are paid as Income in kind see sub-paragraph (13); and
 - (c) the payments set out in sub-paragraph (10).
- (10) The payments mentioned in sub-paragraph (9) are—
- (a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006);
 - (b) any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which paragraph (a) refers and which is made to or for the benefit of—
 - (i) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, 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 self-employment;
- (d) expenses for business entertainment.

(4) This paragraph is subject to paragraph 20 of this Schedule.

20. Flat rate deductions for mileage and use of home and adjustment for personal use of business premises

(1) This paragraph provides for alternatives to the deductions that would otherwise be allowed under paragraph 19 of this Schedule.

(2) Instead of a deduction in respect of the actual expenses incurred in relation to the acquisition or use of a motor vehicle, the following deductions are allowed according to the mileage covered on journeys undertaken in the assessment period for the purposes of the self-employment—

- (a) in a car, van or other motor vehicle (apart from a motorcycle), 45 pence per mile for the first 833 miles and 25 pence per mile thereafter; and

- (b) on a motorcycle, 24 pence per mile,

and, if the motor vehicle is a car or motor cycle, the only deduction allowed for the acquisition or use of that vehicle is a deduction under this paragraph.

(3) Where a person whilst trading as a self-employed earner incurs expenses in relation to the use of accommodation occupied as their home, instead of a deduction in respect of the actual expenses, a deduction is allowed according to the number of hours spent in the assessment period on income generating activities related to the self-employment as follows—

- (a) for at least 25 hours but no more than 50 hours, £10.00;
- (b) for more than 50 hours but no more than 100 hours, £18.00;
- (c) for more than 100 hours, £26.00.

(4) Where premises which are used by a person mainly for the purposes of self-employment are also occupied by that person for their personal use, whether alone or with other persons, the deduction allowed for expenses in relation to those premises is the amount that would be allowed under regulation 19(1) if the premises were used wholly and exclusively for purposes of the self-employment, but reduced by the following amount according to the number of persons occupying the premise for their personal use—

- (a) £350.00 per calendar month for one person;
- (b) £500.00 per calendar month for two persons;
- (c) £650.00 per calendar month for three or more persons.

21. Information for calculating earned income

(1) Where—

- (a) a person has employed earnings in respect of which deductions or repayments of income tax are required to be made under the PAYE Regulations; and

(b) the person required to make those deductions or repayments is a Real Time Information employer, the information on which the calculation of those earnings is to be based for the purposes of determining the person's earned income is the information about those earnings reported to HMRC in accordance with the PAYE Regulations.

(2) Where paragraph (1) does not apply or where a Real Time Information employer fails to report information to HMRC, the person must provide such information for the purposes of calculating the person's earned income at such times as the Local Authority may require.

(3) Where, by virtue of paragraph (1), the calculation of employed earnings is to be based on information reported under the PAYE regulations, those employed earnings are to be treated as if they had been received by the person in the assessment period in which the Secretary of State receives that information, unless the Local Authority has made a determination in accordance with regulation 54(2)(b) of the Universal Credit Regulations 2013 (estimate where information not reported in relation to a previous assessment period).

(4) In this regulation "Real Time Information employer" has the meaning in regulation 2A(1) of the PAYE Regulations.

22. Meaning of “gainful self-employment”

(1) A claimant is in gainful self-employment where the Authority has determined that—

- (a) the claimant is carrying on a trade, profession or vocation as their main employment;
- (b) their earnings from that trade, profession or vocation are self-employed earnings;
- (c) the trade, profession or vocation is organised, developed, regular and carried out in expectation of profit;

23. Minimum income floor

(1) Where a claimant is in gainful self-employment and their earned income in respect of a period is less than the minimum income floor which is 16 hours at the National Minimum Wage, the claimant is to be treated as having earned income equal to the minimum income floor.

(2) Paragraph (1) does not apply within the start-up period.

24. Start-up period

(1) A “start-up period” is a period of 365 days (366 in any leap year) and applies from the date on which a claimant is in gainful self-employment.

(2) Where the gainful self-employment commenced prior to the start date of a claim, the start-up period will begin from the date on which the claimant began gainful self-employment, and not the date of the claim, in accordance with sub-section (1).

(3) But no start-up period may apply in relation to a claimant where a start-up period has previously applied in relation to that claimant, whether in relation to the current award or any previous award, of council tax support, unless that previous start-up period—

- (a) began more than 5 years before the beginning of the period referred to in paragraph (1); and
- (b) applied in relation to a different trade, profession or vocation.

(4) A start-up period may be terminated at any time if the person is no longer in gainful self-employment or is not taking active steps to increase their earnings from that employment to the level of the minimum income floor.

25. Evidence and information

For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions in paragraph 24 (start-up period), the Authority may require the claimant to provide such evidence or information as is reasonably required to determine those questions and to attend at such office or place on such days and at such times as the Secretary of State may direct for that purpose.

26. Calculation of income other than earnings:

(1) For the purposes of paragraph 14 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 27 (capital treated as income).

(2) There is to be disregarded from the calculation of an applicant’s gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 12.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

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

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) In sub-paragraph (5), “tax year” means a period beginning with 6th April in one year and ending with 5th April in the next.

(7) Sub-paragraphs (8) and (9) apply where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(8) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (8) applies, is to be calculated by applying the formula—

$(A - (B \times C)) / D$

where—

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 46(5);

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned,

or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 46(5) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

(9) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 46(5).

(10) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 7;

“assessment period” means—

(a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—

(i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

(ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 41(7) or both.

(11) For the avoidance of doubt there must be included as income to be taken into account under paragraph (1)—

(a) any payment to which paragraph 16(2) (payments not earnings) applies; or

(b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

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 applies;

(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;
- (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
 - (ii) 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; or
- (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 sub-paragraph (ii), (iv), (v) or (vi) above;
 - (ix) main phase employment and support allowance;
 - (g) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
 - (h) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
 - (i) a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (j) an AFIP would be payable to that person but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
 - (k) paragraph (f),(g),(h) or (i) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - (l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal

Social Services (Northern Ireland) Order 1972.

(11) For the purposes of sub-paragraph (10), once sub-paragraph (10)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph is to, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(12) For the purposes of sub-paragraph (10), once sub-paragraph (10)(e) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is to, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

(13) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

- (a) to whom an attendance allowance or care component of disability allowance is payable or would be payable but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (c) who is registered as blind in a register compiled under section 29 of the National Assistance 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 charges within the meaning of sub-paragraph (5); and
- (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, statutory adoption pay by virtue of section 171ZL of that Act, maternity allowance under section 35 of that Act, statutory shared parental pay by virtue of section 171ZU or 171ZV of that Act, or qualifying support.

(15) For the purposes of sub-paragraph (14) the relevant period begins on the day on which the person's maternity, paternity leave, shared parental leave or adoption leave commences and ends on—

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support (if relevant), statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.

(16) In sub-paragraphs (14) and (15)—

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

(17) In sub-paragraphs (6), (8)(a) and (13)(d), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

31. Calculation of average weekly income from tax credits

(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;

- (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
 - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
 - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

PART FIVE

Capital

32. Calculation of capital

- (1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and any income treated as capital under paragraph 33 (income treated as capital).
- (2) There must be disregarded from the calculation of an applicant’s capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 11.
- (3) The capital of a child or young person who is a member of the family of an applicant must not be treated as capital of the applicant.
- (4) Capital Jointly Held – except where an applicant possesses capital which is disregarded under paragraph 36(5) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the other provisions of this Part apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.
- (5) Calculation of tariff income from capital
- (a) Where the capital of an applicant calculated in accordance with this Part exceeds £6,000, it must be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £16,000.
 - (b) Notwithstanding sub-paragraph (a) where any part of the excess is not a complete £250 that part must be treated as equivalent to a weekly tariff income of £1.
 - (c) For the purposes of sub-paragraph (a), capital includes any income treated as capital under paragraph 33 (income treated as capital).

33. Income treated as capital

- (1) Any bounty derived from employment which is paid at intervals of at least one year is to be treated as capital.
- (2) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.
- (3) Any holiday pay which is not earnings under paragraph 16(1)(d) (earnings of employed earners) is to be treated as capital.
- (4) Except any income derived from capital disregarded under paragraphs 2 to 5, 9, 14 and 19 of Schedule 12, any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant’s account.
- (5) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant’s employer is to be treated as capital.
- (6) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.
- (8) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (9) Any arrears of working tax credit or child tax credit must be treated as capital.

34. Calculation of capital in the United Kingdom

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

35. Calculation of capital outside the United Kingdom

Capital which an applicant possesses in a country outside the United Kingdom will be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;

(b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

36. Notional capital

- (1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of that reduction
- (2) Except in the case of—
- (a) a discretionary trust; or
 - (b) a trust derived from a payment made in consequence of a personal injury; or
- (3) Any payment of capital, other than a payment of capital specified in sub-paragraph (4), made—
- (a) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (b) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (4) Paragraph (3) does not apply in respect of a payment of capital made—
- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief Charitable Fund;
 - (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
 - (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (f) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (i) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (ii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—
- (a) the value of his holding in that company must, notwithstanding paragraph 32 (calculation of capital) be disregarded; and
 - (b) he must, subject to sub-paragraph (6), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- (6) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (5) is to be disregarded.
- (7) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

37. Diminishing notional capital rule

- (1) Where an applicant is treated as possessing capital under paragraph 36(1) (notional capital), the amount which he is treated as possessing—
- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in subparagraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions,
- is to be reduced by an amount determined under sub-paragraph (3) or (4);
- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—

(i) that week is a week subsequent to the relevant week; and

(ii) that relevant week is a week in which the condition in sub-paragraph (4) or (7) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5) or (9).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

(a) he is in receipt of council tax support under this scheme; and

(b) but for paragraph 36(1), he would have received a greater amount of council tax support under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

(a) an amount equal to the additional amount of the council tax support to which sub-paragraph (2)(b) refers;

(b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);

(c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);

(d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and

(e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of paragraph (1)(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 36(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—

(a) the amount of council tax support to which the applicant would have been entitled in the relevant week but for paragraph 36(1);

(b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—

(i) in a case where no housing benefit is payable, the amount to which he would have been entitled;

or

(ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;

(c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;

(d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and

(e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

(a) dividing the relevant amount by the number equal to the number of days in that part-week, and

(b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further claim for council tax support and the conditions in sub-paragraph (8) are satisfied, and in such a case—

(a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words 'relevant week' there were substituted the words "relevant subsequent week"; and

(b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the

relevant subsequent week in question.

(8) The conditions are that—

(a) a further claim is made 26 or more weeks after—

- (i) the date on which the applicant made a claim in respect of which he was first treated as possessing the capital in question under paragraph 36(1);
- (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (5), the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and

(b) the applicant would have been entitled to council tax support under this scheme but for paragraph 36(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the redetermination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—
“part-week”—

(a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which council tax support under this scheme is allowed;

(b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;

(c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e) means—

- (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 36(1)—

(a) was first taken into account for the purpose of determining his entitlement to council tax support; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

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 in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;
- "student" means a person, other than a person in receipt of a training allowance, who is attending undertaking—
- (a) a course of study at an educational establishment; or
- (b) a qualifying course;
- "student loan" means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 2007.
- (2) For the purposes of the definition of "full-time student" in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—
- (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
- (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
- (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (c) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.
- (3) For the purposes of sub-paragraph (a) of sub-paragraph (2), the period referred to in that sub-paragraph includes—
- (a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.
- (4) In sub-paragraph (2), "modular course" means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

39. Treatment of students

This scheme has effect in relation to students subject the following provisions of this Part.

40. Students who are excluded from entitlement to a council tax reduction under this scheme

(1) Subject to sub-paragraphs (2) and (6), this paragraph applies to full-time students and students who are persons treated as not being in Great Britain.

- (2) Sub-paragraph (1) does not apply to a student—
- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
 - (b) who is a lone parent;
 - (c) whose applicable amount would, but for this regulation, include the limited capability for work support element or disability element;
 - (d) whose applicable amount would include the disability element but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
 - (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
 - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
 - (i) who is—
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
 - (j) in respect of whom—
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.
 - (k) who has been made an award of universal credit based on the following qualifying conditions-
 - (i) are a lone parent
 - (ii) have a partner who is also a student and one or both are responsible for a child
 - (iii) have a disability and qualify for the disabled element
- (3) For the purposes of sub-paragraph (2)(i)(i) the student must have begun, or been enrolled or accepted onto, the course before attaining the age of 19.
- (4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a fulltime student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (6) A full-time student to whom paragraph (i) of sub-paragraph (2) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- (7) Sub-paragraph (1) does not apply to a full-time student for the period specified in sub-paragraph (8) if—
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

- (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- whichever shall first occur.

41. Calculation of grant income

- (1) The amount of a student's grant income to be taken into account must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.
- (2) There must be excluded from a student's grant income any payment—
 - (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant;
 - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
- (3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—
 - (a) the sum of £303.00 per academic year in respect of travel costs; and
 - (b) the sum of £390.00 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- (4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—
 - (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 54(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- (8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

42. Calculation of covenant income where a contribution is assessed

- (1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.
- (2) The weekly amount of the student's covenant must be determined—
 - (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or

- 53, whichever is reasonable in the circumstances; and
- (b) by disregarding £5 from the resulting amount.
- (3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 41(2)(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

43. Covenant income where no grant income or no contribution is assessed

- (1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—
- (a) any sums intended for any expenditure specified in paragraph 41(2)(a) to (e) (calculation of grant income) necessary as a result of his attendance on the course must be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
- (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 41(2)(f) and (3) (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.
- (2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with sub-paragraphs (a) to (d) of sub-paragraph (1), except that—
- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 41(2)(a) to (e); and
- (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 41(2)(f) and (g) and (3).

44. Relationship with amounts to be disregarded under Schedule 12

No part of a student's covenant income or grant income shall be disregarded under paragraph 34 of Schedule 12.

45. Other amounts to be disregarded

- (1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 46 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 41(2) (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded.
- (2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 41(2) or (3), 42(3), 43(1)(a) or (c) or 46(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

46. Treatment of student loans

- (1) A student loan is to be treated as income.
- (2) In calculating the weekly amount of the loan to be taken into account as income—
- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
- (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
- (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (b) in respect of an academic year of a course which starts other than on 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
 - (c) before the first day of the course to a person in anticipation of that person becoming a student, that payment must be disregarded as income.

48. Disregard of contribution

Where the applicant or his partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

49. Further disregard of student's income

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

50. Income treated as capital

- (1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.
- (2) An amount paid from access funds as a single lump sum must be treated as capital.
- (3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any

council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

51. Disregard of changes occurring during summer vacation

In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

PART SEVEN

Extended Reductions [Support]

52. Extended reductions [Support]

(1) An applicant who is entitled to a reduction under this scheme (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where—

- (a) the applicant or the applicant's partner was entitled to a qualifying income related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment 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 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
- (iv) 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),

(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
- (d) 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
- (c) 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.

65. Periods of absence from a dwelling

- (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
 - (2) In sub-paragraph (1), a "period of temporary absence" means—
 - (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,
- where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
 - (i) the person intends to return to the dwelling;

- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks;
 - (c) subject to sub-paragraph (2D), a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period; and
 - (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (i) the part of the dwelling in which he usually resides is not let or sub-let; and
 - (ii) the period of absence from Great Britain is unlikely to exceed 4 weeks.
- (2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.
- (2B) Where—
- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
 - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
 - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).
- (2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.
- (2D) Where —
- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
 - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
 - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).
- (2E) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—
- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;
 - (b) the person's close relative;
 - (c) the close relative of the person's partner; or
 - (d) the close relative of a child or young person for whom the person or the person's partner is responsible, then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).
- (3) This sub-paragraph applies to a person who—
- (a) is a person to whom sub-paragraph (3A) applies;
 - (b) is resident in a hospital or similar institution as a patient;
 - (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - (d) is following a training course;
 - (e) is undertaking medically approved care of a person;
 - (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
 - (g) is receiving medically approved care provided in accommodation other than residential accommodation;
 - (h) is a student;
 - (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
 - (j) has left the dwelling he resides in through fear of violence in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- (3A) This sub-paragraph applies to a person ("P") who is—
- (a) detained in custody on remand pending trial;

(b) detained pending sentence upon conviction; or

(c) as a condition of bail required to reside—

(i) in a dwelling, other than a dwelling P occupies as P's home; or

(ii) in premises approved under section 13 of the Offender Management Act 2007,

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

(a) a person is temporarily absent from Great Britain;

(b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;

(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

(a) the person intends to return to the dwelling;

(b) the part of the dwelling in which he usually resided is not let or sub-let;

(c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

(3D) This sub-paragraph applies where—

(a) a person is temporarily absent from Great Britain;

(b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);

(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

(a) the person intends to return to the dwelling;

(b) the part of the dwelling in which he usually resided is not let or sub-let;

(c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—

(a) a person is temporarily absent from Great Britain;

(b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);

(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

(a) the person intends to return to the dwelling;

(b) the part of the dwelling in which he usually resided is not let or sub-let;

(c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(4) This sub-paragraph applies to a person who is—

(a) detained in custody pending sentence upon conviction or 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; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“residential accommodation” means accommodation which is provided in—

(a) a care home;

(b) an independent hospital;

(c) an Abbeyfield Home; or

(d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

65A. Periods of absence from a dwelling - Transitional Provision

(1) The amendments made to paragraph 65A, in accordance with paragraph 2 of the Council Tax Reduction Schemes (Prescribed Requirements)(England)(Amendment) Regulations 2016 (Statutory Instrument 2016 No.1262), shall not apply in respect of a person who is temporarily absent from Great Britain on 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 single claimant 25 or over joint claimants both under 25 joint claimants where either is 25 or over	£58.90 £74.35 £116.80 £116.80
Child element first child or qualifying young person second and each subsequent child or qualifying young person Additional amount for disabled child or qualifying young person: lower level higher level	£68.27 £68.27 £65.52 £92.12
LCW and LCWRA Elements limited capability for work (includes Support component and Disability premium) limited capability for work and work related activity (includes Work Related Activity component)	£39.20 £29.55
Carer Element	£37.50
Child care costs disregard maximum amount for one child maximum amount two or more children	Amount variable £175.00 £300.00

**PART 1
Elements**

1. The amounts specified for standard allowance elements in column (2) in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of paragraphs 4(1)(a) and 5(a) and (b) of Schedule 9—
2. For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if—
 - (a) paragraph 10 of this Schedule is satisfied in relation to the applicant; or
 - (b) the applicant is entitled to a converted employment and support allowance.
- 3.—(1) The amounts specified for child elements in column (2) in respect of each person specified in column (1) shall, for the relevant period specified below, be the amounts specified for the purposes of paragraphs 4(1)(b) and 5(c) of Schedule 9—

**PART 2
Additional Elements**

4. Except as provided in paragraph 5 of this Schedule, the elements specified in the above table shall, for the purposes of paragraphs 4(1)(d) and 5(e) of Schedule 9, be applicable to an applicant who satisfies the condition specified in paragraphs 8 to 17 of this Schedule in respect of that element.
5. Where an applicant or his partner satisfies the conditions in respect of both the Limited Capability for Work element and the Limited Capability for Work and Work Related Activity element, only one element shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
6. The following premiums, namely—
 - (a) a disabled child premium to which paragraph 15 and 16 of this Schedule applies; and
 - (b) a carer premium to which paragraph 17 of this Schedule applies,
may be applicable in addition to any other element which may apply under this Schedule.
- 7.(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once an element is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for—
 - (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by

the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer element under paragraph 17 of this Schedule, a person shall be treated as being in receipt of carer's allowance by virtue of subparagraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

8. Limited Capability for Work Element

The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9 of this Schedule is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9(1)(a) or (b) is satisfied by him; or
 - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9(1)(a) is satisfied by his partner.

9. Additional condition for the Limited Capability for Work Element

(1) Subject to sub-paragraph (2) and paragraph 7 of this Schedule, the additional condition referred to in paragraph 8 of this Schedule is that either—

- (a) the applicant or, as the case may be, the other member of the couple—
 - (i) is in receipt of one or more of the following benefits:; disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
 - (ii) was in receipt of disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 30(10)(g) (treatment of child care charges); or
 - (iii) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 30(10)(g) (treatment of child care charges); or
 - (iv) was in receipt of an AFIP but its payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution; or
 - (v) is provided by the Secretary of State or a clinical commissioning group with an invalid carriage or other vehicle under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 10(3) of Schedule 1 to the Act of 2006 or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or
 - (vi) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (b) the applicant or, as the case may be, the other member of the couple—
 - (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
 - (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
 - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
 - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(v), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight shall nevertheless be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date

on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the Limited Capability for Work element is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the Limited Capability for Work element is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (5),

shall in each case be treated as a reference to a period of 104 weeks.

10. The applicant is entitled to one, but not both, of the components in paragraph 13 or 14 of this Schedule if—

(a) the applicant or the applicant's partner has made a claim for employment and support allowance;

(b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and

(c) either—

(i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or

(ii) regulation 7 of the Employment and Support Allowance Regulations 2008 circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

11. The applicant is entitled to one, but not both, of the components in paragraphs 13 and 14 if the applicant or his partner is entitled to a converted employment and support allowance.

12. Where the applicant and the applicant's partner each satisfies paragraph 13 or 14, the component to be included is the element that relates to both the applicant and the applicant's partner.

13. The work-related activity component

The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

14. The support component

The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant 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 by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008; and
- (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 23 of this Schedule would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

21.(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition, ends by virtue of the termination of the applicant's award of support, under—
- (i) paragraph 20(2)(b) of this Schedule;
- (ii) sub-paragraph (3)(b) of this paragraph; or
- (iii) paragraph 22(3)(b) of this Schedule;
- (b) within 104 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to support under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to support under this scheme the relevant person is entitled to an employment and support allowance which is not income-related;
- (d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where applicant is a work or training beneficiary) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and
- (e) at the date on which the applicant again becomes entitled to support under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseekers allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would

have had by virtue of paragraph 24, unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

22.(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—
 - (i) paragraph 20(2)(c) of this Schedule;
 - (ii) paragraph 21(3)(c) of this Schedule; or
 - (iii) sub-paragraph (3)(c) of this paragraph;
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) either—
 - (i) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations applies to the relevant person; or
 - (ii) the period between the events mentioned in paragraphs (a) and (b) is one to which regulation 145(2) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and
- (d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 24 of this Schedule), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

PART 4

Amount of Transitional Addition

23.(1) Subject to paragraph 24 of this Schedule, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Existing Awards) Regulations is made in respect of the relevant person—

- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Existing Awards) Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations as modified by the Employment and Support Allowance (Existing Awards) Regulations—

- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and

(b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.
(4) In this paragraph and paragraph 24, “basic amount” means the aggregate of such amounts as may apply in the applicant’s case in accordance with paragraph 4(1)(a) to (d) or paragraph 5(a) to (b) of this scheme.

24. (1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant’s basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

SCHEDULE 11: Capital Disregards: Persons who are not Pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

4. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 9 of this Schedule 9 (Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction), only one dwelling shall be disregarded under this paragraph.

5. (1) Premises that a person intends to occupy as their home where —

(a) the person has acquired the premises within the past 6 months but not yet taken up occupation; or

(b) the person is taking steps to obtain possession and has commenced those steps within the past 6 months; or

(c) the person is carrying out essential repairs or alterations required to render the premises fit for occupation and these have been commenced within the past 6 months.

(2) A person is to be taken to have commenced steps to obtain possession of premises on the date that legal advice is first sought or proceedings are commenced, whichever is earlier.

6. Premises that a person has ceased to occupy as their home following an estrangement from their former partner where—

(a) the person has ceased to occupy the premises within the past 6 months; or

(b) the person’s former partner is a lone parent and occupies the premises as their home.

7. Premises that a person is taking reasonable steps to dispose of where those steps have been commenced within the past 6 months.

8. An amount deposited with a housing association as a condition of the person occupying premises as their home.

9. An amount received within the past 6 months which is to be used for the purchase of premises that the person intends to occupy as their home where that amount—

(a) is attributable to the proceeds of the sale of premises formerly occupied by the person as their home; or

(b) has been deposited with a housing association as mentioned in paragraph 8;

(c) is a grant made to the person for the sole purpose of the purchase of a home.

