

Council Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 10 December 2015 at 18:00**

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

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Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please use one of the contact details at the bottom of this page and we will try to provide a reading service, translation or other formats you may need.

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COLCHESTER BOROUGH COUNCIL
Council
Thursday, 10 December 2015 at 18:00

TO ALL MEMBERS OF THE COUNCIL

Published 02/12/2015

You are hereby summoned to attend a meeting of the Council to be held at the Town Hall, Colchester on Thursday, 10 December 2015 at 18:00 for the transaction of the business stated below.



Chief Executive

AGENDA - Part A
(open to the public including the press)

Please note that the business will be subject to short breaks at approximately 90 minute intervals.

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

Apologies

Councillor Jarvis

1 Welcome and Announcements

(a) The Mayor to welcome members of the public and Councillors and to invite the Chaplain to address the meeting. The Mayor to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Mayor's discretion, to announce information on-

- action in the event of an emergency;
- use of mobile phones;
- audio recording of the meeting;
- location of toilets.

2 Have Your Say!

The Mayor to ask members of the public to indicate if they wish to ask a question, make a statement or present a petition on any matter relating to the business of the Council - either on an item on

the agenda for this meeting or on a general matter not on this agenda and to invite any such contributions (Council Procedure Rule 6(2)).

(Note: A period of up to 15 minutes is available for general statements and questions under 'Have Your Say!').

3 **Minutes**

A... Motion that the minutes of the meetings held on 21 October 2015 and 3 November 2015 be confirmed as a correct record.

21-10-15 11 - 22

03-11-15 High Steward 23 - 24

03-11-15 Honorary Alderman 25 - 26

4 **Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding

disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5 Mayor's Announcements

Mayor's Announcements (if any) and matters arising pursuant to Council Procedure Rule 8(3).

6 Items (if any) referred under the Call-in Procedure

To consider any items referred by the Scrutiny Panel under the Call-in Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.

7 Recommendations of the Cabinet, Panels and Committees

To consider the following recommendations:-

7(i) 2016/17 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves 27 - 28

B.. Motion that the recommendation contained in minute 44 of the Cabinet meeting of 25 November 2015 be approved and adopted.

7(ii) Local Council Tax Support 2016/17 29 - 30

C... Motion that the recommendation contained in minute 45 of the Cabinet meeting of 24 November 2015 be approved and adopted.

7(iii) Officer Pay Policy 2016-17 31 - 32

D... Motion that the recommendation contained in minute 46 of the Cabinet meeting of 25 November 2015 be approved and adopted.

7(iv) Nomination for Deputy Mayor 2016-17 33 - 34

E... Motion that the recommendation contained in the minute of the Cabinet meeting of 25 November 2015 be approved and adopted.

7(v) Review of the Statement of Licensing Policy 35 - 36

F... Motion that the recommendation contained in minute 23 of the Licensing Committee meeting of 26 November 2015 be approved and adopted.

7(vi) Review of the Statement of Gambling Policy 37 - 38

G... Motion that the recommendation contained in minute 24 of the Licensing Committee meeting of 26 November 2015 be approved and adopted.

7(vii) Polling Districts and Polling Places Review 39 - 40

H... Motion that the recommendation in minute 29 of the Governance Committee meeting of 24 November 2015 be approved and adopted.

8 Notices of Motion pursuant to the provisions of Council Procedure Rule 11

To consider the following Motions:-

- (i) Financing of Local Government

Proposer: Councillor Willetts

I... Motion that

This Council welcomes the announcement by the Chancellor of the Exchequer to allow, by the end of this Parliament, local government to retain 100 per cent of local taxes, including all the revenue from business rates.

Council believes that this major change to the financing of local government will be a huge boost to the local economy in Colchester, and help attract business and create jobs.

The motion relates to a non-executive function and will be debated and determined at the meeting.

Main Amendment

Proposer: Councillor Harris

The motion on the financing of local government be approved and adopted subject to:-

In the first paragraph the deletion of the word “welcomes” and its replacement with the word “notes”.

In the second paragraph:-

- the deletion of the word “will “ and its replacement with the word “could”;
- the deletion of word “huge”;
- the addition of the word “may before the word “help”;
- the addition of the words “depending on how it is implemented” after the word “jobs”.

The addition of the following three paragraphs:-

This Council does however regret the 40% cuts to Local Government funding since 2010 and the negative impact this has had on the services that this Council provides to residents, communities and businesses despite our sterling efforts to defend front line services over that period.

This Council therefore calls on the Chancellor of the Exchequer to protect Local Government funding in the forthcoming Comprehensive Spending Review and give a commitment that central government grant will be maintained until the end of the Parliament.

This Council resolves to send a copy of this motion to the Chancellor and to the three Members of Parliament who represent the Borough of Colchester.

If approved the amended wording of the motion would be:-

“This Council notes the announcement by the Chancellor of the

Exchequer to allow, by the end of this Parliament, local government to retain 100 per cent of local taxes, including all the revenue from business rates.

Council believes that this major change to the financing of local government could be a boost to the local economy in Colchester, and may help attract business and create jobs depending how it is implemented.

This Council does however regret the 40% cuts to Local Government funding since 2010 and the negative impact this has had on the services that this Council provides to residents, communities and businesses despite our sterling efforts to defend front line services over that period.

This Council therefore calls on the Chancellor of the Exchequer to protect Local Government funding in the forthcoming Comprehensive Spending Review and give a commitment that central government grant will be maintained until the end of the Parliament.

This Council resolves to send a copy of this motion to the Chancellor and to the three Members of Parliament who represent the Borough of Colchester.”

9 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

To receive and answer pre-notified questions in accordance with Council Procedure Rule 10(1) followed by any oral questions (not submitted in advance) in accordance with Council Procedure Rule 10(3).

(Note: a period of up to 60 minutes is available for pre-notified questions and oral questions by Members of the Council to Cabinet Members and Chairmen (or in their absence Deputy Chairmen)).

Councillor Lissimore to Councillor Bourne, Portfolio Holder for Housing and Public Protection

The issue of dog fouling continues to be a serious problem within the Colchester Borough. There are still some dog walkers who do not clear up after their animals and occasionally an animal may be ill whilst on its walk. How quickly do you feel that residents should expect a bad issue of dog fouling in a busy, public place to be cleared up?

10 Members Allowances Scheme 41 - 56

J.. Motion that the recommendations contained in the report by the Assistant Chief Executive be approved and adopted.

11 Annual Scrutiny Report 2014-15 57 - 62

K... Motion that the Annual Scrutiny Report 2014-15 be noted.

12	Authorisation of Absence from Council and Committee Meetings	63 - 64
	L... Motion that the recommendation contained in the Assistant Chief Executive's report be approved and adopted.	
13	Schedule of Portfolio Holder Decisions	65 - 72
	To note the Schedule of Portfolio Holder decisions covering the period 1 July 2015 - 30 November 2015.	
14	Urgent Items (Council)	
	To consider any business not specified in the Summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.	
15	Reports Referred to in Recommendations	
	The reports specified below are submitted for information and referred to in the recommendations specified in item 7 of the agenda:	
	2016/17 Revenue Budget, Fees and charges, Capital Programme and Financial Reserves, report to Cabinet 25 November 2015 (report and appendix I only)	
	Local Council Tax Support 2016/17, report to Cabinet 25 November 2016/17	
	Officer Pay Policy Statement for 2016-2017, report to Cabinet 2016/17	
	Statement of Licensing Policy, report to Licensing Committee 26 November 2015	
	Statement of Gambling Policy, report to Licensing Committee, 26 November 2015	
	Polling District and Polling Places Review, report to Governance Committee, 24 November 2015	
	2016/17 Revenue Budget report	73 - 88
	LCTS 2016-17 report	89 - 100
	LCTS scheme 2016-17	101 - 242
	Officer Pay Policy	243 - 258
	Licensing Policy	259 - 324
	Gambling Policy	325 - 404

16 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

Council

Wednesday, 21 October 2015

Attendees: Councillor Kevin Bentley (Member), Councillor Elizabeth Blundell (Member), Councillor Nigel Chapman (Member), Councillor Peter Chillingworth (Member), Councillor Beverly Davies (Member), Councillor Margaret Fairley-Crowe (Member), Councillor Marcus Harrington (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor John Jowers (Member), Councillor Sue Lissimore (Member), Councillor Jackie Maclean (Member), Councillor Richard Martin (Member), Councillor Peter Sheane (Member), Councillor Dennis Willetts (Member), Councillor Tina Bourne (Member), Councillor Dave Harris (Member), Councillor Cyril Liddy (Member), Councillor Kim Naish (Member), Councillor Julie Young (Deputy Mayor), Councillor Tim Young (Member), Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Barrie Cook (Member), Councillor Nick Cope (Member), Councillor Mark Cory (Member), Councillor Annie Feltham (Member), Councillor Bill Frame (Member), Councillor Ray Gamble (Member), Councillor Martin Goss (Member), Councillor Julia Havis (Member), Councillor Jo Hayes (Member), Councillor Professor Peter Higgins (Member), Councillor Mike Hogg (Member), Councillor Jon Manning (Member), Councillor Paul Smith (Member), Councillor Laura Sykes (Member), Councillor Beverley Oxford (Member), Councillor Gerard Oxford (Member), Councillor Roger Buston (Member), Councillor Chris Pearson (Member), Councillor Rosalind Scott (Member), Councillor Dominic Graham (Member), Councillor Jessica Scott-Boutell (Member), Councillor Theresa Higgins (Mayor and Chairman), Councillor Annesley Hardy (Member), Councillor Darius Laws (Member), Councillor Ben Locker (Member), Councillor Fiona Maclean (Member), Councillor Patricia Moore (Member)

Apologies: Councillor Christopher Arnold (Member), Councillor John Elliott (Member), Councillor Andrew Ellis (Member), Councillor Will Quince (Member), Councillor Michael Lilley (Member), Councillor Nigel Offen (Member), Councillor Philip Oxford (Member), Councillor Robert Davidson (Member), Councillor Justin Knight (Member)

87 Apologies

Apologies were received from Councillors Arnold, Davidson, Elliott, Ellis, Knight, Lilley, Offen, P. Oxford and Quince.

88 Minutes

RESOLVED that the minutes of the meeting of 15 July 2015 be approved as a correct record subject to inclusion of further detail of the question from Councillor Laws to

Councillor Graham in minute 84.

89 Have Your Say!

Nick Chilvers addressed Council pursuant to the provisions of Council Procedure Rule 6(5). He noted that the arrangements for paying at St Marys and St Johns car parks had changed from pay on exit to pay and display. This deterred people from using these car parks. This was incompatible with the Strategic Plan priorities relating to creating a welcoming environment for visitors and for businesses and the governance principles out in the Local Code of Corporate Governance. He asked whether the Portfolio Holder for Customers had been formally consulted on the change .

Councillor B. Oxford, Portfolio Holder for Customers, indicated that the matter had been discussed in Cabinet, but it fell within the Street and Waste Portfolio. Councillor Graham, Portfolio Holder for Street and Waste Services, indicated he was already in communication with Mr Chilvers on the issue and would continue to liaise with him.

Valerie Blowers of Blackwater Against New Nuclear Group addressed Council pursuant to the provisions of Council Procedure Rule 6(5). She noted that following an in depth investigation by the Strategic Overview and Scrutiny Panel, which included a public meeting in Mersea in December 2008, the Council had responded to a consultation by the government to state that it was opposed to the selection of Bradwell as a site for a new nuclear power station. In view of the recent agreement with China relating to investment in new nuclear power stations, she invited the Council to reiterate its opposition to the use of Bradwell as a site for a new nuclear power station.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that the Council's position had not changed and that the issue might make a suitable subject for a motion to a future meeting of Council.

Rob Brown addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to oppose the reversal of the traffic flow on Priory Street. He stressed that was not an example of Nimbyism. Priory Street contained 5 religious establishment and 60 units of sheltered housing. The housing on Priory Street had pedestrian access directly onto the road. At peak times the road was criss-crossed by pedestrians. The situation was just about sustainable currently because the traffic flow was slow because of the sharp turn into Priory Street and as most cars were looking to access the car park. The reversal would increase the traffic speed and the risk to pedestrians. The condition of the Roman Wall and St Botolphs Priory would also deteriorate further if Priory Street became a polluted rat run. He asked the Council to support residents in opposing the reversal of the traffic flow.

Councillor Graham, Portfolio Holder for Street and Waste Services, indicated that he had now seen the plans and had passed on residents' concerns about how information had been communicated to Essex County Council. The car park changes would enhance the Roman Wall.

Angel Kalyan addressed Council pursuant to the provisions of Council Procedure Rule 6(5) in respect of concerns about governance issues within the Council. She wished

to instigate court proceedings against the Council and wanted to serve notice of the court proceedings on her ward Councillors, Councillors Havis and Knight. The papers were passed to the Mayor.

Adrian Pritchard, Chief Executive, was invited to respond to respond and indicated that the Council would welcome the opportunity to defend its position in court proceedings.

Sharon Wilsdon addressed Council pursuant to the provisions of Council Procedure Rule 6(5). She explained that she had met Councillors Tim and Julie Young for help in respect of instances of anti-social behaviour, intimidation and false counter allegations in 2010. The help that they had provided had been limited and had not resolved the issue and as her situation was worsening, she asked how she could access further help.

Councillor T. Young responded and explained that he had taken up her case with council officers, police and other agencies. He was aware that she had been in touch with Council officers this week and was confident that they would deal with the issues she raised properly.

Christopher Manby addressed Council pursuant to the provisions of Council Procedure Rule 6(5) about the recent decision of the Planning Committee to refuse planning permission for the Stane Park development. He contrasted the decision to refuse permission for Stane Park on the grounds that it would arm the vitality and viability of the town centre, with the decision to proceed with a development at Northern Gateway, which was on land owned by the Council. The way to help the town centre was to cut the cost of parking and cut the cost of business by reducing business rates. It was not for the Council to dictate the type of employment that was offered. Local residents had overwhelmingly supported the Stane Park development.

Councillor Manning, Chairman of Planning Committee, explained that the Northern Gateway development had received planning permission in 2006. Each application was considered on its own merits, and decisions were based on material planning considerations following the laws of the land and policies of the Council. If the Committee did not uphold planning policies it would set a dangerous precedent and open the borough up to any development.

Councillor Harris addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to express his thanks to Councillors, volunteers and officers who had supported Colchester in Bloom. The Colchester in Bloom team had improved the environment of Colchester and in particular he highlighted the work of Leroy Fox, who had received the award for the Best Individual Floral Display in Anglia in Bloom,

90 Mayor's Announcements

The Mayor explained that she had represented Colchester on a recent trip to Yangzhou in China. She thanked Cabinet for the opportunity to represent Colchester and Gareth Mitchell, Head of Commercial Services, for his hard work on the trip.

The Mayor would host a small reception before the Council meeting on 10 December

and would take the opportunity to arrange for a photograph to be taken of Council and Honorary Aldermen, to mark the final Council of 60 members.

The Oyster Feast would be held on 30 October 2015 and the Mayor's Grand Quiz night on 13 November 2015.

91 Colchester's Economic Growth Strategy 2016-21

Councillor Bentley (in respect of his membership of Essex County Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

RESOLVED that the recommendation in minute 21 of the Cabinet meeting of 2 September 2015 be approved and adopted (Majority voted for).

92 2014-15 Year End Review of Risk Management

RESOLVED that the recommendation contained in minute 27 of the Cabinet meeting of 14 October 2015 be approved and adopted (Majority voted for).

93 Review of Ethical Governance Policies

RESOLVED that the recommendations contained in minute 21 of the Governance Committee meeting of 13 October 2015 be approved and adopted (Unanimous).

94 Review of Local Code of Corporate Governance

RESOLVED that the recommendation contained in minute 24 of the Governance Committee meeting of 13 October 2015 be approved and adopted (Unanimous).

95 Notices of Motion pursuant to the provisions of Council Procedure Rule 11

Councillor T. Young (in respect of his position as Chair of Colne Housing) and Councillor J. Young (in respect of her spouse's position as Chair of Colne Housing) declared a pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

(i) Right to Buy for Housing Association Tenants

It was proposed by Councillor Smith that:-

1. This Council notes:

- the new Government's proposal to extend the Right to Buy to Housing Association tenants, to be paid for by selling off the most expensive Council Housing stock;
- with alarm the shortage of affordable rented homes in our Borough with 4160

families on our council's housing waiting list and is very concerned that the current government plans risk making matters far worse.

- the recent LGA "First 100 Days" campaign which highlighted there are 1.7 million households on waiting lists for affordable housing across England and that more than 3.4 million adults between 20 and 34 live with their parents;
- that a recent opinion poll showed that just 16% of the public believed that extending Right to Buy to housing association tenants would be the most useful way of tackling the affordability crisis; the public's top choice was to help housing associations or councils to build more affordable homes, selected by 46% of the public;
- the recent report from June 2015 which shows that there could be a funding gap of over £1 billion to pay for the scheme.

2. Council opposes the forced sell off of council housing to pay for this plan and is concerned that the Government also:

- fails to address the situation for many local authorities which no longer have any housing stock to sell as they have transferred theirs to housing associations;
- fails to address the situation in areas of high housing demand where there are often few suitable sites to build replacement social housing stock;
- fails to recognize that this means housing associations will simply be trying to catch up with replacing homes rather than building affordable housing to give more people homes they need

3. Council notes that even the Conservative Mayor of London has said he did not want to see councils "deprived at a rapid rate of their housing stock" if more homes were not being built to replace them.

4. Council recognizes the desire by many to own their own homes, and that proposals put forward by the Liberal Democrats over a "Rent to Own" model and Shared Ownership housing would represent a better way of reaching this goal.

5. Council also notes that there are existing routes for housing association tenants to own their own properties - some Housing Association tenants already have the Right to Acquire.

6. Council resolves:

- to work with other neighboring authorities and housing associations to oppose the current government proposals;
 - to write to our MP's asking them to support the Council's position; to speak up in parliament for more social housing and not less and to push for a genuine "one for one" replacement but not at the cost of losing more council housing.
- As the motion related to an executive matter, it stood referred to Cabinet.

It was *RESOLVED* that Council Procedure Rule 11(2) be suspended to allow Council to debate and inform Cabinet of its view.

On being put to the vote the motion was carried (twenty eight voted for, none voted against and twenty two abstained from voting).

A named vote having been requested pursuant to the provisions of Meetings General Procedure Rule 15(2) the voting was as follows:-

Those who voted for were:-

Councillors Barton, Bourne, Chuah, Cook, Cope, Cory, Feltham, Frame, Gamble, Goss, Graham, Harris, Havis, Hayes, P. Higgins, Hogg, Liddy, Manning, Naish, B. Oxford, G. Oxford, Pearson, Scott, Scott-Boutell, Smith, Sykes, T. Young and the Deputy Mayor (Councillor J. Young).

Those who abstained from voting were:-

Councillors Bentley, Blundell, Buston, Chapman, Chillingworth, Davies, Fairley-Crowe, Hardy, Harrington, Hazell, Jarvis, Jowers, Laws, Lissimore, Locker, F. Maclean, J. Maclean, Martin, Moore, Sheane, Willetts and the Mayor (Councillor T. Higgins).

(ii) Individual Electoral Registration

It was proposed by Councillor T. Young that:-

This Council notes:

The Electoral Commission's findings in its report into the transition to Individual Electoral Registration (IER) and, in particular, the finding that 1.9 million of the current entries on the electoral register are only being retained under the transitional arrangements from the previous household registration system, which represents 4% of all register entries. The Electoral Commission has previously estimated that the number of people not correctly registered at their current address is around 7.5million across the UK.

The Government want to end the transitional arrangements and fully implement IER 12 months early. However, the Electoral Commission has warned that there is "a risk that a considerable number of eligible voters could be removed from the registers before the significant set of polls scheduled for May 2016 if the transition to IER is brought forward."

This Council believes:

That the government's proposals for the introduction of Individual Electoral Registration (IER) remain poorly thought out and implemented, running the risk that voters could be disenfranchised as part of this process; this is particularly relevant in Colchester, a Borough which contains both a garrison and a university.
That the end of the transitional arrangements before IER is fully implemented should revert to December 2016 as originally envisaged.

This Council resolves:

To take every possible step to ensure that as many local residents as possible are registered to vote.

To write to the Government to express our concerns and to ask for additional resources that ensure that local residents are not disenfranchised from the democratic process.

On being put to the vote the motion was carried (Unanimous).

(iii) Wivenhoe Cycle Trail

It was proposed by Councillor Cory that the wording of the motion submitted on the Wivenhoe Cycle Trail be altered to read as follows:-:-

This Council calls upon the Cabinet Member for Highways and Transportation at Essex County Council to deliver a safe and sufficient solution to the current debacle of the Wivenhoe Cycle Path.

For every day that passes, residents are in danger using the main Colchester Road in and out of Wivenhoe. Concern has been expressed by the local Sustrans Representative about the higher probability of Road Traffic Collisions.

The Wivenhoe cycle path scheme, to be completed by Essex County Council, is currently delayed indefinitely without any future timeline agreed.

This issue further highlights the complete lack of communication and adequate consultation carried out by the County Council with residents.

This Council calls upon the Cabinet Member for Highways and Transportation at Essex County Council:-

- to set a final start and end date to carry out the works on the Wivenhoe Cycle Path;
- to improve communication and consultation with residents and elected representatives on this issue and other such local highway schemes in the Colchester Borough.

Council signified its agreement to the altered wording of the motion.

On being put to the vote, the motion was carried (majority voted for).

Councillors Jowers and T. Young (in respect of their membership of the Police and Crime Panel) declared a non pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

(iv) Essex Police

It was proposed by Councillor Goss that:-

This Council notes that Essex Police is now taking on average 114 days to investigate crime which is now one of the highest figures in the UK. With the recent announcement that further police cuts are imminent with the loss of rural and

suburban police stations along with up to 500 posts being axed the Council resolves to write to both the Home Secretary and Police and Crime Commissioner for Essex expressing its concerns about the proposed cuts highlighting the potential impact it will have on policing and public safety in Colchester.

On being put to the vote, the motion was carried (twenty seven voted for, fifteen voted against).

Councillors T. Young (as a member of Unite), Cory (as a member of the NUT), Bourne (as a member of the NUT), Naish (as a member of Aslef), Pearson (as a National Officer of the National Association of Probation Officers), Harris (as a member of TESSA), Scott (as a member of the NUT) and Liddy (as a member of the GMB) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

(v) Trade Union Bill

Eliza Vasquez-Walters addressed the Council pursuant to the provisions of Council Procedure Rule 6(5) in support of the motion. She stressed the importance of Council discussing the impact at a local level of national issues. Trade unions were made up of ordinary working people whose services everyone relied on, such as care workers, Police Community Support officers and social workers. These were people who were often low paid doing unglamorous jobs who relied on the support and protection trade unions offered them. Trade Unions were involved in health and safety, grievance resolution, negotiations with employers and offered development and training opportunities to employees. Trade Unions were the collective voice of employees, but their work also assisted employers and no reputable employer would be scared of a trade union.

It was proposed by Councillor Pearson that:

Colchester Borough Council recognises the positive contribution that trade unions and trade union members make in our workplaces. This Council values the constructive relationship that we have with our trade unions and we recognise their commitment, and the commitment of all our staff, to the delivery of good quality public services for the residents of Colchester.

This Council notes with concern the Trade Union Bill which is currently being proposed by the Government and which would affect this Council's relationship with our trade unions and our workforce as a whole. This Council rejects this Bill's attack on local democracy and the attack on our right to manage our own affairs.

This Council is clear that facility time, negotiated and agreed by us and our trade unions to suit our own specific needs, has a valuable role to play in the creation of good quality and responsive local services. Facility time should not be determined or controlled by central Government in the era of localism.

Colchester Borough Council is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through our payroll. We see this as an important part of our positive industrial relations and an efficient way to administer a system that supports our staff. This system is an administrative matter for the Council and should not be interfered with by central Government.

This Council resolves to support the campaign against the unnecessary, anti-democratic and bureaucratic Trade Union Bill.

Further Colchester Borough Council resolves to seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off.

As the motion related to an executive matter, it stood referred to Cabinet.

It was *RESOLVED* that Council Procedure Rule 11(2) be suspended to allow Council to debate the motion and inform Cabinet of its view.

On being put to the vote the motion was carried (twenty seven voted for and eighteen voted against).

(vi) Cleaning Up Colchester's Air

Ron Levy of Colchester Retail Business Association (CORBA) addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to stress that a solution based on a congestion charge would not work. This would only divert traffic onto perimeter roads and would have a devastating impact on the town centre economy. CORBA had put forward a solution to reduce traffic on the High Street at low cost to the Essex County Council Portfolio Holder at a traffic symposium. Despite being welcomed it had not been implemented. He suggested that Councillor Jowers and Bentley should help CORBA present its proposals to the new Portfolio Holder at Essex County Council and the motion should be withdrawn until the proposals had been trialled.

It was proposed by Councillor Hayes that:-

This Council:

- (1) Condemns the Government for inaction in failing to implement Article 13 of the European Union Directive 2008/50/EC on ambient air quality and cleaner air, which requires the Government to ensure compliance throughout the UK with air pollution limits for concentrations of nitrogen oxides and other toxic gases formed during combustion which reach significant levels in areas of high motor vehicle traffic such as Colchester town centre.
- (2) Congratulates the environmental lawyers Client Earth for winning a landmark case against the Government, resulting in an order of the UK's Supreme Court requiring ministers to present a plan to tackle the problem.

(3) Condemns the Department of Environment, Food and Rural Affairs (DEFRA) for publishing a plan for consultation on 12 September 2015 which, in relation to the Borough of Colchester, was based on out of date and incomplete data, without DEFRA having asked for this Council's recent data and research.

(4) Notes with great concern the new calculation by DEFRA officials, based on World Health Organisation information, that the number of premature deaths in this country caused annually by nitrogen oxide gases is 23,500, in addition to 29,000 premature deaths from particulate pollution.

(5) Fears that the harm to public health from pollution in Colchester's Air Quality Management Areas has been underestimated.

(6) Calls on the Government to explain why it failed to crack down on defeat devices in motor vehicles which cheated emissions tests, as in the case of Volkswagen, despite the European Commission outlawing such devices as long ago as 2007, and to carry out its own vehicle type approval tests based on real driving emissions instead of under laboratory conditions as a matter of urgency.

B. This Council believes that in the absence of political will in Westminster to tackle the problems from fossil fuel-based motor vehicle technologies, local government needs to take action to protect public health from polluted air in this Borough, of which virtually the sole source is vehicle exhaust emissions.

C. This Council therefore, as the authority responsible for the Borough's Local Air Quality Action Plan, in order to encourage transition to zero or ultra low emission forms of transport in Colchester's Air Quality Management Areas:

(1) Calls on Essex County Council as the authority responsible for highways and for public health across Essex to assist by phasing in one or more Low Emission Zones in appropriate streets in Colchester's Air Quality Management Areas (including but not limited to the High Street and Brook Street), and monitoring and regulating them, as in comparable schemes elsewhere, by number plate recognition technology to identify the vehicle type and, by means of either a road pricing system on the polluter pays principle or, if so advised, a system of fines, to discourage persons driving polluting vehicles, whether cars, vans, trucks, buses or coaches, from entering those streets, with appropriate exemptions for special cases such as blue badge holders or persons requiring local access.

(2) Declares its support for all those, whether public authorities or private sector individuals or organisations, who will install more electric vehicle charging points across the Borough, whether in new residential or commercial developments, off-street car parks or on-street bays, so as to help create the necessary infrastructure for the transition to zero emission transport.

As the motion related to an executive matter, it stood referred to Cabinet.

It was *RESOLVED* that Council Procedure Rule 11(2) be suspended to allow Council to debate the motion and inform Cabinet of its view.

On being put to the vote, the motion was lost (seventeen voted in favour, twenty one voted against).

(vi) Financing of Local Government

In view of the late hour, this item was adjourned to the meeting on 10 December 2015.

96 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

In view of the late hour this item was adjourned until the meeting on 10 December 2015.

97 Schedule of Portfolio Holder Decisions

In view of the late hour this item was adjourned until the meeting on 10 December 2015.

Council

Tuesday, 03 November 2015

Attendees:

Councillor Nigel Chapman (Member), Councillor Peter Chillingworth (Member), Councillor Margaret Fairley-Crowe (Member), Councillor Marcus Harrington (Member), Councillor Pauline Hazell (Member), Councillor John Jowers (Member), Councillor Sue Lissimore (Member), Councillor Jackie Maclean (Member), Councillor Richard Martin (Member), Councillor Peter Sheane (Member), Councillor Dennis Willetts (Member), Councillor Dave Harris (Member), Councillor Cyril Liddy (Member), Councillor Julie Young (Deputy Mayor), Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Barrie Cook (Member), Councillor Nick Cope (Member), Councillor Mark Cory (Member), Councillor Annie Feltham (Member), Councillor Bill Frame (Member), Councillor Ray Gamble (Member), Councillor Martin Goss (Member), Councillor Jo Hayes (Member), Councillor Professor Peter Higgins (Member), Councillor Mike Hogg (Member), Councillor Paul Smith (Member), Councillor Laura Sykes (Member), Councillor Beverley Oxford (Member), Councillor Gerard Oxford (Member), Councillor Philip Oxford (Member), Councillor Roger Buston (Member), Councillor Chris Pearson (Member), Councillor Dominic Graham (Member), Councillor Jessica Scott-Boutell (Member), Councillor Theresa Higgins (Mayor and Chairman), Councillor Annesley Hardy (Member), Councillor Darius Laws (Member), Councillor Ben Locker (Member)

Apologies:

Councillor Christopher Arnold (Member), Councillor Kevin Bentley (Member), Councillor Elizabeth Blundell (Member), Councillor Beverly Davies (Member), Councillor John Elliott (Member), Councillor Andrew Ellis (Member), Councillor Brian Jarvis (Member), Councillor Will Quince (Member), Councillor Tina Bourne (Member), Councillor Michael Lilley (Member), Councillor Kim Naish (Member), Councillor Tim Young (Member), Councillor Julia Havis (Member), Councillor Jon Manning (Member), Councillor Nigel Offen (Member), Councillor Robert Davidson (Member), Councillor Rosalind Scott (Member), Councillor Justin Knight (Member), Councillor Fiona Maclean (Member), Councillor Patricia Moore (Member), Councillor Anne Brown (Member)

Honorary Aldermen Cooke, Green, Spendlove, Trusler, Stevens, Hall, Spyvee, Bouckley, Blandon, Lewis and Sykes.

Honorary Aldermen apologies: Aldermen Fairhead, Frank, Fulford, Gower, Holt, Wheeler

98 Prayers

The meeting was opened with prayers by Alderman Spyvee.

99 Preferment of High Steward of Colchester

It was proposed and *RESOLVED* unanimously that in pursuance of the Ordinance contained in the Charter granted to the Mayor and Commonalty of the Borough of Colchester by His Majesty Charles the First in the year 1635 Sir Bob Russell be chosen and preferred as High Steward of this Borough and that a transcript of this resolution, under the Common Seal, be presented to Sir Bob Russell.

The High Steward offered his thanks to Council on his preferment.