10. An amount received within the past 6 months that is to be used for making essential repairs or alterations to premises occupied or intended to be occupied as the person’s home where that amount has been acquired by the person (whether by grant or loan or otherwise) on condition that it is used for that purpose.

11. An amount received under an insurance policy within the past 6 months in connection with the loss or damage to the premises occupied by the person as their home or to their personal possessions.

12. Premises occupied by a close relative of a person as their home where that close relative has limited capability for work or has reached the qualifying age for state pension credit.

13. Premises occupied by a person's former partner as their home where the person and their former partner are not estranged, but living apart by force of circumstances, for example where the person is in residential care.

14. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.

15. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

16. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

17 Assets which were used wholly or mainly for the purpose of a trade, profession or vocation that the person has ceased to carry on within the past 6 months if-

- (a) the person is taking reasonable steps to dispose of those assets; or
- (b) the person ceased to be engaged in carrying out the trade, profession or vocation because of incapacity and can reasonably expect to be reengaged on recovery.

18. Assets which are used wholly or mainly for the purpose of a trade, profession or vocation which the person is carrying on.

19. Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
- (b) an income-related benefit under Part 7 of the Act;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance
- (g) Universal Credit

20. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

21. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

22. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

23. Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

24. The value of the right to receive any income under a life interest or from a life rent.

25. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

26. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and

(c) continues to live with the applicant.

27. Any social fund payment or payment made by an Authority under any hardship scheme.

28. Any capital which by virtue of regulation 27 or 42 (capital treated as income, treatment of student loans) is to be treated as income.

29. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Sub-paragraph (3) does not apply if—

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who 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.

(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 help 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 Page 222 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 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 sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose 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 in or under a contract 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) £12.40
 - (b) £4.05
- (2)
 - (a) less than £217.
 - (b) not less than £217.00 but less than £377.00, deduction £8.25;
 - (c) not less than £377.00 but less than £469.00, deduction £10.35.

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, couple or polygamous marriage	Amount
(1) Single applicant or lone parent who has attained pensionable age	(1) £187.75
(2) Couple and one or both members have attained pensionable age	(2) £280.85
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £280.85
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £93.10

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) £68.27
(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) £68.27

2. Child or young person amounts

Part 2

3. Family premium

£17.60

Part 4

Provision	Amount
(1) Severe Disability Premium— (a) where the applicant satisfies the condition in paragraph 6(2)(a); (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 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.	(1) (a) £66.95; (b) (i) £66.95; (ii) £133.90.
(2) Enhanced disability premium.	(2) £26.60 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) £65.52 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £37.50 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 £215.00

(ii) not less than £215.00 per week but less than £279.00 per week

Appendix 2

Schedule 9: People who are not Pensioners

Part 3

8. Non-dependant deductions

(1)

(a) £12.40

(b) £4.05

(2)

(a) less than £217.00.

(b) not less than £217.00 but less than £377.00, deduction £8.25;

(c) not less than £377.00 but less than £469.00, deduction £10.35.

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) Element	Column (2) Amount
Standard allowance single claimant under 25	£58.90
single claimant 25 or over	£74.35
joint claimants both under 25	£116.80
joint claimants where either is 25 or over	£116.80
Child element first child or qualifying young person	£68.27
second and each subsequent child or qualifying young person	£68.27
Additional amount for disabled child or qualifying young person:	
lower level	£65.52
higher level	£92.12
LCW and LCWRA Elements limited capability for work (includes Support component and Disability premium)	£39.20
limited capability for work and work related activity (includes Work Related Activity component)	£29.55
Carer Element	£37.50
Child care costs disregard maximum amount for one child	Amount variable £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) Element	Column (2) Amount (monthly)
Standard allowance single claimant under 25	£342.72
single claimant 25 or over	£409.89
joint claimants both under 25	£488.59
joint claimants where either is 25 or over	£594.04
Child element first child or qualifying young person	£281.25
second and each subsequent child or qualifying young person	£235.83
Additional amount for disabled child or qualifying young person:	
lower level	£128.25
higher level	£400.29
LCW and LCWRA Elements limited capability for work	£128.25
limited capability for work and work related activity	£341.92
Carer Element	£162.92

Agenda Item 7

Report to:	EXECUTIVE CABINET
Date:	27 January 2021
Executive Member:	Councillor Oliver Ryan – Executive Member (Finance and Economic Growth)
Reporting Officer:	Ilys Cookson – Assistant Director (Exchequer Services)
Subject:	COUNCIL TAX BASE 2021/2022
Report Summary:	<p>The law requires that the calculation of the Council Tax base for tax setting must be made between 1 December 2020 and 31 January 2021. 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 2021/22 would prevent the Council from setting its budget for the 2021/22 financial year.</p>
Recommendations:	<p>It is recommended 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 2021/2022 shall be 61,843.42. the amount calculated by Tameside Metropolitan Borough Council as the tax base for the Town Council of Mossley for the year 2021/2022 shall be 3,338.3
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 tax setting must be made between 1 December 2020 and 31 January 2021.</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 2021/22 would prevent the Council from setting its budget for the 2021/22 financial year.</p> <p>In December 2019, for the 2020/21 financial year, the tax base for Tameside was based on 64,599.9 band D equivalent properties, with an estimated collection rate of 98% resulting in a Council Tax base of 63,307.9. The Council's Medium Term Financial Plan has previously assumed that the Council Tax base will increase each year by approximately 250 band D equivalent properties as result of new build properties in the area. For 2021/22 this report is proposing a tax base of 61,843.4 based on 63,756.1 band D equivalent properties and a collection rate of 97%. This is a</p>

significant reduction in the tax base for Council Tax setting and will significantly reduce the amount of Council Tax income available to fund the revenue budget in 2021/22.

This significant reduction in the tax base for 2021/22 is due to a combination of additional exemptions and reductions, and the change to the assumed medium term collection rate.

The total number of band D equivalent properties after exemptions and discounts has been reduced by an increase in exemptions due to probate, and a significant increase in the number of Council Tax Support claimants. Both these changes are considered to be due to the impacts of COVID-19. The increase in exemptions due to probate is hopefully only temporary, but if Council Tax support figures increase further during 2021/22 then there is a risk that the amount of Council Tax income available to the Council will be further reduced.

The assumed collection rate has been reduced from 98% to 97% due to collection performance during 2020 being significantly reduced as a result of the impact of the COVID-19 pandemic on the economy and employment. It is assumed that the impacts will continue to be felt into 2021/22. If medium term collection rates are impacted even further then there is a risk that the levels of Council Tax collected will reduce, resulting in future deficits on the collection fund.

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

The Local Government Finance Act 1992 requires a billing authority to calculate the Council Tax base for tax setting between the 1 December 2019 and 31 January 2020.

The 1992 Act sets out the process for calculating the council tax base which is set out in the main body of the report.

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.

Background Information:

The background papers relating to this report can be inspected by contacting the Report Writer, Tracey Watkin by:



Telephone: 07966763337



E-mail: tracey.watkin@tameside.gov.uk

1 INTRODUCTION

- 1.1 A 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.

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.
- 2.3 The Council is required to provide details of its current tax base in an annual return (the 'CTB1') to the Ministry of Housing, Communities and Local Government (MHCLG) which is completed in October of each year. For the 2020 return, MHCLG specified that the number of properties on the valuation list as at 14 September 2020 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 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. Between October 2019 and October 2020 there has been a 7% increase in exempt properties, largely due to a significant increase in 'Class F' exemptions, where a property is unoccupied awaiting probate.
- 2.5 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 The Executive Cabinet considered a proposal in February 2019 to increase the charges for properties that are empty for more than 2 years in accordance with new legislation contained in Section 11B of the Local Government Finance Act 1992 amended by Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018. The increase in charge for Council Tax will be determined by the length of time that the property has remained empty. This was agreed by Executive Cabinet, and took effect from 1 April 2019.
- 2.7 Awards under the Council Tax Support Scheme are 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.
- 2.8 The October 2020 tax base calculation includes a reduction of 12,925 band D equivalent properties due to the Council Tax Support (CTS) scheme, which is equivalent to Council Tax foregone of £16.542m in 2020/21. This is a significant increase in the number of CTS claimants compared to October 2019 when the equivalent figures were a reduction of 11,695 properties and Council Tax forgone of £14.320m in 2019/20. This increase is attributed to the impact of the COVID-19 pandemic on the economy and employment, and there is a risk that this may increase further during 2021.
- 2.9 All reliefs, discounts, exemptions and Council Tax Support are included in the Council Tax Base return (the 'CTB1') to MHCLG in October of each year. A copy of the CTB 1 for October 2020 is included at Appendix 3.

- 2.10 To calculate the forecast tax base for the 2021/22 financial year, further adjustments are made to the figures in the CTB1 to reflect additions to the tax base due to new build and unbanded properties.
- 2.11 An adjustment is made to the tax base for forecast new buildings. These are properties, which are currently under construction, but not yet in the valuation list. The estimated new build properties for the next 18 months are reduced in comparison to previous years, which may possibly be attributed to the COVID pandemic and the construction industry being affected by lockdown. An estimate is made of the likely Council Tax band they will be classified in, and the date they are likely to be occupied and therefore subject to council tax.
- 2.12 A further adjustment is made for un-banded properties. These are new properties, which have been completed but have not yet been included in the valuation list. Again an estimate of the likely valuation band is made. All of the adjustments are totalled and added to the current tax base in order to give the best estimate for the forthcoming financial year.
- 2.13 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. In previous years, the cumulative collection rate has been set at 98% reflecting historical performance on collection.
- 2.14 During 2020, as a result of the COVID-19 pandemic, there has been a significant reduction in the in-year collection rate for Council Tax. The economic impacts of COVID-19 mean that these reduced collection rates are expected to continue into 2021/22 and will have an impact on the medium term collection rate. In 2021/2022 the assumed collection rate is therefore forecast to be 97%.

3 THE TAX BASE CALCULATIONS

- 3.1 **Appendix 1** provides a summary of the calculation of the tax base for Tameside for the 2021/22 financial year. **Appendix 2** provides a summary of the calculation of the tax base for Mossley for the 2021/22 financial year.
- 3.2 **Appendix 3** is a copy of the CTB1 return for Tameside as submitted to MHCLG in October 2020. **Appendix 4** is a CTB1 equivalent for the Mossley parish area (this is not required to be submitted to MHCLG).

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 63,756.1 properties. There are no Ministry of Defence properties in Tameside. An estimated collection rate of 97% gives a Council Tax base of 61,843.4.
- 5.2 The calculation of the Mossley Parish tax base for Council Tax setting purposes gives an estimated Band D equivalent of 3,441.5 properties. There are no Ministry of Defence properties in Mossley. An estimated collection rate of 97% gives a Council Tax base of 3,338.3.

6 RECOMMENDATIONS

6.1 As stated at the front of this report.

APPENDIX 1

Calculation of the 2021/22 tax base for Tameside

Council Tax Base Return to MHCLG on 15 October 2020	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	34.4	23,358.7	12,278.0	15,275.4	6,314.9	4,309.4	1,270.3	672.2	37.5	63,550.8
Forecast New Build Band D Equivalents	-	15.8	41.3	107.2	27.4	13.6	-	-	-	205.3
Council Tax Base for 2021/22	34.4	23,374.5	12,319.3	15,382.6	6,342.3	4,323.0	1,270.3	672.2	37.5	63,756.1
Assumed Collection rate										97%
Council Tax Base for Precepts										61,843.4

APPENDIX 2

Calculation of the 2021/22 tax base for Mossley

Council Tax Base Return to MHCLG on 15 October 2020	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	1.6	1,320.9	599.5	794.5	392.4	213.7	75.8	27.9	-	3,426.3
Forecast New Build Band D Equivalents	-	0.6	0.9	5.4	6.0	2.4	-	-	-	15.2
Council Tax Base for 2021/22	1.6	1,321.5	600.4	799.9	398.4	216.1	75.8	27.9	-	3,441.5
Assumed Collection rate										97%
Council Tax Base for Precepts										3,338.3

APPENDIX 3

Copy of the Council Tax Base return (CTB1) to MHCLG in October 2020

CTB(October 2020) form for Tameside

Completed forms should be received by MHCLG by Friday 16 October 2020

Dwellings shown on the Valuation List for the authority on Monday 14 September 2020	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		52,586	19,099	19,676	6,891	3,798	924	425	42	103,441.0
2. Number of dwellings on valuation list exempt on 5 October 2020 (Class B & D to W exemptions)		1,140	297	260	67	51	6	3	1	1,825.0
3. Number of demolished dwellings and dwellings outside area of authority on 5 October 2020 (please see notes)		0	0	0	0	0	0	0	0	0.0
4. Number of chargeable dwellings on 5 October 2020 (treating demolished dwellings etc as exempt) (lines 1-2-3)		51,446	18,802	19,416	6,824	3,747	918	422	41	101,616.0
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 5 October 2020		93	76	114	44	47	14	10	21	419.0
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	93	76	114	44	47	14	10	21		419.0
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)	93	51,429	18,840	19,346	6,827	3,714	914	433	20	101,616.0
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 5 October 2020	26	24,565	6,374	5,147	1,277	528	123	61	1	38,102.0
9. Number of dwellings in line 7 entitled to a 25% discount on 5 October 2020 due to all but one resident being disregarded for council tax purposes	0	465	198	211	80	44	12	8	0	1,018.0
10. Number of dwellings in line 7 entitled to a 50% discount on 5 October 2020 due to all residents being disregarded for council tax purposes	0	29	13	17	23	14	7	27	2	132.0

11. Number of dwellings in line 7 classed as second homes on 5 October 2020 (b/fwd from Flex Empty tab)		63	34	24	9	4	3	2	0	139.0
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 5 October 2020 (b/fwd from Flex Empty tab)		726	258	150	44	23	4	4	1	1,210.0
13. Number of dwellings in line 7 classed as empty and receiving a discount on 5 October 2020 and not shown in line 12 (b/fwd from Flex Empty tab)		0	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 5 October 2020 (b/fwd from Flex Empty tab)		204	36	28	8	4	6	3	0	289.0
15. Total number of dwellings in line 7 classed as empty on 5 October 2020 (lines 12, 13 & 14).		930	294	178	52	27	10	7	1	1,499.0
16. Number of dwellings that are classed as empty on 5 October 2020 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		612	178	119	40	17	9	6	1	982.0
16a. The number of dwellings included in line 16 above which are empty on 5 October 2020 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	0.0
16b. The number of dwellings included in line 16 above which are empty on 5 October 2020 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	0.0
17. Number of dwellings that are classed as empty on 5 October 2020 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	0.0
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).		612	178	119	40	17	9	6	1	982.0

19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annexe discount	67	26,166	12,216	13,943	5,439	3,124	766	334	17	62,072.0
20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	26	25,263	6,624	5,403	1,388	590	148	99	3	39,544.0
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	0.0
22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	86.5	45,420.0	17,233.0	18,034.0	6,485.3	3,570.0	883.8	406.3	18.8	92,137.5
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)	48.1	30,280.0	13,403.4	16,030.2	6,485.3	4,363.3	1,276.5	677.1	37.5	72,601.4
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2020-21 (to 1 decimal place)										0.0
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										72,601.4
Part 2										
27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	86.50	45,420.00	17,233.00	18,034.00	6,485.25	3,570.00	883.75	406.25	18.75	92,137.5
28. Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	24.54	10,381.96	1,447.03	849.23	170.37	44.13	4.32	2.94	0.00	12,924.5
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	62.0	35,038.0	15,786.0	17,184.8	6,314.9	3,525.9	879.4	403.3	18.8	79,213.0
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)	34.4	23,358.7	12,278.0	15,275.4	6,314.9	4,309.4	1,270.3	672.2	37.5	63,550.8
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2020-21 (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)										63,550.8

APPENDIX 4

October 2020 Council Tax Base actuals for Mossley (CTB1 equivalent)

CTB(October 2019) form for Tameside

Completed forms should be received by MHCLG by Friday 11 October 2019

Dwellings shown on the Valuation List for the authority on Monday 9 September 2019	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		2,796	894	1,017	419	183	53	14	1	5,377.0
2. Number of dwellings on valuation list exempt on 7 October 2019 (Class B & D to W exemptions)		52	9	13	2	0	0	0	0	76.0
3. Number of demolished dwellings and dwellings outside area of authority on 7 October 2019 (please see notes)		0	0	0	0	0	0	0	0	0.0
4. Number of chargeable dwellings on 7 October 2019 (treating demolished dwellings etc as exempt) (lines 1-2-3)		2,744	885	1,004	417	183	53	14	1	5,301.0
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 7 October 2019		4	2	6	3	0	0	0	1	16.0
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	4	2	6	3	0	0	0	1		16.0
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)	4	2,742	889	1,001	414	183	53	15	0	5,301.0
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 7 October 2019	1	1,358	307	276	64	20	2	3	0	2,031.0
9. Number of dwellings in line 7 entitled to a 25% discount on 7 October 2019 due to all but one resident being disregarded for council tax purposes	0	21	15	7	7	2	0	0	0	52.0
10. Number of dwellings in line 7 entitled to a 50% discount on 7 October 2019 due to all residents being disregarded for council tax purposes	0	0	2	1	0	0	0	1	0	4.0

11. Number of dwellings in line 7 classed as second homes on 7 October 2019 (b/fwd from Flex Empty tab)		5	4	0	1	0	0	0	0	10.0
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 7 October 2019 (b/fwd from Flex Empty tab)		46	14	8	2	0	0	0	0	70.0
13. Number of dwellings in line 7 classed as empty and receiving a discount on 7 October 2019 and not shown in line 12 (b/fwd from Flex Empty tab)		0	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 7 October 2019 (b/fwd from Flex Empty tab)		8	3	2	0	0	0	2	0	15.0
15. Total number of dwellings in line 7 classed as empty on 7 October 2019 (lines 12, 13 & 14).		54	17	10	2	0	0	2	0	85.0
16. Number of dwellings that are classed as empty on 7 October 2019 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		32	8	6	2	0	0	2	0	50.0
16a. The number of dwellings included in line 16 above which are empty on 7 October 2019 because of the flooding that occurred between 1 December 2013 and 31 March 2014 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0.0
16b. The number of dwellings included in line 16 above which are empty on 7 October 2019 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	0.0
17. Number of dwellings that are classed as empty on 7 October 2019 and have been for more than 6 months and fall 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 and 16b above.		0	0	0	0	0	0	0	0	0.0
18 Line 16 - line 16a - line 16b - line 17. This is the equivalent of line 18 on the CTB(October 2018) and will be used in the calculation of the New Homes Bonus.		32	8	6	2	0	0	2	0	50.0

19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annexe discount	3	1,355	562	715	343	161	51	9	0	3,199.0
20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	1	1,387	327	286	71	22	2	6	0	2,102.0
21. Reduction in taxbase as a result of the Family Annexe discount (b/fwd from Family Annexe tab)	0.0	0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5
22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	3.8	2,406.8	811.5	931.8	396.3	177.5	52.5	16.8	0.0	4,796.8
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)	2.1	1,604.5	631.2	828.2	396.3	216.9	75.8	27.9	0.0	3,782.9
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2019-20 (to 1 decimal place)										0.0
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										3,782.9
Part 2										
27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	3.75	2,406.75	811.50	931.75	396.25	177.50	52.50	16.75	0.00	4,796.8
28. Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	0.94	425.36	40.76	37.92	3.88	2.63	0.00	0.00	0.00	511.5
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	2.8	1,981.4	770.7	893.8	392.4	174.9	52.5	16.8	0.0	4,285.3
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)	1.6	1,320.9	599.5	794.5	392.4	213.7	75.8	27.9	0.0	3,426.3
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2019-20 (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)										3,426.3

Agenda Item 8

Report to:	EXECUTIVE CABINET
Date:	27 January 2021
Executive Member:	Cllr Oliver Ryan – Executive Member (Finance and Economic Growth)
Reporting Officer:	Ilys Cookson – Assistant Director Exchequer Services
Subject:	CHRISTMAS SUPPORT PAYMENT FOR WET LED PUBS
Report Summary:	The report details the latest government grant for wet led public houses in response to the COVID-19 economic situation.
Recommendations:	It is recommended that the government scheme for Christmas Support Payments to eligible wet led pubs is noted.
Corporate Plan:	The payment of grant to businesses that meet the eligibility criteria supports the local economy.
Policy Implications:	The grant is mandatory for public houses that meet the eligibility criteria.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	The Secretary of State for the Department of for Business, Energy and Industrial Strategy (BEIS) has previously announced the introduction of five grant funding streams to help support businesses that are required to close or are severely impacted, due to national or localised restrictions as a result of COVID-19. This mandatory grant to wet led pubs is in addition to the five funding streams previously announced and which have been subject to separate reports. This additional grant for wet led pubs is a £1,000 one-off payment to all eligible public houses that meet the criteria. The grant is fully funded by central government, with cash advances being paid to the Council on 18 December 2020. Full reimbursement of grant payments made is expected following reporting and reconciliation processes. Whilst the grant payments are fully funded by Government, the administration of applications and payments of grant, together with the reporting requirements for BEIS and the reconciliations, are complex and time consuming. New burdens funding has been committed by Government but individual allocations have not been announced and therefore it is not clear whether this funding will fully cover the additional cost to the Council of administering these schemes.
Legal Implications: (Authorised by the Borough Solicitor)	The legislative requirements for this grant are set out in the main body of the report. As with all covid related grant schemes it is important that it is robustly managed to ensure that the funds are spent appropriately. The processes for ensuring this robust management is set out in the risk section of the report.
Risk Management:	Risks are detailed in Section 5 of this report.
Background Information:	The background papers relating to this report can be inspected by contacting Ilys Cookson – Assistant Director Exchequer Services Telephone: 07855 813630 e-mail: ilyc.cookson@tameside.gov.uk

1. INTRODUCTION

- 1.1 On 1 December 2020 the government announced further support to businesses over the festive period by way of a mandatory grant to wet-led pubs in areas under Tier 2 or 3 COVID restrictions. The grant is known as Christmas Support Payment (CSP) and aims to support businesses under the Local Restrictions Support Grants. Guidance was released on 9 December 2020.
- 1.2 This grant is in addition to the five grants announced by government so far to support local businesses, which are:
- Local Restriction Support Grant (Closed) mandatory grant
 - Local Restrictions Support Grant (Sector) mandatory grant
 - Local Restrictions Support Grant (Addendum) mandatory grant
 - Local Restriction Support Grant (Open) discretionary grant
 - Additional Restrictions Grant discretionary grant
- 1.3 For the purposes of this grant the government have determined that a 'wet led' pub is defined as a pub that derives less than 50% of its income from sales of food.

2. CHRISTMAS SUPPORT PAYMENTS GRANT (CSP)

- 2.1 Under the CSP scheme, local authorities will receive a one-off payment amounting to £1,000 per wet-led pub in each eligible local authority where Tier 2 or Tier 3 restrictions are imposed, following the scheduled Tier review dates of 2 December and 16 December.
- 2.2 Grant monies will be paid to local authorities under section 31 of the Local Government Act 2003, and local authorities will receive 80% of the estimated grant funding based on an initial government estimate. When, or if, this threshold of funding has been spent, the government have confirmed that they will top up funding to local authorities if required.
- 2.3 The grant covers the period between 2 December 2020 and 29 December 2020 only; it cannot be granted retrospectively. The grant scheme closes on 29 December 2020 and final applications must be received by 31 January 2021. Grant funding must be paid as soon as possible to eligible businesses and no later than 28 February 2021.
- 2.4 There is no definitive description of a traditional pub or public house in law that could be readily used by local authorities to determine eligibility, however the Councils rating list does detail the premises description as 'public house and premises' as determined by the Valuation Office Agency, responsible for setting business rates rateable values. For the purposes of this grant, pubs should under normal circumstances (without local or national restrictions) be described as:
- open to the general public
 - allow free entry other than when occasional entertainment is provided
 - allow drinking without requiring food to be consumed
 - no membership fee
 - permit drinks to be purchased at a bar.
- 2.5 Local Authorities may request that pubs provide accounting evidence that they derive under 50% of their income from food sales to determine that the pub is wet-led. These accounts should be dated no later than 11 March 2020 (covering a period when trade was not affected by Covid-19).
- 2.6 Businesses established after 11 March 2020 and before 01 December 2020 may still be eligible for this grant and may be asked to supply accounting evidence that they derive under 50% of their income from food sales covering the period that they have been open.

- 2.7 The guidance is clear that the following are excluded:
- restaurants, cafes and snack bars
 - nightclubs and music venues
 - hotels, guesthouses and boarding houses
 - sporting venues and festival sites
 - theatres, museums, exhibition halls, cinemas, concert halls and casinos.
- 2.8 Pubs that derive over 50% of their income from food sales will not be eligible to receive funding through this grant scheme. Businesses must have been trading on 30 November (the day before this scheme was announced) to be eligible to receive funding under this scheme. Where local restrictions are preceded by national 'lockdown' measures, requiring the closure of businesses that are otherwise eligible, it is accepted that those businesses are still trading.
- 2.9 Grant applications are subject to state aid limits, the Covid-19 Temporary State Aid Framework and businesses will be entitled to receive a grant for each eligible property within the area. Some businesses may receive more than one grant where they have more than one eligible property. Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme. Grant income received by a business is taxable.

3 PROGRESS TO DATE

- 3.1 It is estimated that there are 90 pubs within the Tameside area that are eligible to receive the £1,000 lump sum payment. This can be paid in addition to other grants that the wet led pub may be eligible to receive under either the mandatory or discretionary grant schemes.
- 3.2 Guidance states that the local authority must contact the business as there must be some sort of application process and declaration that by accepting the grant payment, the business confirms that they are eligible for the grant scheme. As part of their application process for the scheme, all pubs will be required to self-certify that they meet all eligibility criteria.
- 3.3 An application form has been developed including the necessary declarations that must be made and which has been emailed to all identified eligible pubs. The application and assessment process has been approved by the Councils internal audit service and as soon as applications are received payment may be made. As the identified pubs will most likely already have been in receipt of other mandatory grants, bank account details and necessary checks against fraudulent applications and eligibility will have already been undertaken in the majority of cases.

4 DATA REPORTING AND RISK IDENTIFICATION

- 4.1 As with all of the mandatory and discretionary grant schemes information must be reported weekly to Business, Energy and Industrial Strategy, BEIS. The number of applications received, number and value of payments will be reported. BEIS have advised that information may also be requested to be provided by parliamentary constituency.
- 4.2 A robust set of fraud risk and identification guidelines have been issued to all local authorities administering grant payments. Working with internal audit colleagues throughout the grant application process has ensured that the risk of fraudulent applications is minimised as much as is possible. Fraud which is organised, large scale systematic, or which crosses Local Authority boundaries must be reported to BEIS and National Anti-Fraud Network (NAFN) and National Investigation Service (NIS), otherwise individual cases of fraud should be recovered by the local authority.

5 RISK

- 5.1 Colleagues across the organisation are supporting this process notably Internal Audit to ensure processes and systems are robust in relation to the guidance received, Finance to ensure appropriate reconciliation of monies paid, IT, Marketing and Communications for publicising the grant payments.
- 5.2 Fraudulent claims and payment errors could be made, therefore it is essential that the processes in place are robust and ensure that sufficient evidence is collected to verify that the claims are legitimate. Post payment assurance checks will also be made which must be reported to BEIS.
- 5.3 This additional work comes at a time when three other new government initiatives including the three mandatory business rates grants, as referred to in Section 1, are being administered within Exchequer Services. This is in addition to existing increasing demand and increasing volumes of day-to-day work as a result of COVID-19. Each new initiative requires additional resource, new process set up, IT solutions and additional management responsibilities. The new additional work is sizeable in terms of volume includes the Track and Trace Self Isolation payments, the Housing Benefit Accuracy project imposed by the DWP, the Discharge to Assess for financial assessments for care services from March lockdown imposed by DoHSC.
- 5.4 The collection of Council Tax, Business Rates, Housing Benefit overpayments and income from Sundry Debts as well as prompt payment of Housing Benefit and Council Tax Support remains vital to support the Councils overall budget position, and also to support the most financially vulnerable in the Borough.

6 CONCLUSION

- 6.1 The government have introduced a further business rates support grant titled Christmas Support Payment for wet led pubs in response to the impact on this sector from COVID-19 restrictions. A wet led pub is defined as a pub that derives less than 50% of its income from sales of food.
- 6.2 Grant monies will be paid to local authorities under section 31 of the Local Government Act 2003 and eligible wet led pubs will receive a one-off payment amounting to £1,000 and covers the period 02 December 2020 to 29 December 2020 only and it cannot be granted retrospectively.
- 6.3 A number of exclusions apply and no business should exceed state aid rules, or the Covid-19 Temporary State Aid framework, must not be insolvent, in administration or in the process of being struck off.
- 6.4 An estimated 90 pubs may qualify for the CSP payment in Tameside and, in accordance with government guidance, applications have been invited from those identified as being eligible and which includes a series of declarations regarding eligible status of the pub to receive grant funding.
- 6.5 Data on applications received and paid are to be reported to BEIS on a weekly basis and measures have been put in place to minimise the risk of fraudulent applications being received and paid. Post payment assurance checks will also be undertaken and which must also be reported to BEIS.

7 RECOMMENDATIONS

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

Agenda Item 9

Report to: EXECUTIVE CABINET

Date: 27 January 2021

Executive Member: Councillor Oliver Ryan – Executive Member (Finance and Economic Growth)

Reporting Officer: Jayne Traverse – Director of Growth

Subject: **CORPORATE POLICY: RESIDENTIAL FREEHOLD REVERSIONS (A SUPPLEMENTARY POLICY)**

Report Summary: This report sets out a supplementary policy: the Corporate Policy: Disposals Policy for residential ground plots leased to residents.

Recommendations: That Executive Cabinet be recommended to agree:

- (i) To adopt the Policy enabling the Disposal of residential ground plots leased plots leased to residents and set out at **Appendix 1**.
- (ii) That the Council should as a general principle not dispose of its reversionary freehold portfolio as a whole on the investment market, in order to protect the interests of residents.

Decisions on all future disposals of the Council's freehold reversions to individual homeowners to be made by the Director of Growth, subject to compliance with the Council's Residential Freehold Reversions Policy and the requirements of The Openness of Local Government Bodies Regulations 2014:

<https://www.legislation.gov.uk/uksi/2014/2095/contents/made> .

Policy Implications: The proposed land sales will deliver corporate priorities – housing, economic growth and employment opportunities. The Council has an approved Corporate Policy: Disposal of Council Owned Land. The Corporate Policy: Residential Freehold Reversions is a supplemental policy to this approved policy. When either policy is reviewed, the two policies should be checked to ensure there are no inconsistencies between the two as a result of the process.

Financial Implications:
(Authorised by the statutory Section 151 Officer & Chief Finance Officer) The report proposes the approval of a policy to dispose of residential ground plots that are leased to residents. For context, the Council holds over 900 ground leases where the administration cost of managing these leases far exceeds the annual income received.

The value of a capital receipt received in any financial year if less than £ 10,000 will be allocated to the respective directorate revenue budget that receives the annual rent. Any capital receipt that exceeds this de-minimus value will be a corporate receipt to support the funding of the Council's capital programme.

These will be allocated to the Growth directorate revenue budget in the financial year received. In addition the Council will levy legal fees of £300 and £250 for surveying fees (plus VAT when applicable) as stated in the policy for each disposal. These fees will be allocated to the respective Council directorates on receipt

and will be reviewed on an annual basis to ensure the fee level recovers all related costs incurred.

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

The Council must ensure that it complies with the law and its own policy in disposing of land. The policy seeks to provide transparency in the process for disposing of freehold reversions to owner/occupiers.

Assuming the policy is adopted, the report seeks delegation to the Director of Growth to agree future freehold reversion disposals.

It is important to note that this is a limited delegation relating to a particular type of transaction of low value, which tend to need to be progressed quickly to assist owners/occupiers in re-mortgaging/selling their homes.

However, it should be noted that Millions of leaseholders will be given the right to extend their lease by a maximum term of 990 years at zero ground rent, the Housing Secretary Robert Jenrick has announced 7 January 2021. It comes as part of the biggest reforms to English property law for 40 years, fundamentally making home ownership fairer and more secure.

Under the current law many people face high ground rents, which combined with a mortgage, can make it feel like they are paying rent on a property they own. Freeholders can increase the amount of ground rent with little or no benefit seen to those faced with extra charges. It can also lengthen and lead to increased costs when buying or selling the property.

The changes will mean that any leaseholder who chooses to extend their lease on their home will no longer pay any ground rent to the freeholder, enabling those who dream of fully owning their home to do so without cumbersome bureaucracy and additional, unnecessary and unfair expenses

The government is also now establishing a Commonhold Council - a partnership of leasehold groups, industry and government - that will prepare homeowners and the market for the widespread take-up of commonhold. The commonhold model is widely used around the world and allows homeowners to own their property on a freehold basis, giving them greater control over the costs of home ownership. Blocks are jointly owned and managed, meaning when someone buys a flat or a house, it is truly theirs and any decisions about its future are theirs too. Under current rules, leaseholders of flats can extend their lease at a zero 'peppercorn' ground rent, but usually only for 90 years. Leaseholders can also face high charges to extend their lease. For leasehold house owners, which face slightly different rules, they can also face barriers when they look to extend their leases. Today's changes mean both house and flat leaseholders will now be able to extend their lease to a new standard 990 years with a ground rent at zero.

A cap will also be introduced on ground rent payable when a leaseholder chooses to either extend their lease or become the freeholder. An online calculator will be introduced to make it simpler for leaseholders to find out how much it will cost them to buy their freehold or extend their lease.

The government is abolishing prohibitive costs like ‘marriage value’ and set the calculation rates to ensure this is fairer, cheaper and more transparent.

Further measures will be introduced to protect the elderly. The government has previously committed to restricting ground rents to zero for new leases to make the process fairer for leaseholders. This will also now apply to retirement leasehold properties (homes built specifically for older people), so purchasers of these homes have the same rights as other homeowners and are protected from uncertain and rip-off practices.

Leaseholders will also be able to voluntarily agree to a restriction on future development of their property to avoid paying ‘development value’. Legislation will be brought forward in the upcoming session of Parliament, to set future ground rents to zero.

The Law Commission published their report on enfranchisement valuation ‘Report on options to reduce the price payable’ in January 2020 and their reports on enfranchisement, commonhold and right to manage in July 2020. These reports can be found on the [Law Commission’s website](#).

A freeholder owns both the property and the land it stands on while leaseholders only own the property.

Marriage value assumes that the value of one party holding both the leasehold and freehold interest is greater than when those interests are held by separate parties. Today’s announcement will remove marriage value from the premium calculation.

‘Modern ground rent’ is the rent (determined under section 15 of the 1967 Act) payable during the additional term of a lease extension of a house (under the current law). It is calculated by valuing the “site”, and then decapitalising that value.

The formula used to work out the cost to leaseholders for buying the freehold or extending the lease includes a discount for any improvements the leaseholder has made and a discount where leaseholders have the right to remain in the property on an assured tenancy after the lease expires. These existing discounts will be retained, alongside a separate valuation methodology for low-value properties known as ‘section 9(1)’.

In recognition of the previous announcement of the ground rent exemption for retirement properties in June 2019, and wishing to mitigate potential impact on these developers, commencement of this provision will be deferred and come into force (for retirement properties) 12 months after Royal Assent. This means the Policy will need to be reviewed in due course owing to the change of law.

Risk Management:

There are risks of complaints and reputational damage should the Council be unable to dispose of land within this asset category due to the detriment caused to residents.

Background Information:

The background papers relating to this report can be inspected by contacting Mathew Chetwynd – Estates Business Manager



Telephone: 0161 342 5500



e-mail: mathew.chetwynd@nhs.net

1. INTRODUCTION

- 1.1 The Council holds approximately 900 residential plots of land which are typically occupied by a single home. The vast majority of the leases are for the ground only and the resident usually owns the freehold home.
- 1.2 A considerable number of the Council ground leases have less than 60 years remaining which prevents home owners from selling their property as buyers are often unable to obtain a mortgage where ground leases have less than 80 years remaining. This in effect prevents a resident from selling their property unless they are able to attract a buyer with no borrowing requirements. The limitation also prevents some mortgage holders from switching to different lending products which may disadvantage them financially.
- 1.3 The Council has not carried out any residential freehold reversionary sales since early 2018 due to a requirement for the Council to ensure that it has adequate governance arrangements in place for surplus land disposals. It has considered and approved one case by exception in December 2020 and this is presently been progressed.
- 1.4 There are presently circa 55 requests from residents to acquire their reversionary freeholds, of which 8 are pressing.
- 1.5 General Government Policy is that Local Authorities dispose of surplus and underused land and property wherever possible. The Council has fairly wide discretion to dispose of its assets (such as land and buildings). When disposing of such assets the Council is subject to statutory provisions, in particular the overriding duty, under Section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for the disposal subject to certain exceptions contained in the General Disposals Consent (England) 2003.
- 1.6 While the Council does not have a statutory duty to sell reversionary freeholds, it does want to assist leaseholders.
- 1.7 Reversionary freeholds and ground rents are historic ways of developing land for residential and commercial purposes. While the system allows land to be developed it does allow the freeholder to retain a reversionary interest and it is this reversionary interest which generates two types of market issues.
- 1.8 Firstly as residents' leasehold interests get shorter over time it means that finance becomes more difficult to obtain. The consequences of this are two fold, firstly residents cannot sell and move home because purchasers are restricted to cash buyers who do not need finance, and secondly homeowners may not be able to obtain the most favourable financial terms.
- 1.9 Secondly, residents and leaseholders in England may find that the superior landlord charges high levels of fees for permission to do works or enforces lease clauses that cause hardship. The Council does not act in this way and it is for this reason it is recommended that reversionary freeholds are only sold to residents on the appropriate market terms rather than disposing of the reversionary interest portfolio as an investment to a third party, thereby putting residents at risk of being potentially exploited.
- 1.10 Disposals will be progressed through negotiation on the basis of a valuation carried out by an approved Chartered Surveyor. The Head of Estates will either appoint a qualified Chartered Surveyor from the Estates Team or appoint a firm of Agents to carry out the valuation.

2 THE VALUATION

- 2.1 The Valuation will be carried out by the approved Chartered Surveyor appointed by the Head of Estates.
- 2.2 The Valuation will be carried in accordance with the requirements contained in the Corporate Policy: Residential Freehold Disposals, which is a supplemental policy to the Corporate Policy: Disposal of Council Owned Land (September 2020). In the case of any conflicts between the two policies the Corporate Policy: Disposal of Council Owned Land (September 2020) will prevail.
- 2.3 The Valuation approach to be used will be based on the then current legislation, the dominant case law of the time and any best professional market practice as evidenced by Codes of Practice issued by the Royal Institution of Chartered Surveyors or the Law Society.
- 2.4 The Council Chartered Surveyor or approved external chartered surveyor will produce a formal valuation report in accordance with the requirements of Section 5 of the Corporate Policy: Residential Freehold Disposals as modified by changes in practice as noted above
- 2.5 The Council does not actively market the opportunity for residents to acquire their Freehold Reversion, however now that the disposals within this asset category shall resume it is expected that a report shall be presented at each Executive Cabinet due to the number of enquiries that the Council receives.
- 2.6 In all circumstances the Council assess each application on a case by case basis to ensure that any adjacent Council land does not result in a landlocked scenario, for example where ground leases encompass separate garden and garage plots which are detached from the main property boundary.
- 2.7 The individual executive reports regarding a transaction will contain exempt information relating to paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) in that it relates to private and confidential information of an individual resident and is therefore not for publication.

3 RECOMMENDATIONS

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

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Tameside Metropolitan Borough Council

Corporate Policy: Residential Freehold Reversions

Policy Version

Corporate Policy: Residential Freehold Reversions Supplemental Policy to Corporate Policy: Disposal of Council Owned Land September 2020.	30 November 2020 To be reviewed in November 2023
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Corporate Policy: Residential Freeholds Contents:

1. Aims of this Policy
2. Asset Disposal Consultation Process
3. The History of Reversionary/Ground Rents
4. The Residential Reversionary Portfolio
5. Valuation Methodology
6. Fees
7. Proposed timescales
8. Policy Review

Appendix 1: Sample Valuation and Valuation Report

CORPORATE POLICY

Residential Freehold Reversions

1. AIMS OF THIS POLICY

- 1.1** The Council has adopted a Strategic Asset Management Plan (SAMP) to ensure that the Council's property assets contribute pro-actively to the delivery of the organisation's priorities.
- 1.2** The SAMP directs and informs the actions and priorities of the Council's Strategic Property Service (SPS) to ensure that the asset portfolio is consistently aligned with the Council's corporate priorities, provides value for money and is aligned with the Council's Corporate Financial Strategy and Capital Programme. This strategic and integrated approach to the management and investment of the corporate portfolio will ensure that the asset base remains fit for purpose.
- 1.3** The SAMP will inform the Council's investment, disinvestment, development and disposal decisions.
- 1.4** A revised Disposal of Council Owned Land Policy was approved in September 2020.
- 1.5** This Residential Freehold Reversions Policy is a Supplementary Policy to the Disposal of Council Owned Land Policy. This Supplementary Policy gives further guidance on residential freehold reversionary assets.
- 1.6** General Government Policy is that local authorities dispose of surplus and under-used land and property wherever possible. The Council has fairly wide discretion to dispose of its assets (such as land or buildings). When disposing of such assets, the Council is subject to statutory provisions, in particular to the overriding duty, under section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for the disposal subject to certain exceptions contained in the General Disposals Consent (England) 2003.
- 1.7** The Council is aware of the general issues and concerns surrounding the reversionary freehold sector and wishes to assist freeholders in acquiring the Council's reversionary interest as appropriate and in accordance with established market and case law best practice.
- 1.8** This supplementary policy achieves the objective set out 1.7.
- 1.9** The Council will accordingly review this policy either in line with its internal review policy or in response to changes in legislation or new best practice guidance being published.

2. ASSET DISPOSAL CONSULTATION PROCESS

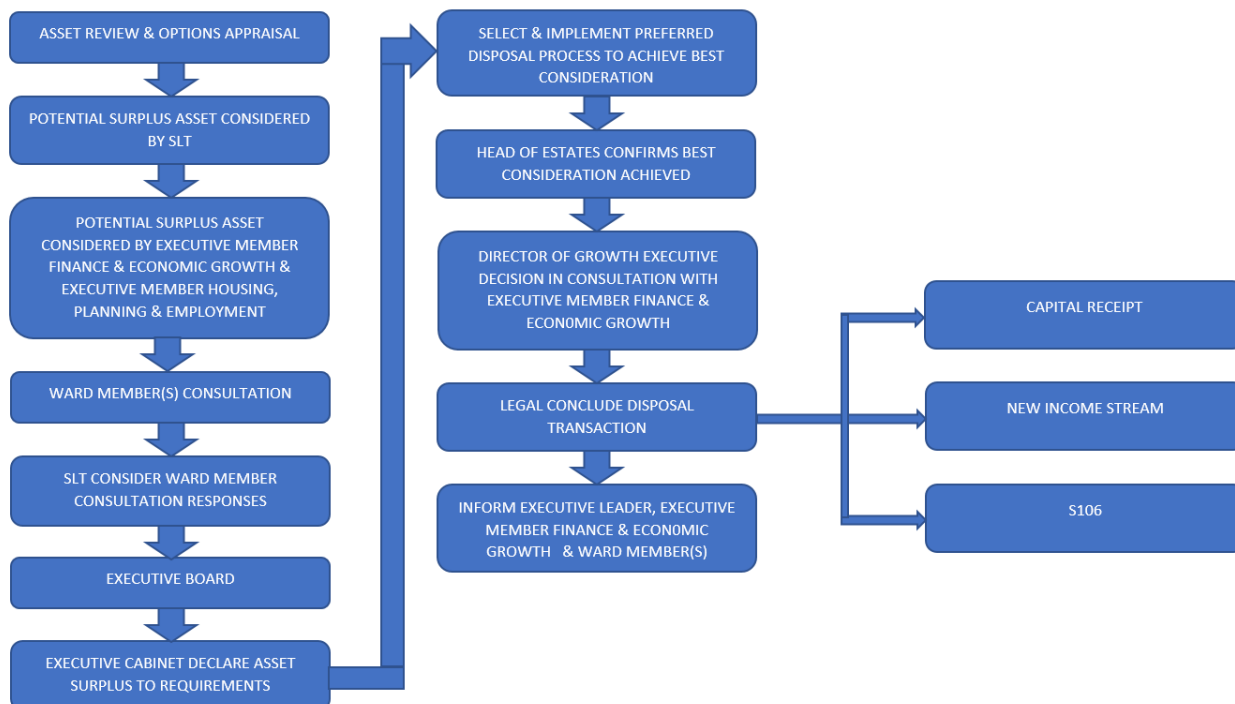


Figure A. Process for declaring an asset surplus to Council Requirements

- 2.1 The Director of Growth selects and implements the preferred disposal process for disposing of any assets that are considered surplus to Council requirements as outlined in Figure A.
- 2.2 Each asset disposal is treated on its own merits and nothing in this Policy will bind the council to a particular course of action in respect of a disposal. This supplemental policy needs to be read and operated in conjunction with the Corporate Policy: Disposal of Council Owned Land September 2020 or the latest revised version of that Policy.
- 2.3 The Corporate Policy Disposal of Council Owned Land sets out the adopted procedure for the disposal of surplus and under-used assets.
- 2.4 The Corporate Policy Disposal of Council Owned Land and the Corporate Policy Residential Freeholds contain processes adopted to ensure that requests to purchase Council owned assets are dealt with in a fair, consistent and transparent manner. Any person who may have an interest in purchasing land will have the opportunity to do so in circumstances no less favourable than anybody else. The Corporate Policy Disposal of Council Owned Land distinguishes between requests for the purchase of small areas of land that may be considered for sale by private treaty and from larger areas with development potential that should be sold on the open market and this Corporate Policy Residential Freeholds deals with requests by home owners to buy the freeholds of their homes.
- 2.5 Although this Policy will normally be followed, there will be occasions where the procedure may need to be changed. The purchase of reversionary residential freeholds is an emotive subject and this Policy balances the Fiduciary Duties of the Council with the needs of residential leaseholders.
- 2.6 Subject to compliance with the Policy (if approved) delegation to agree all future disposals of the Council's freehold reversions to individual homeowners to be given to the Director

of Growth in accordance with section 29 Part 3a of the Council's Terms of Reference and Scheme of Delegation, "the approval of the sale or exchange of land or buildings".

- 2.7 The individual reports regarding a transaction will contain exempt information relating to paragraph 7 of Parts 1 of Schedule 12A of the Local Government Act 1972 (as amended) in that it relates to private and confidential information of an individual resident and is therefore not for publication.
- 2.8 Under the two polices there will be defined administrative processes and timeframes that will prevent hardship to Leaseholders and their families.
- 2.9 The Asset Disposal Consultation Process excludes assets in the categories of residential freehold reversionary interests and rentcharge interests except for the exclusions outlined in section 13.3 of the main Policy

3. THE HISTORY OF REVERSIONARY/GROUND RENTS

- 3.1 Reversionary freeholds and ground rents are historic development agreements that enabled housing and other properties to be developed. This form of development agreement was particularly popular in the late 19th Century and early 20th Century and continues to be used today.
- 3.2 The advantages of this form of development were that it released land for development. This process allowed the freeholder to maintain some control over the form of the development, produce an income flow and maintain their landholdings through the retention of the reversionary freehold interest, which for historic urban landed estates was especially attractive.
- 3.3 At the time when these long leases were originally granted the majority of residential property was either rented or held on long leases in this way. Overtime however market tenure forms have changed reflecting the aspirations of homebuyers and the availability to obtain mortgages and these changes can generate problems to long leaseholders when they try to sell their homes or remortgage.
- 3.4 When the leases were originally granted the terms were often in excess of 99 years, with 99 years, 125 years and 999 years lease terms being typical lease. The Council's Reversionary Freehold portfolio holds a number of these interests.
- 3.5 With the effluxion of time the unexpired length of the leases has become shorter, with the consequence that when leases are less than 60 years, it is difficult to obtain mortgages and hence homeowners have to either seek to extend their lease term or purchase the reversionary freehold to enable a sale or remortgage.
- 3.6 Purchasing the reversionary freehold is the optimal solution for homeowners, as it removes the dominant superior interest simplifying future transactions.
- 3.7 For long leaseholders the purchase of the reversionary interest therefore allows them to resell their property or to refinance their property so as to carry out essential repairs. It also allows vulnerable leaseholders to move into more appropriate accommodation or to fund the costs of care.
- 3.8 As a consequence of these pressures there is an established market for the sale and purchase of reversionary interests. This has resulted in statute and the development of industry standard valuation techniques to value the reversionary interest.