Council

Tuesday, 03 November 2015

- Attendees:** Councillor Elizabeth Blundell (Member), Councillor Nigel Chapman (Member), Councillor Peter Chillingworth (Member), Councillor Margaret Fairley-Crowe (Member), Councillor Marcus Harrington (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor John Jowers (Member), Councillor Sue Lissimore (Member), Councillor Jackie Maclean (Member), Councillor Richard Martin (Member), Councillor Peter Sheane (Member), Councillor Dennis Willetts (Member), Councillor Dave Harris (Member), Councillor Cyril Liddy (Member), Councillor Julie Young (Deputy Mayor), Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Barrie Cook (Member), Councillor Nick Cope (Member), Councillor Mark Cory (Member), Councillor Annie Feltham (Member), Councillor Bill Frame (Member), Councillor Ray Gamble (Member), Councillor Martin Goss (Member), Councillor Jo Hayes (Member), Councillor Professor Peter Higgins (Member), Councillor Mike Hogg (Member), Councillor Paul Smith (Member), Councillor Laura Sykes (Member), Councillor Beverley Oxford (Member), Councillor Gerard Oxford (Member), Councillor Philip Oxford (Member), Councillor Roger Buston (Member), Councillor Chris Pearson (Member), Councillor Dominic Graham (Member), Councillor Jessica Scott-Boutell (Member), Councillor Theresa Higgins (Mayor and Chairman), Councillor Annesley Hardy (Member), Councillor Darius Laws (Member), Councillor Ben Locker (Member), Councillor Patricia Moore (Member)
- Apologies:** Councillor Christopher Arnold (Member), Councillor Kevin Bentley (Member), Councillor Beverly Davies (Member), Councillor John Elliott (Member), Councillor Andrew Ellis (Member), Councillor Will Quince (Member), Councillor Tina Bourne (Member), Councillor Michael Lilley (Member), Councillor Kim Naish (Member), Councillor Tim Young (Member), Councillor Julia Havis (Member), Councillor Jon Manning (Member), Councillor Nigel Offen (Member), Councillor Robert Davidson (Member), Councillor Rosalind Scott (Member), Councillor Justin Knight (Member), Councillor Fiona Maclean (Member), Councillor Anne Brown (Member)

Honorary Aldermen Cooke, Green, Spendlove, Trusler, Stevens, Hall, Spyvee, Bouckley, Blandon, Lewis and Sykes.

Honorary Aldermen apologies: Aldermen Fairhead, Frank, Fulford, Gower, Holt, Wheeler

100 Honorary Aldermen

It was proposed by Councillor Smith and *RESOLVED* unanimously that in pursuance of the provisions of Section 249 of the Local Government Act 1972 that this Council confers the title of Honorary Alderman” on former Councillors Martin Hunt and Margaret Kimberley in recognition of their loyal and eminent service as members of the Council and its constituent authority.

Honorary Alderman Kimberley and Laura Hunt, on behalf of Honorary Alderman Hunt, offered their thanks to Council.

Extract from the minutes of the Cabinet meeting of 25 November 2015

44. 2016/17 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member together with minute 33 of the Scrutiny Panel meeting of 10 November 2015.

Councillor Cory, Portfolio Holder for Resources, introduced the report and highlighted that the budget proposals as they stood would enable the Council to provide responsive and flexible services, whilst still freezing Council Tax for the sixth year running. The review of the current year's budget had showed a net underspend of £167k and additional income of £464k which would be used to support a number initiatives, including the a fund of £200,000 to support projects in line with Strategic Plan priorities, which would be determined by a public vote. The growth items were also highlighted, in particular the SOS Bus, the cross service team established to deal with welfare reform and the waste service.

RESOLVED that:-

- (a) The current 2016/17 revenue budget forecast which at this stage shows a budget gap of £94k and the forecast variables and risks be noted.
- (b) The funding proposals for the team to support welfare reform as set out in paragraph 7.8 of the Assistant Chief Executive's report be agreed.
- (c) The action being taken to finalise the budget be noted.
- (d) The current budget forecast for 2015/16 as set out in section 5 of the Assistant Chief Executive's report and £510k be allocated from the forecast outturn position as set out at paragraph 5.2 of the Assistant Chief Executive's report.
- (e) The position on the capital programme be noted.
- (f) The 2016/17 taxbase be agreed by the Section 151 Officer in consultation with the Portfolio Holder for Resources.
- (g) The distribution of revenue grant to Parish, Town and Community Councils for 2016/17 as set out at Appendix C of the Assistant Chief Executive's report b agreed.

(h) The funding for voluntary welfare organisations and arts grants as set out in Appendix D and E of the Assistant Chief Executive's report be agreed.

(i) All fees and charges as set out in Appendix H of the Assistant Chief Executive's report be agreed and authority be delegated to Heads of Service the authority to vary fees and charges in-year as set out in section 14 of the Assistant Chief Executive's report.

RECOMMENDED TO COUNCIL that the changes to the Treasury Management Strategy set out at paragraph 15.4 of the Assistant Chief Executive's report be approved.

REASONS

The Council is required to approve a budget strategy and timetable in respect of the year 2016/17.

The Assistant Chief Executive's report relates to the budget update, a review of balances and the capital programme. The report also includes decisions in respect of fees and charges and certain specific budget changes to ensure that these can be reflected in the final budget.

ALTERNATIVE OPTIONS

There are different options that could be considered and as the budget progresses changes and further proposals will be made and considered by Cabinet and in turn Full Council. The separate appendices showing specific decisions include alternative options where relevant.

Extract from the minutes of the Cabinet meeting of 25 November 2015

45. Local Council Tax Support 2016/17

The Head of Customer Services submitted a report a copy of which had been circulated to each Member together with minute 29 of the Scrutiny Panel meeting of 10 November 2015.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. The changes proposed to the scheme were useful and helpful. However, it was disappointing that the opportunity had not been taken to include a residential qualification in the scheme so that claimants would need to have been resident for three years in the borough before being eligible to claim. This would limit the assistance given to those who moved to Colchester just to benefit from the scheme.

Councillor Cory, Portfolio Holder for Resources, explained that Tendring District Council had tried to include such a residential qualification in their scheme, but it had been declared illegal and their scheme was now in difficulties. He commended the scheme to Cabinet. It was the best scheme in Essex and went as far as it could in supporting residents. He thanked officers for their work in bringing the scheme forward.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, and Councillor Graham, Portfolio Holder for Street and Waste services, expressed their support for the scheme. It was jobs and economic prosperity that attracted people to Colchester, rather than the opportunity to claim Council Tax support.

RESOLVED that the proposals set out in the Head of Customer Services' report in respect of the Local Council Tax Support Scheme for 2016-17 be agreed.

RECOMMENDED TO COUNCIL that the Local Council Tax Support Scheme 2016-17 be approved and adopted.

REASONS

Colchester Borough Council implemented a Local Council Tax Support scheme from 1st April 2013.

Legislation requires that following public consultation, amendments to the scheme for 2016/17 need to be agreed by Full Council before 31st January 2016.

It is recommended to bring the scheme in line with national legislative amendments and to propose the following changes:

- Limit backdating of working age Local Council Tax Support applications to four weeks
- Increase applicable non dependant deductions from £11 to £12

All other fundamental features of the scheme, other than those described above, are proposed to remain unaltered.

ALTERNATIVE OPTIONS

(a) The following proposal has been considered but will not be included in the proposed scheme:

Setting a Minimum Income level for Self Employed Persons for working age residents

Consultation proposals included an option to introduce a minimum earned income figure for those who are self-employed which is in line with the United Kingdom minimum wage for 16 hours worked. Modelling indicates this would reduce scheme provision by £148,278.

(b) The alternative option of setting a minimum income floor has not been included, taking into account the following considerations:

Maintaining the current assessment basis of self-employed persons would provide further stability for this resident basis in terms of burgeoning businesses.

Fundamental changes in the treatment of self-employed persons would lead to a disproportionate burden being placed on this resident base.

Extract from the minutes of the Cabinet meeting of 25 November 2015

46. Officer Pay Policy

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report and highlighted the Council's commitment to pay the National Living Wage, which was higher than the compulsory National Living Wage being introduced in April 2016.

RECOMMENDED TO COUNCIL that the Officer Pay Policy for 2015/16 be approved and adopted.

REASONS

The Localism Act requires "relevant authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council by 31 March 2012 and annually thereafter. An authority's pay policy statement must be approved by a resolution of that authority before it comes into force".

ALTERNATIVE OPTIONS

The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.

Extract from the minutes of the Cabinet meeting of 25 November 2015

50. Nomination for Deputy Mayor 2016-17

Consideration was given to the appointment of the Deputy Mayor for the Municipal Year 2015-16.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet to propose that Councillor Peter Chillingworth be nominated as Deputy Mayor for the 2016-17 municipal year. The Deputy Mayor was traditionally nominated on the basis of a blend of length of service and party affiliation, with the larger groups taking it in turns to propose their longest standing member who wished to serve. Therefore the Conservative group would look to make a nomination every other year. An exception had been made in 2015-16 to nominate Councillor Julie Young. It should therefore now be the Conservative Groups turn to nominate the Deputy Mayor. Councillor Chillingworth was an excellent candidate with a long history of service including holding positions as Portfolio Holder and Chairman of Planning Committee and had represented the Council on a number of outside bodies.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, stressed that the Mayoralty was not the preserve of any party and was rotated. Now there were four groups on Council, all should be considered equally. There were no nominations from the Liberal Democrats or Labour Groups, but the Highwoods Group had nominated Councillor Gerard Oxford. In the circumstances he believed that length of service should be the deciding factor.

The Monitoring Officer confirmed that the length of service of the two candidates was as follows:-

- Councillor G. Oxford, 15 years service
- Councillor Chillingworth: 13 years service

On that basis, whilst he stressed that both candidates would make excellent Mayors, Councillor Smith proposed Councillor Gerard Oxford be nominated as Deputy Mayor for the 2016-17 municipal year.

Councillor Gerard Oxford thanked Cabinet for his nomination.

RECOMMENDED TO COUNCIL that Councillor Gerard Oxford be nominated for appointment as Deputy Mayor for the Borough of Colchester for the 2016-17 Municipal Year.

Extract from the minutes of the Licensing Committee meeting of 26 November 2015

23. Review of the Statement of Licensing Policy // Results of Consultation

Councillor Hogg (in respect of his position as Chairman, Trustee and licence holder of the Acorn and Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).

The Committee received a report by the Head of Professional Services on the outcome of the consultation exercise undertaken in relation to the statutory review of the Statement of Licensing Policy and on the receipt of Counsel's opinion.

An extensive consultation process had been carried out between 17 August and 31 October 2015 to which 5 responses had been received. The Licensing, Food Safety Manager had met with both the Civic Society and the owners of the Victoria Inn to discuss points they raised and the Licensing Manager's comments on all the points raised together with a copy of the responses were appended to the report. The draft policy had been referred to Philip Kolvin, leading licensing Counsel who had commented that the draft policy was excellent and that no reader of the policy could fail to understand the standards expected. A few small amendments were suggested and some sections re-ordered to improve its clarity; these suggestions had been implemented in the policy appended to the report.

RECOMMENDED TO COUNCIL that the Statement of Licensing Policy be approved and adopted for implementation with effect from 1 January 2016.

Extract from the minutes of the Licensing Committee meeting of 26 November 2015

24. Review of the Statement of Gambling Policy // Results of Consultation

The Committee considered a report by the Head of Professional Services on the outcome of the consultation exercise carried out for the Council's draft Statement of Gambling Policy. The public consultation took place between 8 October and 8 November 2015 and two responses were received which were appended to the report. The review had been a light touch with a fundamental review planned in 2016 which would take into account the new amended guidance which had been issued recently by the Gambling Commission.

RECOMMENDED TO COUNCIL that the Statement of Gambling Policy be approved and adopted for implementation with effect from 1 January 2016.

Extract from the minutes of the meeting of the Governance Committee meeting on 24 November 2015

29. Polling District and Places Review

Sarah Cheek, Electoral Services Manager, introduced the Polling Districts and Polling Places Review, requesting that the Governance Committee consider the proposed changes to Polling Districts and Polling Places following the consultation period. The report also asks the Committee to recommend the report to Full Council.

Sarah Cheek presented the report to the Committee, outlining that the review of the Polling Districts and Polling Places was necessary due to the boundary review creating polling districts that were no longer aligned. After approval from the Governance Committee on 8 September a consultation was launched for a period of 30 days.

Following the consultation there have been three changes to the Polling Districts and Places that have been included in Appendix B. The first is the movement of the polling station in Old Heath Ward, Scarletts District to Worsnop House making it more accessible for those living in the ward. The second change is for the polling station for Mile End Ward, Bergholt Road District to be moved within the ward. The final change is in Greenstead Ward, where Heatley Way will move from Longridge District to Hawthorn Avenue District. This has been changed to make the polling district more accessible and convenient for the elector.

Sarah Cheek stated that all of the Polling stations will now be mapped with the changes. The publication of the electoral register will take place on 1 February 2016; with the first election where the changes have been implemented is 5 May 2016.

Councillor Hayes questioned whether the mapped changes will be placed on the internet. Sarah Cheek stated that this had not yet been published on the website, but this is something that is scheduled to occur as soon as possible.

Councillor Willetts asked whether there was likely to be further consultations on the naming of the polling districts. Councillor Willetts highlighted that in Lexden and Braiswick Ward the Trafalgar Polling District no longer contains the roads that gave it its name as they have been moved to a different District. Sarah Cheek stated that the renaming of Polling Districts is not something that is included in this consultation; keeping the same names in this consultation allowed for consistency for members of the public. If Councillors wished for the names to be changed in the future a further consultation could be conducted.

RESOLVED that;

- (a) The Governance Committee considered the proposed

changes to polling districts and polling places following the consultation.

- (b) The Governance Committee *RECOMMEND* to Full Council that the Polling Districts and Polling Places Review be approved and adopted.

Report of	Assistant Chief Executive	Author	Amanda Chidgey
Title	Members' Allowances Scheme		☎ 282227
Wards affected	Not Applicable		

This report requests the Council to consider amendments to the Members' Allowances Scheme following recommendations from the Independent Remuneration Panel

1. Decision(s) Required

- 1.1 To consider and approve, as appropriate, the recommendations of the Independent Remuneration Panel following its review of the Members' Allowances Scheme as set out in the report of the Panel and as detailed in paragraph 4.3 (a) – (e) of this report.
- 1.2 To give authority to the Assistant Chief Executive to make the necessary consequential amendments to the existing Members' Allowances Scheme.

2. Reasons for Decision(s)

- 2.1 The Independent Remuneration Panel has been convened to consider making recommendations on those parts of the existing Members' Allowances Scheme relating to Special Responsibility Allowances (SRA) for Leaders of the political groups, in the light of the lack of provision for the role of the Liberal Democrat Group Leader in the current scheme, and relating to the Basic Allowances for the period after May 2016, in the light of the recent conclusion of an Electoral Review which would result in the reduction in the number of Borough Councillors and the associated impact on their current workload.
- 2.2 All Councils are required to convene an Independent Remuneration Panel before any changes or amendments are made to their allowances scheme and they must pay regard to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.

3. Alternative Options

- 3.1 It is for the Council to determine to what extent it wishes to pay regard to the recommendations made by the Independent Remuneration Panel.

4. Supporting Information

- 4.1 The Independent Remuneration Panel, convened under The Local Authorities (Members' Allowances) (England) Regulations 2003, which comprises three independent members of the local community, has conducted a review of the Members' Allowances Scheme. Its report, dated November 2015, and recommendations are attached at Appendix 1 for the Council's consideration.

- 4.2 The terms of reference, composition and working arrangements of the Panel are described in its report and, as such, the report is self-explanatory.
- 4.3 In summary the Panel's recommendations are as follows:
- (a) As a temporary measure for the period from the Council meeting on 10 December 2015 to the end of the current Municipal Year, the Liberal Democrat Group Leader be allocated a monthly sum equivalent to the current Labour Group Leader's SRA (£7,098 pro rata);
 - (b) The future Group Leader Special Responsibility Allowance (SRA) for the period after May 2016 be founded on the principle of a base lump sum plus an additional variable sum allocated on a proportional basis in accordance with the number of members in each group, such sums to be payable to each Leader of a political group comprising at least two members;
 - (c) The preferred Group Leader SRA amounts be a base level sum of £2,000 plus a sum of £220 per member of each Group;
 - (d) The generic name for this type of allowance be changed from Main/Other Opposition Leader SRA to Group Leader SRA;
 - (d) The revised Group Leader SRA be effective from the start of the 2016/17 Municipal Year.
 - (e) The Basic Allowance rate be maintained for at least a year after the Electoral Review ward changes come into effect and, from May 2017 onwards, the Panel will welcome any representations from Councillors regarding the impact on their workload.
- 4.4 If the Council approves the recommendations of the Panel without further amendment the provisions contained within the existing Members' Allowances Scheme will not require any alteration, subject only to the table of allowances paid being revised to reflect the recommendations set out in Paragraph 4.3 (a) – (d) above.

5. Proposals

- 5.1 The recommendations of the Independent Remuneration Panel are self explanatory and it is for the Council to determine their merits or otherwise.

6. Financial Implications

- 6.1 The changes proposed by the Panel will be met from within the existing Members' Allowances budget.

7. Standard References

- 7.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

**A Review
of
Members' Allowances
For
Colchester Borough Council**

**The Seventh Report by the
Independent Remuneration Panel**

November 2015

Foreword

This is the seventh report produced by the Independent Remuneration Panel for the Colchester Borough Council. The Panel was established in Spring 2003 to make recommendations to the Authority on the range and levels of remuneration for the Authority's members. It was done as part of the wider modernisation agenda that has now been undertaken throughout the country.

The Panel had also reported in July 2003 on various matters including the principle of pensionable allowances, travel and subsistence and co-optees allowances; in January 2005 on childcare and dependant carers expenses; in June 2005 on the workload of the Licensing Committee; in April 2007 on the adjustment index and in October 2012 on the periodic review of the scheme and the adjustment index and had made recommendations to the Council accordingly.

The Panel had been convened on this occasion to reconsider those parts of the Borough Council's Members' Allowances Scheme relating to Special Responsibility Allowances for Leaders of the political groups, in the light of the lack of provision for the role of the Liberal Democrat Group Leader in the current scheme, and relating to the Basic Allowances for the period after May 2016, in the light of the recent conclusion of an Electoral Review which would result in the reduction in the number of Borough Councillors and the associated impact on their current workload.

This report contains the Panels' recommendations.

David Priest
Chairman of the Independent Remuneration Panel
27 November 2015

Summary of Recommendations

The Independent Remuneration Panel makes the following recommendations as a result of their review of the Colchester Borough Council Members' Allowances Scheme:

- (a) As a temporary measure for the period following the forthcoming Council meeting on 10 December 2015 to the end of the current Municipal Year, the Liberal Democrat Group Leader be allocated a monthly sum equivalent to the current Labour Group Leader's SRA (£7,098 pro rata);
- (b) The future Group Leader Special Responsibility Allowance (SRA) for the period after May 2016 be founded on the principle of a base lump sum plus an additional variable sum allocated on a proportional basis in accordance with the number of members in each group, such sums to be payable to each Leader of a political group comprising at least two members;
- (c) The preferred Group Leader SRA amounts be a base level sum of £2,000 plus a sum of £220 per member of each Group;
- (d) The generic name for this type of allowance be changed from Main/Other Opposition Leader SRA to Group Leader SRA;
- (d) The revised Group Leader SRA be effective from the start of the 2016/17 Municipal Year.
- (e) The Basic Allowance rate be maintained for at least a year after the Electoral Review ward changes come into effect and, from May 2017 onwards, the Panel will welcome any representations from Councillors regarding the impact on their workload.

Independent Remuneration Panel

For

Colchester Borough Council

Review of Members' Allowances Scheme

Terms of Reference and Background

The Regulatory Context

1. The following is a summary of the proceedings and recommendations made by the Independent Remuneration Panel appointed by the Colchester Borough Council under the 2003 consolidated regulations to consider the applicability and, if appropriate, implementation of certain allowances and advise the Authority on a revised scheme of such allowances for Members. This report forms part of the Panel's recommendations to Colchester Borough Council.
2. The Independent Remuneration Panel has been set up in the context of the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021 and 1022), which came into force on 1 May 2003.
3. The Independent Remuneration Panel has been convened to consider making recommendations on those parts of the existing Members' Allowances Scheme relating to Special Responsibility Allowances (SRA) for Leaders of the political groups, in the light of the lack of provision for the role of the Liberal Democrat Group Leader in the current scheme, and relating to the Basic Allowances for the period after May 2016, in the light of the recent conclusion of an Electoral Review which would result in the reduction in the number of Borough Councillors and the associated impact on their current workload.

The Council wishes the recommendations of the Panel to be determined at its next available full Council Meeting.

As such, this forms the Panel's terms of reference.

Methodology and Evidence Considered

4. The Panel met in private on 12 October 2015 at Rowan House and on 3 November 2015 at Balcerne Gardens in Colchester. The Council's Democratic Services Officer led on the drafting of the report and the Panel agreed its final form.

5. The Panel reviewed a wide range of information, including background information relating to Colchester Borough Council, the last Colchester Borough Council Independent Remuneration Panel report dated October 2012, Colchester Borough Council's Members' Allowances Scheme for the year 2015/16, the Liberal Democrat Group Leader roles and responsibilities, Essex County Council's Independent Remuneration Panel report dated September 2015, the Department for Communities and Local Government - Guidance on Members' Allowances for Local Authorities in England, Colchester Borough Council's Members' Consultation submission to the Local Government Boundary Commission for England (LGBCE), the report by the LGBCE on the Electoral Review and Braintree District Council's Review of Members' Allowances Scheme dated March 2015.
6. The Panel also took into account practice, allowance levels and populations for all district authorities in Essex. This exercise was done mainly for benchmarking purposes. It is from these processes and deliberations that the Panel has arrived at the recommendations set out in this report.

Principles of the Review

7. In accordance with the practice adopted in previous reviews, the Panel sought to arrive at a set of recommendations in relation to the terms of reference based on a framework that was transparent, simple and could be easily understood by both Members and the public. This objective, the Panel felt, had been achieved through its previous reviews and it decided that it would not make significant changes to the framework laid down previously unless there was a strong case to do so.
8. The Panel has laid out a summary of its deliberations in this report to assist Members and the public to understand its approach. While the Panel's recommendations are not mandatory, it is hoped that if the Council disagrees with the recommendations that they will accept the Panel's logic. The recommendations presented in this report represent the view of the Panel and not the official view of Colchester Borough Council.

The Panel

9. The Panel comprised the following members all of whom were present:

Richard Aldridge -

Solicitor and Chief Executive of Colchester Citizen's Advice Bureau, Director of Healthwatch Essex and Director and Trustee of Colchester Mind

David Priest (Panel Chairman) - Former Managing Director of Woods Air Movement Limited and former Chair of Colchester Institute Board

Amanda Westbrook - Director of Balcerne Gardens Trust

10. Andrew Weavers, Monitoring Officer and Amanda Chidgey, Democratic Services Officer assisted throughout the review process.

Current level of Members' Allowances

11. The Panel was provided with details of the categories of SRA within the current Allowances scheme together with the allowances currently paid to Councillors, as follows:

Members' Allowance	£
Basic Allowance	
All Councillors	6,572.98
Special Responsibility Allowances	
Leader of the Council	19,718.94
Deputy Leader of the Council	12,422.94
Other Cabinet Members	11,831.37
Chairman Scrutiny Panel	6,901.62
Chairman Planning Committee	6,901.62
Chairman Licensing Committee	5,915.68
Chairman Other Panel / Committee / Board	3,943.79
Main Opposition Leader (Conservative)	7,887.59
Other Opposition Leader (Labour)	7,098.83*
Other Opposition Leader (Highwoods and Stanway)	3,155.03*
Member of Planning Committee	1,035.25
Member of Licensing Committee	443.69

*amount equates to 10% of the largest Opposition Leader multiplied by the number in the political group.

NB. Each Councillor will qualify for only one Special Responsibility Allowance (the highest) regardless of the number of positions of responsibility.

The Evidence Reviewed

Colchester Borough Council Background Information

12. The Panel was provided with background information regarding Colchester Borough Council, including details of the administrative arrangements in place since the Independent Remuneration Panel was first convened in 2003 to the present day. Reference was made to

Councillor Lyn Barton, the current Leader of the Liberal Democrat Group not being a member of the Cabinet whilst in previous years the Liberal Democrat Group Leader had been a member of the Cabinet. The contents of the report were considered by the Panel members and were noted.

Independent Remuneration Panel report 2012

13. Copies of the most recent report compiled by the Independent Remuneration panel in October 2012 were provided to the Panel. At that time the Panel had been requested to review the scheme, bearing in mind the periodic review of the index applied to adjust the level of allowances paid was due. The contents of the report were considered by the Panel members and were noted.

Colchester Borough Council Members' Allowances Scheme 2015/16

14. Full details of Colchester Borough Council's Members' Allowances Scheme for the year 2015/16 were provided to the Panel which the Panel members considered and reviewed in the context of all the associated information supplied to them. In particular, it was noted that no allowance for the Liberal Democrat Group Leader was provided for in the current scheme but the role was provided for in the Members' Allowances Regulations 2003. Furthermore, the 'other Opposition Group' Leader's Allowance had been received by the Highwoods and Stanway Independent Group Leader, whose Group formed part of the Administration, as the Group Leader had opted not to be a member of the Cabinet. The Leader of the Labour Group, whose Group also formed part of the Administration, was a member of the Cabinet and, as such did not receive the Group Leader's Allowance.

The Liberal Democrat Group Leader Roles and Responsibilities

15. The Panel was provided with a list of Roles and Responsibilities undertaken by the Liberal Democrat Group Leader, compiled by Councillor Barton. The details contained in this document were considered by the Panel members and were noted. Reference was also made to the inclusion of two constituency related responsibilities.

Essex County Council's report of the Independent Remuneration Panel on the Members' Allowances Scheme dated September 2015

16. Full details of Essex County Council's Independent Remuneration Panel report dated September 2015 were provided to the Panel. The report was compiled following a full review of the Allowances Scheme to ensure it was still current and complied with up to date policies and it properly recompensed councillors, bore comparison with other councils, was completely transparent about what could and could not be claimed

and was justifiable to the public. The contents of the report were considered by the Panel members and were noted.

Department for Communities and Local Government - Guidance on Members' Allowances for Local Authorities in England

17. The document entitled Guidance on Members' Allowances for Local Authorities in England, published by the Department for Communities and Local Government was supplied to the Panel members and its contents assisted them in their deliberations.

Colchester Borough Council's Members' Consultation submissions to the Local Government Boundary Commission for England

18. The Panel was provided with a copy of a document setting out details of Colchester Borough Council's Members' Consultation submissions to the Local Government Boundary Commission for England (LGBCE) which the Panel members considered and reviewed in the context of all the associated information supplied to them.

The report by the Local Government Boundary Commission for England on the Electoral Review

19. Details of outcome of the Electoral Review of Colchester Borough which had been undertaken by the Local Government Boundary Commission for England were provided to the Panel. The review had concluded that the number of Councillors serving the Borough would be reduced from 60 to 51, representing 17 three member wards across the Borough. Some wards covered very large geographical areas, however, they had been drawn up to provide for an average electorate of 2842 for each Councillor by 2020, taking into account future anticipated development in the Borough. The details of the review were considered by the Panel members and were noted.

Braintree District Council's report of the Independent Remuneration Panel on the Members' Allowances Scheme dated March 2015.

20. Full details of Braintree District Council's Independent Remuneration Panel report on the Members' Allowances Scheme dated March 2015 were provided to the Panel. The report had been compiled following a full review of the Scheme. The contents of the report were considered by the Panel members and noted, in particular the reference to the reduction in the number of Councillors due to ward boundary changes and the Panel's recommendation that no change be made to the Basic Allowance as it was not yet possible to assess the impact on Councillors' roles.

Summary of Members' Allowances Schemes for all Essex Districts

21. The Panel received comparative information on the current allowances paid by the 12 District Councils in Essex, together with those allowances paid by Southend and Thurrock Councils. Statistics were also provided on the current population estimates for each Authority. The details were considered by the Panel members, in particular the information illustrating that, excluding Southend and Thurrock, Colchester's population was second highest in the County whilst the Basic Allowance paid was not only the highest in the County but was also over £500 greater than the second highest.

Additional information Considered**Special Responsibility Allowance – Options for Amounts Payable**

22. In order to assist in determining that amounts payable for the future, the Chairman circulated two documents for consideration by the Panel. The first set out the amounts which could be payable using mathematical equations, assuming the allowances related to a base amount (x) plus a variable dependent on the number of members in each political group (y). The second document identified various options for the future Group Leader SRA amounts payable founded on a base level amount plus a variable amount proportional to the number of members in the group whilst maintaining the SRA for the current main opposition leader at a level similar to the existing amount, with consideration also given to the overall cost of the Group Leader SRA as a whole.

Issues Arising**Special Responsibility Allowance – Liberal Democrat Group Leader**

23. The Panel noted that the terms of the current allowances scheme was known to all councillors prior to the allocation of responsibilities following the 2015 election. As such, the Liberal Democrat Group Leader ought to have been fully aware of the implications in relation to the allowances scheme prior to accepting the post. The Panel therefore considered that any a permanent change to the Group Leader SRA should be effective from the start of the 2016/17 Municipal Year.
24. Notwithstanding the above conclusion, in order to reflect the roles and responsibilities of the Group Leader role, the Panel were of the view that, as a temporary measure only for the period following the forthcoming Council meeting on 10 December 2015 to the end of the current Municipal Year, the Liberal Democrat Group Leader should be allocated a sum equivalent to the current Labour Group Leader's SRA (£7,098 pro rata).

25. On the basis of the evidence, the Panel recommends as a temporary measure for the period following the forthcoming Council meeting on 10 December 2015 to the end of the current Municipal Year, the Liberal Democrat Group Leader be allocated a monthly sum equivalent to the current Labour Group Leader's SRA (£7,098 pro rata).

Group Leader's Special Responsibility Allowance – Future Arrangements

26. The Panel considered that the future Group Leader SRA should be founded on the principle of a base lump sum plus an additional sum allocated on a proportional basis in accordance with the number of members in each group, such sums to be payable to each Leader of a political group comprising at least two members (in accordance with the definition of a political group as set out in the Members' Allowances Regulations 2003).

27. The Panel recommends that the future Group Leader Special Responsibility Allowance (SRA) for the period after May 2016 be founded on the principle of a base lump sum plus an additional variable sum allocated on a proportional basis in accordance with the number of members in each group, such sums to be payable to each Leader of a political group comprising at least two members.

Group Leader's Special Responsibility Allowance – Amounts Payable

28. The Panel members were of the view that a base level sum of £2,000 would be appropriate together with a sum per member of each Group of either £200 or £220. It was noted that the £220 per member option provided for sums which were not dissimilar to the existing sums payable to the Conservative and Independent Group Leaders (as set out below), whilst providing a potential overall total payable of £21,200 which was a little over £3,000 greater than the existing overall potential total payable:

- Conservative £7,940
- Liberal Democrat £6,400
- Labour £3,980
- Independent £2,880

29. The Panel recommends that the preferred Group Leader SRA amounts be a base level sum of £2,000 plus a sum of £220 per member of each Group.

Special Responsibility Allowance – Generic Name

30. The Panel recommends the generic name for this type of allowance be changed from Main/Other Opposition Leader SRA to Group Leader SRA.