- 3.9** Overtime concerns about this market have led legislation with the Leasehold Reform Act 1967 and successive revisions being the dominant statute governing this field. The Council will accordingly will adopt industry valuation approaches and standards to assess purchase prices to accord with the principles of this Act.
- 3.10** The reversionary interest market and the disposal of reversionary interests to property companies rather than to long leaseholders is a complex topic. Despite legislation there is still some controversy and concerns about homeowners experiences and the financial pressures placed on them.
- 3.11** Long leasehold management companies and investors have been and continue to be the subject of complaints. For vulnerable leaseholders there are concerns about poor service, high charges and enforcement of conditions which are really no longer relevant but which cause hardship and worry.
- 3.12** Accordingly this policy is focussed on the disposal of interests to individual homeowners, rather than the disposal of the Council's reversionary freehold portfolio either in whole or in part on the investment market.

4. THE PRESENT RESIDENTIAL REVERSIONARY INTEREST PORTFOLIO

- 4.1** The Council has approximately 900 residential ground plots and leaseholds which are typically occupied by a single home. The vast majority of the leases are for the ground only with the resident owning the home constructed on the land. From these 900 ground leases the total annual rent receivable is circa £10,680 and the administration costs of managing these leases far exceeds the income received
- 4.2** The majority of Council's Residential Reversionary Interest portfolio are between the Council as freeholder and the homeowner as occupational lessee. However in a minority of cases there is triparty relationship. In this situation in addition to the Council as freeholder and the homeowner as occupational lease, there is also an intermediary Head Leasehold interest, which is often held by third party. Tripartite leasehold cases are more complicated and are dependent on the identification and co-operation of all the parties.
- 4.3** Of critical importance is the remaining length of the lease. A considerable number of the Council's ground leases now have less than 60 years remaining which prevents home owners from selling their property as lenders typically look for an unexpired minimum lease term of 60 years. This in effect prevents homeowners from selling their property unless they are able to attract a buyer with no borrowing requirements and this is a restricted market. The limitation also prevents some mortgage holders from switching to different lending products which may disadvantage them financially.
- 4.4** Many of leaseholders with less than 60 years remaining on their ground leases will be elderly or vulnerable and these circumstances create potential social and financial hardship and cause anxiety. While residents do have a direct legal remedy under the Leasehold Reform Act 1967 to acquire the freehold ground plot from the Council, this is cumbersome and costly for the resident when the Council can agree to dispose of the asset by private treaty and without challenge. It is also understood that residents are rarely advised of this process by their professional representatives.
- 4.5** Presently the Council has circa 55 recorded residents who have attempted to acquire their ground plot from the Council in the past 3 years, of which a small number have advised that their requirement to move home is urgent and they are facing hardship. Hence sale of the reversionary freehold to the individual homeowner is a major benefit to them and potential purchasers in terms of ability to buy, sell, refinance and improve their homes.

- 4.6** Management of the Residential Reversionary Freehold portfolio presents a complex challenge. While the portfolio is relatively large size it is uneconomical to operate. Sale to individual homeowners is the most beneficial social outcome as once they have obtained the reversionary freehold interest it means they can, buy, sell, refinance their homes or improve their homes more easily.
- 4.7** For the same reasons the Council should only consider sales to individual leaseholders rather than disposing of the Residential Reversionary Freehold portfolio to a third party commercial interest unless such a sale could be on terms which protect the interests of residents.

5. VALUATION METHODOLOGY

- 5.1** The Council is under a duty to achieve 'Best Consideration'. 'Best Consideration' means achieving maximum 'value' from the disposal, not just the maximum price. Disposal at less than market value must contribute to the 'promotion or improvement of the economic, social or environmental wellbeing of the area'.
- 5.2** The Council is in the position of a trustee in relation to the land that it holds on behalf of the community and has a statutory duty to sell land at the best price that can reasonably be obtained. The Council will only be able to demonstrate that it achieved the best consideration by obtaining an appropriate valuation of the land
- 5.3** The Council will obtain an appropriate valuation of the land by using qualified Chartered Surveyors and by following adopted best practice and valuation methodologies.
- 5.4** The valuation approach currently adopted by the Council is based on the Upper Tribunal Case of Clarise Properties [2012] UKUT (LC) which recommends 'a three stage approach to valuation'.
- 5.5** The 'three stage approach' looks at the value of the existing lease term, i.e. the income provided to the Council during the lease of the existing lease (i.e. stage 1), the value of any lease extension, which would generate an increased rent, albeit after the initial lease term has expired (i.e. stage 2) and what happens when, the initial lease term has expired and any extension to the lease has also expired and the property reverts back to the landlord (i.e. stage 3).
- 5.6** The standard valuation technique used to calculate the value of the interest will be determined by the prevailing professional practice, statute and case law at the date of valuation.
- 5.7** The Valuation will be carried out by a suitably qualified Chartered Surveyor, appointed by the Head of Estates for the purpose of the valuation. The suitably qualified Chartered Surveyor may be either an employee of the Council or alternatively the Head of Estates may appoint an external firm of Surveyors to carry out the valuation.
- 5.8** While terms will normally be agreed by negotiation in case of a dispute and agreement cannot be reached over the value of the interest to be purchased or the terms, the occupational lessee can refer the matter to the First Tier Tribunal Property Chamber.
- 5.9** The qualified Chartered Surveyor will produce a valuation that will be in a prescribed format. The Valuation will comprise: the Calculation and a separate valuation report detailing the property, the date of valuation, the valuation figure the background to the valuation, the current position, the valuation methodology used, and market comparables. These will be contained in a commercially sensitive annexe. An example of a satisfactory valuation is attached in Appendix 1 of this Policy document.

- 5.10** Where a value has been determined by the First Tier Tribunal of the Property Chamber the decision of the Chamber will be substituted for the documentation described in para 5.8.

6. FEES

- 6.1** The purchaser will pay the Council's fees, which will be reviewed periodically. The Council's current fees are £300.00 for legal fees and £250.00 for surveying fees (plus VAT when applicable).
- 6.2** The purchaser will be liable for their own legal and surveying fees.

7. PROPOSED TIMESCALES

- 7.1** Applications will be received on an "as and when basis". The Council will acknowledge an application within 10 working days of receipt of an application and will produce a valuation within 6 weeks of receiving all the necessary information required and payment of the Council's fees from the leaseholder or their legal representative.
- 7.2** Completion of legal documentation and registration of the title may take a number of months dependent on the purchaser's solicitor and the Land Registry.
- 7.3** All transactions will be dependent on any arrears of rent or fees being settled as part of the agreed terms.

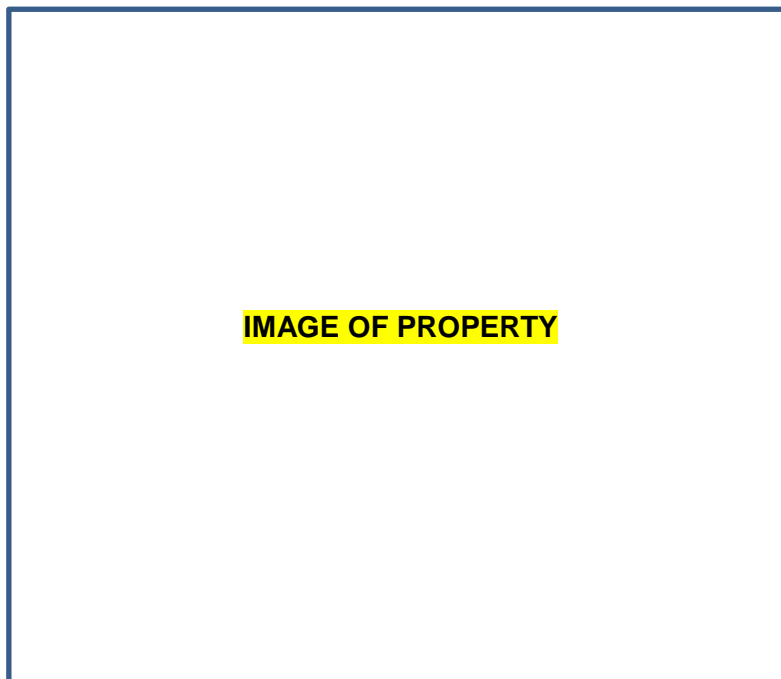
8. POLICY REVIEW

- 8.1** The Council will review the Policy every three years or if there is a change in legislation, case law or valuation methodology in the market.

APPENDIX 1: SAMPLE VALUATION AND VALUATION REPORT

Term	Stage 1	Years	Percentage			
	Current Ground Rent			12.5		Rent Passing
	x YP	48	5	18.0772	£ 225.97	Number of years remaining in the lease.
1st Reversion	Stage 2					
	Entirety Value			140000		Value of property.
	Site Value		33.33	46662		
	De-capitalise		5		2333.1	
	YP	50	5	18.2559	42592.84	Assumption that a new 50 year term will be provided on expiry of initial lease.
	PV £1 Deferred	48	5	0.096142	£ 4,094.97	
2nd Reversion	Stage 3					
	Standing House Value		80	112000		Value of standing house but deferred for remaining lease term (i.e. 48 years) and term of any lease extension (i.e. 50 years).
	Deferred	98	5	0.008384	£ 939.01	
					£5,259.94	

**VALUATION OF
[STREET],
[DISTRICT],
[POSTCODE].**



[NAME OF VALUER] [QUALIFICATIONS]

[DATE]

1.0 Background

- 1.1 The Council hold the Freehold interest in the above mentioned property which is subject a long-leasehold interest currently held *[NAME OF HEAD LESSEE / OCCUPATIONAL LESSEE IF THERE IS NO HEAD-LEASEHOLD INTEREST]*. *[IF APPLICABLE]* It is understood that this head-leasehold interest is then subject to an occupational leasehold interest held by the owner of *[PROPERTY ADDRESS]*.
- 1.2 The current owner of the subject property *[has agreed terms for the sale of the property although the purchaser has advised that, he is unable to secure suitable finance owing to the limited term of years remaining on the lease. Completion of the house sale is therefore conditional upon the occupational lessee either 'extending' their existing lease (by way of a surrender and renewal) or, more preferably, acquiring the Freehold interest held by the Council, along with the long-leasehold interest held by [OWNER OF HEAD-LEASEHOLD INTEREST IF APPLICABLE]] or [is looking to re-mortgage the dwelling. As part of this process, the mortgage provider has suggested that the remaining term of the lease is insufficient and has therefore requested a lease extension or similar. In order to facilitate the re-mortgage application, a request has therefore been received from the homeowner to acquire the Council's Freehold interest]*.
- 1.3 The request to acquire the Freehold interest held by the Council was originally submitted in *[date of application]*. *[Any further background, has the sale been delayed, any reasoning etc.]*.

2.0 Current Position

- 2.1 Situations similar to *[PROPERTY ADDRESS]* is increasingly common nationally, with a number of home owners suffering from an increasingly limited lease term which, is impacting on their ability to sell or re-mortgage existing properties. This has resulted in a number of high profile cases which has determined an increasingly established mechanism for assessing value. The most notable case is that of Clarise Properties Limited [2012] UKUT 4(LC) which recommends a 'three stage approach'.
- 2.2 This three stage approach requires the valuer to look at the value of the;
 - (1) remaining lease term;
 - (2) first reversion and
 - (3) second reversion.

3.0 Valuation Methodology

- 3.1 In terms of (1), at the time of the request, there were *[NUMBER OF YEARS REMAINING ON LEASE]* years remaining on the lease term. As such, the Council are entitled to receive the existing ground rent payable under the existing lease (i.e. *[GROUND RENT]*) for the remainder of the lease term (i.e. *[NUMBER OF YEARS REMAINING ON LEASE]*).
- 3.2 The valuation therefore looks at what an investor would pay for this income stream as at the date of the valuation. A multiplier is utilised which is based on the risk associated with securing the income and the level of return that an investor would expect to receive. A reasonable return in this instance has been assumed at *[YIELD]*. This results in the income stream having a value, as at the valuation date, of *[VALUE OF EXISTING REMAINING TERM]*.
- 3.3 With regard to (2), under Section 1 of the Leasehold Reform Act 1967, the long-lessee is entitled to extend the lease for a new 50 year lease term upon expiry of the existing lease. The terms of the lease (most notably in relation to the rent) would however be based on a modern rental.

- 3.4 Using the principles set out in the 'Clarise' case, this assumes that the ground rent at the first reversion would be a third of the house value. In this instance, Market Value of the subject property has been determined at [MARKET VALUE OF PROPERTY] based on the schedule of comparable evidence included in Appendix One and therefore, site value is determined [1/3 OF MARKET VALUE OF PROPERTY]. This capital sum has been 'converted' to a rental figure, using a yield or return of [YIELD]. This assumes that a modern ground rent would be [RENTALISED VALUE OF LAND BASED ON 1/3 LAND VALUE PRINCIPAL AND APPROPRIATE YIELD] per annum for the land.
- 3.5 In terms of the ground rent, when the lease is extended at the first reversion, the Council would then enjoy an increased annual income (of RENTALISED VALUE) for the duration of the extended (50 year) lease term. Using a slightly increased yield of [YIELD] reflecting the slightly higher risk, this income would have a value of [VALUE OF EXTENDED LEASE TERM PRIOR TO DEFERRMENT]. However, as this value would not be realised for a further 50 years (i.e. whilst the existing term expires), it would be necessary to 'defer' this income for a period of 50 years. The present value of £1 deferment therefore equates to a current value of the first reversion of [VALUE OF EXTENDED LEASE TERM FOLLOWING 50 YEAR DEFERRMENT].
- 3.6 In relation to (3), this looks at any value to the landlord once (a) the initial (remaining) [NUMBER OF YEARS REMAINING ON EXISTING LEASE] year lease term has expired and (b) any subsequent 50 year lease term has expired. As the land would revert back to the Council, the valuation would need to reflect what value the Council would be receiving – in this case, this would be the value of the standing house (not including the land upon which the house is 'sat'). This value is deferred (or not received) by the Landlord for [PERIOD OF DEFERRMENT, I.E. LENGTH OF REMAINING LEASE TERM + STATUTORY EXTENSION PERIOD OF 50 YEARS] years and results in a current value of the second reversion of [80% OF MARKET VALUE MULTIPLY BY PRESENT VALUE OF £1 FOR PERIOD OF REMAINING LEASE TERM ADD ANY PERIOD OF STATUTORY EXTENSION].

4.0 Valuation

4.1 As set out above, an appropriate value of the Council's interest on an agreed valuation date of 1 August 2018, would be;

- (1) [VALUE OF FIRST STAGE, I.E. REMAINING LEASE TERM]
- (2) [VALUE OF SECOND STAGE, I.E. VALUE OF STATUTORY EXTENSION PERIOD FOLLOWING APPROPRIATE PERIOD OF DEFERRMENT]
- (3) [VALUE OF THIRD STAGE, I.E. AFTER REMAINING LEASE TERM AND STATUTORY EXTENSION PERIOD HAS EXPIRED FOLLOWING APPROPRIATE PERIOD OF DEFERRMENT].

[VALUE OF THREE STAGES]

[VALUE OF THREE STAGES ROUNDED TO APPROPRIATE FIGURE] in this instance.

Appendix One – Market Comparable Evidence

Address	Property	Condition	Price	Date
[ADDRESS OF SOLD PROPERTY]	[BRIEF DESCRIPTION OF PROPERTY, I.E. 3 BED SEMI-DETACHED]	[ANY AVAILABLE INFORMATION ON CONDITION]	[SALE PRICE]	[DATE OF SALE]

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Report to:	EXECUTIVE CABINET
Date:	27 January 2021
Executive Member:	Councillor Warren Bray, Executive Member Transport and Connectivity
Reporting Officer:	Jayne Traverse, Director of Growth
Subject:	DOING BUSES DIFFERENTLY: CONSULTATION ON THE IMPACT OF COVID-19 ON THE PROPOSED BUS FRANCHISING SCHEME
Report Summary:	The report considers the Greater Manchester Combined Authority consultation for the proposal to introduce bus franchising in Greater Manchester taking account of the possible effects of Covid-19.
Recommendations:	<p>That Executive Cabinet be recommended to:</p> <ul style="list-style-type: none">(i) Consider and note the contents of the report in relation to the ongoing bus franchising consultation taking account of the possible effects of Covid-19(ii) To consider and approve the attached formal response to the 12 questions contained in the consultation questionnaire attached at Appendix 1.
Corporate Plan:	The schemes set out in this report support the objectives of the Corporate Plan
Policy Implications:	Bus Franchising will help connectivity across the Tameside and Greater Manchester Region thereby supporting economic regeneration and support those most at risk within the borough
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	Section 3 of the report provides details of the related financial issues for the proposed franchising scheme. A non-recurrent contribution from GM local authorities is referenced in section 3.2. Members are reminded of a non-recurrent £ 3.02m rebate received by the Council from GM relating to waste and transport levies in 2019/20. The related details were reported in the 2019/20 period 6 integrated financial monitoring revenue report presented to the Executive Cabinet on 27 November 2019. A sum of £ 1.45m has been allocated via this rebated sum in 2020/21 to finance the cost of the Council's contribution to the proposed franchising scheme. This non-recurrent sum will need carrying forward to subsequent financial years once the outcome of the consultation is known together with any revisions to the required costs. The related details will be reported to Members at a later date.
Legal Implications: (Authorised by the Borough Solicitor)	<p>This report should be considered in conjunction with the Executive Cabinet Report on the 18 December 2019 which detailed the Bus Franchising initiative for Greater Manchester and commenced the consultation which is being expanded upon but the additional questions appended.</p> <p>These additional questions are intended to capture views relating the impact of covid and to ensure that the information gleaned from the consultation provides decision makers with as much relevant information as possible in order to make informed decisions and ensure a robust decision making process.</p>

It should be noted that the Council's constitution states under Part 3b - Cabinet Positions - Portfolios that:

Each Executive Member is responsible for:.....

Para 23 To submit to the Executive Cabinet:-

- All responses to consultation papers, relating to these Terms of Reference, issued by the Government and outside organisations.

Risk Management:

This is a Greater Manchester led initiative and as such any risk is borne by the Greater Manchester Combined Authority

Background Information:

The background papers relating to this report can be inspected by contacting Nigel Gilmore, Strategic Lead Transportation & Infrastructure



Telephone: 07870883962



e-mail: nigel.gilmore@tameside.gov.uk

1. INTRODUCTION

- 1.1 Greater Manchester has an ambition for a truly integrated public transport system, “Our Network”, to enable moving around the city-region easy, accessible and affordable. Buses will be central to this network and are a vital part of Greater Manchester’s transport system, with 75% of public transport journeys – both before and during the pandemic – made by bus. For many, especially in our poorer and most vulnerable communities, they are a critical link to jobs and essential services.
- 1.2 In June 2017 GMCA decided to consider using powers contained in the Transport Act 2000 to improve bus services in Greater Manchester by reforming the current bus market. The options available included franchising, the system used in London and other cities globally, and various forms of partnership working with the bus operators.
- 1.3 GMCA instructed TfGM to produce an assessment of a proposed bus franchising scheme for Greater Manchester. Between 14 October 2019 and 8 January 2020, GMCA held a consultation on a Proposed Franchising Scheme for the city-region’s buses, which asked questions about the Scheme and the Assessment.
- 1.4 Within Tameside, the original consultation exercise was the subject of an Executive Cabinet Report on the 18 December 2019, which provide a summary of the Bus Franchising initiative for Greater Manchester and recommended that the Executive Cabinet:
- Consider and give approval to the attached draft Tameside MBC letter from the Leader of the Council in response to the Mayor of GMCA “Doing Buses Differently: Proposed Franchising Scheme for Greater Manchester”
 - Delegate to the Director of Growth in consultation with the Executive Member for Transport and Connectivity making the formal response to all 64 questions contained in the long consultation questionnaire attached, before the close of the formal consultation at midnight Wednesday 8 January 2020 in support of the proposed bus franchising initiative.
- 1.5 More than 8,500 responses to the consultation were received. An independent research agency, Ipsos MORI, reviewed, analysed and summarised all the responses to the consultation in a report. Of the 5,905 respondents who answered the question on whether they supported or opposed the Proposed Franchising Scheme, 83% said they supported the Scheme.
- 1.6 Several Greater Manchester bus operators submitted alternative partnership proposals during the consultation period.
- 1.7 The outcome of the consultation was due to be considered by GMCA in spring 2020 but was deferred due to Covid-19. In June 2020, GMCA noted the results of the consultation and asked TfGM to prepare a further report that would consider the potential impact and effects of Covid-19 on the bus market in Greater Manchester and make recommendations about appropriate next steps, before making a final decision.

2. THE COVID-19 IMPACT ON BUS FRANCHISING REPORT

- 2.1 This further report considers the potential impact and effects of Covid-19 on the bus market in Greater Manchester, how it may affect the key conclusions of the Assessment and GMCA’s proposals for franchising. Due to the uncertainty about the long-term impact of Covid-19, the Report uses four different scenarios to consider how bus services and the city-region’s transport plans and priorities could be affected.
- 2.2 The four scenarios are:

- Scenario 1 – Back to Normality - pre-pandemic economic activity would return but with a lower likelihood of travel by public transport and cycling and walking. This means that TfGM expect that:
 - Travel demand would return as Government restrictions are lifted, with some reduced travel to work but more people travelling for leisure
 - Car travel would increase slowly to reach new highs after five years.
- Scenario 2 – New Travel Demand - pre-pandemic economic activity would return, accompanied by a growth in the number of people travelling by public transport and cycling and walking. This means that TfGM expect that:
 - There would be a reduction in the overall number of people travelling because more people would work from home
 - Public transport usage would grow beyond pre-Covid-19 levels.
- Scenario 3 – Car Travel Dominant - pre-pandemic economic activity would not return, at least for some time, and with fewer people travelling by public transport or cycling and walking. This means that TfGM expect that:
 - The decline in public transport travel would continue alongside lower economic activity
 - Private car travel would increase as a proportion of total travel and exceed pre-Covid-19 levels after five years.
- Scenario 4 – Poorer and More Local - pre-pandemic economic activity would not return, at least for some time, but there would be a growth in the proportion of travel by public transport or cycling and walking. This means that TfGM expect that:
 - Public transport travel would remain lower than pre-pandemic, replaced by more home-working and a greater take up of cycling and walking
 - Car-use would also remain lower than pre-pandemic, reduced by a weak economy.

- 2.3 Having compared the options under these four Scenarios, the report found that the Proposed Franchising Scheme is still the best option to deliver GMCA's objectives for the bus network and achieve Greater Manchester's long-term ambition for a fully integrated public transport system. This is compared to leaving buses organised as they are now (a 'Do Minimum' option) or a partnership with bus operators.
- 2.4 Under all scenarios, the report noted that franchising is still the best option to achieve Greater Manchester's long-term ambition for a fully integrated public transport system.
- 2.5 Under franchising, GMCA would be responsible for the bus network and that means it would have more of the financial responsibility and the risks. Depending on the impacts of Covid-19, GMCA might have to make difficult choices about the bus network in the future to manage these risks - such as providing further funding or making reductions to the network.
- 2.6 But even under the other options available, such as entering into a partnership with bus operators or making no change to the bus market, there would still be difficult choices as GMCA would need to pay to fill more of the gaps in the commercial bus network. But GMCA would have to do this with no overall coordination and none of the other benefits of franchising.
- 2.7 Despite the additional financial risks, the net benefits of franchising for Greater Manchester are still likely to be higher and more deliverable than other option such as a partnership with bus operators and so will provide value for money.
- 2.8 GMCA is consulting on the proposed franchising scheme in the light of the findings of the Covid-19 Impact Report.

3. FINANCIAL ISSUES

- 3.1 In respect of finance and funding, the Report concludes that the Proposed Franchising Scheme remains affordable. It confirms that the sources of funding which were included in GMCA's preferred funding strategy for transition period, which total £134.5m, remain available for the Mayor, GMCA and local authorities to prioritise bus reform over a transition period to 2025/26 if they wish to do so.
- 3.2 As a refresh to Members these sources of funds are:
- An allocation of 'earn back' funding provided from Greater Manchester's devolution agreement with central government
 - A one-off contribution from the Local Authorities of Greater Manchester
 - A requirement from the mayoral precept.
- 3.3 These resources are intended to cover the transition to a fully franchised bus network across the whole of Greater Manchester and include acquisition of assets such as depots and ticketing systems, as well as provide an allowance to manage risks. The Report identifies that there is now greater uncertainty as a result of Covid-19 than there was at the time of preparing the Assessment. This uncertainty could impact future bus demand and therefore the money that GMCA would receive from fares.
- 3.4 If franchising is introduced, it would mean more of the financial responsibility for, and the financial risks associated with the provision of bus services would belong to GMCA and the public sector.

4. TAKING PART IN THE CONSULTATION

- 4.1 The impact and effect of Covid-19 remains uncertain. Delaying a decision on franchising reduces the uncertainty about the impacts of Covid-19 and what partnerships operators may offer as time goes by.
- 4.2 But there are reasons why a decision about how buses should be run should be made sooner rather than later, as the challenges facing the bus market have not disappeared. Even before Covid-19, bus use was falling and the public sector was providing significant subsidy to operators through payments for subsidised services and concessionary fares. During the pandemic, operators have also received emergency funding from government.
- 4.3 If bus usage remains low in the future and central government stops or reduces its emergency funding, bus operators may reduce services or increase ticket prices. This may mean the public sector having to provide additional funding to keep essential services running, especially for key workers and the poor and vulnerable who depend on the bus network. Fewer bus routes or more expensive tickets could also mean more people driving, increasing congestion and pollution.
- 4.4 The majority of the questions within the consultation are linked to the individual sections within the main consultation document "*Doing Buses Differently Have Your Say On The Impact Of Covid-19 On Our Proposals For The Future Of Your Buses*" available [here](#). The questions also seek whether respondents previously took part in the consultation earlier in the year.
- 4.5 Executive Cabinet will be asked to consider and approve the attached formal response to the 12 questions contained in the questionnaire attached at **Appendix 1**.

5. CONCLUSION

- 5.1 The GMCA has fully endorsed the move to explore the options of future bus franchising across the Greater Manchester Conurbation. Services continue to be provided by commercial companies with little regard to the issues of integrated services either between bus providers themselves or with other sustainable modes such as rail and the Metrolink.
- 5.2 Tameside has many operators running services in the borough with a small number of big providers traditionally splitting the area into distinct geographical zones with little competition or overlap of services.
- 5.3 Tameside has always shown its full support in the franchising of bus operations across Greater Manchester and continues to do so despite the impact Covid-19 is having on current bus operations.

6. RECOMMENDATIONS

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

Consultation Questions

Doing Buses Differently: The impact of Covid-19 on our proposals for the future of your buses

Have your say on the impact of Covid-19 on GMCA's proposals for the future of your buses

This consultation concerns the proposal to introduce bus franchising in Greater Manchester made by the Greater Manchester Combined Authority (GMCA). Between October 2019 and January 2020, Greater Manchester Combined Authority (GMCA) held a consultation on a proposed franchising scheme for the city-region's buses. In June 2020, GMCA received the results of the consultation but decided, before a final decision could be made, that the longer-term impact that the Covid-19 pandemic may have on the bus market and the proposed scheme should be considered.

The consultation document (referenced throughout the questionnaire) explains why GMCA consider that bus franchising remains the right way to reform the bus market having considered the possible effects of Covid-19. The purpose of this consultation is to allow you to provide your views on proposals to reform Greater Manchester's buses in light of the impact of Covid-19. Please read the consultation document before answering the questions.

Q1: In looking at the effects of the Covid-19 pandemic on the decision about whether or not to implement the Proposed Franchising Scheme, TfGM has used a number of scenarios which illustrate a wide range of potential longer-term outcomes for travel demand in Greater Manchester. Do you have any comments on this scenario-based approach?

For more information see paragraph 2.16 – 2.22 of the Consultation Document.

This scenario-based approach undertaken by TfGM in order to help make a decision about whether or not to implement the Proposed Franchising Scheme provides the most sensible way to help forecast the effects of COVID-19 on future bus usage.

Q2: Do you have any comments on the conclusion that the Proposed Franchising Scheme is likely to perform better than the partnership option in achieving GMCA's objectives, notwithstanding Covid-19?

For more information see paragraph 2.24 – 2.40 of the Consultation Document.

Fully agree with the conclusion that, notwithstanding covid-19, the proposed Franchising Scheme to perform better than the partnership option in achieving GMCA's objectives.

Q3: Do you have any comments on the consideration of the impact of Covid-19 on the value for money of the Proposed Franchising Scheme and partnership option?

For more information see paragraph 2.41 – 2.52 of the Consultation Document.

The report appears to have fully taken into consideration the potential impact of Covid-19 on the value for money of the Proposed Franchising Scheme and partnership options.

Q4: Do you have any comments on the conclusion that the commercial arrangements described in the Assessment for franchising and the partnership option remain appropriate, notwithstanding Covid-19?

For more information see paragraph 2.53 – 2.66 of the Consultation Document.

Agree with the conclusion that, notwithstanding Covid-19, the commercial arrangements described in the Assessment for franchising and the partnership option remain appropriate.

Q5: Do you have any comments on the affordability to GMCA of the Proposed Franchising Scheme and partnership option in the light of Covid-19?

For more information see paragraph 2.67 – 2.91 of the Consultation Document.

Agree with the conclusions set out in the report on the affordability to GMCA of the Proposed Franchising Scheme and partnership option in the light of Covid-19.

Q6: Do you have any comments on the approach to the transition and implementation of the Proposed Franchising Scheme, including the proposed approach to managing the risks associated with Covid-19 (as set out in the Management Case of the Covid-19 Impact on Bus Franchising Report) and whether TfGM would be able to manage and implement a partnership on behalf of GMCA, notwithstanding Covid-19?

For more information see paragraph 2.92 – 2.101 of the Consultation Document.

Agree with the approach to the transition and implementation of the Proposed Franchising Scheme, including the proposed approach to managing the risks associated with Covid-19, as set out in the Report, and agree that, notwithstanding Covid-19, TfGM would be able to manage and implement a partnership on behalf of GMCA.

Q7: Do you have any comments on the conclusions of the Covid-19 Impact on Bus Franchising Report about how Covid-19 is likely to affect the impacts of the Proposed Franchising Scheme, partnership and Do Minimum options on (a) passengers, (b) operators, (c) GMCA and (d) wider society?

For more information see paragraph 2.102 – 2.114 of the Consultation Document.

Agree with the conclusions of the Report on how Covid-19 is likely to affect the impacts of the Proposed Franchising Scheme, partnership and Do minimum options on the four groups identified.

Q8: Do you consider that the Proposed Franchising Scheme (attached at Appendix 3 of the Consultation Document) would not require any further modification beyond those already contemplated and included in the draft scheme?

For more information see paragraph 2.115 – 2.127 of the Consultation Document.

The Proposed Franchising Scheme does not require any further modification beyond those already contemplated and included in the draft scheme

Q9A; Did you respond to the previous consultation?

Please select one option only

Yes

No

Don't know

Q9B: If you did respond to the previous consultation, please explain in what ways, if at all, your views about the introduction of the Proposed Franchising Scheme have changed as a

result of the impact of the Covid-19 pandemic. If your views have not changed then there is no need to provide any additional information.

Q10: Taking everything into account, do you have any comments on the conclusion that this is the right time to make a decision about whether or not to proceed with the Proposed Franchising Scheme?

For more information see paragraph 2.146 – 2.151 of the Consultation Document.

Q11A: To what extent do you support or oppose the introduction of the Proposed Franchising Scheme?

Please select one option only

Strongly support

Tend to support

Neither support nor oppose

Tend to oppose

Strongly oppose

Don't know

Q11B: Why do you say this?

Q12: Finally, do you have any other comments you want to make?

We must consider how different people will be affected by our strategies and policies, and we also want to make sure we hear from people from all of Greater Manchester's diverse backgrounds. Therefore the last few questions are about you, to help us ensure we hear from a range of voices, and to help identify any possible discrimination or barriers for particular groups of people. The personal information you give us will remain strictly confidential and we will not use it in a way that could identify you.

If there are questions you would prefer not to answer please choose the 'prefer not to say' option.

Are you responding on your own behalf or on behalf of an organisation or group?

Please select one option only

I am providing my own response

I am providing a response on behalf of an organisation or group

What is your name, role and name and address of organisation/group on whose behalf you are submitting this response? These details of your organisation or group may appear in the final report.

Your name (optional):

Your role (optional):

Name of organisation or group (optional):

Tameside Metropolitan Borough Council

Postcode of organisation or group:

**Tameside Metropolitan Borough Council
Tameside One
PO BOX 317,
Ashton under Lyne,
OL6 0GS**

What category of organisation or group are you representing?

Please select all the options that apply

Academic (includes universities and other academic institutions)

Action group

Elected representative (includes MPs, MEPs, and local councillors)

Environment, heritage, amenity or community group (includes environmental groups, schools, church groups, residents' associations, recreation groups and other community interest organisations)

Local Government (includes county councils, district councils, parish and town councils and local partnerships)

Other representative group (includes chambers of commerce, trade unions, political parties and professional bodies)

Other transport group (includes passenger representative groups, for example)

Statutory agency

Transport, infrastructure or utility organisation (includes transport bodies, transport providers, infrastructure providers and utility companies)

Professional body

Bus operator

Charity / voluntary sector group

Other (PLEASE WRITE IN BELOW)

Please write in the total number of employees/members in the organisation or group that you are representing. Please include yourself in the total, if applicable.

2500 excluding schools

Please tell us who the organisation or group represents, and where applicable, how views of members were assembled.

Tameside Council is governed by acts within powers delegated to it by legislation or directives of the higher level of government

How did you hear about this consultation?

Please select all the options that apply

Email

Twitter

Facebook

Instagram

LinkedIn

Posters

Newsletter

Events

Search engine advert

Radio

Local newspaper

gmconsult.org website

Website (not gmconsult.org)

Word of mouth

Other (PLEASE WRITE IN BELOW)

At regular GM District level meetings with TfGM discussing transport issues

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Agenda Item 11

Report to:	EXECUTIVE CABINET
Date:	27 January 2021
Executive Member:	Councillor Leanne Feeley – Executive Member (Lifelong Learning, Equalities, Culture and Heritage)
Reporting Officer:	Richard Hancock – Executive Director, Children’s Services
Subject:	DETERMINATION OF ADMISSION ARRANGEMENTS SEPTEMBER 2022
Report Summary:	<p>The report sets out the proposed admission arrangements for Tameside community, and voluntary controlled schools for admission in September 2022. There has been no change to these from September 2021. The report highlights changes proposed by the Department for Education to the School Admissions Code. Information is provided on the impact of coronavirus on admission arrangements in some voluntary aided schools for September 2021. The latest information on school place planning is presented which concludes that whilst there are currently sufficient places to meet expected demand, the school place planning process must continue to be dynamic particularly in view of significant housing development that is predicted within the borough and the impact that will have on demand and travel to learn patterns.</p>
Recommendations:	<p>That Executive Cabinet be recommended to agree the determination of admission arrangements for all Tameside community and voluntary controlled schools for 2022/23 without change from those that applied for admission in 2021/22 as set out in Appendix 1 of the Report other than amendments to the Published Admission Number as set out in the report.</p>
Corporate Plan:	<p>The proposals contained within this report will support the delivery of the Community Strategy, through the delivery of sufficient and suitable places to meet anticipated increased demand in 2022/23.</p>
Policy Implications:	<p>The admission arrangements for 2022/23 academic year for all voluntary controlled and community schools are the same as for 2021/22 as determined in February 2020.</p>
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The place planning within the borough will present financial challenge for schools as the pupil population starts to drop as the authority and schools are funded on a per pupil basis.</p> <p>Schools should consider the impact as part of a 3 year budget plan. Place planning is kept under review and close working between the admission team and finance will be necessary to ensure schools are supported effectively where they are likely to see a drop in future funding.</p> <p>Where additional capacity is needed in a school specific arrangements are made, schools will receive DSG funding to support the costs incurred in the first year, this is to address the lagged funding arrangements in the National Funding Formula.</p>
Legal Implications:	<p>The statutory requirements for school admissions are set out in the School Admission Code 2014 which sets out the mandatory</p>

(Authorised by the Borough Solicitor)

requirements which the council as an admission authority must comply with.

These requirements included compliance with:

- The Equality Act 2010
- Human Rights Act 1998
- School Standards and Framework Act 1998
- Education Act 1996
- The Schools Admissions Regulations (various) 2014
- The school Information(England) Regulations 2008

Compliance with the requirements should ensure clarity for those accessing the arrangements and also that the council has a compliant process and retains the control of the admissions scheme so as to avoid intervention of the Secretary of State.

Risk Management:

Failure to determine admission arrangements and a coordinated admissions scheme by 15 March 2021 could result in the Secretary of State imposing admissions arrangements on the Council and lead to the displacement of children from community high schools.

Background Information:

The background papers relating to this report can be inspected by contacting Catherine Moseley, Head of Access Services



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e-mail: catherine.moseley@tameside.gov.uk

1. BACKGROUND

- 1.1 All admission authorities are required to consult on their coordinated admission scheme and on changes to admission arrangements. Where no changes are proposed to the coordinated admissions scheme or admission arrangements, there is no requirement to consult. Admission authorities must ensure that their determined admission arrangements comply with the mandatory requirements of the School Admissions Code 2014.
- 1.2 Admission authorities must consult once every seven years as a minimum.
- 1.3 The Department for Education has recently consulted on proposed changes to the School Admissions Code and the consultation included:
- 1.4 Introducing a dedicated section in the Code setting out a clear process for managing in-year admissions, including:
 - Introducing timescales for different stages of the application and decision making process.
 - Requiring local authorities and admission authorities to provide information on their websites as to how in-year applications can be made and how they will be dealt with, including providing a suitable application form for parents to complete when applying for a place.
 - Requiring admission authorities to provide the local authority with details of the number of places available when requested, to enable the local authority to assist parents to identify schools with available places.
 - Clarifying that parents must not be refused the opportunity to make an application, must be informed of the outcome of their application in writing, including if applicable the reason for refusal, and must be given information about the right to appeal.
- 1.5 Clarifying the section in the Code describing Fair Access Protocols to improve their effectiveness by:
 - Making clear the purpose of Fair Access Protocols, what they should be used for and setting out a clear process as to how they should operate.
 - Introducing timescales as to when placement decisions need to be made by.
 - Extending the specific categories of children who may be admitted via the Fair Access Protocol to include children on a Child in Need/Child Protection Plan and children in refuge and those in safe accommodation.
 - Clarifying the provisions relating to the use of Fair Access Protocols for children with challenging behaviour, including setting out what is meant by challenging behaviour in that context.
- 1.6 It was also proposed to make the following changes to support children who have been adopted from care outside of England, service children and children of crown servants:
 - Amend all references to previously looked after children in the Code to include children who appear (to the admission authority) to have been in state care outside of England and have ceased to be in care as a result of being adopted, as well as children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England.
 - Require admission authorities to use the address at which a service child or child of a crown servant will reside, when the parents have provided evidence of the intended address or a Unit or quartering address when considering applications, in advance of the family moving into the area.
- 1.7 A new School Admissions Code is expected early in 2020.

2. ADMISSION ARRANGEMENTS IN COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS

- 2.1 For entry to community or voluntary controlled primary, junior and secondary schools in September 2022, no changes were planned and therefore consultation was not necessary. The last time that the admission arrangements were consulted upon was in autumn term 2019 for entry in September 2021.
- 2.2 Admission arrangements must be determined by 28 February and must be published by 15 March. Following determination of the admission arrangements objections to those arrangements must be made to the Schools Adjudicator by 15 May.
- 2.3 The proposed admission arrangements for entry in September 2022 for community or voluntary controlled primary, junior and secondary schools are set out in **Appendix 1**.

3. IMPACT OF CORONAVIRUS ON ADMISSION ARRANGEMENTS FOR SEPTEMBER 2021

- 3.1 Admission arrangements are consulted upon two years in advance. Admission arrangements for 2021 were determined in the spring term of 2020.
- 3.2 Following determination, the coronavirus pandemic occurred and there has been an impact for some of our schools on their admission arrangements for September 2021 as a direct result.
- 3.3 During the first lockdown, places of worship were closed but many voluntary aided church schools include oversubscription criteria relating to the number of times a family attended church within a specified timescale.
- 3.4 In order to be fair to parents making an application for a school place in September 2021, all voluntary aided schools in Tameside with oversubscription criteria relating to church attendance had applied to the Office of the School Adjudicator to amend their criteria to reflect the situation. The amended admission arrangements are published on the school and Council's websites.

4. SCHOOL PLACE PLANNING

- 4.1 School place planning in the borough is reviewed on an annual basis and forms part of the annual report on admission arrangements that is reported to Executive Cabinet in February. **Appendix 2** sets out the latest information.
- 4.2 All local authorities have a statutory duty to ensure that there are sufficient school places to meet demand in the area. These may be school places available at provision maintained by the local authority, academies, or other non-maintained schools. In order to carry out this statutory duty, Councils need to carry out school place planning and forecasting.
- 4.3 Planning for fluctuations in demand for school places is an important function which needs to be carried out at a local level and will differ depending on the phase of learning, for example, pupils will travel further to secondary schools than primary schools. The compact geography of the borough and the mix of types of school eg single sex means that place planning happens at a level higher than wards or towns.
- 4.4 School place planning is a complex process, that takes account a range of factors including the number of births in the borough, in year movement and cohort survival rates as well as parental preference and planned housing development. With rapid shifts in economic conditions for families and changing patterns of migration, planning for basic need for school

places requires a proactive approach to best respond to both short and medium-term demand for places.

- 4.5 By being proactive and working in partnership with all our schools over a number of years, the Council has been able to meet the demand for places in spite of significant variations in pupil numbers.
- 4.6 Whilst there are currently sufficient places to meet expected demand, the school place planning process must continue to be dynamic particularly in view of significant housing development that is predicted within the borough and the impact that will have on demand and travel to learn patterns.

5 RECOMMENDATION

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

APPENDIX 1

ADMISSION ARRANGEMENTS FOR TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOLS 2022/23 ACADEMIC YEAR

1 INTRODUCTION

- 1.1 These arrangements apply to the admission of children to Tameside community and voluntary controlled primary schools in the normal admissions round for the academic year 2022/23. Tameside will operate an equal preference scheme. These arrangements do not apply to those being admitted for nursery provision including nursery provision delivered in a co-located children's centre;
- 1.2 Children in Tameside are eligible for a Reception place from the beginning of the school year in which they become 5 years old. However they do not become of compulsory school until the start of the term after their fifth birthday. Parents may therefore request that their school place be deferred until later in the school year and if they do this the place will be held for the child. However they cannot defer entry beyond the beginning of the term after the child's fifth birthday. Parents of summer born children can request that their child is placed outside their age range if they feel that their child will not be ready for school. Parents can also request that their child attends on a part time basis until the child reaches compulsory school age.
- 1.3 Parents of children who are admitted for nursery provision must apply for a place at the school if they want their child to transfer to the reception class; attendance at a nursery or co-located children's centre does not guarantee admission to the school.

2 APPLYING FOR A PLACE IN A TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOL SEPTEMBER 2022

- 2.1 If you are a Tameside resident you must make your application online to Tameside Local Authority, even if you wish your child to attend a school in another Local Authority area. You should put your child's name down at any Tameside primary school by the beginning of **October 2021**.
- 2.2 Tameside primary schools will forward details of all the children who have been registered with them to the Local Authority Admissions Team, who will send out details of how to apply online in November 2021. Details will include where to view Starting Out and a letter explaining how to make your application. You should use your application to apply for any primary school, whether this is in Tameside or in another Local Authority area. Application details may also be obtained from the School Admissions Section at Tameside MBC. Starting Out will be available on Tameside's website. NB: Each school application should be discussed with all parents and carers of the child, and only one application may be submitted for each child.
- 2.3 The local authority may verify information you provide on your application, which could involve contacting other departments of the local authority. In instances where the information provided is different from that held by them, they may use the information on the application to investigate further. If false or misleading information is given, Tameside local authority has the right to withdraw the offer of a school place.
- 2.4 If you are not a Tameside resident you must make your application to the Local Authority where you live, even if you wish your child to attend a Tameside school. Applications must be returned in accordance with your own local authority's specific instructions and not to Tameside.

3 THE PROCESS

- 3.1 The application will invite parents to indicate a preference for up to 6 schools, and then to rank the schools in order of preference, parents will also be able to give reasons for each preference.
- 3.2 Your online application must be submitted by the closing date of **15 January 2022**, with any supporting information / evidence if appropriate.
- 3.3 The council will follow the timetable set out in the coordinated admissions scheme. Late applications will be dealt with as late and ranked after all applications received by the deadline.
- 3.4 Changes to preferences, ranking order, or pupil details, will not be allowed after the closing date of **15 January 2022**, except in exceptional circumstances, for example, if the family has recently moved address. Evidence must be provided to support the request. An intention to change address cannot be considered by the local authority until the move has actually taken place and proof is available, or parents may provide a solicitor's letter confirming an exchange of contracts on a property, or a tenancy agreement and proof of disposal of current property. No changes can be considered even where there are exceptional circumstances, once information has been exchanged with other admission bodies because the allocations process has commenced. In the case of primary schools this cut-off date is the **4 February 2022**.
- 3.5 Notification of offers of a single school place will be sent out to parents on **18 April 2022**. These notifications will also inform parents of their right of appeal, and who to contact, if an application has not been successful.
- 3.6 Parents will not receive multiple offers.

4 PUBLISHED ADMISSION NUMBERS FOR TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOLS

- 4.1 A list of all Tameside community and voluntary controlled primary schools, with their respective Published Admission Numbers, can be found here:
<http://www.tameside.gov.uk/schools/admissions/2022>
- 4.2 Where applications for admission to any school exceed the number of places available, the following criteria will be applied, in the order set out below, to decide which children to admit.

5 CRITERIA FOR ALLOCATING PLACES TO OVERSUBSCRIBED SCHOOLS

- 5.1 Children with an Education Health and Care Plan where the school is named will be allocated places before the oversubscription criteria are applied. The criteria for over-subscription for community and voluntary controlled primary schools are:

- 1. Looked after Children or children who have previously been looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order.**

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22(1) of the Children Act 1989)

2. Children and families with exceptional medical or social needs

Written evidence must be provided by a suitably qualified professional – e.g. a GP or consultant for medical needs, or a social worker for social needs – the information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child. A panel of officers from Tameside MBC will make a decision as to whether to admit a child under this criterion, using the evidence provided. Parents/carers are responsible for providing all information in support of an application by the closing date, officers of the Council will not ask for additional information. All information provided will be treated in the strictest confidence.

3. Sibling

This will apply where there are brothers or sisters attending the school or the linked junior school as at the closing date for applications, who will still be attending at the time of admission, i.e. in the September when a pupil is admitted to Reception. Preference will be given to pupils living nearest to the school.

The sibling criterion includes; natural sisters/brothers; half sisters/brothers; step sisters/brothers; adopted sisters/brothers; sisters/brothers of fostered children; children of the parent/carer's partner, and in each case living at the same address. This allows for the admittance of children whose siblings will still be attending the preferred school.

4. All other applications on distance

Preference will be given to pupils living nearest to the school taking into account ease of access to and distance from alternative schools.

Ease of access will be considered when parents provide details of particular reasons that mean their child could reach their nearest school but will have a disproportionately long journey to another school if denied admission to their nearest school. Details must be provided in with the application.

Distance will be measured as a straight line from the child's home address, using the address point assigned by the National Land and Property Gazetteer, to the main gate to the school property. Measurements will be made using the local authority's school admissions data mapping software, which uses a Geographical Information System based on Ordnance Survey.