Effective Date

- 31. The Panel further recommends that the revised Group Leader SRA be effective from the start of the 2016/17 Municipal Year.**

Basic Allowance from May 2016

32. The Panel noted that Braintree District Council had recently considered the impact of ward boundary changes on Councillor's future roles but had determined that no change be made to the Basic Allowance on the grounds that it was not yet possible to assess the impact until after the changes had taken effect.
33. The Panel further noted, from the comparative data on the current allowances paid by the 12 District Councils in Essex, that Colchester's population was second highest in the County whilst the Basic Allowance paid was not only the highest in the County but was also over £500 greater than the second highest.
- 34. On the basis of the evidence, the Panel recommends that the Basic Allowance rate be maintained for at least a year after the Electoral Review ward changes come into effect and, from May 2017 onwards, the Panel will welcome any representations from Councillors regarding the impact on their workload.**

APPENDIX 1

Independent Remuneration Panel
Consideration of a revised scheme for Group Leader SRA
from May 2016

Current Data

	Con	Labour	Indep	Lib	Total
No of Members	27	9	4	20	60
Current Leader	£7,888	£7,098	£3,185	0	£18,171

Possible Options

The options considered are based on the principle of a base level amount plus a variable amount proportional to the number of members in the group and maintaining the SRA for the current main opposition leader at a level similar to the present amount. Consideration is also given to the overall cost of Group Leader SRAs as follows:

Base Level	Per Member	Con Total	Labour Total	Indep Total	Lib Dem Total	Overall Total
£0	292.15	£7,888	2629.33	1168.59	5842.96	£17,528.89
£500	273.63	£7,888	2962.67	1594.52	5972.59	£18,417.78
£1,000	255.11	£7,888	3296.00	2020.44	6102.22	£19,306.67
£1,500	236.59	£7,888	3629.33	2446.37	6231.85	£20,195.56
£2,000	218.07	£7,888	3962.67	2872.30	6361.48	£21,084.44
£2,500	199.56	£7,888	4296.00	3298.22	6491.11	£21,973.33
£3,000	181.04	£7,888	4629.33	3724.15	6620.74	£22,862.22
£3,500	162.52	£7,888	4962.67	4150.07	6750.37	£23,751.11
£4,000	144.00	£7,888	5296.00	4576.00	6880.00	£24,640.00
£4,500	125.48	£7,888	5629.33	5001.93	7009.63	£25,528.89
£5,000	106.96	£7,888	5962.67	5427.85	7139.26	£26,417.78
£5,500	88.44	£7,888	6296.00	5853.78	7268.89	£27,306.67
£6,000	69.93	£7,888	6629.33	6279.70	7398.52	£28,195.56
£6,500	51.41	£7,888	6962.67	6705.63	7528.15	£29,084.44
£7,000	32.89	£7,888	7296.00	7131.56	7657.78	£29,973.33
£7,500	14.37	£7,888	7629.33	7557.48	7787.41	£30,862.22
Shortlist options - a Base Level of £2000 plus a variable						
Base Level	Per Member	Con Total	Labour Total	Indep Total	Lib Dem Total	Overall Total
£2,000	200.00	£7,400	3800.00	2800.00	6000.00	£20,000.00
£2,000	220.00	£7,940	3980.00	2880.00	6400.00	£21,200.00

Recommendation

£2,000	220.00	£7,940	3980.00	2880.00	6400.00	£21,200.0
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APPENDIX 2**SUPPLEMENTARY INFORMATION RECEIVED BY THE PANEL**

- Colchester Borough Council Background Information;
- Independent Remuneration Panel report 2012;
- Colchester Borough Council Members' Allowances Scheme 2015/16;
- The Liberal Democrat Group Leader Roles and Responsibilities;
- Essex County Council's report of the Independent Remuneration Panel on the Members' Allowances Scheme dated September 2015;
- Department for Communities and Local Government - Guidance on Members' Allowances for Local Authorities in England;
- Colchester Borough Council's Members' Consultation submissions to the Local Government Boundary Commission for England;
- The report by the Local Government Boundary Commission for England on the Electoral Review;
- Braintree District Council's report of the Independent Remuneration Panel on the Members' Allowances Scheme dated March 2015;
- Summary of Members' Allowances Schemes for all Essex Districts

Report of	The Scrutiny Panel	Author	Jonathan Baker
			Tel. 282207
Title	Annual Scrutiny Report		
Wards affected	None		

This is a report setting out the work of the Council's Scrutiny Panels during 2014-15.

1. Decision required

- 1.1 To consider and comment on the Annual Scrutiny Report, a report that forms the basis for debating the subject of scrutiny at Colchester.

2. Reason for the decision

- 2.1 The Constitution states the Scrutiny Panel shall report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

3. Purpose and Content of the Report

- 3.1 The purpose of the report is to inform the Council of the work undertaken by the Scrutiny Panel and for the Council to form an opinion of the effectiveness of the scrutiny function.
- 3.2 This Scrutiny Report is a descriptive record of the work undertaken by the Scrutiny Panel during 2014-15.

4. Standard and Strategic Plan References

- 4.1 Scrutiny and challenge is integral to the delivery of the Strategic Plan's vision themes of a vibrant, prosperous, thriving and welcoming Borough.
- 4.2 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council's work.
- 4.3 There is no publicity, equality and diversity, human rights, community safety, health and safety, risk management or financial implications in this matter.

Scrutiny Panel Annual Report 2014-15

This Annual Report demonstrates the contribution made by the Scrutiny Panel at Colchester Borough Council.

Scrutiny Panel Role

The role of the Scrutiny Panel is to examine the policies and strategies from a borough-wide perspective and ensure the actions of the Cabinet accord with the Council's policies and budget. The Panel also reviews corporate strategies that form the Council's Strategic Plan, Council partnerships and the Council's budgetary guidelines, and scrutinises Cabinet or Portfolio Holder decisions which have been called in.

The Scrutiny Panel in 2014/15

The function of the Scrutiny Panel is as important as ever, given the challenging future of providing services in difficult economic times with limited resources.

The success of Scrutiny Panel reviews depended on the involvement of Councillors, Council officers, expert witnesses and members of the public, and the Chairman of the Scrutiny Panel would like to thank everyone for their contribution to scrutiny in 2014/15.

The very low level of call-ins and matters of urgency suggested Councillors continued to take a responsible approach to Governance.

Portfolio Holders have continued to regularly attend items on the Scrutiny Panel agenda that fall within their remit to take a lead on major reviews and to discuss policy, spending and performance.

Members are asked to consider whether the scrutiny and review process is a function that remains effective, ensuring the critical friend challenge to the executive policy and decision making that drives improvement in public services.

Prominent Reviews at Colchester Borough Council

The Scrutiny Panel requested a number of reviews during 2014/15. The most significant of which was inviting Colchester Hospital University NHS Foundation Trust to attend the Panel. This took place on 2 December with the discussions highlighting the desire for the Council and Hospital to work together for the residents in Colchester. At the meeting it was also agreed that Colchester Hospital University NHS Foundation Trust attend the Scrutiny Panel in the following municipal year.

The Scrutiny Panel also requested a review of the Events in Castle Park, which was held at the meeting on 21 October. The Panel requested a review after the 'I am Music' festival was cancelled. The Panel requested that a report be sent back to Panel members asking whether it would be advisable to take action against the 'I am Music' group, and that the timescales and deadlines form part of future hire agreements. A report responding to the recommendations made was circulated to Panel members. This included the inclusion of timescales and

deadline into the Conditions of Hire, with no flexibility on deadlines, and a commitment from the Safety Advisory Group to write a set of Guidance for Event Organisers.

The Scrutiny Panel also held a review of the Mercury Theatre and the Arts Centre at the last meeting of the municipal year.

Pre Decision Scrutiny

Pre-scrutiny enables the Scrutiny Panel to examine an issue in depth, and make proposals to the Cabinet or portfolio holder in advance of that decision being taken. This work regularly includes the Budget, which was put to the Scrutiny Panel on 27 January and the 6-monthly and year-end Performance Report and Strategic Plan Action Plan, which went to the Panel on 8 July and 2 December.

The Scrutiny Panel also held a pre-scrutiny of the Strategic Plan 2015-18 on 27 January 2015. The panel recommended to Cabinet that the University be included in the Strategic Plan, and that the Plan include an additional reference to creativity within Colchester and from local residents.

Partnership arrangements

Two regular partnership reviews were undertaken. A review of Colchester Borough Homes Performance 2013/14 took place at the meeting on 8 July 2014. This led to the Scrutiny Panel requesting further information on the Homelessness Gold Standard, which Colchester Borough Homes were working towards. A report on the Homelessness Gold Standard came to the Scrutiny Panel on 27 January.

The 'Safer Colchester Partnership' was reviewed on 16 September 2014, and included representatives from the Colchester Borough Council, Colchester Borough Homes, Police, Open Road, the Essex Rehabilitation Company and Essex Fire and Rescue Service. The Panel noted the work of the Partnership and requested additional information from the attendees.

Call-in

During this municipal year there was one decision that was called in, the Disposal of Public Conveniences in Dedham, West Mersea and Wivenhoe. This decision, whilst scheduled to come to the Scrutiny Panel, was resolved prior to the meeting taking place.

Councillor Call for Action (CCfA)

There were no CCfA issues brought to the attention of Scrutiny Panel during 2013/14.

Decisions taken as a matter of urgency

There was one decision that was taken as a matter of urgency which was the recommendation to join the Essex Business Rates Pool. The Scrutiny Panel was notified at the meeting on 11 November 2014, and both the Monitoring Officer and the Chairman of the Scrutiny Panel certified the immediate implementation of the decision and that the call-in procedure would not apply.

Task and Finish Group

There were no Task and Finish Groups commissioned by the Scrutiny Panel 2014/15.

Schedule of meetings and reviews

Scrutiny Panel 2014/15

Councillor Davies (Chairman), Councillor Harrington (Deputy Chairman), Councillor Cable, Councillor Graham, Councillor Hayes, Councillor Higgins, Councillor Hogg, Councillor Lissimore, Councillor Pearson

8 July 2014	<ul style="list-style-type: none"> • Review of Colchester Borough Homes' Performance 2013/14 • Year End 2013/14 Performance Report including progress on Strategic Plan Action Plan • Financial Monitoring Report – End of Year 2013/14 • Capital Expenditure Monitor 2013/14
19 August 2014	<ul style="list-style-type: none"> • Budget Strategy, Timetable and MTEFF (Leader / Business and Resources) • Annual Report on Treasury Management (Business and Resources) • 2014-15 Capital Monitor, period April – June • 2014-15 Financial Monitor, period April – June • Annual Scrutiny Report
16 September 2014	<ul style="list-style-type: none"> • Safer Colchester Partnership (Crime and Disorder Committee) (Planning and Community Safety)
21 October 2014	<ul style="list-style-type: none"> • Review of Public Events in Castle Park
11 November 2014	<ul style="list-style-type: none"> • Briefing paper on the former Garrison Gym • Local Council Tax Support – Year 3 • 2014-15 Revenue Monitor, period April – September • 2014-15 Capital Monitor, period April – September • Treasury Management – Half yearly update
2 December 2014	<ul style="list-style-type: none"> • 2014-15 6-monthly Performance report and SPAP (Leader / Business and Resources) • Corporate and Financial Management Fundamental Service Review – One Year Business Case Update • Colchester Hospital University NHS Foundation Trust
27 January 2015	<ul style="list-style-type: none"> • Colchester Borough Homes – Peer Homelessness Review Result (Homelessness Gold Standard)

	<ul style="list-style-type: none"> • Strategic Plan Action Plan 2015-18 • 2015-16 Revenue Budget, Capital Programme and MTFF (Pre-scrutiny of Cabinet Decision (Leader / Business and Resources) • Treasury Management Investment Strategy
24 February 2015	<ul style="list-style-type: none"> • 2014-15 Capital Monitor, period April – December • 2014-15 Revenue Monitor, period April – December
17 March 2015	<ul style="list-style-type: none"> • Arts Review

Report of	Assistant Chief Executive	Author	Richard Clifford
Title	Authorisation of absence from Council and Committee meetings		
Wards affected	Shrub End		

This report seeks authority for Councillor Offen to be absent from Council or Committee meetings due to ill health.

1. Decision(s) Required

1.1 To approve the absence of Councillor Offen from attendance at Council and Committee meetings, pursuant to the provisions of section 85 of the Local Government Act 1972, due to his current ill health.

2. Reasons for Decision(s)

2.1 Council needs to authorise the absence of Councillor Offen in line with the provisions of section 85 of the Local Government Act. If Council does not do so, he will cease to be a member of Colchester Borough Council.

3. Alternative Options

3.1 No alternative options are proposed.

4. Supporting Information

4.1 Section 85 of the Local Government Act 1972 provides that if a member of a local authority fails to attend any Council or Committee meeting for a period of six months he or she ceases to be a member of the local authority, unless the absence was approved by Council before the expiry of the six month period.

4.2 Councillor Offen has not been able to attend any Council or Committee meetings for several months due to ill health. He last attended a meeting on 10 June 2015.

5. Proposals

5.1 Council is requested to approve Councillor Offen's absence from Council or Committee meetings for a six month period from the date of this meeting.

6. Standard References

6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 July – 30 November 2015**

Portfolio – Communities and Leisure Services					
Date	Number	Report Title	Author	Decision	Result
16/07/2015	COM-001-15	Sports Facilities Strategy	Beverley McClean	To formally endorse and sign off the Sports Facilities Strategy	Agreed 23/07/2015
13/08/2015	COM-002-15	Tender Award for Replacement Artificial Pitch at Shrub End Sports Ground	Simon Grady	To approve the award of the contract to replace the artificial pitch turf at Shrub End Sports Ground to Tiger Turf	Agreed 20/08/2015
21/10/2015	COM-002a-15	Creation of a Community Café at the Old Heath Sports Ground	Fay Mathers	To agree the conversion of the former tennis pavilion into a community café and entering in to a lease with a community group for the running of the facility.	Agreed 28/10/2015

Portfolio –Community Safety, Licensing and Culture					
Date	Number	Report Title	Author	Decision	Result
No decisions taken in this period					

Portfolio – Customers					
Date	Number	Report Title	Author	Decision	Result
No decisions taken in this period					

Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 July – 30 November 2015

Portfolio –Economic Growth and Planning					
Date	Number	Report Title	Author	Decision	Result
16/07/2015	ECO-001-15	Enterprise, Skills and Employment Grants	Jan Warren	<p>To award the grant funding for the Enterprise, Skills and Employment Grant for 2015-16 financial year to the following organisations:</p> <ul style="list-style-type: none"> • Signpost Colchester • Colchester Business Enterprise Agency (Colbea) • GO4 Enterprises • Inclusively Digital <p>Grant awards will be made subject to the Enterprise grant agreement, providing evidence of spend and updates on progress of agreed projects from the organisations funded. The total amount of funding available for 2015-2016 is £75,500.</p> <p>This is to be awarded as follows: Signpost Colchester £40,715 Colbea £19,500 GO4 Enterprises £12,485 Inclusively Digital £ 2,800</p>	Agreed 23/07/2015
23/07/2015	ECO-002-15	Consultation on Draft	Chris	To approve the Council's response	Agreed

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 July – 30 November 2015**

		Replacement Waste Local Plan	Downes	to Essex County Council's draft Replacement Waste Local Plan	30/07/2015
17/09/2015	ECO-003-15	Sunday Trading Consultation	Nigel Myers	To agree the Council's response to the consultation	Agreed 24/09/2015
28/09/2015	ECO-004-15	Introduction of Archaeological Fees	Jess Tipper	To introduce fees for the recovery of costs of providing developers, agents and their archaeological contractors with archaeological advice	Decision called in 05/10/2015. Decision confirmed by Scrutiny Panel at meeting on 10 November 2015.
21/10/2015	ECO-005-15	Response to Tendring's Issues and Options Consultation on a new Local Plan	Laura Chase	To approve Colchester Borough Council's response to Tendring District Council's Local Plan Issues and Options Consultation document.	Agreed 28/10/2015

Portfolio – Housing and Public Protection

Date	Number	Report Title	Author	Decision	Result
08/10/2015	HOU-001-15	Disposal of Small parcels of Housing Land	Geoff Beales	To adopt the revised policy for the Disposal of Small Parcels of Housing Land. To agree the monitoring and review arrangements as set out in	Agreed 15/10/2015

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 July – 30 November 2015**

				the policy.	
06/11/2015	HOU-002-01	Sale of Premises at 95 Winnock Road	Andrew Wooden	To approve the disposal of 95 Winnock Road as per the confidential paper subject to contract. To authorise the Head of Commercial Services, in conjunction with the Portfolio Holder for Housing and Public Protection, to agree the offer made on the property and settle final terms and consequential matters to complete the sale of the property. To authorise the Head of Commercial Services in conjunction with the Portfolio Holder for Housing and Public Protection, to agree a sale to an alternative party listed in the list of bids received or to reoffer the property on the open market, in the event that the purchaser does not proceed to complete the sale.	Agreed 13/11/2015

Portfolio –Resources					
Date	Number	Report Title	Author	Decision	Result
07/07/2015	RES-001-15	Appointment of the Main Contractor for the Rebuilding of the Former Garrison Gymnasium	Fiona Duhamel	To approve the appointment of the main contractor for the wind and weather tight (phase 1) rebuilding works of the former Garrison	Agreed 14/07/2015

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 July – 30 November 2015**

				Gymnasium, Circular Road South. To approve the appointment of NPS to challenge the Loss Adjustors reductions of the insurance contribution to the reinstatement works	
19/10/2015	RES-002-15	Colchester Community Stadium Car Park Refurbishment Phase 2	Patrick O'Sullivan	Agree that:- (i) the Council provide a loan of £55,000 to Colchester Community Stadium Limited (CCSL) on the terms and for the purpose set out within this report to contribute towards the £110,000 cost of applying the wearing course to the new tarmacking at the Stadium car park (ii) that this be funded as shown within section 9.	Agreed 26/10/2015
27/10/2015	RES-003-15	Essex Business Rates Pool	Sean Plummer	To agree the expression of interest to join the Essex Business Rate Pool	27/10/2015 (Decision taken under the special urgency provisions)
13/11/2015	RES-004-15	Welfare Reform and Colchester	Jason Granger	To agree the formation of a cross service team in order to support residents and preserve operational services within a challenging framework of reform. The decision being subject to agreement by Cabinet in relation to the funding	20/11/2015

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 July – 30 November 2015**

				proposals.	
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Portfolio – Strategy					
Date	Number	Report Title	Author	Decision	Result
05/08/2015	STR-001-15	Change in Council's Appointment to Colchester Hospital University Foundation Trust	Richard Clifford	To change the Council's appointment on Colchester Hospital University Foundation Trust from Colchester Feltham to Councillor Chuah with effect from 1 September 2015	Agreed 12/08/2015
19/11/2015	STR-002-15	Syrian Vulnerable Persons Resettlement Programme – Delivery Arrangements	Gareth Mitchell	<p>To agree the signing of an agreement with the local voluntary sector provider, Fresh Beginnings, for the delivery of the Syrian Vulnerable Persons Resettlement Programme in Colchester on behalf of the Borough Council.</p> <p>To delegate to the Head of Commercial the responsibility for agreeing the detailed terms, including financial processes, payment and monitoring arrangements.</p>	Agreed 26/11/2015

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 July – 30 November 2015**

Portfolio – Street and Waste Services					
Date	Number	Report Title	Author	Decision	Result
28/10/2015	STW-001-15	Response to the ECC Local Bus Service Network Review Consultation	Rachel Forkin	To approve Colchester Borough Council's response to Essex County Council's (ECC) consultation on the local bus service review.	Agreed 04/11/2015
30/10/2015	STW-002-15	Essex Cycling Strategy Consultation	Paul Wilkinson	To agree Colchester Borough Council's (CBC) response to the Essex County Council (ECC) consultation on the Essex Cycling Strategy	Agreed 06/11/15
04/11/2015	STW-003-15	Fixing the Link Project	Jane Thompson	To agree the designs for the Fixing the Link project to allow designers to undertake detailed technical work, and implementation of the proposals.	Agreed 11/11/2015

Report of	Assistant Chief Executive	Author	Sean Plummer ☎ 282347 Darren Brown ☎ 282891
Title	2016/17 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves		
Wards affected	Not applicable		

This report provides an update on the 2016/17 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves

1. Decisions Required

1.1. Cabinet is requested to:

Re: Overall Budget position and changes

- Note the current 2016/17 revenue budget forecast which at this stage shows a budget gap of £94k and the forecast variables and risks.
- To agree the funding proposals for the team to support welfare reform as set out in paragraph 7.8.
- Note the action being taken to finalise the budget.
- Note the current budget forecast for 2015/16 as set out in section 5 and agree to allocate £510k from the forecast outturn position as set out at paragraph 5.2.
- Note the position on the capital programme
- Agree that the 2016/17 taxbase will be agreed by the Section 151 Officer in consultation with the Portfolio Holder for Business and Resources
- Recommend to Full Council the changes to the Treasury Management Strategy set out at paragraph 15.4

Re: Specific budget decisions

- Approve the distribution of revenue grant to Parish, Town and Community Councils for 2016/17 as set out at Appendix C.
- Approve the funding for voluntary welfare organisations and arts grants as set out in Appendix D and E.
- Agree all fees and charges as set out in Appendix H and to continue to delegate to Heads of Service the authority to vary fees and charges in-year as set in section 14 of this report.

2. Reasons for Decisions

- The Council is required to approve a budget strategy and timetable in respect of the year 2016/17.
- This report relates to the budget update, a review of balances and the capital programme. This report also includes decisions in respect of fees and charges and certain specific budget changes to ensure that these can be reflected in the final budget.

3. Alternative Options

- 3.1 There are different options that could be considered and as the budget progresses changes and further proposals will be made and considered by Cabinet and in turn Full Council. The separate appendices showing specific decisions include alternative options where relevant.

4. Background

- 4.1. A timetable for the 2016/17 budget process (see Appendix A) was agreed at Cabinet on 8 July 2015.
- 4.2. An updated 2016/17 budget forecast was presented and agreed at the Cabinet meeting on 14 October 2015. This showed a budget gap of c£355k

5 In year Budget Review – 2015/16

- 5.1. The Scrutiny Panel reviewed the current year's budget position on 10 November 2015. This showed a forecast net underspend of £167k and net additional income of £464k giving a combined gain of £631k.
- 5.2. The positive position means that Cabinet can consider certain allocations now to provide funding to a number of initiatives. It is therefore proposed that the following are agreed:-

Item	Cost £'000	Comment
Event Management	50	Investment to improve some of the venues in terms of maintenance and equipment to bring facilities to a common standard to enable the delivery of the business case.
Bereavement Services	50	Install lighting and improve access to allow extension of winter opening hours while maintaining public and staff safety.
ICT Strategy	100	With the emerging ICT strategy to support the needs of the organisation it is clear that there is a need for continuing the investment in our ICT. Given there is an in year saving within ICT it is proposed that an initial revenue contribution of £100k is made.
Devolution	10	Contribution made by all Essex authorities towards supporting the devolution programme.
Firstsite	100	A one-off contribution of £100k for Firstsite to match funding being provided by Essex County Council. This will support a number of specific projects and help to protect ensure funding from the Arts Council of c£0.8million. A full Business Case is being developed to ensure that the organisation is financially stable without any further additional funding.
Grant funding	200	Creation of a new one-off grant fund to provide funding for projects which support Strategic Plan priorities. The decision on selected projects to be determined by a public vote.
Total	510	

- 5.3. If agreed, the revised outturn position for the year would be reduced to £121k.

6. Local Government Finance Settlement and other Government Grants

Formula Grant / Retention of Business Rates

- 6.1. As previously reported the 2015/16 Finance Settlement announcement did not provide any provisional figures for 2016/17. The key figure for the Council's financial planning is the comparable level of settlement funding. The following table shows a *planning assumption* of a reduction of £921k (13%) in 2016/17.

	2015/16	2016/17	Change
	£'000	£'000	£'000
Revenue Support Grant	(3,195)	(2,195)	(1,000)
Business Rates Baseline	(3,927)	(4,006)	79
Settlement Funding Assessment (SFA)	(7,122)	(6,201)	(921)

- 6.2. The table above excludes the Council Tax freeze grant for 2015/16 which is assumed will not be paid in 2016/17.
- 6.3. The final budget report will include the Settlement figures and the forecast position for business rates. At this stage, these are the main variables to the budget forecast. It has been announced that the DCLG will face a provisional cut of 30% in spending. Whilst, this did not refer to the Finance Settlement it highlights the risk in respect of the SFA and also New Homes Bonus.

New Homes Bonus

- 6.4. Alongside the announcement of the Finance Settlement we expect to receive confirmation of the New Homes Bonus. The main part of the grant is based on a payment for any increase in housing numbers (expressed as Band D equivalents) with a further sum paid for affordable homes delivered. The Council receive 80% of the calculated grant with the remaining 20% paid to Essex County Council. The 2016/17 grant will include payments in respect of growth for 6 years and the bonus paid in respect of affordable homes delivery. Based on current estimates we expect to receive c£5.7m in 2016/17 an increase of almost £1.1 m.

	Taxbase growth	Affordable Homes Bonus	Total
	£'000	£'000	£'000
Payable annually until 16/17	724	n/a	724
Payable annually until 17/18	749	52	801
Payable annually until 18/19	986	105	1,091
Payable annually until 19/20	757	37	794
Payable annually until 20/21	1,185	16	1,201
Total paid in 2015/16	4,401	210	4,611
New Growth (estimate) Payable annually until 21/22	1,014	72	1,086
Total due in 2016/17	5,415	282	5,697

- 6.5. The budget strategy is that any increase in NHB in 16/17 will only be used for one-off items. In addition, the final budget report will include consideration of the level of New Homes Bonus that is used to support the 'base budget'.

7. Summary of 2016/17 Budget Forecast

- 7.1 The revised 2016/17 revenue budget forecast shows that the current budget gap has now reduced to £94k.

	2016/17
	£'000
Base Budget	23,321
14/15 One-off items	(436)
Cost Pressures (net of one off changes)	816
Growth Items (net of one off changes)	1,087
Savings	(1,301)
Forecast Base Budget	23,487
<i>Funded By:</i>	
Revenue Support Grant	(2,195)
Business Rates Baseline	(4,006)
<i>Settlement funding</i>	(6,201)
Increase in NNDR / taxbase above baseline	(800)
New Homes Bonus	(5,697)
Total Gov't grants & retained NNDR	(12,698)
Council Tax	(10,599)
Use of Reserves	(96)
Total Funding	(23,393)
Budget (surplus) / gap before changes (cumulative)	94

- 7.2 Cabinet is asked to note the above 2016/17 revenue budget forecast and the assumptions set out in this report concerning cost pressures, growth items and risks.

Changes in 2016/17 Budget Forecast

Cost pressures

- 7.3. There have been some changes to the list of cost pressures previously reported. The main changes being an uplift in the allowance for inflationary cost pressures and the proposals in respect of welfare reform.

Inflation

- 7.4. The Government agreed that the Contracted-Out National Insurance rebate would be abolished from April 16. This effect of this is to increase the NI contributions for both employees and employers who are in the pension scheme. Employers will have to pay the standard rate of NI (currently 13.8%) instead of the contracted -out rate (currently 10.4%) on part of pay for all employees. Currently they only pay this rate for those not in the pension scheme. The estimated total cost of this change in 2016/17 is in the region of £0.5million. Some of this will impact on ring-fenced budgets such as the NEPP, joint museum service and trading areas. In these areas it is assumed that the cost pressure arising from this change will be absorbed.
- 7.5. The inflation allowance had also provided for increases in energy costs and some other specific increases. Based on updated information provided a number of these assumptions have been revised which has provided offsetting reductions in the inflation allowance.

- 7.6. In total an increase in the total inflation allowance of £250k is proposed, however, detailed work continues to confirm these assumptions.

Welfare Reform

- 7.7. The Portfolio Holder for Resources has agreed the formation of a cross service team in order to support residents and preserve operational services within a challenging framework of reform. This decision was made subject to agreement by Cabinet in relation to the funding proposals.
- 7.8. The table below sets out the estimated costs and proposal that this is funded in part through funds allocated within the budget in respect of 'growth', and also using £228k over the next three years from balances specifically identified against the risks attached to welfare reform.

	Year 1	Year 2	Year 3	Total
	2016/17	2017/18	2018/19	
	£	£	£	£
Total cost	117,900	143,600	92,200	353,700
<i>Proposed funded by:-</i>				
Growth money in budget	42,000	42,000	42,000	126,000
Use of balances	75,900	101,600	50,200	227,700
	117,900	143,600	92,200	353,700

- 7.9. The following table sets out the revised list of cost pressures:-

	Current allowance £'000	Updated allowance £'000	Comment
Inflation	590	840	This includes assumptions in respect of pay, energy and other prices. The allowance has been increased to reflect the change in NI costs and other changes.
Inflation – pay award	(100)	(100)	Adjustment in respect of 15/16 pay award being less than budget
Extra waste vehicle and crew	130	130	CBC has seen significant housing growth in recent years. The Waste and Recycling service has accommodated this growth, year on year, within its existing resources. Whilst Food Waste collections have been introduced and vehicles provided, no additional routes for residual or recycling collections have been introduced since 2007. Since the last route was added it is estimated in excess of 10,000 properties have been added to the Borough. The service is currently in the position where its capacity is stretched to accommodate the current level of collections required and therefore this funding will provide for an additional vehicle and crew.

	Current allowance £'000	Updated allowance £'000	Comment
SOS Bus – grant	5	5	A grant to support the SOS bus has been agreed in 2015/16 from the funding allocated for Strategic Plan priorities. It is proposed that this be included in the base budget to reflect the ongoing support of this service.
Welfare Reform		118	See para. 7.7 and 7.8
Less: provision for growth in budget	(135)	(177)	The budget includes a provision of £200k. Therefore £23k remains unallocated and will be considered in the final budget report.
Total	490	816	

7.10. Any further potential cost pressures will be considered in the final budget report.

8. Growth Items

8.1. The previous budget update to Cabinet in October included no allowance for any growth but stated that future budget reports would include proposals for investment arising from the New Homes Bonus.

8.2. As shown at paragraph 5.4 we have estimated that there will be an increase in the New Homes Bonus of £1.1m in 2016/17. The following table shows that it is proposed that the bonus in respect of affordable homes delivery continues to be allocated to support this area. It is also proposed that the £1.01m additional income be used to support one off projects and that detailed proposals will be reported in the final budget report. In addition the updated growth figures include proposals to use funding set aside in the 2015/16 budget for projects that support the Strategic Plan priorities.

	Current allowance £'000	Updated allowance £'000	Comment
<i>Proposed use of Strategic Plan priority money:-</i>		(40)	<i>Use of NHB funding in 15/16 budget for the following two projects.</i>
• Funding for festivals		20	The Council has provided financial support to festivals in the town such as the Comedy Festival and Free Festival and it is proposed to allocate £20k for such events in 16/17.
• Public health co-ordinator		20	Match funding with ECC for post to support development and coordination of CBCs health & wellbeing activities/initiatives at the earliest opportunity and to safeguard other agencies investment in Colchester.
Allowance for affordable housing		73	New growth achieved through New Homes Bonus element allocated to support affordable housing initiatives

	Current allowance £'000	Updated allowance £'000	Comment
Investment funded through New Homes Bonus		1,014	Increase in New Homes Bonus available to support new projects. Proposals for use of this will be made in the final budget report.
Total Growth Items	0	1,087	

- 8.3. In addition to the growth item arising from the estimated increase in the New Homes Bonus the budget already includes a sum available to support one-off projects. The table below shows that based on the assumed 2016/17 New Homes Bonus figure there will be a total of **£3.194m** available to allocate to one-off projects.

	2015/16	2016/17	2017/18	2018/19
Allocated to:-	£'000	£'000	£'000	£'000
Base Budget	1,971	1,971	1,971	1,971
Contribution towards infrastructure (RIF)	250	250	250	250
Affordable homes	210	282	282	230
Agreed specific projects	1,633			
Strategic Plan Priorities	547			
Total Available for one off projects		3,194	2,470	1,321
Total Allocation	4,611	5,697	4,973	4,172

9 Savings/Increased Income

- 9.1. The following table provides a summary of proposed savings and adjustments totalling £1.3m including items previously reported to Cabinet.

	£'000
Efficiency Savings / income	1,155
Budget reductions	11
Technical items	135
Total	1,301

- 9.2. Appendix B sets out all proposed savings. This shows of the total amount proposed 99% are based on efficiency items, additional income or technical items.
- 9.3. As part of the 2015/16 budget we agreed some savings and additional income which were identified as part of a high level review of the previous year's outturn. It was agreed that a 'line by line' detailed review looking at all non-employee costs over the last three years would be carried out to help consider whether there are areas where budgets should be adjusted for future years. This review has identified £350k of budget reductions across all services and is reflected in the overall savings proposals.
- 9.4. Specific details are also provided in Appendix C for the decision in respect of parish grants. In addition Appendix D and E set out proposals in respect of community and arts grants.

10. Council Tax

- 10.1. The budget forecast for Council Tax income is currently based on a planning assumption of a freeze in the level of Council Tax. There is no indication of any offer of a Council Tax freeze grant and no details have been confirmed of any referendum limits should the Council decide to increase Council Tax.
- 10.2. The Council is required to agree the taxbase and notify precepting authorities between 1st December and the 30th January. As has been the case in previous years it is proposed to delegate the agreement of the taxbase to the Section 151 officer in consultation with the Portfolio Holder for Business and Resources. The taxbase will be reflected in the final budget report and Full Council report on the Council Tax setting.
- 10.3. The budget forecast reflects the latest taxbase position.

11. Summary and Risk and variables

- 11.1. As is common at this stage in the budget setting process there remain a number of key budget risks which include areas where information has not yet been released. The following table sets out the key issues and the current assumption used.

Risk / Variable	Current Budget Assumption	Comment / Timing
Grant Settlement / NNDR retention	Cash reduction in SFA of 13% (£921k) Current increase assumed in NNDR figures of £100k.	Announcement expected middle / end of December NNDR projections to be produced for final report. Current estimates indicate that there will be an increase in our retained level of NNDR income.
Collection fund position for Council Tax and NNDR	Nil assumed	Projections currently being produced. A deficit is expected for NNDR, however, this could be funded from other changes in NNDR figures.
Other Government grants e.g.:- Benefit Admin grant New Homes Bonus	No reduction (assumed neutral impact of fraud team leaving) Grant of £5.7m	Figures should be confirmed alongside Settlement.
Proposed use of New Homes Bonus	Assumed that £1.971m is used to support the base budget with the balance to support one off projects.	As above, this will first be dependent on confirmation of the grant for 2016/17 and then consideration of any proposals for how it is used.
Confirmation of budget savings	As set out in report	Ongoing risk assessment and detailed consideration of proposed savings.

Risk / Variable	Current Budget Assumption	Comment / Timing
Consideration of any potential recurring pressures and savings identified in the review of 2015/16 budget to date.	Some issues reflected in existing budget forecast. Other areas subject to review.	Work continuing as part of detailed budget setting and critical analysis of budget issues.
Completion of detailed budgets / Housing Revenue Account (HRA) recharges	Assumed all delivered as per budget allocation. No adverse impact on the charge to HRA.	Detailed budgets to be finalised and recharges calculated in December.
Confirmation of potential one off costs arising from budget proposals (incl. FSRs)	Nil included in budget (sum separately held in balances)	Assessment of costs following confirmation of proposed budget savings.
Forecast balances position at 31 March 16	Current position shows a surplus of £0.5m above the current recommended level of £1.8million.	Continue monitoring of current year budget and forecasting of end of year position. Review position in December and report in January.
Proposed use of reserves / balances	Proposals to use £20k of earmarked reserves and £76k of general fund balances as set out in report.	Review as part of final budget proposals.
Links to capital programme	Budget proposals based on current programme.	Assess revenue impact of any proposed changes to capital programme.
Council Tax Rate	Planning assumption of freeze	Consider implication of final Council Tax proposal, referendum and Council Tax Freeze grant.
Taxbase calculated	Increase assumed in line with draft figures.	Taxbase determined in December. Will be impacted by Local Council Tax Support Scheme and changes to assumptions.

11.2. The above highlights the key risks and variables that may affect the budget forecast. Senior Management Team (SMT) and Leadership Team will continue to review these areas to minimise any potential impact and identify remedial action.

11.3. In summary, there is now a reduced budget gap. SMT and Leadership Team are continuing to work through the outstanding areas of work and consideration of options to deliver a balanced budget will be detailed in the final budget report in January. These proposals will include an update of the Medium Term Financial Forecast (MTFF) which will reflect any impact in future years arising from proposals to balance the 2016/17 budget.

12. Revenue Balances

Recommended Level of Balances

12.1 The Local Government Act 2003 places a specific duty on the Chief Financial Officer (Section 151 Officer) to report on the adequacy of the proposed financial reserves when

the budget is being considered. This will be covered in full within the final budget report with an initial review in this and the following section.

- 12.2 The Council is required to maintain a prudent level of revenue balances in order to ensure sufficient funding is available to meet cash flow requirements and urgent or emergency issues that may arise during a financial year.
- 12.3 The minimum level of revenue balances is determined through a Risk Management Analysis based on criteria recommended by the Chartered Institute of Public Finance and Accountancy. For 2015/16 this level was agreed at £1.8million.
- 12.4. This detailed risk analysis for the financial year 2016/17 will be completed and reported within the final budget report. The proposal on the recommended level of balances will consider any issues arising from:-
 - the Finance Settlement,
 - assumption in respect of business rates
 - Council Tax base (including collection rate assumptions)
 - budget savings and other variables

Forecast Balances Position - Update

- 12.5 The current balances position is set out at Appendix F. This shows a current surplus of unallocated balances of £0.5million. The position reflects the proposal to use £228k of the amount allocated against welfare reform as set out in paragraph 7.8.
- 12.6. As shown reported at paragraph 5.3 the latest forecast outturn for the current year after proposed allocations is £121k. A number of variables remain that could affect this position, both favourably and adversely. As part of the final budget report in January the current year position will be reviewed and the impact on balances will be considered.

13. Earmarked Reserves and Provisions

- 13.1. The Council maintains a number of earmarked reserves and provisions, which allows it to prudently plan for future expenditure requirements. As at 31 March 2016 we are currently forecasting earmarked reserves to total £8.7m and provisions of £2.7m.
- 13.2. As part of the budget process an initial review has been undertaken into the level and appropriateness of earmarked reserves and provisions. No changes are currently proposed and it is considered that the reserves and provisions detailed in Appendix G remain appropriate and at a broadly adequate level. The appendix shows that 83% of the earmarked reserves are committed or allocated to various spending plans. Further detailed work is on-going to confirm this assumption and the position will be considered as part of the final budget report.
- 13.3. It is currently assumed that we will use £20k from these reserves to specifically support the budget as set out below:-
 - (a) *Use of the S106 reserve to support costs (£20k)*
We continue to use the S106 reserve to support costs of staff involved in monitoring S106 agreements, however, it should be noted that the current balance is reducing and may therefore not be sustainable over the short to medium term.

14. Fees and Charges

- 14.1. Proposals in respect of fees and charges are set out at Appendix H with relevant supporting information. For many charges no increases are proposed, for example it is proposed to freeze car park charges.
- 14.2. The Council agreed a pricing framework to reflect the Council taking a more commercial approach to service delivery that requires managers to behave in a more commercial manner and to be able to respond more quickly to market forces. This can mean responding to periods of lower demand by reducing prices or offering promotions, or increasing prices where demand exceeds supply and there is clear competition for services. It is proposed that the Council continues this approach with its wide range of fees and charges. Clearly this only applies to those charges where the Council has discretion to alter prices, and statutory fees and charges are outside of this approach.

15. Capital Programme & Treasury Management

- 15.1. The latest position on the capital programme was reported to Scrutiny Panel on 11 November. This showed a potential net underspend of £75k.
- 15.2. The position on the Revolving Investment Fund (RIF) was reported to the Committee on 12 November 2015. This set out proposed allocations of funding within the RIF for various projects.
- 15.3. The final budget report in January will set out the full capital programme position including the RIF including any proposed changes.
- 15.4. The mid-year review of the Treasury Management Strategy was reported to Scrutiny Panel on 11 November. The report is provided as a background paper and an extract from the report is provided as Appendix I There are three changes proposed which are set out below with some summary commentary:-

Change	Comment
<i>Decisions required by Council</i>	
That the minimum sovereign credit rating criterion is amended from AAA to AA-.	It is proposed that the Annual Investment Strategy is amended to show a minimum sovereign credit criterion of AA-, whilst still avoiding direct exposure to the Eurozone due to the ongoing volatility in this area. This is consistent with the suggested approach of our treasury advisers.
To amend the upper limit to the Prudential Indicator for the maturity structure of borrowing.	It is proposed that the maturity structure upper limits are amended to reflect that the Council's LOBO loans are now all classed as short-term debt, as the maturity date is deemed to be the next call date.
<i>Decisions to note.</i>	
That the proposed method for recharging the HRA for internal borrowing is approved.	It is proposed that for simplicity, certainty and transparency reasons that the borrowing charge for any given year is based on the average balance of unfinanced. HRA borrowing during the year, using the PWLB variable rate as at 31 March of the previous year.

16. Strategic Plan References

- 16.1. The 2016/17 budget and the Medium Term Financial Forecast will be underpinned by the Strategic Plan priorities and will seek to preserve and shift resources where needed to these priorities.

17. Consultation

- 17.1. The Council is required to consult on its budget proposals. A consultation exercise took place as part of the production of the Strategic Plan agreed by Council in February 2015.
- 17.3. The budget strategy and timetable aims to ensure that information is available for scrutiny and input from all Members on proposals in the process. The aim is that detailed information will be available prior to the final budget report being submitted to Cabinet and approval by Council in February.
- 17.4. As has been the case in previous years the opportunity remains open for the leader of the opposition to meet with officers to assist with consideration of any alternative budget proposals.
- 17.5. Furthermore, we will continue with the statutory consultation with business ratepayers and will meet with parish councils in respect of grant funding.

18. Financial implications

- 18.1 As set out in the report.

19. Risk Management Implications

- 19.1 The strategic risks of the authority are being considered in developing the 2016/17 budget and all forecast savings/new income options are being risk assessed as part of the budget process.

20. Other Standard References

- 20.1 Having considered publicity, equality, diversity and human rights, community safety and health and safety implications, there are none that are significant to the general matters in this report. Where issues have been considered as part of fees and charges proposals or other budget changes these are detailed in the relevant appendix.

Background Papers

Report to Cabinet 14 October 2015 – 2016/17 Revenue Budget Update

Portfolio Holder for Resources report - Welfare Reform and Colchester

Scrutiny Panel - Treasury Management Strategy – Mid-Year Review Report 2015/16

Extract from mid year treasury management report

4. Key changes to the Treasury Management Strategy Statement **Sovereign Limits**

- 4.1. The Council's Annual Investment Strategy for 2015/16 states that 'the Council will only use approved counterparties from countries with a minimum sovereign credit rating of AAA, based on the lowest available rating. However this policy excludes UK counterparties'. This was incorporated into the annual strategy following the banking crisis in 2008/09, the basis being that sovereign support would be potentially made available to a counterparty if it was deemed necessary.
- 4.2. While economic conditions remain tepid in some regions, the overall state of financial markets and counterparties operating therein has changed markedly since the height of the crisis. Furthermore, in response to regulatory changes, the three main rating agencies have all made adjustments to their methodologies in an effort to remove any adjustment based upon implied sovereign support.
- 4.3. As a result, the emphasis on the sovereign rating within an Investment Strategy has changed. Our treasury advisers, Capita Asset Services, suggest that the application of a AAA minimum is not as valid as it has been in recent years. Given the evolution of rating methodologies, it is now more important to focus on the ratings of an entity itself. Capita's suggested methodology is based upon a 'minimum' sovereign rating of AA-. The list of countries that meet these credit criteria is shown below.

Sovereign Credit Ratings

Based on Lowest available rating

AAA	Australia
	Canada
	Denmark
	Germany
	Luxembourg
	Norway
	Singapore
	Sweden
	Switzerland
AA+	Finland
	Hong Kong
	Netherlands
	U.K.
	U.S.A.
AA	Abu Dhabi (UAE)
	Qatar
AA-	Belgium
	France
	Saudi Arabia

- 4.4. Capita advocate the need for a wide range of entities to be available for potential investment and to provide diversification of risk, rather than the use of just a small number of counterparties, which poses potential unwarranted concentration risk. Whilst any additional counterparties may meet all entity-level requirements, it does not mean that they have to be used, are in the market for local authority investments, or are interested in the size of investment that we are able to make. However, reviewing the application of sovereign ratings should provide the Council with greater depth and diversification to its counterparty list, while still maintaining the principles of security and liquidity in its application.
- 4.5. It is proposed that the Annual Investment Strategy is amended to show a minimum sovereign credit criterion of AA-, whilst still avoiding direct exposure to the Eurozone due to the ongoing volatility in this area. This is consistent with the suggested approach of our treasury advisers.

HRA Borrowing

- 4.6. As part of the HRA reform arrangements in April 2012, the Council decided to follow the 'two pool' approach to allocating existing debt, taking into account those loans that were originally raised for a specific purpose. This assumed that the HRA would be 'fully borrowed'.
- 4.7. The HRA is now in a position where it needs to borrow to fund the Housing Investment Programme. However, since the 'credit crunch' in 2008, the Council has adopted a policy of 'internal borrowing'.
- 4.8. Capita Treasury suggest a number of alternative approaches to recharging the cost of internal borrowing to the HRA. These are considered in the table below, assuming £5m of internal borrowing.
- 4.9. It is proposed that for simplicity, certainty and transparency reasons that the borrowing charge for any given year is based on the average balance of unfinanced HRA borrowing during the year, using the PWLB variable rate as at 31 March of the previous year. In an environment of low investment returns and relatively stable borrowing rates, this provides a recharge that is beneficial to both the HRA and General Fund, and can be reasonably forecast from early on in the financial year. This approach would be reviewed annually in conjunction with the TMSS and projected investment returns.

Maturity Structure of Borrowing

- 4.10. The TMSS contains debt related treasury activity limits to restrain the activity of the treasury function, thereby managing risk and reducing the impact of any adverse movement in interest rates. These limits include the Maturity structure of borrowing. These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing, and are required for upper and lower limits.
- 4.11. It is proposed that the maturity structure upper limits are amended to reflect that the Council's LOBO loans are now all classed as short-term debt, as the maturity date is deemed to be the next call date. The proposed change is reflected in the table below:

Maturity Structure	Original Estimate	Revised Estimate
Under 12 months	10%	15%
12 months to 2 years	20%	15%
2 years to 5 years	20%	15%
5 years to 10 years	20%	15%
10 years to 20 years	40%	30%
20 years to 30 years	40%	30%
30 years to 40 years	40%	40%
40 years to 50 years	40%	40%

Report of	Head of Customer Services	Author	Jason Granger Customer Interventions Manager ☎ 508824
Title	Local Council Tax Support 2016/17		
Wards affected	All Wards		

This report concerns proposals for the Local Council Tax Support Scheme for 2016/17

1. Decision Required

- 1.1 To agree and recommend to Full Council the proposals in respect of Local Council Tax Support scheme commencing 2016/17.

2. Reasons for Decision

- 2.1 Colchester Borough Council implemented a Local Council Tax Support scheme from 1st April 2013.
- 2.2 Legislation requires that following public consultation, amendments to the scheme for 2016/17 need to be agreed by Full Council before 31st January 2016.
- 2.3 It is recommended to bring the scheme in line with national legislative amendments and to propose the following changes:
 - Limit backdating of working age Local Council Tax Support applications to four weeks
 - Increase applicable non dependant deductions from £11 to £12
- 2.4 All other fundamental features of the scheme, other than those described under 2.3, are proposed to remain unaltered.

3. Alternative Options

- 3.1 The following proposal has been considered but will not be included in the proposed scheme:

Setting a Minimum Income level for Self Employed Persons for working age residents

Consultation proposals included an option to introduce a minimum earned income figure for those who are self-employed which is in line with the United Kingdom minimum wage for 16 hours worked. Modelling indicates this would reduce scheme provision by £148,278.

- 3.2 The alternative option of setting a minimum income floor has not been included, taking into account the following considerations:

Maintaining the current assessment basis of self-employed persons would provide further stability for this resident basis in terms of burgeoning businesses.

Fundamental changes in the treatment of self-employed persons would lead to a disproportionate burden being placed on this resident base.

4. Background information

- 4.1 Local Council Tax Support currently helps 11,000 residents reduce their Council Tax bill - 5,000 of state pension age and 6,000 working age residents. The value of Local Council Tax Support granted in 2014/15 was £8.4 million. For 2015/16 it is estimated to be £8.2 million.
- 4.2 National regulations still require local schemes to 'protect' those residents of state pension credit age from any reduction to their level of support as a result of the localisation of the scheme.
- 4.3 A summary of the current key scheme points are outlined below and are proposed to remain the same:
- Back to Work Bonus – additional 4 weeks support for those who find work
 - Award based on 80% of Council Tax liability
 - £6000 capital /savings limit
 - Disregard of child maintenance as income
 - Include Child Benefit as income
 - £25 flat rate earnings disregard
 - £1.00 per week minimum level of entitlement

5. Proposed changes for 2016/17 scheme (year 4)

There are two proposed changes to the scheme for 2016/17 as set out below:

- 5.1 Limit backdating of working age Local Council Tax Support applications to four weeks

Currently entitlement to Local Council Tax Support can be backdated to a maximum of three months based on the presence of 'good cause'

When such applications for backdating are received it is normal for an officer to investigate the facts to establish reasons for why the applicant could not have claimed earlier. Colchester Borough Councils Local Council Tax Support scheme is now established, widely publicised and readily accessible. The mechanism for backdating to three months can be viewed as disproportionate.

It is further recognised the Summer Budget of 2015 outlined an intention to limit backing in Housing Benefit to a maximum of four weeks. Limiting backdating requests in line with these proposed changes would create efficiency in process yet still provide a robust degree of protection. Modelling indicates limiting backdating of a working age Local Council Tax Support applications to four weeks would reduce scheme provision by £17,500.

5.2 Increase applicable non dependant deductions from £11 to £12

For 2015/16 non dependant deductions were increased to £11 per week from £10 per week in 13/14 and 14/15. Keeping such a level again would erode the importance of adults within the household contributing to the overall Council Tax charge.

There are protections in place where non dependant deductions do not apply based on the income profile or circumstance of the applicant, partner of the applicant or indeed the non-dependant. These will remain unaltered. Modelling indicates this would reduce scheme provision by £9,303.

6. Strategic Plan References

6.1 The Council's Strategic Plan sets out several priorities including a commitment to ensure Colchester is a welcoming and safe place for residents, visitors and businesses with a friendly feel that embraces tolerance and diversity.

6.2 Precepting authorities contributed additional funding to assist with the collection of Council Tax, recognising the additional number of residents we had to collect from and the potential difficulties we would experience collecting from residents who have either not previously paid Council Tax or who are paying an increased amount.

This additional money has helped fund a proactive intervention programme which provides a range of services including flexible payment plans, debt and back to work advice as well as administration an Exceptional Hardship fund. This work helps to protect the interests of our more vulnerable residents whilst focusing on the maintenance of collection.

7. Consultation

7.1 Billing Authorities have to hold a public consultation on any potential changes to their existing Local Council Tax Support scheme. To comply with this and to understand the impact on residents of the existing scheme a 6 week consultation took place between 17th August and 28th September 2015.

7.2 To promote the consultation various publicity channels were utilised including: websites, phone messaging, online account service prompts, promotion in front facing offices, poster and social media messaging. Key organisations were also invited to respond. A draft policy document for 2016/17 was also published for open review. Furthermore publicity by way of Press Releases invited response.

7.3 Outcomes of the public consultation are set out in Appendix A. The majority of respondents agreed with the terms presented in relation to non-dependant deductions, however the proposed changes to backdating did not receive agreement in the majority, yet individual comment supported such changes.

8. Publicity Considerations

8.1 Local Council Tax Support is publicised via a website and we continue to provide information within our annual Council Tax bills and other mailings.

9. Financial implications

- 9.1 The Government funding for Local Council Tax Support was originally provided as a specific grant. The funding is no longer separately identified in Local Authority settlements yet forms part of the Revenue Support Grant and baseline retained business rates, together known as the Settlement Funding Allocation.

The Settlement Funding Allocation has reduced each year and therefore it could be assumed that the funding for Local Council Tax Support has also reduced.

- 9.2 The table below shows how the cost of Local Council Tax Support compares to the assumed Government grant.

Grant	Settlement Funding Allocation Reduction	Colchester Borough Council Assumed Grant (£'000)	Local Council Tax Support Costs (£'000)	Colchester Borough Council Share of 12% (£'000)	Difference (£'000)
13/14		1,321	9,085	1,090	231
14/15	13%	1,149	8,497	1,020	130
15/16	15%	977	8,202	984	(7)

This table shows that the scheme for Colchester Borough Council is expected to be broadly cost neutral for 2015/16. However the Settlement Funding Allocation is expected to reduce further in 2016/17 and beyond and therefore this could lead to a cost of the Local Council Tax Support scheme in later years. The overall 2016/17 Council budget already assumes a reduction in our total funding and therefore the impact of this has already been assumed.

- 9.3 The wider context of Local Authorities fiscal environment, including assumed future reductions in grant funding was specifically raised in relation to Local Council Tax Support by the interim Chief Executive Officer of Essex County Council.

In July 2015 a letter was issued to all Local Authority Chief Executives, in Essex, detailing an indicative deficit of £8.8M between funding levels and the cost of Local Council Tax discounts by 2015/16 across Essex.

The representation included an acceptance that although it may not be viable to recoup all of the reduction in government funding for Local Council Tax Support directly onto the working age claimants, it was considered that where there was potential to achieve further savings, then these options must be fully explored.

It is accepted that billing authorities do share the responsibility of Local Council Tax Support with preceptors however the assumed deficits are greater in terms of Essex County Council Share.

- 9.4 Local Council Tax Support scheme proposals attempt to balance the ongoing pressures of Local Authority settlement for both billing authorities and preceptors, acknowledge potential scheme cost increases due to changes from the Welfare Reform agenda whilst recognising the need to support and protect those on a low income. Furthermore, the Council needs to consider the risks to collection rates of any changes in the scheme.

10. Equality, Diversity and Human Rights implications

- 10.1 An updated Equality Impact assessment (EQIA) was carried out and published. It is available on the Colchester Borough Councils Website or by clicking [here](#).

11. Community Safety Implications

- 11.1 The proposals contain provision for dealing with welfare concerns of residents, particularly vulnerable people. It is intended to limit hardship to avoid giving rise to crime and disorder.

12. Health and Safety Implications

There are no health and safety implications.

13. Risk Management Implications

- 13.1 Fundamental changes to the current criteria could potentially affect the collection fund position.
- 13.2 The absence of an adopted Local Council Tax Support Scheme for 2016/17 by 31st January 2016 would lead to introduction of a prescribed default scheme which broadly represents the former Council Tax Benefit scheme with an additional funding requirement of £1,248,587.

Background Papers

- Draft Local Council Tax Support 2016/17 policy document – provided within supporting reports
- Appendix A – Local Council Tax Support Public Consultation – introduction and overview, analysis and free text comments

Local Council Tax Support Consultation 2016/17

Introduction

The Local Government Finance Act 2012 sets out that Billing Authorities have to hold a public consultation on any potential changes to their existing Local Council Tax Support scheme. To comply with this and to seek public opinion on the scheme a 6 week consultation took place between 17th August and 28th September 2015.

Various media channels were used to promote the consultation. A draft policy document was also published for open review. Key organisations were also invited to respond including major precepting authorities.

There were a total of 123 respondents. However this did not relate to 123 fully completed questionnaires as they were a high level of respondents that did not fully complete the questionnaire, this was through abandoning the completion of the questionnaire at different points.

Overview

The questionnaire was divided into the following sections:

- Paying for the Scheme

Within this section the views were sought on the fundamental basis of how the scheme was to be funded. It indicated that if levels of entitlement were to be maintained or enhanced further fiscal choices would have to be made.

- Options for making changes to the existing scheme

Within this section views were sought on specific changes proposed. It was explained that these changes would assist the scheme to remain broadly self-funding and that the specific changes could decrease the level of support for some residents.

- Any other comments

Free text sections allowing wider comment to be provided.

- About yourself

Equality and Diversity responses.

Rounding has been applied to results.

Responses

- 1 I have reviewed the background information about the Local Council Tax Support scheme**

		Response Total	Response Percent
Yes		31	77.5%
No		9	22.5%

Paying for the scheme

- 2 The basis of the current Local Council Tax Support scheme is broadly self-funding. This means it broadly costs the same as the amount of Government grant Colchester Borough Council receives. Do you agree that Colchester Borough Council should continue a scheme, which is, broadly, self-funding?**

		Response Total	Response Percent
Yes		13	68%
No		3	16%
Don't know		3	16%

- 3 If Colchester Borough Council does not continue with a self-funding scheme and still provides the current level of support, or an enhanced level of support, it will need to find additional funding from other sources. Do you think we should adopt any of the following options to help fund the scheme?**




Please select one answer for each source of funding

	Yes	No	Don't know	Response Total
Increase the level of Council Tax	21.05% (4)	57.90% (11)	21.05% (4)	19
Use the Council's reserves	21.05% (4)	57.90% (11)	21.05% (4)	19
Reduce the funding available for other Council Services	5.26% (1)	73.69% (14)	21.05% (4)	19






- 4 If Colchester Borough Council were to partly or fully fund the scheme, using other sources of income, what would be your preference? Please rank in order of preference (1, 2, or 3), where 1 is the option you most prefer and 3 being the least preferred option**

	1	2	3	Response Total
Increase the level of Council Tax	31.58% (6)	21.05% (4)	47.37% (9)	19
Use the Council's reserves	31.58% (6)	52.63% (10)	15.79% (3)	19
Reduce the funding available for other Council Services	21.05% (4)	26.32% (5)	52.63% (10)	19

5 Do you agree with the principle of every working age resident, in receipt of Local Council Tax support, having to make a minimum payment toward their Council Tax costs?

		Response Total	Response Percent
Yes		10	53%
No		5	26%
Not sure		4	21%

6 Currently working age residents in receipt of Local Council Tax Support have to pay at least 20% of their Council Tax charge each year. If this was kept at 20% would you:

		Response Total	Response Percent
Strongly Agree		4	21%
Agree		3	16%
Neither agree or disagree		4	21%
Disagree		6	32%
Strongly Disagree		2	11%

7 Please use the space below to make any other comments you may have about how Colchester Borough Council should fund the Local Council Tax Support scheme:

(3 responses - verbatim)

- *Inrease it*
- *I agree it should be kept at 20% but I feel this was unfair to start with when it was originally bought in. How do you expect someone to pay any of it on next to no income? There should be a threshold where it starts, you cant expect someone with no income to pay 20%.*
- *With the benefits squeeze from central government due to further constrict there can be no justification for CBC adding to the burden of those affected.*

Options for making changes to the existing Local Council Tax Support scheme






Colchester Borough Council could potentially make changes to the existing Local Council Tax Support scheme, which, if implemented, would assist the scheme to continue to be broadly self-funding.

The changes, if implemented, could decrease the level of support to some People depending on their circumstances. Colchester Borough Council has not made any final decisions at this stage.

- 8 For those of working age claiming Local Council Tax Support a deduction may be made for other adults living with them. This is called a non-dependant deduction. A non-dependant deduction is broadly made for any adult over the age of 18 who is not the claimant's partner or who is not living with the claimant on a commercial basis; this can include an adult son or daughter. The level of deduction is currently £11 per week.

Colchester Borough Council could potentially change the level of non-dependant deduction to £12 per week. If non dependant deductions were increased to £12 per week would you:

(Report note - Modelling indicates this would reduce scheme provision by £9,303)

		Response Total	Response Percent
Strongly Agree		5	29%
Agree		5	29%
Neither agree or disagree		2	12%
Disagree		2	12%
Strongly Disagree		3	18%






- 9 Colchester Borough Council could potentially change how we assess working age residents that are self-employed and claiming Local Council Tax Support. We could introduce a minimum earned income figure for those who are self-employed which is in line with the United Kingdom minimum wage for 16 hours worked.

Where a working age resident is in self-employment and continues to run a business where their income is below the minimum level, they will be assumed to earn at least minimum wage based on a 16 hour week.

This minimum would not apply for a designated start-up period of one year in order to allow a period to establish a business.






If a Minimum Income level for the self-employed were introduced would you:

(Report note - Modelling indicates this would reduce scheme provision by £148,278)

		Response Total	Response Percent
Strongly Agree		7	44%
Agree		2	12%
Neither agree or disagree		4	25%
Disagree		2	12%
Strongly Disagree		1	6%

- 10 Currently, entitlement to Local Council Tax Support can be backdated to a maximum of three months based on the presence of ‘good cause’. Colchester Borough Council could potentially reduce the amount of backdating from three months to four weeks. This would only apply to working age applicants. If backdating was limited to a period of four weeks would you:**

(Report note - Modelling indicates limiting backdating of a working age Local Council Tax Support applications to four weeks would reduce scheme provision by £17,500)

		Response Total	Response Percent
Strongly Agree		4	25%
Agree		2	12%
Neither agree or disagree		2	12%
Disagree		4	25%
Strongly Disagree		4	25%

Any other comments

- 11 Please use the space below to make any other comments you have about the Colchester Borough Council’s options 1 to 3:**

(3 responses - verbatim)

- Option 3 is the least of a bad bunch.
- Increasing the non-dep deduction from 11 to £12 is ridiculous, will not save you any money and is pointless
- I believe the option of increasing the non-dependent deductions seems fair and reasonable. I think it would be unfair to penalise the self employed when they might be struggling to make a new business enterprise succeed.

- 12 Please use the space below if you would like Colchester Borough Council to consider other options**

(2 responses - verbatim)

- I'm all for those earning a certain level paying 20% but there needs to be a exception when income is way too low.

- Be honest. Explain that central government funding is being cut and find the shortfall through raising council tax, not hitting the poor harder.




13 Please use the space below if you have any further comments to make regarding the Local Council Tax Support scheme for 2016/2017

(1 response - verbatim)





- Redesign your calculation sheets you send out, I cant believe the amount of paper wasted when it has just 1 line printed on it. I had a pile of paper of 20 pages & 1/2 was just 1 line on it. Reducing the amount of paper would save the dept loads on paper & postage.

Equality and Diversity Questions







Are you currently claiming Local Council Tax Support?