- 5.2 Where oversubscription occurs in applying either criteria 1, 2 or 3, priority will be given to those pupils living nearest the school, measured as a straight line (as above).
- 5.3 The address from which distance will be measured will be the permanent residential address, as at the closing date for applications, of the parent with whom the child is normally resident. Where a child lives with parents with shared responsibility, each for part of a week, the home address is the address from which the child travels to school for the majority of school days per week.
- 5.4 In the event of distances being the same for 2 or more applications where this distance would be the last place/s to be allocated, the place will be allocated to the pupil that is nearer using walking distance as measured using the local authority's school admissions data mapping software.
- 5.5 An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'residence order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children

Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

- 5.6 In cases where twins, triplets, or other multiple birth siblings are split when allocations take place, they will be allocated a place over the Published Admission Number and will remain excepted pupils for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

6 SUMMER BORN CHILDREN

- 6.1 In September 2020, the government updated the non-statutory guidance to help admission authorities deal with parental requests for summer born children to be admitted out of their normal age group.
- 6.2 School admission authorities are required to provide for the admission of all children in the September following their fourth birthday, but flexibilities exist for children whose parents do not feel they are ready to begin school before they reach compulsory school age.
- 6.3 Where a parent requests their child is admitted out of their normal age group, the school admission authority is responsible for making the decision on which year group a child should be admitted to. They are required to make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.
- 6.4 There is no statutory barrier to children being admitted outside their normal age group, but parents do not have the right to insist that their child is admitted to a particular age group.
- 6.5 A parent who chooses not to send their summer born child to school until they have reached compulsory school age may request that their child is admitted outside their normal age group - to reception rather than year 1.
- 6.6 Parents should submit reasons for requesting admission for their child outside of the normal age range together with their application. The online application provides space to do this and you should also submit views of medical professionals as necessary. A decision will be made taking account of parents' wishes, information about the child's academic, social and emotional development; and whether they have previously been educated outside their normal age group. Each request will be treated on an individual basis having regard to the views of an educational professional who will be involved in educating the child.
- 6.7 Each request and the evidence provided will be considered by a panel of officers from Tameside MBC who will make a decision on the parental request, using the evidence provided. Parents/carers are responsible for providing all information in support of an application by the closing date, officers of the Council will not ask for additional information. All information provided will be treated in the strictest confidence.

7. ADMISSION OF CHILDREN OF UK SERVICE PERSONNEL

- 7.1 The council acknowledges that service families are subject to movement within the UK and from abroad. Although the council is not able to reserve places for blocks of pupils we will consider requests, if accompanied by an official MOD letter declaring a relocation date and a Unit postal address or quartering area address. For in year admissions places will be allocated, subject to a place being available in the relevant year group, prior to moving. If we are unable to allocate a place at that time, parents will be offered the right to appeal.

8 IN YEAR TRANSFERS

- 8.1 Parents wishing to apply for an in year transfer to a school in Tameside should apply using the School Transfer Request Form. The School Transfer Request Form can be obtained from the Headteacher of the school the child currently attends, if in Tameside or it can be downloaded from the Tameside Council website: www.tameside.gov.uk/admissions.
- 8.2 Forms should be fully completed and submitted with any additional/supplementary documentation/evidence to the School Admissions Team to enable their application to be considered as quickly as possible.
- 8.3 If you want to transfer your child to a school in Tameside, you must apply through Tameside Council even if you live in another area. If you want to apply for a school in another area, you will need to contact that area for further details of what you need to do.
- 8.4 If a place is available in the requested year group, parents will normally be offered that place but there are some exceptions (see Fair Access Protocol section).
- 8.5 Parents will receive an offer of a school place through Tameside Council and this can take up to 20 school days.

9 IN YEAR FAIR ACCESS PROTOCOL

- 9.1 All local authorities have a Fair Access Protocol for in year transfers that ensures the speedy admission of pupils who may experience difficulty in being allocated a school place, for example, if they have been out of school for a long period of time. With specific short term exceptions, all schools in Tameside are participants in the protocol, which may result in schools admitting pupils over their published admission number. Full details of the In Year Fair Access Protocol can be found on the Council's website <http://www.tameside.gov.uk/schools/primarytransfers>

10 WAITING LISTS

- 10.1 If any school is oversubscribed the Council will maintain a waiting list. The waiting list will operate until the end of the relevant school year. Parents who have expressed the school as a preference and have not been offered a place at the school, or at a higher preference school, will automatically be placed on the waiting list. All pupils on the waiting list will be ranked according to the oversubscription criteria. When a place becomes available children who have been referred under the local authority's Fair Access protocol or who is the subject of a direction by the local authority to admit will be given precedence over any other children on the waiting list. Then any places will be offered to the highest ranked application received by the date the place becomes available. If new or late applications have a higher priority under the oversubscription criteria, they will be ranked higher than those who have been on the list for some time. If the circumstances of children on the waiting list change (eg they move house) they should inform the Council immediately and provide appropriate supporting evidence.
- 10.2 A place from the waiting list will only be held for two school days. Tameside Council will use the information provided on the original application to contact parents, it is the responsibility of parents to change their details with the School Admissions Team if they move house or change their phone number. If no response is received from a parent who has been offered a place from the waiting list within the 2 school day limit, it will be offered to the next child on the ranked list and so on until the place is filled.

10.3 If a parent is offered a place from the waiting list and rejects it or does not respond to requests by email or answerphone message to contact the School Admissions Team, they will be removed from that waiting list.

11 APPEALS

11.1 Any parent who is refused admission to a preferred school has the right of appeal to an Independent Appeals Panel. For pupils with an Education Health and Care Plan, an appeal can be made to the SEN and Disability Tribunal (details are included in the plan).

11.2 Parents, who wish to appeal against the decision of the local authority to refuse admission to a preferred school, should do so in writing, setting out clearly why your child should go to that particular school. Information about appeals will be sent out with the allocation letter and can also be found on the School Admissions webpage <http://www.tameside.gov.uk/schools/admissions..>

11.3 The Appeals Panel will:

- be independent of the school and the LA;
- give the appellant, who may be accompanied by a friend or be represented, the opportunity to make oral representation;

11.4 The Local Authority will:

- give the appellant at least ten school days notice of the time and place of the hearing;

11.5 The clerk will:

- send the appeal papers to the appellant at least seven working days before the hearing.

11.6 The appeal shall be decided by a simple majority of the votes cast, the chairman of the panel having a casting vote.

11.7 The decision of the Appeals Panel and the grounds on which it was made shall be communicated by the Clerk in writing to the appellant. That decision shall be binding on all parties. Subject to the above conditions, all matters of procedure shall be determined by the local authority.

**ADMISSION ARRANGEMENTS FOR
TAMESIDE COMMUNITY HIGH SCHOOLS
2022/23 ACADEMIC YEAR**

1 INTRODUCTION

- 1.1 These arrangements apply to the admission of children to Tameside community high schools in the normal admissions round for the academic year 2022/23. Tameside will operate an equal preference scheme.

2 APPLYING FOR A PLACE IN A TAMESIDE COMMUNITY HIGH SCHOOL SEPTEMBER 2022

- 2.1 If you are a Tameside resident you must make your application to Tameside Local Authority, even if you wish your child to attend a school in another Local Authority area.
- 2.2 Tameside primary schools will forward details of children eligible to transfer to secondary school in September 2022 to the Local Authority Admissions Team, who will send out details of how to apply in September 2021. The pack will contain details of where to view Moving On and a letter explaining how to make your application. You should use your application to apply for any secondary school, whether this is in Tameside or in another Local Authority area. Application details may also be obtained from the Admissions Section at Tameside MBC. Moving On will be available on Tameside's website. NB: Each school application should be discussed with all parents and carers of the child, and only one application may be submitted for each child.
- 2.3 The local authority may verify information you provide on your application, which could involve contacting other departments of the local authority. In instances where the information provided is different from that held by them, they may use the information on this form to investigate further. If false or misleading information is given, Tameside local authority has the right to withdraw the offer of a school place.
- 2.4 If you are not a Tameside resident you must make your application to the Local Authority where you live, even if you wish your child to attend a Tameside school. Application forms must be returned in accordance with your own local authority's specific instructions and not to Tameside.

3 THE PROCESS

- 3.1 The application will invite all parents to indicate a preference for 6 schools, and to rank the schools in order of preference, giving reasons for each preference. In allocating places, Tameside will operate an equal preference scheme.
- 3.2 Your application must be submitted by the closing date of 31 October 2021, with any supporting information / evidence if appropriate.
- 3.3 The council will follow the timetable set out in the coordinated admissions scheme. Late applications will be dealt with as late and ranked after all applications submitted after the deadline.
- 3.4 Changes to preferences, ranking order or pupil details, will not be allowed after the closing date of 31 October 2021 except in exceptional circumstances, for example, if the family has recently moved address. Evidence must be provided to support the request. An intention to change address cannot be considered by the local authority until the move has actually taken place and proof is available, or parents may provide a solicitor's letter confirming an exchange of contracts on a property, or a tenancy agreement and proof of disposal of current

property. No changes can be considered even where there are exceptional circumstances once information has been exchanged with the other admission bodies by the Council, because the allocations process has commenced. In the case of secondary schools this date is the 12 November 2021.

3.5 Notification of offers of a single school place will be sent out to parents on 1st March 2022. These notifications will also inform parents of their right of appeal, and who to contact, if an application has not been successful.

3.6 Parents will not receive multiple offers.

4 PUBLISHED ADMISSION NUMBERS FOR TAMESIDE COMMUNITY HIGH SCHOOLS

4.1 A list of all Tameside community high schools, with their respective Published Admission Numbers, can be found here: <http://www.tameside.gov.uk/schools/admissions/2022>

4.2 Where applications for admission to any school exceed the number of places available, the following criteria will be applied, in the order set out below, to decide which children to admit.

5 CRITERIA FOR ALLOCATING PLACES TO OVERSUBSCRIBED SCHOOLS

5.1 Children with an Education Health and Care Plans where the school is named in the plan will be allocated places before the oversubscription criteria are applied. The criteria for oversubscription for community secondary schools are:

5. Looked after Children or children who have previously been looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22(1) of the Children Act 1989)

6. Children and families with exceptional medical or social needs

Written evidence must be provided by a suitably qualified professional – e.g. a GP or consultant for medical needs, or a social worker for social needs – the information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child. A panel of officers from Tameside MBC will make a decision as to whether to admit a child under this criterion, using the evidence provided. Parents/carers are responsible for providing all information in support of an application by the closing date, officers of the Council will not ask for additional information. All information provided will be treated in the strictest confidence.

7. Sibling:

This will apply where there are brothers or sisters attending the school as at the closing date for applications, who will still be attending at the time of admission, i.e. in the September when the pupil is admitted to Year 7. Preference will be given to pupils living nearest to the school.

The sibling criterion includes; natural sisters/brothers; half-sisters/brothers; step sisters/brothers; adopted sisters/brothers; sisters/brothers of fostered children; children of the parent/carer's partner, and in each case living at the same address. This allows for the admittance of children whose siblings will still be attending the preferred school. In cases

where twins, triplets, other multiple birth siblings, or other siblings whose date of birth falls within the same academic year, are split when allocations take place, siblings will be offered a place at the same school which may not be a preference school named on the common application form.

8. Children attending the named partner primary school on the closing date for applications. Preference will be given to pupils living nearest to the school.

9. All other applications on distance

Preference will be given to pupils living nearest to the school.

- 5.2 Distance will also be used as a tie-breaker where oversubscription occurs within any of criteria 1 to 4. Preference will be given to pupils living nearest to the school.
- 5.3 Distance will be measured as a straight line from the child's home address, using the address point assigned by the National Land and Property Gazetteer, to the main gate to the school property. Measurements will be made using the local authority's school admissions data mapping software, which uses a Geographical Information System based on Ordnance Survey.
- 5.4 The address from which distance will be measured will be the permanent residential address, as at the closing date for applications, of the parent with whom the child is normally resident. Where a child lives with parents with shared responsibility, each for part of a week, the home address is the address from which the child travels to school for the majority of school days per week.
- 5.5 An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'residence order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).
- 5.6 In the event of distances being the same for 2 or more applications where this distance would be the last place/s to be allocated, the place will be allocated to the pupil that is nearer using walking distance as measured using the local authority's school admissions data mapping software.

6. ADMISSION OF CHILDREN OF UK SERVICE PERSONNEL

- 6.1 The council acknowledges that service families are subject to movement within the UK and from abroad. Although the council is not able to reserve places for blocks of pupils we will consider requests, if accompanied by an official MOD letter declaring a relocation date and a Unit postal address or quartering area address. For in year admissions places will be allocated, subject to a place being available in the relevant year group, prior to moving. If we are unable to allocate a place at that time, parents will be offered the right to appeal.

7 IN YEAR TRANSFERS

- 7.1 Parents wishing to apply for an in year transfer to a school in Tameside should apply using the School Transfer Request Form. The School Transfer Request Form can be obtained from the Headteacher of the school the child currently attends, if in Tameside or it can be downloaded from the Tameside Council website: www.tameside.gov.uk/admissions.

- 7.2 Forms should be fully completed and submitted with any additional/supplementary documentation/evidence to the School Admissions Team to enable their application to be considered as quickly as possible.
- 7.3 If you want to transfer your child to a school in Tameside, you must apply through Tameside Council even if you live in another area. If you want to apply for a school in another area, you will need to contact that area for further details of what you need to do.
- 7.4 If a place is available in the requested year group, parents will normally be offered that place but there are some exceptions (see Fair Access Protocol section).
- 7.5 Parents will receive an offer of a school place through Tameside Council and this can take up to 20 school days.

8 IN YEAR FAIR ACCESS PROTOCOL

- 8.1 All local authorities have a Fair Access Protocol for in year transfers that ensures the speedy admission of pupils who may experience difficulty in being allocated a school place, for example, if they have been out of school for a long period of time. With specific short term exceptions, all schools in Tameside are participants in the protocol, which may result in schools admitting pupils over their published admission number. Full details of the In Year Fair Access Protocol can be found on the Council's website <http://www.tameside.gov.uk/schools/primarytransfers>

9 WAITING LISTS

- 9.1 If any school is oversubscribed the Council will maintain a waiting list. The waiting list will operate until the end of the relevant school year. Parents who have expressed the school as a preference and have not been offered a place at the school, or at a higher preference school, will automatically be placed on the waiting list. All pupils on the waiting list will be ranked according to the oversubscription criteria. When a place becomes available children who have been referred under the local authority's Fair Access protocol or who is the subject of a direction by the local authority to admit will be given precedence over any other children on the waiting list. Then any places will be offered to the highest ranked application received by the date the place becomes available. If new or late applications have a higher priority under the oversubscription criteria, they will be ranked higher than those who have been on the list for some time. If the circumstances of children on the waiting list change (eg they move house) they should inform the Council immediately and provide appropriate supporting evidence.
- 9.2 A place from the waiting list will only be held for two school days. Tameside Council will use the information provided on the original application to contact parents, it is the responsibility of parents to change their details with the School Admissions Team if they move house or change their phone number. If no response is received from a parent who has been offered a place from the waiting list within the 2 school day limit, it will be offered to the next child on the ranked list and so on until the place is filled.
- 9.3 If a parent is offered a place from the waiting list and rejects it or does not respond to requests by email or answerphone message to contact the School Admissions Team, they will be removed from that waiting list.

10 APPEALS

- 10.1 Any parent who is refused admission to a preferred school has the right of appeal to an Independent Appeals Panel. For pupils with an Education Health and Care plan, an appeal can be made to the SEN and Disability Tribunal (details are included in the plan).
- 10.2 Parents, who wish to appeal against the decision of the local authority to refuse admission to a preferred school, should do so in writing, setting out clearly why your child should go to that particular school. Information about appeals will be sent out with the allocation letter and can also be found on the School Admissions webpage <http://www.tameside.gov.uk/schools/admissions>.
- 10.3 The Appeals Panel will:
- be independent of the school and the LA;
 - give the appellant, who may be accompanied by a friend or be represented, the opportunity to make oral representation;
- 10.4 The Local Authority will:
- give the appellant at least ten school days notice of the time and place of the hearing;
- 10.5 The clerk will:
- send the appeal papers to the appellant at least seven working days before the hearing.
- 10.6 The appeal shall be decided by a simple majority of the votes cast, the chairman of the panel having a casting vote.
- 10.7 The decision of the Appeals Panel and the grounds on which it was made shall be communicated by the Clerk in writing to the appellant. That decision shall be binding on all parties. Subject to the above conditions, all matters of procedure shall be determined by the local authority.

**TAMESIDE SCHOOL PLACE PLANNING ANNUAL REPORT
FEBRUARY 2021**

1. FUTURE SCHOOL PLACES REQUIREMENTS IN TAMESIDE

Context

- 1.1 All local authorities have a statutory duty to ensure that there are sufficient school places to meet demand in the area. These may be school places available at provision maintained by the local authority, academies, or other non-maintained schools. In order to carry out this statutory duty, Councils need to carry out school place planning and forecasting.
- 1.2 Planning for fluctuations in demand for school places is an important function which needs to be carried out at a local level and will differ depending on the phase of learning, for example, pupils will travel further to secondary schools than primary schools. The compact geography of the borough and the mix of types of school eg single sex means that place planning happens at a level higher than wards or towns.
- 1.3 School place planning is a complex process, that takes account a range of factors including the number of births in the borough, in year movement and cohort survival rates as well as parental preference and planned housing development. With rapid shifts in economic conditions for families and changing patterns of migration, planning for basic need for school places requires a proactive approach to best respond to both short and medium-term demand for places.
- 1.4 In 2006, the Council reviewed its secondary school provision under the Building Schools for the Future programme. The review led to some fundamental changes to the secondary school landscape in the borough including closing six schools and opening three including the creation of two new academies and the building of five new mainstream secondary schools.

Strategic Planning

- 1.5 Planning school places is a dynamic process. Tameside Council has taken the view that, in the current situation of rising demand for places, our strategy needs to be refreshed on a regular basis to be responsive to fluid and contemporaneous data. In order to do this, the Council's Executive Cabinet receives recommendations on an annual basis through the annual determination of admission arrangements process. The annual report highlights current issues and potential solutions in advance of the annual consultation on admission arrangements that includes consultation on changes to published admission numbers. By taking this approach, the Council has managed to ensure sufficient places to meet increasing demand over the last 18 years which has seen a 27% rise in birth rates in the borough and a 24% increase in pupils coming into primary schools. The birth rate is now beginning to decrease.

Factors affecting demand

- 1.6 The main factors affecting demand for school places are birth rates, in year movements within and without the borough, travel to learn patterns of pupils into schools in other local authorities, and equally pupils travelling to schools in Tameside from other boroughs, housing developments and availability of social housing and parental preference. Many of these are subject to quite short-term uncertainty and are difficult to plan for on a long-term basis.
- 1.7 In July 2020, the Department for Education published its latest national projections for the number of pupils in schools. The table below gives the headline figures for primary and secondary age children. Similar to the pattern in Tameside, the overall trend is down for

primary age pupils with a 6% decrease in numbers but an increase of 6% for secondary age pupils.

	Actual population in 2020	Projection for 2026
Primary age children	4,647,225	4,341,815
Secondary age children	3,003,233	3,210,078
	Source	DfE national pupil projections 2020

Factors affecting supply

- 1.8 The main factors affecting the supply of school places are the availability of capital funding, land and premises. Expansion of existing schools is affected by the capacity of premises, the size of sites as well as wider considerations of their location. Establishing any new schools requires a longer lead in time through the competition framework. Equally, additional places can be introduced into the system through expansion proposals by governing bodies or admission authorities that increase admission numbers into a school and the establishment of Free Schools that receive approval by central government.

Challenges affecting planning to meet demand

- 1.9 The main issues that can affect the Council's strategic plans are late applications and in-year admissions that complicate planning both at school and at local authority level. Previously well-understood trends are changing and are proving difficult to predict, including short term tenancies, mobile populations and other changes in the housing market. Patterns of parental preference are also difficult to predict.
- 1.10 As demand increases, there are new challenges. An increase in demand for primary school places mean lower levels of surplus places which could have helped to meet demand for in year transfers and any surplus places are often not in the right geographical area. At secondary level, the right levels of existing unfilled places need to be protected so that they will be available when they are needed, as primary growth feeds through.

Tameside track record

- 1.11 The Council has been proactive in tackling the issue of rising births over recent years. The Published Admission Number (PAN) has been increased at many primary and secondary schools and overall by almost 18% in primary and 14% in secondary schools as illustrated in the tables below.

Tameside primary school places – total places for reception entry												
09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
2734	2802	2907	2917	3085	3125	3190	3220	3195	3195	3180	3180	3175

Tameside secondary school places - total places for Year 7 entry												
09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
2826	2796	2826	2832	2837	2842	2806	2806	2818	3035	3080	3172	3239

- 1.12 By being proactive, the Council has been able to meet its statutory duty to provide sufficient school places in the face of a 27% increase in birth rate and 24% increase in pupils starting primary schools over the last few years. This has been done whilst also managing to maintain high levels of meeting parental preference and usually, at a higher level than the national average.

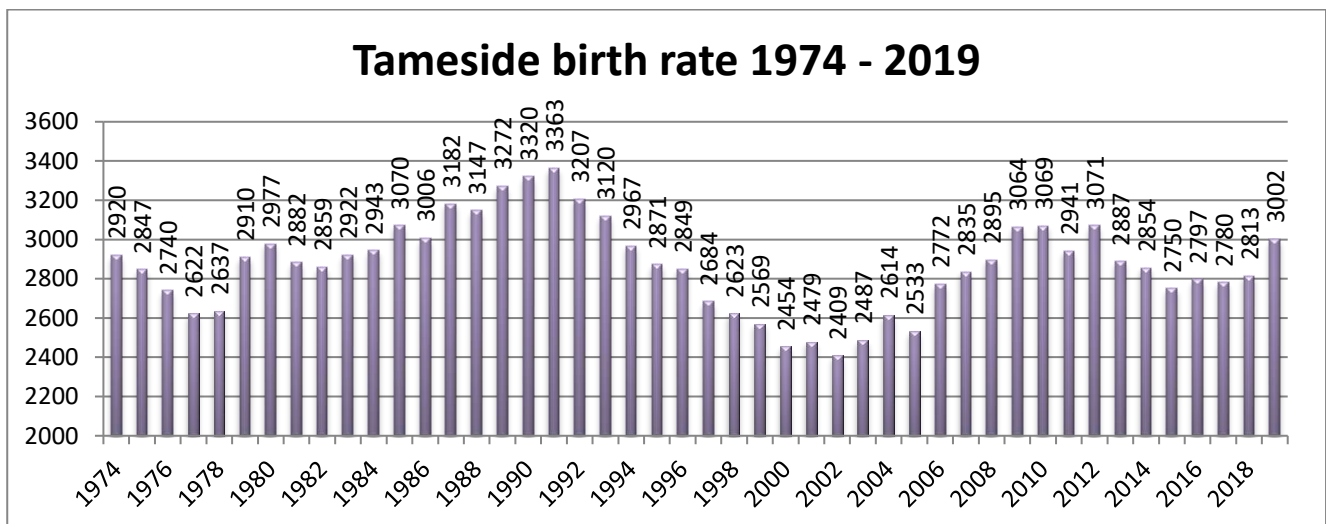
Preference allocations on national offer day	2016		2017		2018		2019		2020	
	SECONDARY SCHOOLS									
	T'side	Eng	T'side	Eng	T'side	Eng	T'side	Eng	T'side	Eng
% 1 st preference	87.6%	84.1%	82.2%	83.5%	84.6%	82.1%	83.9%	80.9%	85.6%	82.2%
% any preference	96.9%	96.5%	94.9%	96.1%	96.6%	95.5%	95.8%	94.9%	96.9%	95.6%

	PRIMARY SCHOOLS									
% 1 st preference	88.7%	88.4%	90.9%	90.0%	93.5%	91.0%	91.5%	90.6%	91.5%	90.2%
% any preference	96.8%	96.9%	97.5%	97.7%	98.6%	98.1%	97.8%	98.0%	97.9%	97.8%

2 Current demand

2.1 In common with many areas of the country, Tameside experienced a surge in births between 2002 and 2012. The birth rate rose from a low of 2,409 in 2002 to a recent high of 3,071 in 2010, a 27% increase. The birth rate fell by 9% from 2010 to 2018 but there was a significant increase in 2019.

2.2 As can be seen from the graph below, over the last 46 years, the birth rate in the borough has followed a distinct cycle which appears to repeat over a 25 year period. The peak of births in the borough was reached in 1991 when 3,363 babies were born. The most recent peak was in 2012 with 3,071 babies born. There followed a relatively stable seven year period. Birth rates form the basis for any school place planning model. Therefore, any new proposals to increase the number of school places need to be a mix of permanent and temporary as these will become surplus in years to come.



2.3 A number of factors are used to predict how many year 7 places will be needed in the borough and to some extent planning to meet secondary needs is easier as pupils are in primary schools already. These include birth rates, the number of pupils in primary schools, in year pupil movement and planned housing developments. These factors give a range within which demand for school places need to be assessed. For many years, the Council has used an average of Year 6 numbers plus 5% to give an indication of demand; however, this increased to 6% for several years but has now fallen back to 5%.

In year transfers

2.4 The School Admissions Team in the Council deal with approximately 3,000 transfer movements every year. Around 2,000 are primary school movements and 1,000 are secondary. This is in common with most areas of the country where house moves are the commonest reason for moving schools. The tables below shows pupil numbers in each year group from 2004 onwards. As can be seen the number of children in Tameside primary schools has increased steadily over the years in line with the increase in the birth rate. Similarly, the overall number of children in secondary schools is increasing steadily as the numbers feed through from primary schools.

January census numbers								
	R	Y1	Y2	Y3	Y4	Y5	Y6	TOTAL
2004/05	2460	2562	2593	2618	2712	2712	2745	18402
2005/06	2397	2472	2550	2591	2615	2706	2718	18049
2006/07	2406	2396	2463	2553	2598	2611	2695	17722
2007/08	2453	2384	2429	2457	2535	2619	2617	17494
2008/09	2586	2463	2400	2427	2470	2536	2617	17499
2009/10	2549	2589	2499	2411	2404	2461	2531	17444
2010/11	2681	2549	2600	2453	2414	2397	2473	17567
2011/12	2760	2690	2574	2581	2467	2420	2369	17861
2012/13	2908	2770	2701	2544	2544	2430	2394	18291
2013/14	2926	2953	2773	2699	2567	2581	2465	18964
2014/15	3104	2929	2931	2761	2692	2597	2580	19594
2015/16	3002	3128	2929	2942	2790	2725	2606	20122
2016/17	3066	3029	3127	2936	2951	2789	2727	20625
2017/18	2998	3089	3009	3118	2917	2926	2779	20836
2018/19	2873	3012	3094	3027	3110	2923	2938	20977
2019/20	2878	2894	2993	3088	3024	3127	2918	20922
					% CHANGE			114%

2.5 The table below shows the percentage change in numbers due to in year transfers from one year to the next in Tameside. This shows that the numbers in each year group remain relatively stable as they progress through the school.

Change in numbers year to year									
	R	Y1	Y2	Y3	Y4	Y5	Y6	Overall R to Y6	Overall % change
2004/05									
2005/06		12	-12	-2	-3	-6	6		
2006/07		-1	-9	3	7	-4	-11		
2007/08		-22	33	-6	-18	21	6		
2008/09		10	16	-2	13	1	-2		
2009/10		3	36	11	-23	-9	-5		
2010/11		0	11	-46	3	-7	12	13	0.53%
2011/12		9	25	-19	14	6	-28	-28	-1.18%
2012/13		10	11	-30	-37	-37	-26	-12	-0.50%
2013/14		45	3	-2	23	37	35	12	0.49%
2014/15		3	-22	-12	-7	30	-1	-6	-0.23%
2015/16		24	0	11	29	33	9	57	2.19%
2016/17		27	-1	7	9	-1	2	46	1.69%
2017/18		23	-20	-9	-19	-25	-10	19	0.68%
2018/19		14	5	18	-8	6	12	30	1.02%
2019/20		21	-19	-6	-3	17	-5	-8	-0.27%

2.6 For secondary schools, the same data is as follows:

January census numbers							
	Y6	Y7	Y8	Y9	Y10	Y11	TOTAL
2004/05	2746	2991	3213	3213	3123	2996	15536
2005/06	2720	2918	2984	3202	3185	3061	15350
2006/07	2695	2858	2915	2983	3177	3159	15092
2007/08	2617	2874	2851	2895	2956	3150	14726
2008/09	2617	2712	2861	2851	2901	2942	14267
2009/10	2531	2714	2705	2829	2830	2876	13954
2010/11	2473	2582	2712	2713	2813	2819	13639
2011/12	2369	2519	2582	2710	2721	2809	13341
2012/13	2394	2438	2504	2581	2697	2683	12903
2013/14	2465	2538	2445	2528	2580	2686	12777
2014/15	2580	2538	2553	2431	2513	2551	12586
2015/16	2606	2677	2552	2548	2429	2475	12681
2016/17	2727	2694	2701	2549	2517	2411	12872
2017/18	2779	2791	2680	2674	2506	2496	13147
2018/19	2938	2870	2778	2648	2646	2474	13416
2019/20	2918	2957	2888	2747	2620	2640	13852
						% CHANGE	85%

Change in numbers year to year							
	Y7	Y8	Y9	Y10	Y11	Overall Year 7-11	Overall % change
2004/05							
2005/06	172	-7	-11	-28	-62		
2006/07	138	-3	-1	-25	-26		
2007/08	179	-7	-20	-27	-27		
2008/09	95	-13	0	6	-14	-49	-1.7%
2009/10	97	-7	-32	-21	-25	-42	-1.5%
2010/11	51	-2	8	-16	-11	-39	-1.4%
2011/12	46	0	-2	8	-4	-65	-2.3%
2012/13	69	-15	-1	-13	-38	-29	-1.1%
2013/14	144	7	24	-1	-11	-28	-1.0%
2014/15	73	15	-14	-15	-29	-31	-1.2%
2015/16	97	14	-5	-2	-38	-44	-1.8%
2016/17	88	24	-3	-31	-18	-27	-1.1%
2017/18	64	-14	-27	-43	-21	-42	-1.7%
2018/19	91	-13	-32	-28	-32	-64	-2.6%
2019/20	19	18	-31	-28	-6	-37	-1.4%

2.7 The data in the tables shows that whilst there might be a large number of transfers in any given year, the overall change in pupil numbers is relatively small. In effect, for primary schools, the number of pupils that start in Reception are then relatively steady whereas in secondary schools, there is a steady decline in numbers as pupils move through the year groups.

Cohort survival rate

2.8 When taken together, all of the above factors give a cohort survival rate. This is the ratio of the relationship of number of pupils from one point in time to another, for example, the birth rate number compared to the number of pupils allocated a place in Reception or the number of pupils in Year 6 in a Tameside school compared to the number of pupils allocated a place in Year 7. In order to effectively plan for changes to school places in secondary schools, which starts two years in advance of entry into Year 7, a cohort survival rate based on year 4 numbers is also calculated. A five year rolling average of this ratio is the method used in Tameside to predict the number of places needed in any particular intake year.

2.9 The cohort survival rate for Year 7 is shown in the table below:

YEAR 7 ACTUALS						
	2015	2016	2017	2018	2019	2020
Total on time applications	2797	2821	2949	3008	3148	3173
Tameside schools 1st preferences inc SEN	2618	2605	2739	2613	2948	2982
Tameside resident out of borough 1st prefs	179	216	244	203	200	191
Out of borough 1st prefs for Tameside schools	334	374	327	340	304	318
Total allocated - Sept	2976	2953	3069	3125	3247	3260
Total allocated for Tameside schools - Sept	2758	2761	2824	2906	3001	3004
Total allocated to out of borough and independent	218	192	201	174	237	170
Primary school Year 6	2581	2606	2727	2779	2938	2918
Cohort survival rate (Y6 - Y7)	106.9%	105.9%	103.6%	104.6%	102.1%	102.9%
Primary school Year 4	2544	2567	2692	2790	2951	2917
Cohort survival rate (Y4 - Y7)	108.4%	107.6%	104.9%	104.2%	101.7%	103.0%
Birthrate	2,614	2,533	2772	2835	2895	3064
Cohort survival rate (birth - Y7)	105.5%	109.0%	101.9%	102.5%	103.7%	98.0%

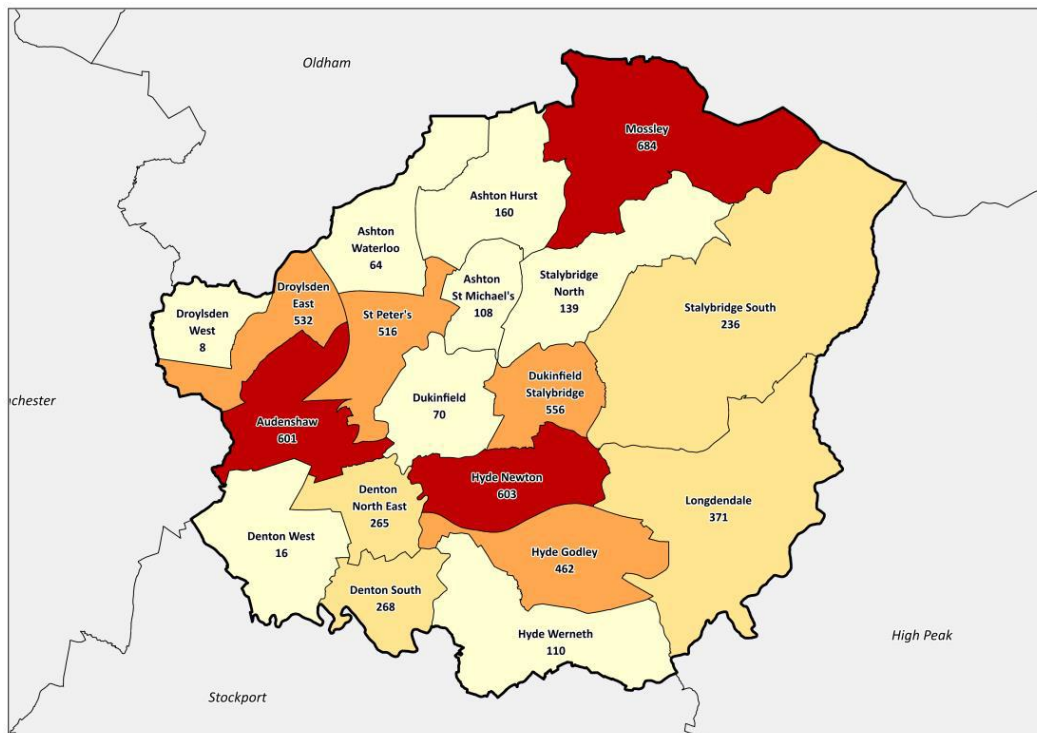
2.10 The five-year rolling cohort survival rate for entry into secondary schools over the last six years can be seen to have declined to its present level of 104%. The decrease in the birth – Y7 cohort survival rate mirrors the in-year changes to primary numbers.

Five years rolling average to	2015	2016	2017	2018	2019	2020
Average cohort survival rate (Y6 - Y7)	105.8%	106.2%	105.3%	105.1%	104.6%	103.9%
Average cohort survival rate (Y4 - Y7)	105.7%	106.5%	106.0%	105.7%	105.4%	104.3%
Average cohort survival rate (birth - Y7)	104.5%	105.5%	104.9%	104.3%	104.5%	103.1%

2.11 Taking a five-year rolling average of the cohort survival rate from Year 6 to Year 7; from Year 4 to Year 7 and from birth to Year 7 is very similar and so current secondary school place predictions are based on 105% of Year 4 pupils. The additional 1% gives some surplus capacity for in year transfers. This may need to be revised given the downward trend for the last three years.

Housing development

- 2.12 Another core factor in planning school places, is the amount of new housing development being planned in the borough. Tameside's Core Strategy is the key compulsory Local Development document. Every Local Development document is built on the principles set out in the Core Strategy, regarding the development and use of land in Tameside's planning area. The Core Strategy is currently being reviewed and it is predicted that an additional 8,000 houses, will be built in the borough, over the next 15 years.
- 2.13 The Council undertakes a housing yield analysis on an annual basis. The analysis looks at ten new development sites and matches new housing development postcodes to new pupil data from the January 2019 school census together with housing information from the Land Registry and Royal Mail to give intelligence on house move statistics and geographical distribution of the population movement into new development postcodes.
- 2.14 The ten development sites have been categorised based upon the type of housing present at each location, with pupil yield statistics generated for each category. The categorisation is as follows:
- Category A: Market housing, mostly semi-detached and terraced properties
 - Category B: Market housing, larger proportion of detached properties
 - Category C: Social housing
- 2.15 The estimation of the number of pupils resulting from new housing developments is a key element of the school place planning process for Tameside Council. The latest evidence for Tameside from the Greater Manchester Strategic Framework (GMSF) suggests that the number of new developments in the borough could be as high as 692 units per year. Since 2011/12, completions have averaged 452 units per year but the GMSF is estimating an uplift in average annual housing growth to 531 units per year between 2018/19–2030/31.
- 2.16 Over the next ten years, housing growth is anticipated in each of Tameside's nineteen wards, with the highest levels of growth expected in the wards of Mossley (+684 units), Hyde Newton (+603 units) and Audenshaw (+601 units).



2.17 Planning for school places will also need to take account of significant areas of proposed new development including sites in Hyde South and Godley Green and work is underway to determine the level of need for additional school places in these areas.

2.18 Using all of the above, pupil yield is anticipated to be:

- **Category A: Market housing, mostly semi-detached and terraced properties**

The school census data suggests a primary pupil yield of 0.15–0.36 per new home and a secondary pupil yield of 0.04–0.10 per new home. An estimated 44% of moves to these developments originate from outside Tameside.

- **Category B: Market housing, larger proportion of detached properties**

The primary pupil yield averages 0.29 per new home. The secondary pupil yield averages 0.08 per new home. An estimated 45% of moves to these developments originate from outside Tameside.

- **Category C: Social housing**

The school census data suggests a primary pupil yield of 0.36–0.55 per new home and a secondary pupil yield of 0.31–0.34 per new home. However, it is estimated that only 20% of moves to these new developments originate from outside Tameside.

2.19 As an overall model for calculating pupil yield and developer contributions, the Council uses a pupil yield per new home of 0.23 for primary aged pupils and 0.10 for secondary aged pupils. This is predicted to lead to the following number of additional pupils:

	Housing numbers	Primary places	Secondary places
2020/21	425	98	43
2021/22	415	95	42
2022/23	409	94	41
2023/24	406	93	41
2024/25	239	55	24
2025/26	330	76	33
2026/27	461	106	46
2027/28	720	166	72
2028/29	723	166	72
2029/30	668	154	67
2030/31	394	91	39
TOTAL	5190	1194	519
Source 2020 SHELAA			

2.20 Taking all the above into consideration, projected demand for places is shown in the tables below:

Primary school places

Primary school planning area	2020/21	2021/22	2022/23	2023/24	2024/25
357001 (Ashton, Droylsden, Mossley)					
Predicted intake	962	1029	1076	1070	1070
Places available	1160	1160	1160	1160	1160
357002 (Audenshaw/ Dukinfield / Stalybridge)					
Predicted intake	839	814	865	891	891

Places available	900	900	885	885	885
357003 (Denton / Hyde/ Longdendale)					
Predicted intake	1006	964	935	1111	1111
Places available	1120	1115	1115	1115	1115
Total					
Predicted intake	2807	2807	2876	3072	3072
Places available	3180	3175	3160	3160	3160

Secondary school places

SECONDARY SCHOOL PREDICTIONS 5% COHORT SURVIVAL 2021 - 2030 (JAN 20 PUPIL CENSUS)										
	Sep-21	Sep-22	Sep-23	Sep-24	Sep-25	Sep-26	Sep-27	Sep-28	Sep-29	Sep-30
Primary numbers	3127	3024	3088	2993	2894	2878	2807	2806	2876	3072
Predicted intake	3283	3175	3242	3143	3039	3022	2947	2946	3020	3226
Places available	3239	3224	3239	3214	3184	3154	3154	3154	3154	3154
Balance of places	-44	49	-3	71	145	132	207	208	134	-72

3 SUPPLY

Primary places supply

- 3.1 The Council plans primary places using three geographical planning areas. The planning areas are based on linked towns, specific geography and travel to learn patterns. The number of primary school places increased substantially through a mixture of permanent and temporary places to take account of increasing pupil numbers. However, as numbers coming into Reception have decreased over recent years, the number of places has reduced to avoid large levels of surplus capacity in some schools and to reduce the number of schools with mixed age classes.
- 3.2 As shown in 2.20 above, taking into account the demand for primary school places combined with a predicted declining birth rate should ensure that Tameside has sufficient school places for another 10 to 15 years. This will be kept under review annually through the report to Executive Cabinet.

Secondary places supply

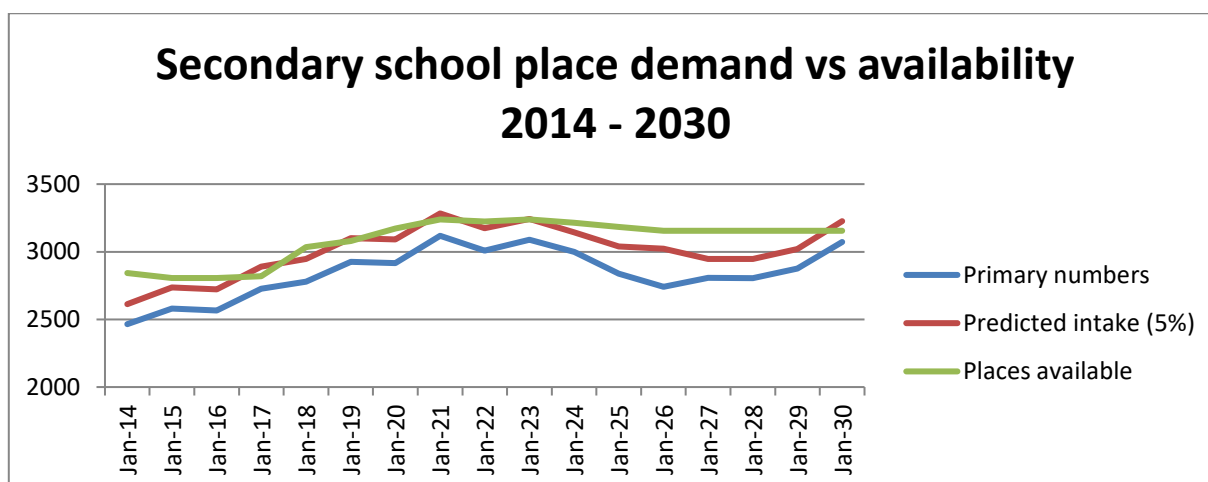
- 3.3 The Council plans secondary school places in a single borough wide planning area. The demographics of the borough are complicated with 16 high schools of which:
- 12 out of 16 are voluntary aided or academies
 - 11 out of the 16 being on the outskirts of the borough leading to high levels of cross local authority area travel to learn patterns
 - three Roman Catholic high schools
 - two single sex boys schools
 - one single sex girls school
 - a free school
- 3.4 All of these factors mean that ensuring sufficient places for secondary schools is challenging.
- 3.5 Due to the rising numbers of pupils in primary schools, the focus of increasing places has been on the secondary phase. Tameside has used a mixture of permanent and temporary places in primary schools to accommodate the increase in population. A bulge group in secondary schools is somewhat different to a bulge class in a primary school due to the

different nature of how learning takes place. Primary provision is largely based in one classroom so a bulge class can be accommodated with the addition of one classroom which were often accommodated in either surplus accommodation such as a room that was used as a community room or IT suite within a school or in a demountable classroom. Secondary schools pupils move around school for different lessons and also learn in specialist resources such as science labs and so a bulge group requires a more detailed look at the accommodation required. However, secondary schools usually have much smaller average class sizes than primary schools.

- 3.6 Tameside Council has a statutory duty to secure sufficient places for all pupils resident in the borough but the ability to directly procure these places is limited to its community schools. Officers from the Council have been talking to Headteachers at all schools in Tameside but particularly from voluntary aided schools and academies for a number of years to encourage them to put forward proposals to increase their admission numbers in view of the increase in numbers coming through from primary schools. Tameside Council is the admission authority for four community schools in the borough and therefore can propose increases in published admission numbers at its own schools.
- 3.7 By being proactive in discussions with secondary headteachers has resulted in an increased number of secondary places being agreed and the number of places available has increased by 16% from its lowest point of 2796 in 2010 to 3239 in September 2021.

TAMESIDE YEAR 7 PUBLISHED ADMISSION NUMBERS (CURRENT)						
School	Type	Ward	2019	2020	2021	2022
St Damian's	Vol Aided	Ashton Hurst	165	165	165	165
Great Academy Ashton	Academy	Ashton Hurst	270	270	270	270
Denton Community College	Community	Denton North East	330	330	330	330
St Thomas More	Vol Aided	Denton North East	150	150	160	160
Audenshaw (boys)	Academy	A'shaw	210	240	240	240
Fairfield (girls)	Academy	Droy East	195	197	199	199
Droylsden Academy	Academy	Droy West	180	180	195	180
Laurus Ryecroft	Free School	Droy East	150	210	220	220
Rayner Stephens	Academy	Duk/Staly	180	180	180	180
Copley	Academy	Staly South	150	150	150	150
All Saints	Academy	Dukinfield	150	150	180	180
West Hill	Academy	Staly North	170	170	170	170
Alder	Community	Hyde Godley	180	180	180	180
Hyde High School	Community	Hyde Newton	240	240	240	240
Longdendale	Academy	Longdendale	180	180	180	180
Mossley Hollins	Community	Mossley	180	180	180	180
		Total	3080	3172	3239	3224

- 3.8 The increased places that have been determined and /or agreed with our secondary schools means that supply is now able to meet demand for all but three years between now and 2030 based on the assumption that the cohort survival rate does not exceed 105%.



4 PLANS TO MEET FORECAST DEMAND FOR SECONDARY SCHOOL PLACES

- 4.1 The Council's strategy and plans to meet future forecasted demand are approved by Executive Cabinet at least annually when the school admission arrangements are also determined.
- 4.2 The table in section 2.20 demonstrates that currently, some additional places are needed for September 2021, September 2023. After that point, predicted demand begins to fall and there is sufficient surplus capacity to begin to reduce published admission numbers again. There is an increase in demand for September 2030 and plans will need to be made to address the shortfall nearer the time.
- 4.3 The predicted number of additional places needed are very small and will almost certainly be available due to the number of parents winning appeals to schools and opting for schools in other areas or private education. The additional places that schools have agreed to take for September 2021 and September 2023 will be accommodated on a temporary basis and will not necessitate permanent increases in published admission numbers as this will generate significant levels of surplus capacity in future years.
- 4.4 In partnership with our secondary schools, we have been able to close the gap for places for the predicted demand in the system for the next ten years. The Council is very grateful to all our schools that are taking additional pupils in the true spirit of partnership.

CONCLUSION

- 5.1 School place planning is a complex process that requires almost constant review to ensure that the Council is able to meet its statutory duty to provide sufficient places.
- 5.2 By being proactive and working in partnership with all our schools over a number of years, the Council has been able to meet the demand for places in spite of significant variations in pupil numbers.
- 5.3 Whilst there are currently sufficient places to meet expected demand, the school place planning process must continue to be dynamic particularly in view of significant housing development that is predicted within the borough and the impact that will have on demand and travel to learn patterns.

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Report to:	EXECUTIVE CABINET
Date:	27 January 2021
Executive Member:	Executive Leader – Councillor Brenda Warrington
Reporting Officer:	Sarah Threlfall – Assistant Director – Policy, Performance & Communications
Subject:	2021 CENSUS UPDATE
Report Summary:	The Office for National Statistics (ONS) conduct a census of the population every ten years. The next census in England and Wales will take place on Sunday 21 March 2021. The report provides an update on the plans to assist ONS in achieving a successful census in Tameside.
Recommendations:	It is recommended that Executive Board note the content of the report and support the proposals.
Corporate Plan:	Information gathered from the census will help shape future Corporate Plans.
Policy Implications:	The census is a unique opportunity to gain a better understanding of the residents of Tameside. The figures derived from the census will be used to inform grant applications, funding formula for local authorities, strategies and policies in the future.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no immediate direct financial implications arising from this report. The proposals for the utilisation of existing staff to support the census activity make use of existing resources and budgets, and a small amount of additional grant funding has been secured to cover any additional costs. The current COVID lockdown may have implications for the planned activity from 1 March 2021. Any unforeseen costs arising as a result of unplanned changes will need to be considered if and when these arise.
Legal Implications: (Authorised by the Borough Solicitor)	As set out in the main body of the report it is in the Council's best interested to assist the ONS to ensure a successful census as the data derived from it will impact on the council's ability to plan and secure funding for core services which is more critical than ever in this time of such demand on the council's budget.
Risk Management:	A failure to assist ONS in administering a successful census for Tameside could lead to an undercount in our population. This will make it more difficult to plan appropriate services, such as schools, health services and housing.
Background Information:	The background papers relating to this report can be inspected by contacting Lorraine Kitching.