		Response Total	Response Percent
Yes		3	27%
No		7	64%
Not sure		1	9%







Are you

		Response Total	Response Percent
Male		5	45%
Female		3	27%
Prefer not to say		2	18%
Other, please specify		1	9%

Age

		Response Total	Response Percent
20 or under		0	0%
20 - 39		1	10%
40 - 59		6	60%
60 - 79		0	0%
80+		0	0%
Prefer not to say		3	30%

Ethnicity

		Response Total	Response Percent
White British		7	58%
White Irish		0	0%
White Other		0	0%
Gypsy / Roma		0	0%
Traveller of Irish Heritage		0	0%
Black or Black British African		0	0%

Black or Black British Caribbean		0	0%
Mixed White/Black African		0	0%
Mixed White/Black Caribbean		0	0%
Black Other		1	8%
Asian or Asian British Pakistani		0	0%
Asian or Asian British Indian		0	0%
Asian or Asian British Other		0	0%
Mixed White/Asian		0	0%
Asian Other		0	0%
Chinese		0	0%
Mixed Other		1	8%
Not Known		0	0%
Prefer not to say		3	25%
Other, please specify		0	0%

Do you consider yourself to have a physical impairment?

		Response Total	Response Percent
Yes		1	9%
No		10	91%

Do you consider yourself to have a sensory impairment?

		Response Total	Response Percent
Yes		0	0%
No		10	100%

Do you consider yourself to have a learning difficulty or disability?

		Response Total	Response Percent
Yes		0	0%
No		10	100%

Do you consider yourself to have any mental health needs?

		Response Total	Response Percent
Yes		1	10%
No		9	90%

Colchester Borough Council
Council Tax Reduction Scheme Policy
S13A and Schedule 1a of the Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2016 until 31st March 2017.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2016 for a period of one financial year.

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

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

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

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

1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;

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

The three prescribed classes are as follows;

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

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

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

Act 1992;

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

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

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

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

Disregard of certain incomes

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

- a. a war disablement pension;
- b. a war widow's pension or war widower's pension;
- c. a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- d. a guaranteed income payment;
- e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

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

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

1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

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

1.7 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly

¹ Section 5 of this scheme

- resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction² amount can be calculated;
- g. not have capital savings above £6,000³;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction⁶.

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

Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- g. be somebody in respect of whom a maximum Council Tax Reduction⁸ amount can be calculated;
- h. not have capital savings above £6,000⁹;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*¹⁰ is **more** than their *applicable amount*¹¹;
- j. have made a valid application for reduction¹²;
- k. be a person in respect of whom amount A exceeds amount B where
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

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

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

⁴ Sections 15 to 32 and Schedules 3 and 4 of this scheme

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

¹⁰ Sections 15 to 32 and Schedules 3 and 4 of this scheme

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2016/17

Sections 2- 8

Definitions and interpretation

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

2.1 In this policy–

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

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

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

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

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

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

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

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

‘applicable amount’ means the amount determined in accordance with schedule 1 of this scheme

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

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

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

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

‘attendance allowance’ means–

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

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

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

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

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

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

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

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

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

‘the benefit Acts’ means the Act (SSBA) and the Jobseekers Act 1995 and the Welfare Reform Act 2007;

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

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

Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

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

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

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

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

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

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

‘claim’ means a claim for council tax support;

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

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

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

‘contributory employment and support allowance’ means 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;

‘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;

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

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

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

‘couple’ means;

- a. a man and a woman who are married to each other and are members of the same household;
- b. a man and a woman who are not married to each other but are living together as husband and wife;
- c. two people of the same sex who are civil partners of each other and are members of the same household; or
- d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
and for the purposes of sub-paragraph (d) Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

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

‘designated authority’ means any of the following;

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

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

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax support; or
 - (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
 - (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;
- 'disability living allowance'** means a disability living allowance under section 71 of the Act;
- 'dwelling'** has the same meaning in section 3 or 72 of the 1992 Act;
- 'earnings'** has the meaning prescribed in section 25 or, as the case may be, 27;
- 'the Eileen Trust'** means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;
- 'electronic communication'** has the same meaning as in section 15(1) of the Electronic Communications Act 2000
- 'employed earner'** is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;
- 'Employment and Support Allowance Regulations'** means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;
- 'Employment and Support Allowance (Existing Awards) Regulations'** means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;
- 'the Employment, Skills and Enterprise Scheme'** means a scheme under section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);
- 'employment zone'** means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **'employment zone programme'** means a programme established for such an area or areas designed to assist applicants for a jobseeker's allowance to obtain sustainable employment;
- 'employment zone contractor'** means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;
- 'enactment'** includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
- 'extended payment (or reduction)'** means a payment of council tax support payable pursuant to section 60;
- 'extended payment (or reduction) period'** means the period for which an extended reduction is payable in accordance with section 60A or 61A of this policy;
- 'extended payment or extended reduction (qualifying contributory benefits)'** means a payment of council tax support payable pursuant to section 61;
- 'family'** has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;
- 'the Fund'** means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;
- 'a guaranteed income payment'** means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011; **'he, him, his'** also refers to the feminine within this policy
- 'housing benefit'** means housing benefit under Part 7 of the Act; **'the Housing Benefit Regulations'** means the Housing Benefit Regulations 2006;
- 'Immigration and Asylum Act'** means the Immigration and Asylum Act 1999;

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

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

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

‘independent hospital’–

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

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

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘MFET Limited’ means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with

arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

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

'mover' means an applicant who changes the dwelling in which the applicant is resident and in respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

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

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

'the New Deal options' means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996 and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

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

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

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

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

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

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

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

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

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

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

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

(bb) homeless or otherwise living an unsettled way of life; and 'local authority' means a local authority in England within the meaning of the Local Government Act 1972;

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

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

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

'partner' in relation to a person, means

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

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

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

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

'payment' includes part of a payment;

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

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

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

'person affected' shall be construed as a person to whom the authority decides is affected by

any decision made by the council;

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

‘personal independence payment’ has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013; **‘person treated as not being in Great Britain’** has the meaning given by section 7;

‘personal pension scheme’ means–

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

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

- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
- (b) either party to the marriage has for the time being any spouse additional to the other party.

‘public authority’ includes any person certain of whose functions are functions of a public nature;

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

‘qualifying age for state pension credit’ means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)–

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

‘qualifying contributory benefit’ means;

- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;

‘qualifying income-related benefit’ means

- (a) income support;
- (b) income-based jobseeker’s allowance;
- (c) income-related employment and support allowance;

‘qualifying person’ means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

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

‘relative’ means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

‘relevant authority’ means an authority administering council tax support;

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

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

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

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

‘second authority’ means the authority to which a mover is liable to make payments for the

new dwelling;

‘self-employed earner’ is to be construed in accordance with section 2(1)(b) of the Act;

‘self-employment route’ means assistance in pursuing self-employed earner’s employment whilst participating in—

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

‘Service User’ references in this scheme 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; or
- b. the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph;

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

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

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

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

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

‘State Pension Credit Act’ means the State Pension Credit Act 2002;

‘student’ has the meaning prescribed in section 43;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘war pension’ means a war disablement pension, a war widow’s pension or a war widower’s pension;

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

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

‘water charges’ means;

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

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

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

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

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

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

- 2.2 In this policy, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this policy, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this policy, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income- based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker’s allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income- based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the

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

Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;

- (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
- (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

2.4A For the purposes of this policy, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

2.5 For the purposes of this policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this policy, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

3.1 In this policy, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.

3.2 This paragraph applies to;

- a. any member of the applicant's family;
- b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
- d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
- e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–

- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or

- ii. the tenancy or other agreement between them is other than on a commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax support scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance Number¹⁴

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

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

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

4.3 Paragraph 4.2 shall not apply–

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

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

5.1 This scheme applies to a person if:

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

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work

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

fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

- 6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;
- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
 - b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,
- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill (except for the purposes of satisfying the condition for child care disregard).
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.

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

Persons treated as not being in Great Britain

- 7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive 2004/38/EC;

- (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
 - (ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).
- 7.5 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 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971¹⁵ 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;
 - (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4) or
 - (i) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”)
- 7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty’s forces posted overseas.
- 7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty’s forces and was,

¹⁵ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

7.8 In this regulation—

“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

“Crown servant” means a person holding an office or employment under the Crown;

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the The Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014; and

“Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

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

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

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

7A.0 Transitional provision

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

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

7A.2 The events are—

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

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

8.0 Temporary Absence (period of absence)

8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable

8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.

8.3 In paragraph 8.2, a ‘period of temporary absence’ means—

- a. a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;

- i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and
- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is;

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

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

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

8.7 In this section;

- ‘medically approved’ means certified by a medical practitioner;

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

Sections 9 - 11

The family for Council Tax Support purposes

9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a married or unmarried couple;
 - married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
 - two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
 - two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
 - and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
 - except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

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

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

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

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- on income support ;
 - an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
 - a person to whom section 6 of the Children (Leaving Care) Act 2000 applies

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

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

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies

- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;

- the person who is receiving child benefit in respect of him; or
- if there is no such person;
 - where only one claim for child benefit has been made in respect of him, the

- person who made that claim; or
- ii. in any other case the person who has the primary responsibility for him.

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

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

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

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

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

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

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

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

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

11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as amended.

Sections 12 – 14 & Schedule 1

Applicable Amounts for Council Tax Support purposes

12.0 Applicable amounts

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

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

13.0 Polygamous marriages

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

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

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

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

- (a) who has, or

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

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

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

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

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

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

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

is to be calculated in accordance with the following provisions.

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

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

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

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

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

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

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

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,

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

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

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

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

17.0 Calculation of income on a weekly basis

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

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 17.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

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

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

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

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

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

18.0 Treatment of child care charges

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

home.

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

- other member's incapacity or the support component or the work- related activity component on account of his having limited capability for work
- b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
 - c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or Employment and Support Regulations 2013;
 - d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or Employment and Support 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 Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (vii) above;
 - ix. main phase employment and support allowance;
 - g. a pension or allowance to which head (ii), (iv), (vi) or (viii) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
 - h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

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

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

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

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

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

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

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

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

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

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

- (a) who has, or

(b) who (jointly with his partner) has,
an award of universal credit

19.0 Average weekly earnings of employed earners

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

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

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

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

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

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

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

21.3 For the purposes of this section income other than earnings shall be calculated in accordance with paragraphs 30 to 32 of this scheme

22.0 Calculation of average weekly income from tax credits

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

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

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

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

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

23.0 Calculation of weekly income

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

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

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

24.0 Disregard of changes in tax, contributions etc.

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

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

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

25.0 Earnings of employed earners

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of–
 - (i) travelling expenses incurred by the applicant between his home and his place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- 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 Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- 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 as amended¹⁶.

25.2 Earnings shall not include–

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of an applicant participating as a service user.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 m)

26.0 Calculation of net earnings of employed earners

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be

¹⁶ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

taken into account shall, subject to paragraph 26.2, be his net earnings.

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

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self- employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant

for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

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

27.3 This paragraph applies to—

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

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

28.0 Calculation of net profit of self-employed earners

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

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

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

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

- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of

any qualifying premium.

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

assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined

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

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

29.0 Deduction of tax and contributions of self-employed earners

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

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

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

29.3 In this section 'chargeable income' means—

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

30.0 Calculation of income other than earnings

30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 30.2 to 30.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.1, any sum, where applicable, specified in Schedule 4.

30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross

amount payable.

- 30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 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 paragraph 30.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$

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

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

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

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

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

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 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.

31.0 Capital treated as income

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £16,000, be treated as income.

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

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

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

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

32.0 Notional income

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

32.2 Except in the case of—

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;

- d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
 - e. any sum to which paragraph 48(a) of Schedule 5 refers;
 - f. rehabilitation allowance made under section 2 of the 1973 Act;
 - g. child tax credit; or
 - h. working tax credit,
 - i. any sum to which paragraph 32.13 applies;
- any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–
- a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- 32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–
- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - c. pursuant to section 2 of the 1973 Act in respect of a person's participation–
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - d. in respect of a person's participation in the Work for Your Benefit Pilot Scheme
 - e. in respect of a previous 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 (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

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

32.9 Subject to paragraph 32.10, where—

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

32.10 Paragraph 32.9 shall not apply—

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

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

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

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

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act

1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;

- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

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

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Support purposes

33.0 Capital limit

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

34.0 Calculation of capital

- 34.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).
- 34.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

- 36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.
- 36.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.
- 36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.
- 36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- 36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.
- 36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.
- 36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- 36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.
- 36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

37.0 Calculation of capital in the United Kingdom

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

- a. where there would be expenses attributable to the sale, 10 per cent.; and
- b. the amount of any encumbrance secured on it;

38.0 Calculation of capital outside the United Kingdom

38.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated

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

39.0 Notional capital

39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).

39.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
- (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made

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

39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made:

- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent

Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

- b. pursuant to section 2 of the 1973 Act in respect of a person's participation:
 - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- c. in respect of a person's participation in the Mandatory Work Activity Scheme;
- d. Enterprise Scheme;
- e. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
- f. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - i. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - ii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - iii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

39.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case

- (a) the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
- (b) he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.

39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

40.0 Diminishing notional capital rule

40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;

- (a) in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
- (b) in the case of a week in respect of which paragraph 40.1(a) does not apply but where
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.

- 40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that
- (a) he is in receipt of council tax support; and
 - (b) but for paragraph 39.1, he would have received an additional amount of council tax support in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of
- (a) the additional amount to which sub-paragraph 40.2 (b) refers;
 - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 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 reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of
- (a) the amount of council tax support to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,
 and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
 - (c) if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub- paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have

been so entitled by the number equal to the number of days in the part- week and multiplying the quotient so obtained by 7

- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax support and the conditions in paragraph 40.6 are satisfied, and in such a case—

- (a) sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- (b) subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

40.6 The conditions are that

- (a) a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- (b) the applicant would have been entitled to council tax support but for paragraph 39.1.

40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

40.8 For the purposes of this section

- (a) 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d) and (e) means—
- (aa) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- (bb) any other period of less than a week for which it is payable;
- (b) 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section

39.1

(i) was first taken into account for the purpose of determining his entitlement to council tax support; or

(ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;

and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;

- (c) 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held

- 41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, 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 Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

42.0 Not used

Sections 43 - 56

Definition and the treatment of students for Council Tax Support purposes¹⁷

¹⁷ Amounts shown in sections 43 to 56 will be uprated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e Financial Contingency Funds made available by the Welsh Ministers;

'college of further education' means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

'contribution' means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;

'course of study' means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

'covenant income' means the gross income payable to a full-time student under a Deed of Covenant by his parent;

'education authority' means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

'full-time course of study' means a full time course of study which;

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the

- Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
- (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
- (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
- (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

'full-time student' means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

'grant' (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

'grant income' means

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

'higher education' means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; 'last day of the course' means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

'period of study' means—

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- c. in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

‘periods of experience’ means periods of work experience which form part of a sandwich course;

‘qualifying course’ means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations;

‘modular course’ means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

‘sandwich course’ has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

‘standard maintenance grant’ means–

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (‘the 2003 Regulations’) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as ‘standard maintenance allowance’ for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

‘student’ means a person, other than a person in receipt of a training allowance, who is attending or undertaking–

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

‘student’ loan’ means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Student’s Allowances (Scotland) Regulations 2007

43.2 For the purposes of the definition of ‘full-time student’, a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- (a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council Tax Support

45.0 Students who are excluded from entitlement to council tax support

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council Tax Support under Classes D and E of the Council's reduction scheme.

45.2 To be eligible for support, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from abroad).

45.3 Paragraph 45.2 shall not apply to a student

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - i) aged under 21 and whose course of study is not a course of higher education
 - ii) aged 21 and attained that age during a course of study which is not a course of higher education – this condition needs adding
 - iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person)
- (j) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland)

Regulations 1995, in respect of expenses incurred;
 (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

45.3A Paragraph 45.3(i)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;

- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last

day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

47.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

48.0 Covenant income where no grant income or no contribution is assessed

48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with subparagraphs (a) to (d) of paragraph 48.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme

50.0 Other amounts to be disregarded

50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded

under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

51.2 In calculating the weekly amount of the loan to be taken into account as income

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

51.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of

- the student loan to be taken into account as income shall be, subject to paragraph 51.5
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

- 51A. 1A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

- 53.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

54.0 Further disregard of student's income

- 54.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

55.0 Income treated as capital

- 55.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.
- 55.2 Any amount paid from access funds as a single lump sum shall be treated as capital.
- 55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

56.0 Disregard of changes occurring during summer vacation

- 56.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

Sections 57 – 63

The calculation and amount of Council Tax Support

57.0 Maximum council tax support

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 80 per cent, of the amount A divided by B where;

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

less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

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

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

57.3 Subject to paragraph 57.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom paragraph 45.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

57.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case

58.0 Non-dependant deductions

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax support) shall be; in respect of a non-dependant aged 18 or over, £12.00 x 1/7 unless paragraphs 58.6,58.7,58.8 apply

58.2 Not used

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

58.4 Not used

58.5 Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - (b) receiving in respect of himself
 - (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 Act; 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 Act; 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);
 - (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 allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- 58.7 No deduction shall be made in respect of a non-dependant if:
- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - c. he is a full time student within the meaning of section 44.0 (Students); or
 - d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - e. 'patient' has the meaning given within this scheme, and
 - f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
 - g. he is not residing with the claimant because he is a member of the armed forces away on operations
- 58.8 No deduction shall be made in respect of a non-dependant;
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
 - (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers;
 - (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.”;
For the purposes of sub-paragraph (c), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013
- 58.9 Not used
- 59.0 Council tax support taper (applies to persons defined within Class D)**
- 59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be $2 \frac{6}{7}$ per cent. Where an applicant's income exceeds their applicable

amount, their council tax support shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax support as defined within section 57 of this scheme

59A.0 Minimum Council Tax Support

59A.1 Where any entitlement to Council Tax Support is less than £1 per week, then no amount of support shall be payable whatsoever.

60.0 Extended reductions

60.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where;

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

60.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

60.4 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).

60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

60A.0 Duration of extended reduction period

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts

on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax within the Colchester district, if that occurs first

60B.0 Amount of extended reduction

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of—

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the applicant.

60B.2 Paragraph 60B.1 does not apply in the case of a mover.

60B.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

60C Extended reductions – movers

60C.1 This section applies;

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

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

60D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement

60D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

61.0 Extended reductions (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

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

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph 61.1(b).

61A.0 Duration of extended reduction period (qualifying contributory benefits)

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax within the Colchester district, if that occurs first

61B.0 Amount of extended reduction (qualifying contributory benefits)

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended

- reduction period, if section 61 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

61B .2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

61C.0 Extended reductions (qualifying contributory benefits) – movers

61C.1 This section applies;

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

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

61D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

61E.0 Extended reductions: - Movers Generally¹⁸

61E.1 Where;

- a. an application is made to a billing authority ("the current authority") for a reduction under this scheme, and
- b. the applicant, or the partner of the applicant, is in receipt of an extended reduction from
- c. (i) another billing authority in England;
(ii) a billing authority in Wales;
(iii) a local authority in Scotland; or
(iv) a local authority in Northern Ireland.

the current billing authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

62.0- 63.0 Not Used

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

Sections 64 – 67

Dates on which entitlement and changes of circumstances are to take effect

64.0 Date on which entitlement is to begin

- 64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the Monday of the reduction week following the date on which that claim is made or is treated as made.
- 64.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from the day of the new liability in that reduction week.

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

- 67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under an authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.
- 67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

67.9 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances.

67.10 In the case of the award of a relevant benefit within the meaning of section 8(3) of the 1998 Act it shall take effect from the date on which entitlement arises to the relevant benefit or to an increase in the rate of that relevant benefit

Date on which income consisting of earnings from employment as an employed earner are taken into account

67.11.—(1) A applicant's average weekly earnings from employment shall be taken into account—
(a) in the case of a claim, on the date that the claim was made or treated as made and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that week;
(b) in the case of a claim or award where the claimant commences employment, the first day of the reduction week following the date the claimant commences that employment, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that week; or
(c) in the case of a claim or award 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 week thereafter, regardless of whether those earnings were actually received in that week."

Sections 68– 74A

Claiming and the treatment of claims for Council Tax Support purposes

68.0 Making an application¹⁹

- 68.1 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.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to 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.
- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and 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.
- 68.4 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).
- 68.5 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).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

69.0 Procedure by which a person may apply for a reduction under an authority's scheme²⁰

69.1 Paragraphs 2 to 8 apply to an application for a reduction under an authority's scheme.

69.2 An application may be made—

- (a) in writing,
- (b) by means of an electronic communication in accordance with section 101 to 106 of this policy or
- (c) (where the authority has published a telephone number for the purpose of receiving such applications) by telephone.

69.3 (1) An application which is made in writing must be made to the offices of the authority on a properly completed form.

(2) The form will be provided free of charge by the authority for the purpose.

69.4. Where an application received by the authority is defective because

- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
- (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

69.5. (1) Where an application made in writing is defective because—

- (a) the form provided by the authority has not been properly completed; or
- (b) if it is made in writing, but not on the form provided by the authority, and the authority does not consider the application as being in a written form which is sufficient in the circumstances of the case;

the authority may request the applicant to complete the defective application or (as the case may be) supply the applicant with the form to complete or request further information or evidence.

(2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

69.6. (1) If an application made by electronic communication is defective the authority will provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.7. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.8. (1) If an application made by telephone is defective the authority will provide the person

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

making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

69.9 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

69.10 Where an applicant ('C')—

- (a) makes a claim which includes (or which C subsequently requests should include) a period before the claim is made; and
- (b) from a day, in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period), the claim is to be treated as made on the date determined in accordance with paragraph 69.11

69.11 The date is the latest of—

- (a) the first day from which C had continuous good cause;
- (b) the day 4 weeks before the date the claim was made;
- (c) the day 4 weeks before the date when C requested that the claim should include a past period.

69.12 A person who has made a claim for support may amend it at any time before a determination has been made on the claim by notice in writing received at the designated office, by telephone call to a telephone number specified by the relevant authority or in such other manner as the relevant authority may decide or accept.

69A.0 Date on which a claim made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is

- (a) in a case where;
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction under this scheme is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,
 the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
- (b) in a case where—
 - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the authority's offices within one month of the date of the change,
 the date on which the change takes place;
- (c) in a case where—
 - (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
 - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,
 the date of the death or separation;
- (d) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to

the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(e) in any other case, the date on which the application is received at the offices of the authority.

69A.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.

69A.3 Where the defect in an application by telephone:

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance;

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

69A.5 The conditions are that—

(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where an application is not on approved form or further information requested by authority applies;

(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;

(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,

in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

69A.6 Except in the case of an application made by a person treated as not being in United Kingdom, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

69A.7 Except in the case of an application made by a person treated as not being in United Kingdom, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than

(a) in the case of an application made by a pensioner, the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

- 69A.8 Sub-paragraph (7) applies in the case of a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit.

70.0 Submission of evidence electronically

- 70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

- 71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Information and evidence²¹

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

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

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

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

- 72.5 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.

²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 72.6 Where the authority makes a request under sub-paragraph (4), it must;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 72.7 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 or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.
- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.
- 73.0 Amendment and withdrawal of claim²²**
- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the offices of the authority.
- 73.2 Where the application was made by telephone in accordance with this scheme, the amendment may also be made by telephone.
- 73.3 Any application amended in accordance with paragraph (1) or (2) will be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it at any time before a decision has been made on it by notice to the offices of the authority.
- 73.5 Where the application was made by telephone in accordance with this scheme, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with sub- paragraph (4) or (5) shall have effect when it is received.
- 73.7 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.
- 74.0 Duty to notify changes of circumstances²³**
- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf)

²² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by 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.
- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 74.6 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority.

Sections 75- 90

Decisions, decision notices and awards of Council Tax Support

75.0 Decisions by the authority²⁴

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

76.0 Notification of decision²⁵

76.1 The authority must notify in writing any person affected by a decision made by it under this scheme

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

- (a) informing the person affected of the duty imposed by paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;
- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 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.

76.4 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.

76.5 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (6).

76.6 This sub-paragraph applies to—

- a) the applicant;
- b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- c) a person appointed by the authority under paragraph 68.2.
- c) a person appointed by the authority under paragraph 68.3

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

77.0 Time and manner of granting council tax support²⁶

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom support is to be paid²⁷

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

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

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

79.0 Shortfall in support / reduction²⁸

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

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

80.0 Payment on the death of the person entitled²⁹

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82.0 Payment where there is joint and several liability³⁰

82.1 Where;

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

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

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

83- 90.0 Not used

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁰ Inserted by Schedule 8 of the Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 91 – 94

Collection, holding and forwarding of information for Council Tax Support purposes

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

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements³¹.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from–

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

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

93.0 Recording and holding information

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax support.

94.0 Forwarding of information

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

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax support.

³¹ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Support

95.0 Persons affected by Decisions

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

96.0 Revisions of Decisions

- 96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;
- (i) one month of the date of notification of the original decision; or
 - (ii) such extended time as the authority may allow.
- 96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;
- i) one month of the date of notification of the additional information; or
 - (ii) such extended time as the authority may allow

97.0 Written Statements

- 97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Support. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

- 98.1 The authority may terminate support in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
 - b. a decision as to an award of such a support should be revised or superseded.
- 98.2 Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax, the authority may terminate, in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
 - b. a decision as to an award of such a support should be revised or superseded.
- 98.3 Subject to sections 98.1 or 98.2, the authority may terminate Council Tax Support from a date it determines entitlement ended

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³²

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 In the circumstances mentioned in sub-paragraph (1) the authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

³² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³³

- 100.1 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 this scheme or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 100.2 Where;
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

³³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 100A – 100B

Second Adult Reduction - Special Provision for Students

100A.1 Alternative maximum council tax reduction (Second Adult Reduction)(Eligible Students only)

100A.1 Subject to paragraphs 100A.2 and 100A.3, the alternative maximum council tax reduction where the conditions are satisfied shall be the amount determined in accordance with Schedule 2 .

100A.2 Subject to paragraph 100A.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 reduction in his case, the amount determined in accordance with Schedule 2 shall be divided by the number of persons who are jointly and severally liable for that tax.

100A.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, 77 or 77A of the 1992 Act (liability of spouses and civil partners), paragraph 100A.2 shall not apply in his case.

100B.0 Residents of a dwelling to whom Second Adult Reduction does not apply

100B.1 Entitlement to an alternative maximum council tax reduction shall not apply in respect of any person referred to in the following paragraphs namely;

- (a) a person who is liable for council tax solely in consequence of the provisions of sections 9, 77 and 77A of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (b) a person who is residing with a couple or with the members of a polygamous marriage where the applicant for council tax reduction 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;
- (c) a person who jointly with the applicant for support falls within the same paragraph of sections 6(2)(a) to (e) or 75(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant;
- (d) a person who is residing with two or more persons both or all of whom fall within the same paragraph of sections 6(2)(a) to (e) or 75(2)(a) to (e) of the 1992 Act and 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.

Section 101 – 106A³⁴
Electronic Communication

³⁴ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

- 101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of:
- authenticating the identity of the sender of the communication;
 - electronic communication;
 - authenticating any application or notice delivered by means of an electronic communication; and
 - subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

- 103.1 The authority may use intermediaries in connection with;
- the delivery of any information by means of an electronic communication; and
 - the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed:
- by this section; and
 - by or under an enactment,

are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of:

- a. the sender of any information delivered by means of an electronic communication to an official computer system; or
 - b. the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax support;
- b. will employ sufficient Officers to fulfill the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1

Applicable Amounts³⁵

³⁵ The amounts shown within this schedule shall be uprated in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£73.10
b) is aged not less than 25	£73.10
c) is aged not less than 18 but less than 25	£57.90
2. Lone Parent	£73.10
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£114.85
b) Where one member is aged not less than 18	£114.85
c) Polygamous Addition	£41.75

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- Paragraph 17 or 18 is satisfied in relation to the applicant; or
- The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£66.90
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£66.90

(2) In column (1) of the table in paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;
 - in any other case, £17.45;

Premiums

4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6 (1) The following premiums, namely–
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and a
 - d. carer premium to which paragraph 13 applies,
 may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.
 (2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under

paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

- 15.** For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

- 16.** For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£32.25
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£45.95
Severe Disability Premium	£61.85
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£61.85
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£123.70
Disabled Child Premium	£60.06 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£34.60 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £24.43 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £15.75 in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied;

(c) £22.60 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

The components

17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
18. The amount of the work-related activity component is £29.05. The amount of the support component is £36.20

Transitional Addition

19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2
Second Adult Reduction – Special Provisions for Students
(Alternative Maximum Council tax reduction)

1. Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of section 100A shall be determined in accordance with the following Table and in this Table
 - a) 'second adult' means any person or persons residing with the applicant; and
 - (b) 'persons to whom paragraph 45.2 applies' includes any person to whom that section 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 or 78 of the 1992 Act less—
 - (a) any reductions made in consequence of any enactment in, or under, the 1992 Act; and
 - (b) in a case to which the circumstances in the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

Second Adult	Alternative Maximum Council tax reduction
where the dwelling would be wholly occupied by one or more persons to whom regulation 43.1 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	80 per cent. of the council tax due in respect of that day.

3. In determining a second adult's gross income for the purposes of this Schedule, there shall be disregarded from that income;
 - (a) any attendance allowance, or any disability living allowance under section 71 of the Act or any personal independence payment under the Welfare Reform Act 2012 or an AFIP;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

Where there are two or more second adults residing with the applicant for support and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 of the 1992 Act, his income shall be disregarded in determining the amount of any alternative maximum council tax reduction, 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 3

Sums to be disregarded in the calculation of earnings³⁶

³⁶ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged–
 - (a) where–
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax support the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except–
 - (i) any payment of the nature described in
(aa) paragraph 25.1(e), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
(aa) paragraph 25.1(g) or (h), or
(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax support–
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), (i) or (j).
2. In the case of an applicant who, before first day of entitlement to council tax support;
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would

have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £25; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £25.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
 - (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) the applicant or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £25 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £25 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £25, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £25;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £25 as would not when aggregated with the amount disregarded under paragraph 5 exceed £25.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £25; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £25.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £25 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a

scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

- (2) If the applicant's partner is engaged in employment;
 - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £25;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £25 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £25.

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £25 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £25 if he is a single applicant, or up to £25 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £25.

10. In a case to which none of the paragraphs 3 to 9 applies, £25.

10A. (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £25 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or

- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975
- (6) 'Exempt work' means work of the kind described in;
 - (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
 - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
 and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
- 11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
- 12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
- 13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
- 14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
- 15. Any earnings of a child or young person.
- 16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
 - (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
 - (b) the applicant—
 - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) is a member of a couple and
 - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
 - (aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;

- (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
 - (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
 - (3) The following are the amounts referred to in sub-paragraph (1);
 - (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
 - (c) £17.10
 - (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.
 - (5) This section will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 17.** In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings³⁷

³⁷ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation as a service user.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance, personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment–

- (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
 - (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
 in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14**
 - (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
 - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15**
 - (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;

- (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
- (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
- 16.** 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
 - (a) widowed mother's allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
 (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
 (3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the

Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan,
an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

20. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
 - (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.(2) For the purposes of sub-paragraph (1), the amount shall be equal to—
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.
21. Any payment made to the applicant by a child or young person or a non- dependant.
22. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
 - (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
23. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
 - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.(2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
24. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.

- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by—
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006

29. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
(2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
30. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
 - (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
 - (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
31. Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
32. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
33. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
34. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
35. The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
36. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET

Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this

paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit, council tax benefit or council tax support / reduction..
38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
39. - 40. not used
41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
42. Not used
43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
44. Not used
45. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
48. Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the claimant's family, except where the person making the payment is the claimant or the claimant's partner.
49. Not used
50. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
51. Any guardian's allowance.

- 52.** (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55** (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
 - (b) surviving civil partner of a person;
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A.** Any council tax support or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10. This will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person–
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
- in respect of which such assistance is or was received.
- (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account

- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 64.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

Schedule 5

Capital to be disregarded³⁸

³⁸ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax support is

made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.

- (3) For the purposes of sub-paragraph(2),'the award of council tax support' means--
- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to

effect the repairs, replacement or improvement.

- 11.** Any sum—
 - (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home,for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers,

where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service

(Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

- 41.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax support), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax support), sub-paragraph (1) shall not have effect.
- 47.** 1) Any sum of capital to which sub-paragraph (2) applies and
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.(2) This sub-paragraph applies to a sum of capital which is derived from;
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
 - (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.

- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
- (i) regulations made under section 518 of the Education Act 1996;
- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
- (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 in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 53A.-53B.** Not used
- 54.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or 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, £10,000.

57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to;

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and

ending—

- (i) two years after that date; or
- (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;

'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld- Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

'trust payment' means a payment under a relevant trust.

58. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

58 (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.

60. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

61. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

62. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

63. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

Report of	Assistant Chief Executive	Author	Jessica Douglas/ Chris Reed ☎ 282240
Title	Officer Pay Policy Statement for 2016/17		
Wards affected	Not applicable		

This report concerns the Council's Officer Pay Policy Statement, which must be approved each year by Full Council under requirements introduced by the Localism Act 2011.

1. Decision Required

- 1.1 To recommend the approval and adoption of the Council's Officer Pay Policy Statement for 2016/17 by Full Council.

2. Reasons for Decision

- 2.1 The Localism Act requires "relevant authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council by 31 March 2012 and annually thereafter. An authority's pay policy statement must be approved by a resolution of that authority before it comes into force".

3. Alternative Options

- 3.1 The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.

4. Supporting Information

- 4.1 Local authorities must publish a pay policy statement for the financial year. The Officer Pay Policy for 2015/16 was approved by Full Council on 11 December 2014.
- 4.2 The Localism Act specifies a number of elements that must be covered by the statement including; the level and elements of remuneration for each chief officer, remuneration of chief officers on recruitment, increases and additions to remuneration for each chief officer, the use of performance-related pay for chief officers, the use of bonuses for chief officers, the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and the publication of and access to information relating to remuneration of chief officers.
- 4.3 The Council's pay policy statement has been extended beyond the statutory requirements relating to chief officers as shown in 4.2 above to include all officers employed by the Council, in the interests of openness and transparency.
- 4.4 Please see the attached Officer Pay Policy. Appendix 1 of the policy contains the mostly numerical data which sits behind it, and the definitions of terms such as 'chief officers'. These two documents form the Council's pay policy statement.

- 4.5 The statement covers all pay and benefits for every employee of Colchester Borough Council. There are no financial allowances or bonuses other than those mentioned.
- 4.6 Mandatory requirements for data publication under the [Local government transparency code 2015](#), and for the Council's [Statement of Accounts](#) under the [Accounts and Audit Regulations 2015](#) covering all employees whose salary exceeds £50,000, have also been taken into account when preparing this year's update of the pay policy to ensure that the published data is complete and consistent.
- 4.7 Colchester Borough Council will continue to pay the Living Wage as a minimum standard for all employees, including apprentices. This is an hourly rate which is set independently and calculated according to the basic cost of living in the UK, and it is higher than the national Minimum Wage – and is higher than the new National Living Wage being introduced for everyone over 25 from April 2016. The Council introduced this in 2013 as part of its commitment to being a good employer, and is proud to be amongst the first councils to pay the Living Wage.
- 4.8 A cap on the total cost of exit payments available to individuals leaving council employment is due to be introduced as part of the Enterprise Bill, currently going through Parliament. It is likely that this will come into effect in 2016/17, and the Council will need to comply with the effective date and requirements once these are known.
- 4.9 From March 2016, in line with Equal Pay Transparency, the Council will need to publish pay information showing whether there are any differences in pay between male and female employees.

5. Strategic Plan References

- 5.1 The performance, remuneration and motivation of the Council's employees are key to delivering effective and efficient services to the public, in addition to delivering the aspirations and priorities within the Strategic Plan.

7. Publicity Considerations

- 7.1 The data contained within the Officer Pay Policy is publicly available on the Council's website via an online tool called '[Datashare](#)'. This brings a broad range of information into one place, and that helps to improve openness and transparency.

8. Financial implications

- 8.1 The pay policy statement provides transparency about the Council's approach to pay and benefits for its employees.

9. Equality, Diversity and Human Rights implications

- 9.1 The Equality Impact Assessment is available to view on the Colchester Borough Council website by following this pathway from the homepage: Your Council>How the Council works> Equality and Diversity>Equality Impact Assessments>Corporate and Financial Management>Pay Policy Terms and Conditions or click [on the link here](#).

10 Other Implications

- 10.1 There are no specific community safety, consultation, health and safety or risk implications.

Officer Pay Policy

December 2015



Customer Business Culture

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Introduction

The purpose of this policy is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of officers.

The Council will comply with this policy which covers all officers. It ensures that employees are paid on a fair and equitable basis in accordance with equality legislation.

Colchester Borough Council recognises the importance of administering pay in a way that:

- attracts, motivates and retains appropriately talented people needed to maintain and improve the Council's performance and meet future challenges
- reflects the market for comparable jobs, with skills and competencies required to meet agreed delivery and performance outcomes
- allows for a proportion of remuneration to be at risk, depending upon the delivery of agreed outcomes and results
- delivers the required levels of competence within an overall workforce strategy within approved budget parameters
- is affordable and transparent.

1. Pay strategy and framework

- 1.1 The Council determines the level of annual salary for employees, including chief officers, using an established job evaluation scheme. Jobs are independently evaluated, using this scheme, by experienced Human Resources staff and all employees have the right of appeal against their pay grade.
- 1.2 The pay grades and salary spines are shown in Appendix 1. The Council implemented the "[National Living Wage](#)", which is independently assessed, from April 2013. Each pay grade has a number of incremental points and employees normally progress up their pay grade by one increment on an annual basis, subject to satisfactory levels of performance (see also section 5 - rewarding performance).
- 1.3 The exception to this principle is where employees have transferred their employment to the Council and salary protection exists under the Transfer of Undertakings (Protection of Employment) legislation commonly referred to as TUPE.
- 1.4 The pay policy incorporates the Council's Equality and Diversity policy (website link [Equality and Diversity in employment - Colchester Borough Council](#)) and periodic equal pay audits will be conducted. From March 2016, in line with Equal Pay Transparency, the Council will need to publish pay information showing whether there are any differences in pay between male and female employees.

2. Pay review and annual increases

- 2.1 The Council supports the principle of collective bargaining and has a recognition agreement with the trade union 'Unison'. Negotiation and consultation is conducted at a local level in relation to levels of pay and benefits for all employees including Chief / Senior Officers (see definitions in Appendix 1). The Council therefore is not part of any national terms and conditions for local government employees.
- 2.2 Local negotiations around a pay review are conducted on an annual basis, and any increase is agreed taking into account inflationary factors, local salary levels and affordability. Any decision to increase salary levels for all employees has to be approved by the Portfolio Holder under delegated powers set in the Council's [Constitution](#).
- 2.3 The Council publishes its pay multiple (the ratio between the highest and lowest paid employees) and does not currently set a target for this.

3. Remuneration of Chief Officers

- 3.1 The remuneration of all officers is determined using the Council's job evaluation and performance management schemes.
- 3.2 The median average value of Chief Officers' pay is shown in Appendix 1 together with the relationship to the lowest paid staff and other staff (referred to in the legislation as "the pay multiple").
- 3.3 The remuneration of all Chief Officers and Senior Officers will be published in the Council's [Annual Statement of Accounts](#) (note 31) which also includes a wide range of financial information.

4. Other items in addition to salary

The Council pays the following additions to annual salary:

- 4.1 Overtime:
This is paid to employees who are required to work in excess of their contracted weekly hours. All overtime is paid at plain-time rate derived from annual salary, and enhancements are not normally paid for working at weekends or public holidays. Employees on a pay grade of CMG5 or above are not entitled to receive overtime pay.
- 4.2 Unsocial hours working:
The Council pays an allowance to employees who work unsocial hours which cover 24-hour shift working. Allowances are also paid to employees who undertake standby and call out duties. A small payment can also be made to 'front-line' employees who are required to work over the Christmas/New Year period.
- 4.3 Maternity, paternity and shared parental arrangements:
The Council has a policy that supports parents and provides some enhancement to the statutory maternity, paternity and shared parental provisions. These enhancements are shown in Appendix 1.
- 4.4 Recruitment and retention payments:

Where the Council is faced with difficulties in recruitment to and retention of specific jobs, as a result of market pressures and skills shortages, the Chief Executive is able to sanction the use of a temporary recruitment/retention supplement, reviewed on a regular basis. This may include a non-consolidated payment on appointment and/or a retention payment to reflect the employment market and the needs of the business. Any such payment is to be authorised by the Chief Executive. If the employee leaves the Council voluntarily within a year, they will be required to pay back the non-consolidated payment.

Where an individual is being recruited and has significant experience or skills in the role for which they are being employed, Heads of Service and above have discretion to appoint at any scale point (within the grade) above the lowest level.

Where an employee is upgraded using the Council's job evaluation scheme, the employee will move to the lowest point of the new pay grade such that they receive at least one increment. Any proposal to move the employee to a higher point on the pay grade has to be authorised by the Chief Executive.

4.5 Increases in responsibility:

Temporary or permanent payments can be paid at the discretion of the Chief Executive (for employees on CMG 7 and above), or at the discretion of a member of the Executive Management Team (for employees on CMG 8 and below), to reflect operational needs and the level of additional responsibility.

4.6 Other:

The Council only reimburses reasonable business expenses actually incurred and in line with the Council's travel and subsistence policy.

Professional membership fees are reimbursed to employees at the rate of 50% of fees incurred and only one membership per employee is reimbursed.

External training costs are paid where they form part of agreed learning and development, and in line with the post-entry training policy.

There are no expense allowances or bonuses other than those mentioned within this pay policy.

5. Rewarding performance

- 5.1 The Council uses a performance management scheme to appraise the performance of all employees, including Chief / Senior Officers. Issues of poor performance can result in any annual increment being withheld.
- 5.3 The Council also recognises the need to incentivise specific jobs whose role involves a proportion of sales or income generation. In such cases a reward package will be developed, which needs approval by Senior Management Team. The annual salary and incentive payment will be determined outside of the job evaluation scheme and will be risk-assured in relation to equal pay.
- 5.4 The Council incentivises and recognises employees for their individual contribution towards the three organisational goals of 'Customer; Business and Culture' through a non-salary rewards scheme. Where an employee's contribution is deemed to be excellent they can be nominated for a non-consolidated payment up to the maximum value if authorised by the Chief Executive. See Appendix 1 for the value of these incentives.
- 5.5 The Council also recognises the importance of organisation-wide performance, and the contribution which employees can make to this. The Council is considering with the Trade Union the introduction of non-consolidated payments which would be related to its overall performance as measured against a range of financial, income and key performance indicators. If introduced, these would form part of the annual pay negotiations with Unison, and through the public governance process of portfolio holder approval. This matter is subject to formal member approval.

6. Pension

- 6.1 In accordance with statutory provisions, employees are offered membership of the Local Government Pension Scheme. The Council has a published pension policy and this policy applies to all employees including Chief / Senior Officers. It sets out the Council's decisions relating to discretionary powers allowed within the scheme. The pension contribution rates are shown in Appendix 1.
- 6.2 The Council also supports the principle of flexible retirement whereby employees are able to gain access to their pension whilst continuing in employment, subject to the restrictions laid down within the scheme and in the Council's Pension policy. This approach allows the Council to retain skilled employees and to assist individuals in managing the transition to retirement.

7. Other financial benefits

The Council currently offers the following financial benefits to employees:

7.1 Travel Plan incentives/charges:

In order to encourage employees to use 'greener' travel modes, which also help to reduce town centre congestion, the Council has developed a package of travel plan measures. These measures include a charge for car parking for employees based in the town centre, and discounts for the 'home to work' use of bus and rail travel. The current value of these charges and benefits are shown in Appendix 1.

7.2 Salary sacrifice schemes:

The Council has adopted approved government salary sacrifice schemes which enable employees to have deductions from pay to purchase childcare vouchers or cycles for travel to work. These schemes are tax efficient for the employee and are cost-neutral to the Council.

7.3 Long Service Awards:

The Council recognises the commitment of employees to public service and provides a gift to employees for 25 years' service with the Council. See Appendix 1 for the maximum value of this award.

7.4 Other allowances:

An allowance is paid for employees who volunteer to be designated First Aiders in the workplace. An allowance is paid to employees as a contribution towards broadband costs if they work at home on a regular basis using a PC. See Appendix 1 for the value of these allowances.

8. Recruitment

- 8.1 In accordance with the Council's [Constitution](#), appointments to Head of Paid Service (Chief Executive), Executive Directors, Heads of Service, Chief Finance Officer and Monitoring Officer, have to be approved by the Full Council.
- 8.2 All appointments are made in line with this pay policy.
- 8.3 The appointment of other Chief Officers and starting salaries within the grade must be approved by the Chief Executive.
- 8.4 The appointment of employees other than Chief Officers will be delegated to the appropriate management level, relevant to the vacant job. The starting salary within the pay grade range will be determined taking into account the skills and experience of the applicant and market pressures.
- 8.5 The Council does not restrict the re-employment of employees previously made redundant by either the Council or other Local Government. All applicants for vacancies are considered equally, based on their knowledge, skills and experience.
- 8.6 Full Council will be offered the opportunity to vote before large salary packages are offered in respect of new appointments. This level is set out in statutory guidance, and the current level is shown at Appendix 1.

9. Sick Pay

The Council applies the following sick pay scheme for all employees including Chief Officers.

Service (years)	Full Pay (months)	Half Pay (months)
During first year	1	*2
During second year	2	2
During third year	4	4
During fourth/fifth years	5	5
After five years	6	6

* After completing 4 months' service

10. Payments when employment status changes

- 10.1 The Council operates a redundancy payment scheme which applies to all employees including Chief / Senior Officers. The scheme is based on the employee's rate of pay and on the number of weeks paid under the statutory scheme, with an enhancement of 50% subject to a maximum of 45 weeks' pay.
- 10.2 **Pay Protection**
The Council operates pay protection for a limited time period, within the terms of the redundancy policy. This applies when staff have their pay reduced as part of a process of re-deployment or job evaluation.
- 10.3 Where the Council is in dispute with an employee, the Council will make use of legally binding agreements to settle disputes in appropriate circumstances. The use of these agreements and the value of any settlement will be determined by a consideration of factors such as the potential costs of litigation, the degree of risk at employment tribunal adjudications and any reputational impact. The decision to agree a legally binding agreement will rest with the Chief Executive or, in the case of the Chief Executive, will rest with the Cabinet.

11. Election duties

- 11.1 The Council has determined that the Returning Officer is the Chief Executive, and the remuneration is separate from the Chief Executive's salary. The Council has set the remuneration levels of employees who assist with local government election duties on a secondary employment basis. These levels are set by Essex County Council for county elections, and by central government for national and European elections.
- 11.2 The amount paid for election duties will vary depending on the number and type of elections which take place. The amount paid to the Returning Officer in the previous year is shown in Appendix 1.

12. Temporary staff and interim arrangements

- 12.1 The Council occasionally uses temporary agency or interim staff where it meets specific business needs and delivers best value. Levels of reward are determined by market rates. However the Council will not use payment arrangements that could be perceived to be designed to deliberately avoid personal taxation.

13. Supporting Information

The following references have been used in producing this Pay Policy, along with the Council's existing Human Resource policies:

Legislation

- The Localism Act 2011 - [chapter 8 - pay accountability](#).
- The Equality Act 2010
- Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006
- Local Government Pension Scheme Regulations 2008
- [Accounts and Audit Regulations 2015](#).

Best practice guidance

Department for Communities and Local Government:

- [Openness and accountability in local pay: Guidance under section 40 of the Localism Act](#)
- [Local government transparency code 2015](#)

The Chartered Institute of Public Finance and Accountancy:

- [Code of Practice in Local Authority Accounting - paragraph 3.4.5](#)

Local Government Association

- [Pay Policy Statements - guidance](#).

Our website

The Council's website www.colchester.gov.uk has a [section with more information about employment](#) at Colchester Borough Council.

The following policies and forms should also be read alongside this document:

Policies	
Equality and Diversity policy	Increment policy
Maternity and Paternity policies	Overtime policy
Pensions policy	Performance management scheme
Local Government Pension Scheme (Administration) Regulations 2013 Discretionary Decisions by Colchester Borough Council	Redundancy policy
Post-entry training policy	Travel Plan
Travel and subsistence policy	

The policies are on the Hub in the HR section: [A to Z of HR Policies and Procedures](#)

Document Information

Title :	Officer Pay Policy
Status :	Draft – 2015 update of existing policy
Version :	Version 1
Consultation :	Cabinet 25 November 2015
Approved By :	Full Council
Approval Date :	11 December 2015
EQIA :	click here
Review Frequency :	Annual
Next Review :	December 2016

Pay Data – Appendix 1

1. Annual Salary scales

Salary spine

point	Annual salary (£.p)	point	Annual salary (£.p)
4*	15,916.59	32	34241.60
5*	15,916.59	33	35560.57
6*	15,916.59	34	36784.75
7*	15,916.59	35	38008.95
8*	15,916.59	36	39233.14
9*	15,916.59	37	40506.02
10*	15,916.59	38	41778.92
11	16254.00	39	43051.77
12	17033.27	40	46216.21
13	17405.79	41	49380.66
14	17780.95	42	52545.11
15	18150.84	43	56761.33
16	18523.36	44	60977.52
17	18895.86	45	65193.72
18	19263.15	46	69409.90
19	19821.25	47	73626.10
20	20379.38	48	76520.72
21	20937.49	49	80503.44
22	21495.61	50	84486.11
23	22053.73	51	88468.83
24	22656.61	52	92451.50
25	24453.39	53	96434.23
26	26294.94	54	100909.75
27	28136.48	55	105385.25
28	29292.24	56	109860.76
29	30447.96	57	114336.26
30	31603.69	58	118811.77
31	32922.65	59	121213.58

The last pay increase applied was in June 2015 – 1.5%.

* Note these salary points are 'Living Wage' (£8.25 from 2 November 2015 – was £7.85). Employers can choose to pay the Living Wage on a voluntary basis, and the Council has done so since 2013. This is higher than the National Minimum Wage (£6.70 an hour) and higher than the compulsory National Living Wage being introduced by the government from April 2016 for all employees who are over 25 (£7.20, rising to £9 by 2020).

Pay Grade range

Pay Grade (CMG)	Salary spine point range	Pay Grade (CMG)	Salary spine point range
14	4 to 7	7	32 to 36
13	7 to 12	6	35 to 39
12	11 to 18	5	38 to 42
11	18 to 24	4	42 to 47
10	23 to 27	2-3	46 to 53
9	26 to 30	1	54 to 59
8	29 to 33		

Apprentices

The Council pays the 'Living Wage', for any employee on an apprenticeship contract.

2. Pay relationship for Chief Officers

	Year 2015/16
Median average pay for Chief Officers	£73,626.10
Median average pay for staff other than Chief Officers	£22,656.65
Median average pay for lowest paid staff	£15,144.85
Pay multiple of Chief Officer (Chief Executive) pay to staff other than this Chief Officer	5.43 to 1
Pay multiple of Chief Officers' pay to staff other than Chief Officers	3.25 to 1
Pay multiple of Chief Officers' pay to lowest paid staff	4.86 to 1

Notes – please also see definitions of officers at section 7 below:

- Median average pay is based on full-time equivalent annual salary plus additional payments for Chief Officers. It excludes election fees.
- 'Lowest paid staff' is defined as those paid on 'Living Wage' - see chart of pay grades on page 8.
- Pay multiple - the ratio between the highest and lowest paid staff.

3. Additional payments for Chief Officers.

Returning Officer election fees paid to the Chief Executive:

Elections held	Amount paid	Year
Local Borough, Parish and General	£17,189.08	2015/16

4. Other pay additions and allowances – see pages 2 and 3 for eligibility

Maternity, Paternity and Shared Parental pay:

In addition to the statutory provisions, the Council pay 20 weeks at half pay for mothers who go on maternity leave and subsequently return to work. Up to two weeks' paid paternity leave is granted to eligible employees.

Non-salary rewards scheme:

Quarterly – 1,500 loyalty points (£15 in value) can be redeemed on activities or products within Colchester Leisure World. Maximum of 42 staff across all services each quarter.
Annually – incentive to be sourced via reciprocal marketing and voucher schemes.

Exceptional performance:

Non-consolidated payment to a maximum of £1,000 if authorised by the Chief Executive.

6. Pension contribution rate

Employer rate is 13.7%. Employee rates are:

LGPS Contribution Bands April 2015	
Actual Pay (includes overtime, additional hours and so on)	Contribution rate per year
Up to £13,600	5.5%
£13,601 - £21,200	5.8%
£21,201 - £34,400	6.5%
£34,401 - £43,500	6.8%
£43,501 - £60,700	8.5%
£60,701 - £86,000	9.9%
£86,001 - £101,200	10.5%
£101,201 - £151,800	11.4%
More than £151,801	12.5%

7. Other financial benefits – see page 4 for eligibility

Travel Plan benefits and charges:

Car parking charge – this is paid by employees if they drive to work:
£2 per day.

Home to work travel, in line with Travel Plan policy:

Bus season ticket discount 50% / train season ticket or 'bulk buy' discount 35%.

Long Service award:

maximum value of £250 for 25 years' service with the Council.

First Aid allowance - for employees designated as First Aiders in the workplace:
£141.96 a year.

Broadband allowance – to access Council computer systems if home working:
£132 a year.

8. Definition of terms used in the Officer Pay Policy and Pay Data documents

- Chief Officers – posts that require appointment by elected councillors - designated as Chief Executive, Executive Directors and Heads of Service within the Council's constitutional arrangements for appointment. It also includes the Section 151 and the Monitoring Officer where those roles are not performed by a Head of Service. These posts fulfil the criteria for Chief Officers as defined in [paragraph 43 Localism Act](#).
- Chief Officer – this is the Chief Executive.
- Senior Officers – any post with a salary of £58,200 and above, which is the Senior Civil Service minimum pay band ([paragraph 12 code of practice](#)).
- Senior Management Team – the Chief Executive, Executive Directors and Heads of Service.
- Large salary package – this is defined in statutory guidance and the current threshold is £100,000 ([paragraph 14 Localism Act guidance](#)).

26 November 2015

Report of	Head of Professional Services	Author	Jon Ruder ☎ 282840
Title	Review of the Statement of Licensing Policy // Results of Consultation		
Wards affected	All		

This report details the outcome of the consultation exercise undertaken in relation to the statutory review of the Statement of Licensing Policy and Counsel's opinion. It also recommends that the Policy be referred to Council for adoption

1. Decisions Required

1.1 Members are asked to -

- (i) Consider the results of the consultation exercise undertaken for the five year review of the Statement of Licensing Policy as set out at Appendix 2.
- (ii) Consider the Policy with Counsel's amendments at Appendix 1
- (iii) Agree the draft Policy and propose its adoption to full Council on 10 December 2015.

2. Reasons for Decisions

- 2.1 The Licensing Authority is required by the Licensing Act 2003 to have consulted on a review of its five year Statement of Licensing Policy and have any revisions to that Policy agreed and adopted by the beginning of January 2016.

3. Alternative Options

- 3.1 There is no legal alternative other than to comply with this requirement.

4. Matters for consideration

- 4.1 The consultation process ran between 17 August and 31 October 2015. All premises licence holders were sent a postcard alerting them to the consultation and with a link to the new policy on the website. In addition the responsible authorities and representatives of businesses and residents in the area, town and parish councils and those bodies who received the weekly applications table were consulted.
- 4.2 Comments were received from a number of the responsible authorities relating to the layout and technical information contained within the Policy and amendments have been made where necessary. The responses received from other parties are attached at Appendix 3 and the Licensing Manager's comments on the points raised are set out at Appendix 4. Officers have met with representatives of the Civic Society and are meeting with the owners of The Victoria Inn to discuss both the policy and wider licensing matters.

- 4.3 In view of the lack of responses to the consultation and the fact that no significant amendments were proposed, the decision was taken, in consultation with the Chairman and legal services, to refer the draft Policy direct to Counsel for scrutiny.
- 4.4 Counsel comments that ‘the draft policy is excellent. In particular, rather than regurgitate the law or guidance, it sets out Colchester’s policy. No reader of the policy could fail to understand the standards expected’. He has suggested a few small amendments and that some sections are re-ordered to improve its clarity. These suggestions have all been implemented in the policy appended.

5. Strategic Plan References

- 5.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non-licensed businesses. The policy is in line with the Council’s vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

7. Consultation

- 7.1 The draft revised Policy has been the subject of an extensive consultation process as prescribed by the Licensing Act 2003. A copy of the draft revised Policy will be placed on the Council’s website and will therefore also be available for public scrutiny, although it will not be open to any further public comment or consultation.

8. Publicity Considerations

- 8.1 The revision of the Statement of Licensing Policy was publicised to statutory consultees, responsible authorities, organisations, voluntary groups and interested persons who were all invited to take part in the consultation process. There is no other requirement contained within the Licensing Act 2003 that requires the Licensing Authority to give any wider publicity to this process.
- 8.2 In order to publicise the final adoption and approval of the Statement of Licensing Policy that will be in place for the next five years, the Licensing Authority will seek to promote the publication of the Policy through the local media in early January 2016

9. Financial Implications

- 9.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the Statement of Licensing Policy. However, having sought Counsel’s opinion and agreed to the suggested amendments any such action is highly unlikely to be successful.

10. Equality, Diversity and Human Rights Implications

- 10.1 The draft revised Statement of Licensing Policy has been prepared in accordance with and taken account of, all relevant legislation. There is an Equality Impact Assessment in Place for the Policy.

11. Community Safety Implications

- 11.1 The Licensing Policy is a key component in the Council's strategy to tackle crime and disorder and anti-social behaviour, particularly alcohol related anti-social behaviour and as such it will contribute significantly towards improving overall community safety.

12. Health and Safety Implications

- 12.1 There is no known direct public health and safety issues arising from the adoption of the draft revised Licensing Policy.

13. Risk Management Implications

- 13.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.
- 13.2 To minimise the potential risks and costs associated with defending the adopted and published version of the Licensing Policy against any legal challenges or actions that may be brought against it, legal opinion/advice has been sought by the Licensing Authority from a Counsel who specialises in licensing matters. It is Counsel's opinion that the draft Statement of Licensing Policy is compliant with the Act and the Guidance and that he has not detected grounds to challenge the Policy.
- 13.3 There is risk to the Council and to the Licensing Authority in their being *ultra vires* in relation to this Licensing Policy and also to the Licensing Act 2003, if the Policy is not adopted and published in January 2016. Failure to do so would mean that the Licensing Authority would be unable to lawfully carry out any function in respect of individual applications made under the terms of the Licensing Act 2003. All necessary steps are however being taken to ensure that the timetable and deadline for the adoption and publication of the revised Statement of Licensing Policy will be met.

Consultation Responses- Licensing Policy 2016 -2021

	Name / Organisation	Response	Observation from the Licensing, Food Safety Manager
1	Colchester Civic Society	Supports the move to diversify premises and more positive engagement with local residents. Licensed premises should be required to consult with local residents Concern at the reliance on receipt of relevant representations without which an application will be granted. New expanded special policy area is welcomed.	The act doesn't require applicants/operators to engage with local residents so we can only lawfully encourage operators to do so. The law requires that an application is granted if relevant representations are not received. This is a legal requirement.
2	Essex Chambers of Commerce	No comments	
3	Marks Tey Parish Council	No objections to the proposed new policy	
4	Mr Stringer	Concern at the number of fast food outlets in specific areas of North Hill and North Stations Road.	Public Health is not a licensing objective and this limits what can be done within the licensing policy. However the Policy indicates there is a presumption against granting any new licences in the Old Town Zone and a limitation on operating hours in residential and mixed commercial/residential areas.
5	Sheena Valentine and Andrew Pilgrim Victoria Inn, Colchester	<ul style="list-style-type: none"> Regular dialogue with residents may invite complaints Voluntary reduction on high strength products 	<ul style="list-style-type: none"> Experience tends to suggest that if there is an established channel of communication between residents and operators, complaints are more effectively dealt with and are less likely to escalate. The point relating to supermarkets is acknowledged. The reduce the strength campaign has been primarily directed at smaller shops and convenience stores which have in the

		<ul style="list-style-type: none"> • Pubwatch • Extensive consultation • Planning Permission • Consideration of need • Old Town Zone • Types of Evidence • Avoid premises simply focussed on the consumption of alcohol 	<p>past served to street drinkers.</p> <ul style="list-style-type: none"> • The concerns relating to the effectiveness of Pubwatch are noted. The Council has plans to establish a broader based licensed trade group established around the principles of purple flag aimed at promoting good business practise and encouraging people into the Town Centre. • This refers to the number of organisations consulted rather than the dialogue with those who have commented. Going forward the policy will be reviewed on a regular basis and will be more responsive to changes in circumstance. • The point made is noted. It is possible under the planning regime to change the use of a premises 'upwards' from drinking establishment to shop without change of use. • The law does not permit the consideration of need. Through the Policy the Council seeks to balance the types of premises in operation. • The boundaries are determined by evidence from a variety of sources including police and ambulance data and also the work of the multi-agency Licensing Enforcement Group (LEG). • SOS bus data is included within the evidence taken from the LEG. • The aim of the Policy is not to legislate against tradition community based pubs and Counsel's opinion has been sought on the best way to achieve the distinction in the Policy between 'traditional' pubs and high volume vertical
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		<ul style="list-style-type: none"> • Opening hours • Multiple Searches • Town Link access • SOS bus • Public Safety matters • Licensing Enforcement Group 	<p>drinking establishments.</p> <ul style="list-style-type: none"> • The hours have been amended to bring the pubs and wine bars into line. • These are to search for drugs and knives. • This point is being investigated. • The operation of the bus demonstrably reduces demand for the accident and emergency attendances and reduces the negative impact of the night time economy on business, residents and the town in general. It is considered that its provision should be supported by the businesses that contribute towards its need and therefore that the inclusion of CD18 is appropriate and should remain within the policy. • These are matters of general housekeeping in well run establishments but the Policy is designed to be a document accessible to all operators, old and new alike, it is considered therefore that these matters should be retained. • Constructive dialogue with business operating in the night time economy is welcomed and will be the basis of the new group to be established
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Colchester Civic Society

CBC Draft Licensing Policy 2016-2021

This is more positive than its predecessors, in looking for diversity between premises and in interaction with residents. It is probably fairly aspirational, but should be welcomed and can be referred to when licensees fail to match up to the high ideals in the policy.

Our concerns about the legal force of a document in which the word MUST only appears once were allayed by the officer's explanation that CBC were constrained by the need to comply here with the 2003 Licensing Act.

The responsibility for ensuring cooperation between licenses and residents and local businesses lies with the former. There is no indication as to how this might be done at the planning stage. If the LA considers it extremely important that licensed premises operate as good neighbours they should "require" them to consult rather than "encouraging" them to do so.