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1. INTRODUCTION

- 1.1 Every ten years the Office for National Statistics (ONS) carries out a census to find out more about the people who live in England and Wales, and about the make-up of local neighbourhoods. The next census will take place on **21 March 2021**.
- 1.2 The information the census provides on the population, their characteristics, education, religion, ethnicity, working life and health gives decision-makers in national and local government, community groups, charities and business the opportunity to better serve communities and individuals in the United Kingdom.

2. HOW WILL THE CENSUS WORK IN 2021

- 2.1 In order to ensure the census runs smoothly in each local authority area, ONS have recruited Census Engagement Managers for each area. The role of the Census Engagement Manager is to work with the local authority on engagement with key hard to reach target groups, publicise the census and ensure a high response rate. **The Census Engagement Manager for Tameside is Graham Thomas.**
- 2.2 Each local authority is required to have a Census Liaison Manager and an Assistant Census Liaison Manager, these are **Simon Brunet (Head of Policy, Performance and Intelligence) and Lorraine Kitching (Performance, Intelligence & Scrutiny Service Manager)** respectively. Their role is to assist the Census Engagement Manager in achieving a successful census.
- 2.3 The 2021 Census will be a digital first census with a target of achieving a 75% response rate online. For the majority of households initial contact for the Census will be made via a digital first pack detailing how to complete the census online. The letter will include a unique access code (UAC) and website address. An example of the letter can be found in Appendix 1.
- 2.4 Residents will be able to request a paper copy of the questionnaire via the Census website or by telephone. The census questionnaire can viewed online here: <https://www.ons.gov.uk/census/censustransformationprogramme/questiondevelopment/census2021paperquestionnaires>

3. ONLINE CENSUS CENTRES

- 3.1 It is recognised that Tameside, along with other areas in Greater Manchester, has a high level of digital exclusion and we would need to assist some residents with completing the census. ONS statistics estimates that 11.4% of resident in the UKD35 District (Tameside and Stockport) have either never used the internet or haven't used the internet in the last 3 months. This equates to approximately 20,000 residents aged 18+.
- 3.2 Tameside Council successfully bid for a small pot of funding through 'The Good Things Foundation' to provide online census centres in six of our libraries. The contract amounts to £13,290 plus an additional £1,050 to cover the costs of training. The contract requires that we provide a total of 105 advisor hours per week over a nine week period from Monday 1st March 2021 to Sunday 2nd May.
- 3.3 Our bid for this contract was based on running twelve four hour sessions across the week followed by one additional four and a half hour session each Saturday. These sessions will take place across six of our library sites, with the weekend session being held in a different location each week to increase accessibility.

3.4 The six library sites selected were chosen to ensure that services could be delivered across the borough in areas of greatest utility to our residents, and so that all sessions can be held within the libraries' standard operating hours. The six libraries are:

- Ashton
- Denton
- Droylsden
- Hattersley
- Hyde
- Stalybridge

3.5 In order to effectively run these sessions, we propose to create a bank of advisors from existing staff within the council and CCG. All advisors will be required to be DBS checked and this will be funded from the pot of funding. At the beginning of January we intend to seek volunteers to help run the centres. Advisors will work in pairs and need to be able to commit to running one four-hour session a week. They will assist members of the public in completing the Census online. Ideally we would like to recruit a cross section of volunteers; those with other language skills, those with British Sign Language skills, those with experience of working with those with a learning disability etc. to ensure we can offer a full service to our residents.

3.6 We are therefore seeking support from services to facilitate this request and where appropriate release staff to assist with this project for a 4 hour slot each week.

4. COMMUNICATIONS AND ENGAGEMENT

4.1 ONS will be running a national advertising campaign via television, radio, the media and billboards in order to promote the census, however it will be particularly important for Tameside to communicate the message to its residents and in particular to those areas that are considered hard to count to ensure the highest possible response rate.

4.2 The Policy, Performance and Communications team will lead on local communications utilising social media, local newspapers and publications (including the Citizen). Messages will also be cascaded to partner organisations and community groups through existing networks such as the Tameside and Glossop Partnership Engagement Network (PEN).

4.3 Community Champions have been particularly successful at helping to spread the word around keeping safe during Covid and it's proposed that we seek to utilise this network to help promote the importance of completing the Census.

4.4 The key target groups for engagement are detailed in the table overleaf, these are the groups deemed most difficult to enumerate in Tameside.

Table 1: Key Target Groups for Tameside

Target Group	Reason for inclusion
BME communities	High proportion of non-English speaking residents who may need language support. Target areas Ashton & Hyde.
Eastern European residents	Populations are located in the North Ashton areas – important to ensure they engage with the Census.
People Lacking Digital Skills 65+	Although digital skills have improved in the last 10 years, this is the age group most at risk of being digitally excluded.
Older people aged 80+	Tameside has an ageing population and long term health conditions are prevalent, this age group may require additional assistance with the census.

Low Income Households	There are high levels of deprivation and poverty in some areas of the borough. Low income households may have limited access to digital channels and skills and will therefore require the necessary tools and advice to complete the census.
Veterans	It is estimated that approximately 7,500 ex forces veterans live in Tameside. There are forces and community groups already engaged with this cohort who will be able to assist them.
Mental Health & Wellbeing	Mental health and wellbeing is an issue amongst a proportion of Tameside's residents and it's recognised that these may have been exacerbated by Covid 19 meaning that some people may find the census a challenge in terms of deadlines and emotional capacity to prioritise and complete.
Digital Access – Economic & Skills	Groups of the population of Tameside cannot afford digital devices or connectivity in their own home and will therefore be dependent on a community provider. There will also be a proportion who do not have the digital skills or literacy skills to complete the census and will require assistance.

4.5 Elected members will play a key part in promoting the census to their local communities through their network of contacts and knowledge of the local area. In order to fully brief elected members a development session has been organised for Wednesday 27 January at 5pm. This will provide members with the opportunity to meet Graham Thomas (Census Engagement Manager from ONS) and the key contacts in Tameside.

4.6 The Policy, Performance and Communications team will work with the Census Engagement Manager and elected members, community groups and partners to promote the benefits of completing the census widely.

5. LOCAL LAND & PROPERTY GAZETEER (LLPG)

5.1 All local authorities have a responsibility for maintaining an address database known as the Local Land and Property Gazetteer (LLPG). This is a collection of address and location data created by the local authority. The information within the Local Land and Property Gazetteers are standardised to an addressing standard known as BS7666, which means that all data within them, regardless of the authority, is stored and maintained in an identical fashion. It is because of this standardisation that the LLPGs can be amalgamated to form the National Land and Property Gazetteer (NLPG), which holds addressing information for all local authorities.

5.2 The LLPG plays an important part in ensuring Tameside has a successful census. The census packs will be posted out to the majority of addresses using an address register created by ONS based on each authorities LLPG. The Growth Directorate have been cleansing the database over the last few months to ensure the LLPG is up-to-date and accurate.

5.3 **Currently ONS are planning to accept any address changes up to 21st January 2021.** It will therefore be important to continue to keep the LLPG up-to-date, as amendments to the LLPG have to be submitted to the national hub (NLPG).

6. RECOMMENDATIONS

6.1 As set out at the front of the report.

Example letter to be sent to households

census
2021



Householder
<Address_Line1>
<Address_Line2>
<Locality>
<Town_Name>
<Postcode>

If you need help, go to
www.census.gov.uk
or phone us free on
0800 141 2021

Reference number:
1234 1234 12

Dear Householder

We need your help with the census, which gathers vital information to help plan services, such as transport, education and healthcare. All households should complete the census on **Sunday 21 March 2021** or as soon as possible after.

You must complete the census by law or you could be fined up to £1,000.

How to complete your census

1 Read this letter containing your household access code.



2 Go to www.census.gov.uk, select "Start census" and enter your household access code:



1A2B 3C4D 5E6F 7G8H

3 Answer the questions and submit when complete.



Your answers are protected by law and will be kept confidential.

The census should take around **10 minutes per person** to fill in. Every census completed online saves paper and taxpayers' money. See the enclosed leaflet for how to get help to complete your census. You can request a paper form at www.census.gov.uk or call 0800 141 2021.

Thank you

Professor Sir Ian Diamond – National Statistician

Office for National Statistics

www.census.gov.uk

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Agenda Item 13

Report to:	BOARD
Date:	20 January 2021
Executive Member:	Cllr Gerald Cooney, Executive Member (Housing, Planning and Employment)
Reporting Officer:	Jayne Traverse, Director of Growth
Subject:	PLANNING REFORM CONSULTATION - SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE
Report Summary:	This report covers the proposed response to the "Supporting Housing Delivery and Public Service Infrastructure" published for consultation by the Government which closes on 28 January 2021 and is intended to ensure we represent the Council's position.
Recommendations:	To approve or comment otherwise on the draft consultation to the Government's Supporting Housing Delivery and Public Service Infrastructure consultation set out in Appendix 1 to meet the statutory consultation deadline.
Corporate Plan:	To ensure that we are able to deliver corporate plan in the event of any legal landscape.
Policy Implications:	This matter is at consultation stage only.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The report sets out the Council's proposed response to the consultation.</p> <p>It is envisaged that there may be potential implications on planning related fee levels and future levels of both council tax and business rates receivable. However, the related impact cannot be quantified at this stage until the outcome of the consultation is known.</p> <p>These will be evaluated and reported to Members at a later date if appropriate.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>It is critical that the Council engages in this consultation in order that it can take the opportunity to help shape housing delivery and public service infrastructure as both are critical to the Council's delivery for the residents of Tameside. It should be noted that the Council's constitution states under Part 3b - Cabinet Positions - Portfolios that:</p> <p>Each Executive Member is responsible for:.....</p> <p>Para 23 To submit to the Executive Cabinet:-o All responses to consultation papers, relating to these Terms of Reference, issued by the Government and outside organisations.</p>
Risk Management:	Not to submit a response to the Government's consultation which we do not believe would serve our residents' interests.
Background Information:	<p>The background papers relating to this report can be inspected by contacting the report author, Martyn Leigh, Development Manager, Planning, by</p> <p>Telephone: 0161 342 3456</p> <p>e-mail: martyn.leigh@tameside.gov.uk</p>

1. INTRODUCTION

1.1 The Government's consultation on supporting housing delivery and public service infrastructure is a technical consultation which seeks views on proposals for:

- A new permitted development right for a change of use to residential to create new homes;
- Measures to provide public service infrastructure more quickly through expanded permitted development rights and a new streamlined planning application process for hospitals, schools and prisons; and,
- The approach to simplifying and consolidating existing permitted development rights following changes to the Use Classes Order.

1.2 The consultation seeks views on any potential impacts on business, local planning authorities and communities from these measures. Through a series of focussed questions it provides the opportunity for comments to be submitted by 28 January 2021 and the proposed responses are from Tameside Council are as set out in the attached Appendix 1.

1.3 A link to the consultation, including the proposals which are being commented on, can be found here:

[Supporting housing delivery and public service infrastructure - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure)

2. IMPLICATIONS OF THE GOVERNMENT'S PROPOSED PLANNING REFORMS

2.1 Tameside Council is objecting to many aspects of the proposals by Central Government set out in its consultation, on the grounds that they will reduce public participation in the planning process, resulting in less control over where residential development is located, threaten the vitality and viability of high streets and town centres. They would also add further complexity to existing permitted development rights by enabling more development to be carried out without planning permission and public engagement.

2.2 Ultimately what the Government's proposals will mean for communities and businesses of Tameside will not be able to express their views on those developments which no longer require the need for a planning application under these reforms. Where prior approval will be needed, this will limit the scope of what can be taken into account when the Council is considering objections from the public and the community. Matters that the public generally engage on when making representation on planning applications are included below. These will no longer be able to be taken into account if the Government proceeds with the proposals.

- Provision of waste bins;
- The requirement to provide parking spaces;
- Overlooking from new windows;
- Quality of design and materials for any external alterations;
- Safe and secure access being provided where a property is being converted to residential;
- No opportunity to make representation to some extensions to schools and hospitals as under the proposals these would not require planning permission.

3. RECOMMENDATIONS

3.1 As set out at the front of this report.

APPENDIX 1

Responses to Consultation Questions

The supporting housing delivery and public service infrastructure consultation contains a number of focussed technical questions and the Council's proposed response to each is set out below:

Question 1: Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)? Please give your reasons.

Disagree. There is already greater flexibility provided by the recently created Use Class E and the proposals provide opportunities to create new homes.

In the context of town centre locations this could be advantageous in bringing vacant buildings back into use and providing homes in sustainable locations in close proximity to transport links and commercial services. This would therefore help support the overall vibrancy and vitality of the centre in question.

Dependent upon the uptake of this permitted development right it could lead to a substantial loss of economic generating uses which would be to the detriment to local job provision. Furthermore, Class E uses would capture a number of large buildings, particularly in out of centre locations which might be inappropriate and not sustainable.

It is considered that a full planning application should be required for changes of use of buildings benefiting from Class E uses to provide new homes.

Question 2.1 – Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites? Please give your reasons.

Agree. The right should not apply in such areas given the environmental, social and economic sensitivities of such locations.

Question 2.2 – Do you agree that the right should apply in conservation areas? Please give your reasons.

Disagree. Conservation areas are designated in recognition of their unique historic character and environmental quality. Commercial uses are often and important integral part of this established character and the provision and despite the fact that prior approval for the loss of retail frontage could be applied the character would nevertheless be eroded by such development which would have cumulative impacts.

Question 2.3 – Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential? Please give your reasons.

Disagree. It is maintained that the provision should not apply in conservation areas. It is considered the prior approval should apply in all instances where the loss of ground floor commercial use is proposed.

However, if the provision is to apply in conservation areas only, it is important that the loss of ground floor uses to residential uses is properly considered to understand the visual impact of such proposals on the character of the conservation area. This would include understanding the impact of loss of shop frontages and advertisements for instance that can contribute to character of local environmental quality.

Question 3.1 – Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval? Please give your reasons.

Agree. Any proposals delivered through this proposed right should include all those prior approval subject matters listed in paragraph 21. This is to ensure all material matters are fully considered. However, it omits to require reference to minimum amenity standards for future occupiers which would undermine the objectives to provide high quality homes. Therefore, this should be included.

Question 3.2 – Are there any other planning matters that should be considered?

It is considered that prior approval should be required for any alterations to the exterior of the building and refuse/recycling storage in order to accommodate the proposed use. It should also require contributions to be secured towards essential infrastructure through Section 106 agreements. Furthermore, the provision of homes through this proposed right would be market-led and not addressing affordable housing requirements or general housing need.

The following are important matters that the public raise when the Council is processing planning applications. The proposed changes to PD rights would take away their rights to comment and engage on these and accordingly the Council objects to changes in the planning system which prohibits residents and businesses from having a view on these matters. These include, for example:

- Provision of waste bins;
- The requirement to provide parking spaces;
- Overlooking from new windows;
- Quality of design and materials for any external alterations;
- Safe and secure access being provided where a property is being converted to residential;
- No opportunity to make representation to some extensions to schools and hospitals as under the proposals these would not require planning permission.

Question 4.1 – Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse? Please give your reasons.

Agree, to reflect the costs incurred in the assessment of the number of prior approval criteria involved.

Question 4.2 – If you agree that there should be a fee per dwellinghouse, should this be set at £96 per household? Please give your reasons.

There should be a fee applied per dwellinghouse which should be comparable to the planning application fee that would otherwise be applied to a full planning application.

Question 5 – Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential? Please specify.

A full planning application is considered to remain the more appropriate process to assess proposals for a change of use which would require assessment against evidenced housing needs. Whilst there is recognition of the benefits associated with a simpler process this should not be at the overall expense of standards of new homes and appropriateness of location.

Question 6.1 – Do you think the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities? If so, please give your reasons.

The proposed right will inevitably affect business, communities and local planning authorities.

The right would assist in the provision of new homes and utilise buildings no longer required for commercial uses. However, it undermines the ability for local planning authorities to influence the location and overall quality of accommodation, and to align it to evidenced needs rather than market-led demand.

Loss of employment uses could undermine the viability and vitality of town centres through loss of footfall and linked trips.

Social infrastructure requirements could be stretched beyond capacity with the potential for limited opportunities for additional capacity in the locality.

The use of the provision would change the character and identity of areas and be largely informed by commercial decisions rather than based on community need.

Paragraph 28 of the consultation states that local planning authorities would benefit from reduced volume of planning applications, offset by a reduction in fees. This statement is contradictory.

With reference to paragraph 27 of the consultation it is not considered that the prior approval process would offer more certainty and be more advantageous than a planning application.

Question 6.2 – Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give risk to any impacts on people who share a protected characteristic? If so, please give your reasons.

Class E covers a broad spectrum of uses it is hard to distinguish what social impacts would occur through the use of the provision proposed.

Question 7.1 – Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than 25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the greater? Please give your reasons.

The importance of the planning system supporting the impacts arising from Covid-19 are clearly significant. However, whilst expanding the provisions of existing permitted development rights for hospitals might be appropriate on a short-term basis, extensions to educational establishments is often a type of development particularly sensitive within the local community and surrounding residents through issues such as traffic generation and noise. As such, the provisions should not be expanded for educational establishments where it results in additional capacity, or facilitates for non-educational uses.

Question 7.2 – Do you agree that the right to be amended to allow the height limit to be raised from 5 metres to 6? Please give your reasons.

No. An increase in the height limit from 5m to 6m could result in a material impact in certain cases and would need to be fully assessed through a planning application.

Question 7.3 – Is there any evidence to support an increase above 6 metres?

No.

Question 7.4 – Do you agree that prisons should benefit from the same right to expand or add additional buildings? Please give your reasons.

There are no prisons within the borough. However, it would appear prudent to ensure that there is capacity within the local infrastructure to support any proposed expansion, which would be best assessed through a planning application.

Question 8 – Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons? Please specify.

There has been little uptake on free schools in the borough through the existing permitted development process.

Question 9.1 – Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on business, communities, or local planning authorities? If so, please give your reasons.

The proposed amendments to the rights in relation to schools, colleges and universities, and hospitals, could give rise to additional traffic generation, noise, and wider amenity concerns. It would also result in significant environmental impacts for local communities. There may be benefits for businesses operating in the area through increased footfall but the role of local planning authorities would be more reactive in the place shaping process.

Whilst the proposed amendments would reduce the number of planning applications it would reduce fee income and therefore the capacity to respond to the local community and business needs.

Question 9.2 – Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could give rise to any impacts on people who share a protected characteristic? If so, please give your reasons.

The types of infrastructure affected by the proposed amendments mean that there will be further opportunities for social inclusion or impact where capacity for those with such characteristics is proposed.

Question 10.1 – Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities? If so, please give your reasons.

There are no prisons within the borough. However, it would appear prudent to ensure there is capacity within the local infrastructure to support any proposed expansion, which would be best assessed through a planning application.

Question 10.2 – Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic? If so, please give your reasons.

There are no prisons within the borough and therefore offer no comment on this.

Question 11 – Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)? Please give your reasons.

Disagree. The timescales associated with determining major developments are required to ensure proper consideration is given to all relevant material planning considerations. Proposals to shorten this timescale would have resource implications and reduce quality of development.

Despite the fact 'major' category planning applications are subject to a 13 week target date they can be determined in a shorter timeframe where this is reasonably possible. The need for this consultation suggests issues rest elsewhere. Furthermore, shortening timescales for public service developments will inevitably be at the expense of engagement with proposed private investment which will result in a negative impact on the economy.

Question 12 – Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders’ institutions, and other criminal justice accommodation? If not, please give your reasons as well as any suggested alternatives.

Disagree, for the reasons given in response to question 11, and that local planning authorities are generally not resourced sufficiently to accommodate this.

Question 13 – Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks? Please give your reasons.

Disagree, for the reasons given in response to question 11, and that local planning authorities are generally not resourced sufficiently to accommodate this.

Question 14 – Do you agree the minimum consultation/publicity should be reduced to 14 days? Please give your reasons.

Disagree. Engaging with communities, public, applicants, and other stakeholders, forms an established and integral part of the planning process. Reducing this by 7 days would reduce participation in the process and is unlikely to significantly increase the speed of determination of applications. It would be more likely to result in dissatisfaction from the wider community and the management of this would require additional resource.

Question 15 – Do you agree that the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority it anticipates making a decision? Please give your reasons.

Disagree. This would require further administration of applications and potentially undermines local democracy.

Question 16 – Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted? Please give your reasons.

Disagree. There is already a clear requirement for a positive and proactive approach to all development within the National Planning Policy Framework. It is considered that there is not a demonstrable need for this amendment and that local planning authorities should be able to exercise discretion in what priority is given to major applications.

Question 17.1 – Do you have any comments on the other matters set out in this consultation document, including post-permission matters, guidance and planning fees? Please specify.

Post permission matters and completion of section 106 agreements: It is agreed that matters such as reserved matters applications, discharge of condition applications, and those to amend permissions are important to enable development to take place. Whilst it is proposed to monitor local planning authority’s performance on these consents the LPA is still nevertheless best placed to determine what priority is given to all applications with the available resource. All applications approved subject to Section 106 agreements are already concluded as quickly as possible to secure the release of the planning permission. The ability to complete such an agreement lies outside of the control of the local planning authority.

Guidance: The planning of all public infrastructure developments should require formal pre-application engagement and evidence of this should be a requirement of the subsequent planning application. It is not considered necessary to require local planning authorities to act proactively when engaging with key delivery bodies since this is a requirement for all applications by virtue of paragraph 38 of the National Planning Policy Framework.

Fees: If local planning authorities are expected to determine public service infrastructure developments more quickly, but subject to the same legislative requirements, it must follow that additional resource is required to facilitate this through amendments to the Fee Regulations. Alternatively, there could be a requirement for provision of additional resource for such applications secured through a Planning Performance Agreement.

Question 17.2 – Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system? Please specify.

The need for essential public infrastructure should continue to be identified through the plan-making processes on an evidence-based approach to secure maximum public value and community benefit. However, determination of such applications will be subject to each local planning authority's governance processes which will inform the timescales. Maximum efficiencies can be obtained through utilisation of the pre-application advice processes and providing additional resource secured through Planning Performance Agreements.

Question 18 – Do you think that the proposed amendments to the planning applications process for public service infrastructure projects should give rise to any impacts on people who share a protected characteristic? If so, please give your reasons.

Any proposal to shorten the duration of overall timescales of determining applications reduces involvement and accessibility to the planning process. This is likely to have a disproportionate impact on those with protected characteristics.

Question 19.1 – Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document? Please give your reasons.

Agree. The general approach to rationalise and consolidate amendments to permitted development rights and Use Classes is supported since it will be of benefit to all.

Permitted development rights are overly complex and often lead to confusion, misunderstanding, misinterpretation, and uncertainty. Furthermore, those permitted development rights which are subject to determination deadlines which offer 'deemed consents' are resource intensive and without adequate resource can undermine confidence in the planning system.

Question 19.2 – Are there any additional issues that we should consider? Please specify.

Expanding permitted development rights do not necessarily result in a more streamlined process that is easier for people to navigate than the current system. It also provides more scope for challenge of interpretation and procedure which risks slowing down the development process.

Question 20 – Do you agree that such uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class? Please give your reasons.

Agree. There is no policy protection for such uses and Class E was introduced to promote flexibility in the planning process.

Question 21 – Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document? Please give your reasons.

Disagree on the basis that the broad approach has resulted in a checklist which is more complex than the planning application process, reduces engagement and participation, and does not necessarily provide greater certainty for businesses. There is therefore increased risks with the

complexity of the process being disproportionately greater than the subject matter of the application, resulting in a less efficient planning system.

Question 22 – Do you have any other comments about the consolidation and simplification of existing permitted development rights? Please specify.

If the aim is to simplify the planning system and make it more accessible then the creation of more permitted development rights is not the correct approach to fulfilling this. Increasing capacity within planning departments would result in speedier decision making and more certainty in processes and outcomes.

There is a risk of misconception that the prior approval process is a quicker way of securing development especially where the number of prior approval subject matters are not significantly less than a full planning application. The lengthy nature of permitted development rights result in inherent inconsistencies which would be more appropriately dealt with and more easily understood through a full planning application.

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