More worrying is the reliance of the Licensing Authority on the receipt of relevant representations without which the application will be granted as applied for. The police, who with the Fire Brigade, are the responsible authorities are already heavily engaged in keeping order and the projected reduction in their numbers and will have fewer resources to commit to licensing matters.

We have revised our initial reaction to the reliance on the SOS Bus to mitigate the problems caused by the concentration of licensed premises in the newly designated Special Policy Area; it was explained that without this it could become necessary to implement a cumulative impact and saturation policy which could result in the further spread of disorder.

We welcome the new expanded Special Policy Area and hope that it will assist the Licensing Authority in the difficult task of controlling the night time economy.

We very much appreciate the determined and imaginative efforts the licensing team are making in an attempt to diversify the early evening economy.

Elisabeth Baines

Chairman, Colchester Civic Society

Licensing Committee

From: David Burch <davidburch@essexchambers.co.uk>
Sent: 18 August 2015 14:03
To: Licensing Team
Subject: Licensing Policy - Consultation

**Essex
Chambers of Commerce**

Better for business

Thank you for your email of the 17th regarding the above consultation. We have no comments that we wish to make on the council's proposals.

Kind regards

David Burch
Director of Policy

Essex Chambers of Commerce
8 & 9 St Peters Court
Colchester
Essex, CO1 1WD

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Licensing.Committee

From: Marks Tey Parish <parish.clerk@marksteyparish.org.uk>
Sent: 08 October 2015 11:58
To: Licensing Team
Subject: Council's Licensing Policy - Consultation

Dear Sir / Madam

At a meeting of the Marks Tey Parish Council on 5 October 2015 it was resolved that the Parish Council had no objection to the proposed new policy

Steve Marriott

Parish Clerk and Responsible Financial Officer

Marks Tey Parish Council

Council Offices
Old London Road
Marks Tey
CO6 1EJ
Telephone: 01206 213250

Please note that my working days are Tuesday and Thursday

Unless otherwise stated, the contents of this message should not be taken as necessarily being the views, opinions, policies or procedures of Marks Tey Parish Council.

Licensing.Committee

From: Dominic Stringer [redacted]
Sent: 27 September 2015 16:23
To: Licensing Team; Licensing.Committee
Subject: Consultation of new draft policy considerations

Dear Sir/Madam

I would like the department to consider the number of similar businesses already in the area and the effect that these type of outlets have on the residents of Colchester, when granting a license for a new premises.

For example, in North Station Road there are approximately eight fast food outlets, in close proximity, and at the bottom of North Hill, two further fast food businesses are in operation.

St Helena School, the Sixth Form College and Colchester Technical College students are tempted by these outlets en route to all the above learning centres and the council should question if this is a healthy lifestyle choice for the students.

The UK is facing a crisis of childhood obesity which is not something the council should encourage by allowing a high number of takeaway outlets so close to schools and colleges, and I feel the resulting impact of obesity on local GP surgeries and hospital services, should also be taken into account.

Yours faithfully

Dominic Stringer
[redacted]
[redacted]
[redacted]

- 1.10 **Regular dialogue with residents** This seems a good idea in theory but could be seen as actively seeking to invite complaints.
- 1.13 **Voluntary reduction in high strength products**, will this include large supermarkets as these are the main source when people are preloading?
- 1.17 **Pubwatch?**.... Is it up and running, again? In the 5 years we have been at the Victoria the only contact we have had was an invoice for outstanding fees from the period before we took over!. Pubwatch is a fantastic tool but it needs organising properly. Is it not the case that participation in the Pubwatch scheme is a condition attached to most town centre premises licences?
- 1.18 **Extensive consultation?**.... All we have received is the small card posted through to us. If the end of the consultation period is 31st October as stated then that only leaves November and December for Licensees to be involved in giving input should any amendments be proposed before the implementation date of 1st January. These are the two busiest months for most licenced premises. Maybe the timings could be looked at?
- 1.20 **Planning permission not generally required...** This is incorrect as no planning permission is required for change of use 'downwards' from say a public house to off-licence/supermarket. There are currently proposals in government to try and close this planning loophole however these are being opposed by the large Pub-Cos as they are currently selling off hundreds of pubs off to be converted into supermarkets. They need to do this to service the unsustainable amounts of debt they have. Marstons sold off 205 earlier this year to be converted into Co-Op stores. Yet another shift from controlled drinking environment to street drinking.
- 1.23 **Consideration of need.** This is contradictory to the aims of the Borough Council in retaining a healthy balance of venues. See page 11 KF2. In York, at town of roughly the same population as Colchester and a similar outlook re promoting its history to tourists, for many years the local council had a policy of not granting any new licences as they believed that the town centre was adequately served by the venues which were trading. This was relaxed and many new venues opened up. York has now become a northern mecca for Stag and Hen parties from Scotland, Newcastle, Leeds, Sheffield etc. and the town centre has at times become a no go zone at weekends with locals and visiting tourists avoiding whole areas. We would suggest that the market does not always know best.
- 2.30 **Evidential data from July 2015** We would be interested in viewing this. Is it publicly available?
- 2.90 **Old Town Zone** Can you confirm that this is the same as the Town Centre Zone on the attached map? If so I would be interested to learn how the boundaries were set and when.
- 3.30 **Types of evidence** To get a wider picture would it be prudent to include data from the SOS bus?
- 4.20 **Cumulative impact and saturation policy** What is this?
- 4.80
- PN3 Communication with local residents.** Please see comments on 1.10.

PN9 Not all taxi firms in Colchester will offer a ring back facility, and of those that do it is often unreliable.

PN10 Pubwatch See comments re 1.17

5.30 Key aim... Avoid premises simply focused on the consumption of alcohol This defines most old fashioned style pubs! For example at the Victoria we have no TVs, no pool table, no darts and we do not serve food. So by definition we are solely focussed on the consumption of alcohol. But in venues such as ours alcohol is consumed in a responsible manor under the supervision of the Landlords & bar staff. It also contradicts 5.11 'We aim to encourage quieter local-style venues' Maybe a rewording of this section could be considered or could you explain why 'traditional' pubs are not to be encouraged?

5.12 Opening hours It appears that pubs and wine bars are to be treated differently in regards to permitted opening hours. Why different and how do you intend to decide if a new application is a wine bar or a 'posh' pub?

5.14 Vertical Drinking Establishments We wholeheartedly agree with this for reasons set out in 1.23.

6.10 CD5 Multiple Searches What for?

CD8 Town link Radio In the 5 years we have been at our premises we have had no contact or been offered the opportunity to join this scheme.

CD18 SOS Bus Worthy as it may well be, should an obligation to support this scheme really be written into a licencing document? I would suggest that this may not be entirely legal and open to possible challenge. While the SOS bus undoubtable helps many town centre revellers at the weekends maybe we should be asking ourselves why we need the bus at all. I have much to say on this subject ... far too much to include here.

7.10 Public Safety

PS3 This is general housekeeping and not needed

PS6 Operation of a glass collection and spillage policy Again, Is this not just basic housekeeping? And if so what place does it have in a Licensing policy document?

10.10 Off Sales of Alcohol You Say that 'consumption of alcohol on the way to licenced premises gives rise to drunk and disorderly behaviour'. I would add that the majority of pre loading happens at home where people meet up before heading up town.

Again I have much to say on this subject regarding alcohol pricing, availability and controlled drinking environments, far too much to include here. The simplified issue is this....

People used to go out and get drunk, Now they get drunk to go out.

13.3 Licencing Enforcement Group I note that this group has representatives from all the responsible authorities and the Garrison. If you feel it would be helpful to have a representative from the businesses that any changes to the licencing policy mostly

affects, i.e. the licensees themselves, I would be more than willing to find the time to offer my input.

Reading back the points raised above I am aware that they may be perceived to be slightly critical and negative of the proposed policy document., I can assure you that is not the case. I thought it best to be short and to the point and would like to stress that overall the document (wordy as it is) makes for interesting reading.



Statement of Licensing Policy 2016–2021

Colchester Borough Council

1 January 2016

Foreword

Welcome to the latest edition of Colchester's Statement of Licensing Policy.

We have made a number of significant changes to this policy following a collaborative proactive approach to licensing. We have built on the success of our multi-agency Licensing Enforcement Group and used the experience gained to shape our aspirations to promote and enhance Colchester's reputation as a safe and vibrant, welcoming and prosperous borough. We want to make sure that Colchester continues to offer a diverse range of high quality and well managed venues and experiences; valued by those who live here, work here and come to visit.

We have:

- set out what we aim to encourage
- identified how we want the town to grow and diversify
- made clear the high standards we expect premises to achieve
- created a special policy for the Old Town Zone
- reordered the Policy to make it easier to read, and
- set out our commitment to creating a vibrant, prosperous, thriving and welcoming town, open to all ages to enjoy the nightlife in a safe environment.

We are mindful of the balance that has to be struck between the sometimes competing needs of our residents and those of our business community. It is essential to ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth.

We hope that this revised Statement of Licensing Policy is clear and easily understood and reflects the needs of all our communities.

Colchester Borough Council, Essex Police and our partner agencies on the Licensing Enforcement Group are committed to working in partnership to provide a responsive licensing approach. We commend it to you and sincerely believe that it will make a positive difference.

Councillor Tim Young, Cabinet Member for Community Safety, Licensing and Culture,
Colchester Borough Council

Councillor Michael Lilley, Chair of Licensing Committee, Colchester Borough Council
Borough Commander, Essex Police

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Colchester is Britain's oldest recorded town with a unique history and heritage attracting in excess of 6 million visitors' trips a year. It is also a vibrant, thriving, prosperous and welcoming town and the existence of a large University and Garrison contribute to its overall diversity. The Borough is home to more than 180,000 residents living in communities based not only in and around the town centre but in the coastal, rural and riverside areas of the Borough. The population is expected to rise to 233,400 by 2035 with the regeneration of key areas of the borough and the creation of new communities.

The evening and night time economy in the Borough, which attracts 1.14 million visitors a year and is worth £64.4 million, is predominantly centred in the town of Colchester. The unique geography of the town centre means that the vast majority of licensed venues are located within the area circled by the old roman wall; within this area and close by are a number of residential communities. The challenge for the Council as the Licensing Authority is to balance the sometimes opposing demands of this sector with those of residents.

A recent survey of the evening and night-time economy commission by the Council and carried out in May/June 2015 identified that those surveyed wanted to see a greater variety of things to do; anti-social behaviour addressed; and action taken to reduce excessive drinking. This supports the Council's view that to attract businesses, visitors and residents the town needs to offer a variety of venue choices and to move away from a night-time economy centred on high volume drinking establishments. The survey results showed that whilst 31.3% indicated they visited the town for the purposes of clubbing, a broadly similar number, 30.5%, visited in order to eat out and that couples and families accounted for 40.5% of the users of this economy.

Introduction

1.1 This Statement of Licensing Policy (hereafter referred to as the 'Licensing Policy') is published under Section 5 of the Licensing Act 2003 and states how the Council as the Licensing Authority will exercise its licensing functions in order to promote the four licensing objectives which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

1.2 Unless otherwise stated this licensing policy will not depart from the Secretary of State's Guidance (known as Section 182 Guidance (as amended)). Therefore to reduce repetition if matters are detailed in the Guidance they may not be included in this policy.

1.3 The aim of this Licensing Policy is to ensure desirable destinations for a wide range of age groups and uses. Premises that will extend the diversity of entertainment and attract a wider range of participants are encouraged rather than premises mainly or exclusively focused on the sale of alcohol. The Licensing Authority believes that achieving this will promote the licensing objectives as well as support other important Council strategies.

1.4 The Licensing Policy is integral in managing the role licensed premises play throughout the Borough. A key aim of the policy is to ensure that licensed premises have a positive impact on their locality and where any premises do cause problems, they are addressed swiftly and in the most appropriate manner. This Policy aims to develop a more inclusive night time economy, ensure high standards of management for licensed premises, and promote high-quality premises that can contribute positively to their locality.

Links to Other Strategies, Policies and Initiatives

1.5 In preparing this Policy, the Council has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development. The Policy therefore integrates, as far as is reasonably practicable, with other key Council policies to ensure the promotion of the Council's strategic plan and with key initiatives to improve the night time economy

The Strategic Plan

1.6 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies to create a Borough that is -

Vibrant promoting our heritage and working hard to shape our future
Prosperous generating opportunities for growth and supporting infrastructure
Thriving attracting business and selling Colchester as a destination
Welcoming a place where people can grow and be proud to live

1.7 This Policy aims to contribute to this vision through promoting a wider range of high-quality attractions that encourage an increased range of customers in order to lead to longer term economic viability. Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the Borough. Additionally, effective regulation plays an essential role in enabling businesses to thrive and contribute to the Borough's economy.

Aspirations for the Borough

1.8 The Council is committed to achieving the goals set out in its Strategic Plan to create a vibrant, prosperous, thriving and welcoming town. In relation to the evening and night time economy this Policy will support the plans to

Ensure Colchester is a welcoming and safe place for residents, visitors and businesses with a friendly feel that embraces tolerance and diversity

Enhance the diverse retail and leisure mix supporting independent businesses valued by residents and visitors

Create the right environment for people to develop and flourish in all aspects of life both business and pleasure.

Create a business friendly environment, encouraging business start-ups, support to small and medium sized enterprise and offer development in the right locations

Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life

Promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination

Promote Colchester to attract further inward investment and additional businesses, providing greater and more diverse employment and tourism opportunities

Be clear about the major opportunities to work in partnership with public, private and voluntary sectors to achieve more for Colchester than we could on our own

Improve sustainability, cleanliness and health of the place by supporting events that promote fun and wellbeing

Make more of Colchester's great heritage and culture so that people can enjoy them and draw inspiration for their creative talents

Cultivate Colchester's green spaces and opportunities for health, wellbeing, and the enjoyment of all.

Make Colchester confident about its own abilities, to compete with the best of the towns in the region to generate a sense of pride.

1.9 Licensed premises can have a major effect on these aspirations and so when relevant to the promotion of the licensing objectives, the Licensing Authority will aim to support the aspirations to ensure premises are only licensed that contribute positively to the Borough.

1.10 The Licensing Authority will seek to ensure that premises contribute positively to the area in which they are situated with respect to the licensing objectives having regard to the nature of its locality. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications.

Purple Flag

1.11 This Licensing Policy aims to build upon Colchester's success in achieving Purple Flag status and further enhance the leisure, cultural and entertainment offerings for users of the night time economy by ensuring only well-run, safe and welcoming licensed premises are operated offering a broad mix of attractions. It is a key strand of the Council's Strategic Plan, to make Colchester a better place to live, work, learn and visit, and its core themes of ensuring Colchester is vibrant, prosperous, thriving and welcoming. This Policy aims to complement the principles behind the Purple Flag award to ensure licensed premises make a positive contribution towards a successful night time economy.

1.12 The Purple Flag Core Agenda covers five broad themes:

Wellbeing – The standards for licensed premises contained within the Policy set out how the Licensing Authority expects licensed premises to operate in order to ensure high quality of operation and management.

Movement – Getting home safely after an evening out is a prime requirement. The consideration of availability of transport is addressed through the location considerations in the Policy by ensuring that there are appropriate transport and dispersal mechanisms in place, having regard to the locality.

Broad appeal – Successful destinations should offer a vibrant choice of leisure and entertainment for a diversity of ages, lifestyles and cultures, including families. They should contain a rich mix of public and private attractions. They should be vital places for both the day and the night. The Policy sets out the diverse range and types of licensed premises the Council aims to encourage.

Place – Successful hospitality areas are alive during the day, as well as in the evening and night. They contain a blend of overlapping activities that encourage people to mingle and attractive places where spending and being are in balance. They respect and reinforce the character and identity of the area, its buildings, structures and features. They demonstrate flair and imagination in all aspects of design for the night. This Licensing Policy aims to encourage an evening and night time economy that is not solely youth-oriented and alcohol-driven and by ensuring that premises are only licensed that contribute positively to their locality.

Policy framework – this policy provides clear direction to ensure that licensed premises offer a positive experience within the area in which they are located.

Community Safety Team and the Safer Colchester Partnership

1.13 This policy ties in well with the work of the Community Safety Team. There is a significant degree of overlap in the work of Community Safety and Licensing around the areas of alcohol and safety and this Policy supports and enhances this work. Key Priority 3 of the Safer Colchester Partnership Plan deals with the issue of alcohol misuse. Alcohol together with drug misuse fuels most of the violent and antisocial behavior that takes place in the Town Centre. The Partnership seeks ways to support projects and initiatives that tackle the problems both in the night time economy and also during the day with street drinkers. The initiatives, identified in the plan, include a pilot project with licensed premises on the use of polycarbonate drinking vessels; and the voluntary reduce the strength campaign to encourage off-licences to stop selling super strength cheap lagers, beers and ciders.

SOS Bus

1.14 The Town Centre benefits from the operation of the SOS bus and support mini bus which operates in Colchester High Street every Friday and Saturday night. The bus, which is staffed by a manager, coordinator and trained volunteers, offers a safe

haven, helps diffuse trouble and provides medical support to people who need it. Its operation demonstrably reduces demand for accident and emergency attendances and helps reduce the negative impact of the night time economy on business, residents and the town in general. This Policy supports the work of the SOS staff and recognizes the essential role it plays in making the Borough vibrant, prosperous, thriving and welcoming.

Local Development Framework

1.15 The Council's adopted Local Plan emphasizes the importance of the Town Centre and regeneration. Planning policies direct development towards the most accessible and sustainable locations and plans for the provision of transport, employment and community facilities to support the growth areas of the Borough. This Policy supports these development aims; it recognizes the need to ensure that licensed premises are suitable for the area in which they are situated and encourages a diverse range of entertainment facilities to meet the needs of growing communities.

Contributing to achieving wider aspirations

1.16 The Council recognizes there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. However, it also recognizes the impact of alcohol misuse in the Borough, and it is hoped that through the implementation of this Policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. The Council, through its Licensing Enforcement Group (LEG), receives information on admissions to A&E and ambulance call outs and this information is used in profiling premises and areas of the borough. However, it is accepted that any such positive impact will be as a coincidence of the Licensing Authority conducting its licensing function under the Act to promote the licensing objectives.

Pubwatch

1.17 The Council encourages participation in the town centre Pubwatch scheme and is assisting in the creation of a new scheme for West Mersea. The Council encourages licensees to participate in Pubwatch, or for them to seek to establish new ones where none currently exist, and endeavours to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the licensing objectives.

Consultation and Implementation of the Policy

1.18 In accordance with Section 5(3) of the Act, the Licensing Authority carried out extensive consultation between 17 August 2015 and 31 October 2015. The comments received in response to this consultation were considered by the Licensing Committee at its meeting on 26 November 2015.

1.19 This Statement of Licensing Policy will take effect on 1 January 2016 and will remain in force for a period of not more than five years from this date. The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation in accordance with the Act. Minor amendments which do not affect the substance of the policy may be made without consultation.

Integration with Planning

1.20 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

1.21 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Sub-Committee is not bound by the decision made by a Planning Committee and vice versa. Where the hours granted by planning are different to the licensing hours, the licensee must observe the earlier closing time. Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law.

1.22 The grant or variation of a licence does not negate the requirement for the licensee to ensure that relevant planning permission (or building control approval) is in place prior to the premises operating. Applications for premises licences should normally be from businesses with planning consent for the property concerned. However applications for licences may be made before any relevant planning permission has been sought or granted by the Planning Authority. It is strongly recommended that applicants contact the Planning Authority in advance of making a licensing application to seek advice on the planning constraints in respect of their premises and so ensure that in operating the premises planning and licensing requirements are compatible.

Consideration of need

1.23 The Licensing Authority is not able to take into account need or the commercial demand when exercising any licensing function; this is a matter for the market.

Duplication with other regulatory regimes

1.24 In exercising its licensing functions, the Licensing Authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already

place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

Other Licensing Policies

1.25 The Council has policies to deal with applications made under the Gambling Act and for applications in relation to sex establishments.

2. Guide to the Licensing Policy

2.1 This Licensing Policy sets out the relevant information on how licence applications will be determined and how licensed premises are expected to operate, as well as explaining how licensing integrates with other related strategies for the Borough.

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.3 Licensed premises are an integral part of town and wider Borough and this Policy is a key tool in ensuring the different circumstances of our identified areas are taken into account when considering licence applications. After careful consideration and having regard to evidential data including the most recent night time economy survey data completed in May/June 2015, the Council has determined to include within the Policy a special policy for the Colchester Old Town Zone. This special policy sets out what the Licensing Authority wishes to see in this specific area and the expectations in relation to the management of premises.

2.4 The Council, as the Licensing Authority, is committed to ensuring that licensed premises are an asset to their locality and respect the character and identity of the area through the implementation of this Licensing Policy. However, where licensed premises fail to promote the licensing objectives, the Licensing Authority will take appropriate steps to address any such licence related issues.

2.5 Residents can play a significant role in contributing to the effective implementation of this Licensing Policy. The impact of licensed premises will naturally be most felt at a local level and it is important that residents and businesses have an active involvement in the licensing process and understand how they can do this.

2.6 The Licensing Authority considers it extremely important that licensed premises operate as good neighbours within their community. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications to ensure they are aware of, and can address, any needs or concerns they may have.

2.7 Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses in the local area to ensure the promotion of the licensing objectives on an ongoing basis.

2.8 This Policy contains a number of Key Factors, which are the primary issues it expects to be considered by licensees when identifying the steps they intend to take to promote the licensing objectives in respect of their licensed premises:

Key Factors

- KF1 What we aim to encourage** – desirable destinations for a wide range of groups and uses
- KF2 The location of licensed premises** – venues in the right place
- KF3 Hours for licensed premises** – operating at the right hours
- KF4 Standards to promote the licensing objectives** – excellent management
- KF5 Off sales of alcohol** - operating to the highest standards

Operation of the Policy

2.9 Applicants are expected to consider all the policies relevant to their application; these include general policies, key factors and where appropriate special policies.

2.10 Where there is no relevant representation, the licence must be granted as applied for subject to the mandatory conditions and those specified in the operating schedule.

2.11 If there is a relevant representation, the application will be considered against the policies and steps taken which are appropriate and proportionate to promote the licensing objectives

2.12 There is a greater chance of a representation being made (and therefore a hearing) where the factors contained in this Policy are not addressed.

2.13 Where the policy is to refuse the application in line with the special policy, the Licensing Authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify a departure. In considering whether there are such circumstances, the authority will consider the reasons for the policy and whether those reasons would be met notwithstanding the departure.

2.14 In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.15 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.

2.16 Where, following relevant representations and a hearing, the Licensing Authority is not satisfied that amendments to the application and/or the imposition of conditions will ensure the promotion of the licensing objectives the policy is to refuse the application. The amendments that will be taken into consideration include –

- excluding licensable activities
- amendments to the times for licensable activities
- a reduction in the licensable area

2.16 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

Departures from the Policy

2.17 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the standards expected in order to ensure the promotion of the licensing objectives. The Licensing Authority may depart from the policy should it consider doing so would benefit the promotion of the licensing objectives. However, it is expected that any such departure would only be in exceptional circumstances.

3 Key Factors

3.1 The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly they can also impact negatively on an area by causing a wide variety of problems.

3.2 Our aim is to promote an 'inclusive' evening and night time economy throughout the Borough to ensure people of all ages can participate in and enjoy a range of activities. These key factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

3.3 A key aim is to ensure the diversity of licensed premises and particularly avoid premises simply focused on the consumption of alcohol. Where relevant representations are made, there will be presumptions against premises that facilitate quick drinking through lack of seats (vertical drinking), loud music, and particularly those which aim to attract an exclusively youth-focused crowd to the exclusion or detriment of other groups.

3.4 We will also ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

3.5 While it is recognized that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the Licensing Authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the Licensing Authority deem this appropriate and proportionate following a hearing.

3.6 Where no relevant representations are received against an application for a Premises Licence or Club Premises Certificate, it shall be granted automatically subject to mandatory conditions under the Licensing Act and conditions consistent with the licensee's operating schedule.

3.7 However, we have established Key Factors we expect licensees to consider. Failure to do this may increase the possibility of representations being made against applications, particularly by Responsible authorities.

3.8 Every application will be treated in accordance with the Act, the Guidance and this Licensing Policy. The licensee is expected to consider the Key Factors and the potential impact upon the licensing objectives relevant to them. The Licensing Policy is applicable to all premises providing any licensable activity, and it is important that all premises have regard to it and can demonstrate this.

3.9 The Standards to Promote the licensing objectives (Key Factor 4) set out what the Licensing Authority expect licensees to have due consideration to in how they operate their premises. However, it is a matter for them to propose the measures they consider appropriate with respect to their individual circumstances.

3.10 The Licensing Authority expects licensees to implement all measures they consider appropriate to promote the licensing objectives with respect to their individual circumstances. The Standards may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to consideration of those measures outlined in the Licensing Policy. It is proper that they address all issues they consider appropriate to promote the licensing objectives.

KF1 - What we aim to encourage

3.11 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants. Live music, especially original material, is encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged. These need not necessarily be places specifically aimed at children but could be premises appealing to adults which also provide for children.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind-down or chill-out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

Theatres and Cinemas

3.12 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be acceptable, unless relevant representations are made and the Licensing Authority is satisfied the individual application will undermine the licensing objectives.

Function	Residential	Mixed Commercial and Residential	Commercial
Restaurant	Yes until 11pm	Yes until midnight	Yes until 1am
Late Night Takeaways *	Yes until 10pm	Yes until midnight	Yes until 1am
Nightclub	No	No	No
Pub **	Yes until 11pm, Midnight Friday and Saturday	Yes until midnight	Yes until 2am
High Volume Vertical Drinking Establishments	No	No	No
Non-Alcohol Led – Theatres etc.	Yes until 11pm	Yes until midnight	Yes until midnight
Off-licence	Yes until 10pm	Yes until midnight	Yes until midnight
Members' Club	Yes until 11pm	Yes until midnight	Yes until 2am
Village Halls	Yes	Yes	Yes
Wine Bars **	Yes until 11pm, midnight Friday and Saturday	Yes until midnight	Yes until 2am
Live Venues	Yes until 11pm	Yes until midnight	Yes until midnight
Café Bars	Yes until 11pm	Yes until midnight	Yes until 2am
Coffee Shops/bars	Yes until 11pm	Yes until midnight	Yes until 2am

*premises with limited or no seating and primarily focused on the sale of hot food to take away

** premises where customers are generally seated, the density of the premises is lower and the age spread of the customer base is wider

KF2 - The location of licensed premises

3.13 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard to the licensable activities applied for, the size, structure and proposed capacity, the type/nature of the business
- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be

affected

- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

3.14 Consideration will be given to the capacity for vertical drinking at the premises. Where relevant representations are made, there shall be a presumption against new premises aimed at predominately providing vertical drinking environments i.e. through limited seating provision. Vertical drinking has been linked with encouraging binge drinking and an increased potential for violence and antisocial behaviour.

3.15 Additionally, a number of premises closing simultaneously would lead to larger numbers leaving at the same time thereby increasing the risk of disorder and disturbance, as well as creating spikes in demand for taxis and other sources of transport.

3.16 There is the need to balance the needs of residents with that of the night time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise

Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)

Prevention of disturbance by people outside the premises (e.g. smoking areas)

Litter from the premises (This issue is considered particularly relevant in respect of late night takeaways and smoking-related litter outside of licensed premises)

Disturbance caused by deliveries and collections at the premises including waste and bottle collection

3.17 Consideration should be given to the effective availability of transport in relation to the premises including the proximity of public transport in order to ensure customers are able to get home safely and without causing disturbance.

KF3 - Hours for licensed premises

3.18 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.19 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to

be implemented at the premises when an application is made for later hours.

3.20 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.12).

3.21 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol- driven premises.

3.22 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

3.23 Applicants should only apply for hours that they realistically intend to operate.

3.24 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

KF4 – Standards to promote the licensing objectives

3.26 An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule which identifies robust proposals to promote the licensing objectives.

3.27 Where no relevant representation is received against an application, only conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).

3.28 We have identified the standards we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for them to consider and propose the measures they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application. These measures are not exhaustive and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside the standards.

3.29 All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in this Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

3.30 All persons, including responsible authorities, should also consider these standards in relation to making any representation against an application.

3.31 Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by the Licensing Policy.

3.32 When it is considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives, the policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy

3.33 While the standards have been separated under distinct titles of the four licensing objectives, many of them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective it need only be included once.

KF5 Off-sales of alcohol

3.34 The Council has implemented a Public Space Protection Order for the St Botolph's Street area and has a Designated Public Place Order in the town centre in order to help address and prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.

3.35 The Licensing Authority therefore, without prejudice to the other policies contained within this policy, will adopt the following stance in relation to premises licensed for the sale of alcohol for consumption exclusively off the premises:

- Where any Responsible Authority makes representation against the grant of a licence for off-sales and, following a hearing the committee are satisfied that there is evidence of serious concerns over demonstrable problems of street drinking or disorder associated with the off-sale of alcohol in the area, there shall be a presumption against granting a licence. Applications will only be granted, following a hearing, where the Licensing Authority is satisfied the grant of the licence would not harm the licensing objectives.
- Where relevant representations are made, the Licensing Authority will also have particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if they are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late-night disorder, the hours for alcohol sales from the premises may be restricted.

3.36 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.

4 The Prevention of Crime and Disorder

4.1 The Licensing Authority expects licensees to implement all measures they consider appropriate to promote the Prevention of Crime and Disorder licensing objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation, to every premises, but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to considering only those measures outlined in the Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

CD1 Implementation of effective security measures at the premises

It is expected that there should be a defined policy that documents the security measures in place for the premises. A defined policy should ensure a consistent approach and explain the standards expected of staff. It is expected that premises hold security review meetings on a regular basis to help identify and resolve issues and ensure that staff are fully aware of important issues. Relevant issues could include the prevention of thefts, or identifying problematic individuals.

CD2 The effective management of queues outside the premises

Queues should be managed effectively to prevent any nuisance or disorderly behaviour. There should be a consistent approach to the management of customers waiting to enter the premises and licensees are expected to demonstrate how they will manage queues to the premises.

CD3 The control of entry to and exit from the premises, including assessing the need for door supervisors

Consideration should be given to how capacity will be controlled and how already drunk or disorderly individuals will be prevented from being admitted. A relevant consideration will be whether security staff will be employed at the premises. It is expected that the need for security staff will be determined by documented risk assessment.

Where door supervisors are provided, it is expected that licensees have consideration of the following:

- High-visibility identification – It is expected that door supervisors shall be easily identifiable by wearing high-visibility clothing.
- Appropriate number of staff – Door supervisors should be employed at specified times with regard to the individual circumstances of the premises. The need for door staff should also be regularly reviewed and risk-assessed and appropriate security employed.
- The role of door supervisors in ensuring effective dispersal of patrons from the premises at the end of the night – Door supervisors should be instructed to encourage persons leaving the premises do so without causing disturbance and in an orderly fashion.
- Consideration of SIA-approved contractor scheme companies – The objective of the SIA's Approved Contractor scheme is to raise performance

standards. Approved contractors are demonstrably committed to customer service and the compulsory licensing of their staff, ensuring that every private security operative deployed on a premises will be working within the law.

- Holding security briefings at the start and end of duty.
- Maintaining a register of door supervisors on duty.

CD4 Operation of a documented policy in respect of searching patrons entering the premises.

Consideration should be given to whether searches of customers entering the premises are required. It is expected that the need for searches will be determined by risk assessment.

Any search policy is expected to include provision for the following circumstances:

- Records maintained of searches and seized items – Records should be maintained of any searches where prohibited items are seized and removed. Records should be made available to the Police.
- Circumstances under which searches will be conducted – Risk assessments should be conducted to consider when searches are appropriate.
- Location of where searches will take place – Areas should be covered by CCTV and not in isolated areas.
- Use of detection devices to detect weapons and drugs and when and where they will be used – Consideration for appropriate detection devices should be risk- assessed and employed as appropriate.
- Putting procedures in place for the seizure and retention of recovered drugs and other prohibited items – Items recovered should be kept in a secure location and the Police notified.

CD5 Designing out crime in the layout of the premises

Consideration should be had to best-practice advice such as the 'Licensed Property: Security by Design' (BBPA) or at www.securedbydesign.com (ACPO).

CD6 Comprehensive risk assessments for activities at the premises

Risk assessments should be regularly reviewed and any appropriate action implemented immediately. Risks identified should be recorded and updated when appropriate. Consideration should be given to the risks associated with the activities of the business, the clientele, the Key Factors in this Licensing Policy, the nature of the area the premises is located, as well as any appropriate individual circumstances.

CD7 Use of town link radio service at the premises

Late-night premises in the town centre are expected to consider subscribing to the town link radio service which enables the rapid dissemination of information on criminal activity throughout the town centre.

CD8 Implementation of documented reporting procedures at the premises

Important and relevant incidents that occur at the premises should be recorded. Such records should be made available upon request by a Responsible Authority.

Recordable incidents could include:

- Accidents
- Lost and found property
- Refused sales of alcohol
- Thefts
- Banned and ejected persons
- Other incidents
- Injuries
- Allegations against staff.

CD9 Ensuring responsible management of externally promoted events at the premises

Promoters should be required to complete the promoter pro-forma and notification be given to Essex Police and the Licensing Authority no later than 28 days before the event.

CD10 Provision of comprehensive documented staff training

Documented staff training should be conducted relevant to the prevention of crime and disorder issues on the premises, to include (but not limited to):

- Age restrictions in respect of products
- Responsible Alcohol Service, including recognizing signs of drunkenness, refusal skills, drugs awareness
- Company policies and reporting procedures (see above)
- Managing and resolving conflict
- Action to be taken in the event of an emergency, including the report of a crime, fire, or request for emergency medical attention
- Licence conditions
- Relevant obligations and offences under the Licensing Act 2003, including those associated with the sale of alcohol.

Records of all training should be documented and kept on the premises available for inspection by the Responsible authorities.

CD11 Implementation of effective measures to prevent and deal with drunkenness at the premises

Premises licensed for the sale of alcohol for consumption on the premises should have a written policy in relation to drunkenness. Premises should not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

Consideration should also be given to:

- Taking practical steps to prevent drink driving
- Displaying responsible drinking information and posters throughout the

premises including the toilet areas
Ensuring alcohol free options are readily available
Making appropriate arrangements to ensure the safe transport home of vulnerable customers

CD12 Ensuring only responsible drinks promotions are operated at the premises

Consideration should be given to how any promotions could impact upon the mandatory licence condition for on-licensed premises prohibiting irresponsible promotions. It is expected licensees have reference to recognized codes of practice in respect of the responsible sale and promotion of alcohol products such as those issued by the British Beer and Pub Association, Portman Group and Drinkaware Trust.

CD13 Effective monitoring of the premises (both interior and exterior) including the use of CCTV

It should be demonstrated how the premises will be effectively monitored, e.g. patrols by staff, which areas will be covered by CCTV, whether security staff will be employed and, if so, where – as well as any other appropriate measures. Additionally, appropriate monitoring of external areas, e.g. immediately outside the entrance to the premises, smoking shelters or beer gardens, should be addressed where relevant.

Details of CCTV cameras should be provided (both internal and external). CCTV should be installed in liaison with, and to a standard approved by, Essex Police.

CD14 Ensuring all alcohol sales are properly authorised

The Licensing Authority considers it good practice for alcohol-licensed premises to ensure that there is a Personal Licence-holder on site at all times the premises is open for the sale of alcohol. Depending on the size of the premises, it may be appropriate for multiple Personal Licence-holders to be on duty, e.g. if the premises has more than one bar or is particularly large. The Licensing Authority expects to see written evidence of the delegation by the DPS to other persons of the authority to sell alcohol at the premises

CD15 Prevention of illegal drug use and anti-spiking at the premises

A zero-tolerance policy should be implemented regarding the use of illegal drugs on the premises. A drugs policy should be in writing and include how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of. The use of toilet attendants, regular documented toilet checks and searches of the premises could be conducted. Licensees for on-licensed premises should also consider what action will be taken to prevent the spiking of drinks at the premises. This could include encouraging customers to ensure that drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.

CD16 Operation of a documented glass policy for the premises

Glass injuries are a serious problem in the UK, with approximately 5,500 glassings reported each year, and glasses or bottles being used in 5% of all violent crime. A

documented risk assessment should be conducted for the use of glassware on the premises and safer drinking vessels, such as toughened glass or polycarbonate, should be used when appropriate. Risk assessments should also include the use of glass in external areas (if appropriate) as well as how glass collections will be managed throughout the premises, including the frequency of such collections.

CD17 Support for the SOS bus and other mitigation measures

The SOS bus works with other teams out and about in the night time economy – the street pastors, enforcement officers, doormen of licensed premises, police and ambulance service – to mitigate the effects caused by patrons of premises operating in the night time economy and to assist those premises in dealing with problems at their venue. Licensees are expected to demonstrate how they can offer support to ensure the continued operation of the SOS bus. This can take the form of financial contributions, display of promotional material, fundraising and actively working in a positive way with volunteers, as well as other initiatives such as taxi marshaling.

5 Public Safety

5.1 The Licensing Authority expects licensees to implement the measures they consider appropriate to promote the public safety objective regarding their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

PS1 Maintaining a safe capacity and recording customer numbers

Capacity should be managed effectively and in accordance with an appropriate risk assessment to prevent overcrowding. Advice should be sought from Essex Fire and Rescue in relation to the safe capacity for premises and how it should be managed.

PS2 Ensuring Fire Safety procedures are in place and up to date

Licensed premises should:

Conduct a Fire Risk Assessment for the premises, which is reviewed as required, and as a minimum every 12 months. An assessment template and guidance notes are available on the Essex County Fire & Rescue Service website.

Ensure all fire equipment is inspected/serviced as per its relevant British Standard (generally, but not always, annually) and documented.

PS3 Use of a daily pre-opening and closing checklist

Consideration should be given to implementing such checklists as they can help ensure that all appropriate and routine actions are conducted consistently, ensuring good practice.

PS4 Provision of comprehensive documented staff training

Documented staff training should be provided to ensure adequate public safety on the premises, including (but not limited to):

First Aid

Fire safety procedures

Evacuation procedures

Terrorist threats (predominantly town centre venues)

Overcrowding.

PS5 Implementation of appropriate anti-terrorism measures

Licensed premises, particularly those located in the town centre, should have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs'.

PS6 Operation of a documented glass collection and spillage policy

Premises licensed for the sale of alcohol for consumption on the premises should have a policy and procedure in place to ensure effective and efficient collection of glasses and the cleaning-up of spillages throughout the premises.

6 The Prevention of Public Nuisance

6.1 The Licensing Authority expects licensees to implement the measures they consider appropriate to promote the prevention of public nuisance objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

PN1 Prevention of noise breakout from the premises

This relates to both internal and external areas. Measures such as double-glazing, the use of an acoustic lobby, noise limitation devices and soundproofing for internal areas may be relevant. Licensees should demonstrate the measures taken to address such issues.

PN2 Use of a last entry time for the premises

Consideration should be given to a curfew on entry times, which can reduce the possibility of persons causing noise and disturbance late at night who may have been attracted to the premises.

PN3 Communication and integration with local residents and businesses

Licensees are encouraged to consult with local residents and businesses prior to submitting an application for a new licence or variation of an existing licence to ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage and ensure the promotion of the licensing objectives.

Licensees are expected to communicate with local residents and businesses, to address and resolve relevant problems. This could include giving contact telephone numbers to local residents so they can report any issues to the premises for them to be dealt with. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises is open to the public so that any issues can be addressed without delay. Licensees could also arrange regular meetings with neighbours to ensure good relations.

PN4 Effective management of exterior spaces (e.g. beer gardens, smoking areas)

Where the premises include any exterior areas, licensees should demonstrate what measures are in place to prevent issues that may give rise to problems. Relevant considerations should include:

- a limit on the number of patrons in such areas
- whether there is a curfew on using them
- how they will be delineated, if relevant
- how will premises be kept clean and free of litter, particularly at the end of trading
- what supervision will be in place?

will the premises be covered by CCTV?
How will the area be lit to avoid nuisance to neighbours?
will glasses be allowed outside?
what glass collection arrangements will be in place?
how to avoid customers causing noise disturbance
how the premises will prevent begging at, and in the immediate exterior of, the premises.

PN5 Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter

Where the licensable activities could give rise to litter being dropped in the vicinity of the premises, the measures in place to prevent this occurring and/or tidy it up should be demonstrated. Such measures could include regular litter inspections during the hours of operation and at the close of business, the placing of litter bins in prominent areas of the premises, reducing packaging, and the use of branded packaging.

PN6 Responsible management of the use of flyers and other promotional material

The irresponsible use of flyers can cause major litter problems. Any use of flyers and other promotional material should be done in a responsible and appropriate manner. It should be noted that permits are required for handing out flyers in various areas of the Borough.

PN7 Ensuring adequate arrangements for secure and responsible storage of refuse

Adequate and secure storage for refuse should be provided that is appropriate for the nature of the business. Particular regard should be given to the management of glass bottles to prevent them being taken outside the premises as potential weapons, and to the emptying of bottles into refuse containers at times that could disturb local residents or businesses.

PN8 Appropriate arrangements for deliveries and collections

Consideration should be given to how and at what times deliveries are made to the premises to avoid disturbance to local residents and business and avoid any obstruction. Equally, this would apply to any collections from the premises, e.g. refuse collections by private contractors.

PN9 Prevention of customers causing disturbance when leaving the premises

Licensed premises need to ensure the orderly exit and dispersal of customers from the premises. Relevant considerations could include:

- Prominent display of notices requiring courtesy for neighbours
- Preventing customers from congregating outside
- Providing advice and directions to available public transport
- Providing contact details for taxi/private hire firms and provision of a call-back service
- Use of a dedicated taxi/private hire service
- Implementing a dispersal policy based upon good practice
- Use of a winding-down period
- The role of door supervisors in managing persons leaving.

PN10 Membership of any local Pub and Club Network/Off Licence Forum or other recognized partnership group

Licensees should commit to work in partnership through local business groups, which can provide useful forums to keep abreast of local issues and developments when they operate in the area.

7 The Protection of Children from Harm

7.1 The Licensing Authority expects licensees to implement the measures they consider appropriate to promote the protection of children from harm licensing objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

CH1 Risk assessment for when children are on the premises

Regard should be had to specific risks that may arise when children are on the premises. The risk assessment should be documented and available for inspection by the Responsible authorities upon request. Relevant considerations could include:

- Will access be restricted to certain areas of the premises?
- Is there adequate supervision?
- Are the areas covered by CCTV?
- Will alcohol sales be restricted in areas where children are permitted?
- How will children be prevented from accessing alcohol?

Special consideration is expected to be given to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The Licensing Authority expects robust measures to be in place to address potential risks associated with such an activity.

CH2 Ensuring any gambling machines on the premises are appropriately located and properly monitored

Consideration should be given to the ability to supervise their use regarding location to ensure underage persons do not use them with regard to any code of practice issued by the Gambling Commission (gambling machines) and advice from the Licensing Authority.

CH3 Ensuring entertainment at the premises is age-appropriate

Where adult-only entertainment is provided, children should be prevented from being on the premises when such entertainment is taking place.

CH4 Taking action to prevent proxy sales of alcohol from the premises

Premises licensed for the sale of alcohol should take proactive steps to prevent this occurring. Possible measures include:

- Regular checks around and/or outside the premises for underage persons encouraging adults to purchase alcohol for them
- Use of CCTV, particularly in external areas

Displaying prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved.

CH5 Proper management of any child performers

It is expected that any child performers are properly licensed and a nominated adult is present to act in a supervisory capacity.

CH6 Ensuring age restrictions are enforced effectively when showing films

Where age-restricted films are displayed, appropriate and effective measures must be in place to ensure relevant age restrictions are complied with.

CH7 Prevention of underage sales of age-restricted products and underage persons access

Effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Relevant considerations include:
implementation of Challenge 25
details of what forms of ID are acceptable
the use of till prompts
the maintenance of refusal logs
staff training.

CH8 Provision of comprehensive documented staff training

Documented staff training is expected, particularly in relation to activities consistent with the licensing objectives, including (but not limited to):

Identification and refusal of underage sales
Age-restricted products
Any access restrictions to the premises by children.

CH9 Display of child welfare information in public areas of the premises

Where children are allowed on the premises, information should be available on what to do if there is a cause for concern regarding a child's welfare.

8 Off-sales of Alcohol

8.1 The Licensing Authority expects licensees to consider the standards below in relation to the operation of their premises; they may not be appropriate to apply in every situation but where they are such measures will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives and in particular those set out in the preceding sections on the measures to promote the licensing objectives.

OF1 Taking action to prevent the purchase and sale of counterfeit or non-duty paid alcohol

Premises should take proactive steps to prevent this from occurring. Such measures include:

- No alcohol purchased from sellers calling at the shop
- Reporting to Trading Standards any caller to the shop attempting to sell alcohol
- Keeping invoices (or copies) on the premises for all alcoholic goods purchased for inspection by authorised officers
- Operation of a stock control system
- Use of an ultraviolet pen or light to check the UK Duty Stamp on spirits

OF2 To control the sale of alcohol for delivery

Regard should be given to the specific risks, of selling and supply alcohol to persons underage, that are presented by the ordering of alcohol by telephone or internet and the delivery to a residential address where the person receiving the alcohol be underage. Premises should take proactive steps to prevent the sale and delivery of alcohol to underage persons. Possible measures include:

- Pre-ordering by telephone or internet prior to delivery
- Carrying Invoices relating to delivery on the delivery vehicle
- Production of invoices and record of orders on request to any authorised officer
- Operation of a "Challenge 25" scheme
- A refusals book

9. Special Policy for Colchester's Old Town Zone

9.1 In the town centre restaurants and takeaways account for over half of the premises in the night time economy and pubs bars and inns account over a third of all premises. There is evidence that within the area identified as the Old Town Zone (shown on the plan at Appendix 1) the promotion of the licensing objectives is being undermined as a consequence of the operation of licensed premises in the area; having regard to the levels of crime and disorder and public nuisance experienced within it and the complaints received from local residents.

9.2 The Licensing Authority considers that whilst the levels of problems do not currently justify the implementation of a cumulative impact policy for the area; the area is of concern and shall be kept under review. The Licensing Authority has taken into consideration the role of the SOS bus in helping to mitigate the problems caused by the sale of alcohol in this area and recognizes that were the bus to be withdrawn the effect would be to push problems in the area to levels where a cumulative impact area would be considered.

9.3 Therefore, the Council has adopted a special policy for the area, to be known as the Old Town Zone Policy.

9.4 There is evidence of problems associated with operation of licensed premises in the Old Town Zone and the Licensing Authority wishes to see a decrease in the levels of crime and disorder and public nuisance already being experienced in the area. However, the authority does wish to diversify the evening and night time economy in in this area.

9.5 With this in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken:

- a. The following venue types are strongly encouraged provided they do not undermine the licensing objectives and licensing policy:
 - Restaurant - open until midnight
 - Non-alcohol lead premises - open until midnight
 - Live entertainment venue - open until 01.00
 - Café Bar - open until 01.00
 - Coffee shops/bars - open until 01.00
- b. The following venue types will be judged according to the measures set out in paragraph 9.9 (pages 37 to 41). Positive proposals for the promotion of the licensing objectives must also be demonstrated in the operating schedule. A stricter approach is likely to be taken to where customers are not seated at tables and/or where a substantial food offer is not available at all times the premises are open.
 - Restaurant - open after midnight
 - Pub – open until midnight
 - Members Club – all

- Wine Bars – all
 - Live entertainment venue – open after 01.00
 - Café Bars – open after 01.00
 - Coffee Bars/Shops – open after 01.00
- c. There will be a strong presumption against the following venue types. A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule and must demonstrate that there will be no derogation in the licensing objectives, including from departing customers
- Late night takeaway – all
 - Nightclub – all
 - High Volume Vertical Drinking establishment – all
 - Pub – open after midnight

9.6 Key Factor 4, Standards to Promote the licensing objectives, sets out many measures that the Licensing Authority considers to be appropriate in order to ensure the promotion of the licensing objectives.

9.7 Having regard to the issues within the Old Town Zone the Licensing Authority has also set out particular matters that it expects operators to pay special attention to in order to ensure their operation will not add to the problems within this area. Operators are not required to do so, but where the authority's discretion is engaged, any applications which fail to address all appropriate matters may be refused or have conditions applied to comply with the policy measures.

9.8 These measures shall be considered in conjunction with the policy approach set out above and may be more or less appropriate depending on the style of operation applied for. Applicants are not limited to only these proposed measures and should propose all measures they consider appropriate in the promotion of the licensing objectives.

9.9 The measures are set out as follows:

Please note – the references below refer to the standards under the licensing objectives
(See pages 22 to 34)

Ref	Matter to be addressed	Measure to be adopted
CD2	Effective management of queues outside the premises	A documented policy addressing how queues outside of the premises will be managed to prevent any nuisance or disorderly behavior
CD3	The control of entry to and exit from the premises, including assessing the need for door supervisors	A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors shall be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times. Written records to be kept of any door supervisors on duty.
CD5	Designing out crime in the layout of the premises	Positive consideration will be given to the commissioning a Licensing Impact Statement (by Design for Security) and operation of the premises in line with the recommendations of that report.
CD8	Implementation of documented reporting procedures at the premises	Documented records to be kept in respect of: Lost and found property Refused sales of alcohol Thefts Banned and ejected persons Injuries Complaints and any remedial action taken.
CD10	Provision of comprehensive documented staff training	Documented staff training conducted in respect of: Preventing underage sales Preventing drunkenness Managing and resolving conflict Emergency procedures Compliance with the licence

		<p>conditions</p> <p>Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol</p> <p>Identification and refusal of underage sales</p> <p>Positive consideration will be given to the use of accredited training course and recognized industry qualifications (e.g. BII)</p>
CD11	Implementation of effective measures to prevent and deal with drunkenness at the premises	<p>A documented policy in relation to preventing and managing drunkenness on the premises.</p> <p>Access to the premises should not be permitted to any person who is visibly intoxicated.</p> <p>Positive consideration will be given to:</p> <p>The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables</p> <p>Substantial food being available at all times</p> <p>Use of the Responsible Alcohol Service Guide</p> <p>Displaying responsible drinking information and posters throughout the premises</p> <p>Ensuring alcohol-free options are readily available</p> <p>Making appropriate arrangements to ensure the safe transport home of vulnerable customers</p> <p>Training of staff in the Responsible Alcohol Service award</p> <p>No promotional activity resulting in a minimum unit price of less than 50p.</p> <p>In relation to off sales - positive consideration will be given to:</p> <p>Voluntary restriction of high strength alcohol (i.e. high ABV beers and cider)</p>

CD13	Effective monitoring of the premises (both interior and exterior) including the use of CCTV	A digital CCTV system installed in conjunction with any specification or recommendations of Essex Police.
CD14	Ensuring all alcohol sales are properly authorised	Positive consideration will be given to there being at least one personal licence holder on duty on the premises at all times it is open to the public.
CD16	Operation of a documented glass policy for the premises	A documented risk assessment in respect of the use of glassware on the premises. Where appropriate plastic or polycarbonate drinking vessels.
CD17	Support for the SOS bus and other mitigation measures	Positive consideration will be given to measures to support the SOS bus and other mitigation measures.
PS1	Maintaining a safe capacity and recording customer numbers	The maximum occupancy of the premises should be prominently displayed at the entrance to the premises and appropriate measures put in place to ensure the capacity is not breached.
PS6	Operation of a documented glass collection and spillage policy	A documented policy to ensure that drinking vessels are not left unattended and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas.
PN1	Prevention of noise breakout from the premises	Systems to ensure that any noise from the premises, especially regulated entertainment, does not cause disturbance to neighbouring properties, particularly local residents.
PN3	Communication and integration with local residents and businesses	Positive consideration will be given to: Participation in any community local initiatives. Communication with local residents and groups. Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems. Hosting of meetings with local

		residents to troubleshoot issues associated with the premises.
PN4	Effective management of exterior spaces (e.g. beer gardens, smoking areas)	Policies in place in relation to: Supervision arrangements. How such areas will be kept clean and free of litter, particularly at the end of trading. Avoiding customers causing noise disturbance.
PN5	Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter	Systems in place to ensure the premises and surrounding area are kept clean and free of litter at all times the premises is open to the public, and at the close of trade. Positive consideration will be given to: Contribution (including financial) to any community local initiatives or infrastructure Cleaning initiatives beyond the immediate vicinity of the premises.
PN6	Responsible management of the use of flyers and other promotional material	The distribution of flyers shall only be conducted in accordance with the terms of the requisite permit to distribute free printed material issued by the Council.
PN9	Prevention of customers causing disturbance when leaving the premises	Policies for the dispersal of customers to ensure orderly conduct and minimize disturbance. Positive consideration will be given to: Supervision of customers leaving including preventing customers congregating outside Use of a winding-down period Providing a dedicated taxi/private hire calling service, which operates a call back facility.
PN10	Membership of any local Pub and Club Network/Off Licence Forum or other recognized partnership group	Positive consideration will be given to: Participation in the local Pubwatch scheme Support of any local resident / community schemes including the

		voluntary hosting of meetings.
CH4	Taking action to prevent proxy sales of alcohol from the premises	Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences.
CH7	Prevention of underage sales of age-restricted products and underage persons access	The operation of Challenge 25 with acceptable forms of ID Positive consideration will be given to: The use of till prompts Operation of mystery shopper exercises at own expense.

9.9 The special policy shall apply to all new and material variation applications within the Old Town Zone. In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

9.10 Each application will be considered on its individual merits.

9.11 Departure from policy is expected only in exceptional circumstances. Exceptional circumstances will not include the quality of management or size of venue.

9.12 Applicants will be expected to have particular regard to all key factors of this Policy.

9.13 This special policy area will be kept under review and where problems of crime and disorder or public nuisance are not improving, or are worsening, the Policy will be reviewed with a view to introducing a cumulative impact area.

10. The Cumulative Impact of Concentrations of Licensed Premises

10.1 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

10.2 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increase in crime, anti-social behaviour, noise pollution and disturbance to residents in the vicinity of those premises and other patrons of the nighttime economy. In such cases the amenity of local residents can be placed under severe pressure but the causes may not be attributable to any individual premises and therefore enforcement action taken to ensure adherence to conditions may not always resolve the problems.

10.3 Types of evidence the Licensing Authority will take into consideration when considering whether to implement a cumulative impact policy include:

- Information and intelligence from its own Licensing Enforcement Group
- Alcohol-related crime
- The number and type of licensed premises and the hours and activities for which they are licensed
- Ambulance and A&E data in respect of alcohol-related incidents
- Residential density
- Noise complaints
- The number of consumers attracted to the area and the availability of public transport

10.4 In coming to any decision about a cumulative impact, the Licensing Authority will also have regards to other mechanisms outside of the licensing regime, which may also be available to address the issues, these include but are not limited to:

- Planning controls
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other Council departments
- The provision of CCTV in the town centre, sufficient taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Police enforcement including the issuing of fixed penalty notices
- Prosecution of personal licence holders or other members of staff who sell alcohol to people who are already drunk
- Confiscation of alcohol from children and adults in designated areas
- Police and Council powers to close down instantly, for 24 hours, a premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance

- The power to seek the review of a licence

10.5 Such a special policy will be implemented if the Authority is satisfied that there is evidence to support such a decision, and that it is proportionate and the most effective measure to address the problems identified.

11 Temporary Event Notices

11.1 Temporary Event Notices, TENs, can be used to authorise premises for licensable activities for temporary periods or specific occasions.

11.2 Unlike applications for premises licences and club premises certificates, the licensing authority does not grant temporary event notices. Instead the premises user notifies the licensing authority of their intention to hold an event. Only the police and environmental protection can intervene to prevent it taking place or agree modifications to the event arrangements. However, in the interests of public safety the fire authority are notified by the Licensing Authority of all temporary events notices.

11.3 It is strongly suggested that TENS are lodged well in advance of the event to enable the licensing authority to work with event organisers, where necessary, to resolve any potential issues that may arise as a result of the TEN. This is particularly relevant for organisers of events anticipating maximum attendance and/or involving the sale of alcohol. Organisers should also have regard to the relevant parts of the guidance in this policy on large scale events.

11.4 Events such as village fetes which occur on a temporary basis may not require a licence. However, organisers of such events are requested to notify the Licensing Authority to ensure that, in the event that enquiries/complaints are received from members of the public, they can be effectively dealt with.

11.5 Temporary Event Notices do not override the need to have the necessary planning consent in place for the event to be held.

12 Premises Licences for Large-Scale Public Events

12.1 The Council holds a number of Premises Licences for public areas throughout the town centre. If you wish to hold an event in a public space it is strongly recommended that you first contact the Council's Licensing Team.

12.2 Licensees are expected to have regard to the management standards set out in the Policy as well as address the following elements:

- Overall event safety control
- Production details
- Medical and first aid provision
- Site management and the structural integrity of all temporary structures
- Crowd management, stewarding and security
- Fire safety and control
- Configuration and control of sound systems
- Management of any on-site and off-site car parking
- Management of concessions and franchises
- Provision and maintenance of water supplies
- Welfare and provision of information
- Provision and maintenance of sanitary facilities
- Reception collection and removal of litter and other waste
- Liaison with local residents and businesses

12.3 Relevant details in respect of the above may include:

- The proposed capacity of the event
- The provision of plans to agreed scales detailing exits, entrances, temporary bars, marquees and all facilities to be provided within the premises
- Details of proposals for entertainments, together with information regarding any special effects
- Details of proposals for concessionary activities, including food franchises, bars, restaurants and non-food retail sales
- An alcohol management plan, which will include details of:

- The designated premises supervisor
- Personal Licence-holders
- Control of the sale of alcohol
- Proof-of-age policy
- Promotion of responsible drinking
- Appropriate signage

- A Safety Policy and Risk Assessment for the event
- Details of arrangements for co-ordinating and controlling event safety on the site
- A site safety plan, including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements
- Incident contingency and emergency plans (including a Major Incident Plan)
- A crowd management, stewarding and security plan (taking into account the views of Essex Police)
- A medical ambulance and first aid plan
- A fire safety plan
- A traffic management plan
- A sound assessment with details and proposals for monitoring and controlling sound emission
- Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water
- Details for the reception collection, litter and disposal of other waste
- Details of welfare arrangement facilities and provisions for information on site
- Details of the arrangements and facilities for disabled persons.
- Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:
 - Putting in place plans that will assist to minimize disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event
 - Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimizes the impact of visitors to the area for the event – while maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, transport and parking provision
 - Putting in place a strategy to manage the consumption of alcohol by visitors

accessing and leaving the event in the public realm and highway

- Putting in place a strategy for the control of access to and egress from the licensed premises for the control of disorderly behaviour.
- Providing facilities external to the licensed area that will assist in the management of the access and egress of visitors to the event – and minimize the impact on the existing public realm – including, but not restricted to, additional toilet facilities and a designated park and ride area
- Putting in place a cleansing strategy beyond the immediate perimeter of the licensed premises in association with the Local Authority
- Providing communication channels for the local community that will enable residents and businesses to access sufficient detailed information prior to the event days
- Providing a hotline and information phone number for residents and local businesses for the duration of the event.

12.4 Licensees should contact the Safety Advisory Group which oversees large scale events in the Borough and have reference to The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'.

13 Licensing Enforcement and Monitoring

13.1 It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with the licence conditions and the specific requirements of the Act. The Council will also monitor the Borough for unlicensed activities that require a licence and then act accordingly and in line with the Council's Enforcement Policy.

13.2 Enforcement activities to promote the licensing objectives will be targeted and will concentrate on those premises that present a greater risk; have a history of non-compliance with conditions and regulations; or demonstrate poor management practice.

13.3 The Licensing Authority is the lead authority on the Council's Licensing Enforcement Group which comprises representatives from all the responsible authorities and the Garrison. The Group meets monthly to share information on licensed venues.

The Terms of Reference of the Group are to:

- Work together to share knowledge and deal effectively with premises licensed under the Licensing Act 2003 that have been subject to complaints or raised concerns.
- Identify and discuss at an early stage those premises which may be called for review.
- Establish agreed means by which an intervention by the Group rather than by a single responsible authority could be achieved.
- To consider matters of potential serious or escalating concern that may fall outside the Licensing Act 2003 (e.g. taxi problems or disturbance that may be related to the management of one or more licensed premises).
- The aims and responsibilities of the Group are to:
- Improve the local and immediate neighbourhood that is affected by poorly managed premises.
- Raise the levels of compliance and standards of management in licensed premises.
- Prevent a possible escalation of problems with early and coordinated intervention.
- Enable the Licensing Authority to optimise its role as responsible authority under the Licensing Act.
- Improve understanding and foster positive working relationships between all responsible authorities.

13.4 The Licensing Authority takes a risk-based and proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises upon crime and disorder, public nuisance, problems concerning public safety and the protection of children from harm. Therefore, higher-risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises.

13.5 Failure to promote the licensing objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee, including removal of licensable activities, reductions in hours or, ultimately, revocation of the licence. Additionally, where offences are committed and/or licence conditions are not adhered to, prosecution will be considered.

13.6 The Licensing Authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.

13.7 The principles of enforcement for Licensing Authority focus are:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting businesses and others in meeting their legal obligations
- Promptly acting on issues of concern to local communities.

13.8 The responsible authorities are available to provide advice and support for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

Reviews

13.9 The review of a licensed premises is the key protection for residents and businesses where one or more of the licensing objectives are being undermined and these problems can be linked to the operation of a licensed premises. A responsible authority or any other body can ask for the review of a licence.

13.10 When considering a review request, or other possible enforcement action, the Licensing Authority will consider all relevant matters and in particular –

- The use of the premises for criminal activities such as the supply of drugs or money laundering
- Failure to promptly respond to a warning given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

13.11 The Licensing Authority will not normally engage its role as a responsible authority by calling reviews on behalf of other persons, such as local residents or community groups.

These individuals are entitled to do so in their own right where there are sufficient grounds to do so.

13.12 Where responsible authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give the licence holder early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given, such as using an Improvement Plan before bringing the premises to review. Responsible authorities may seek to amend a licence via review where evidence indicates the need for permanent enforceable conditions to be added to a licence.

13.13 It should be noted that a review can be called without an early warning where a serious situation has occurred and immediate action is required. Where premises are associated with serious crime and/or disorder a senior Police officer may apply for a summary review of a premises licence.

13.14 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

Suspension for Non Payment of Fees

13.15 The Licensing Authority is required to suspend a premises licence or club premises certificate if the annual fee has not been paid when it is due. Where a premises licence or certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.

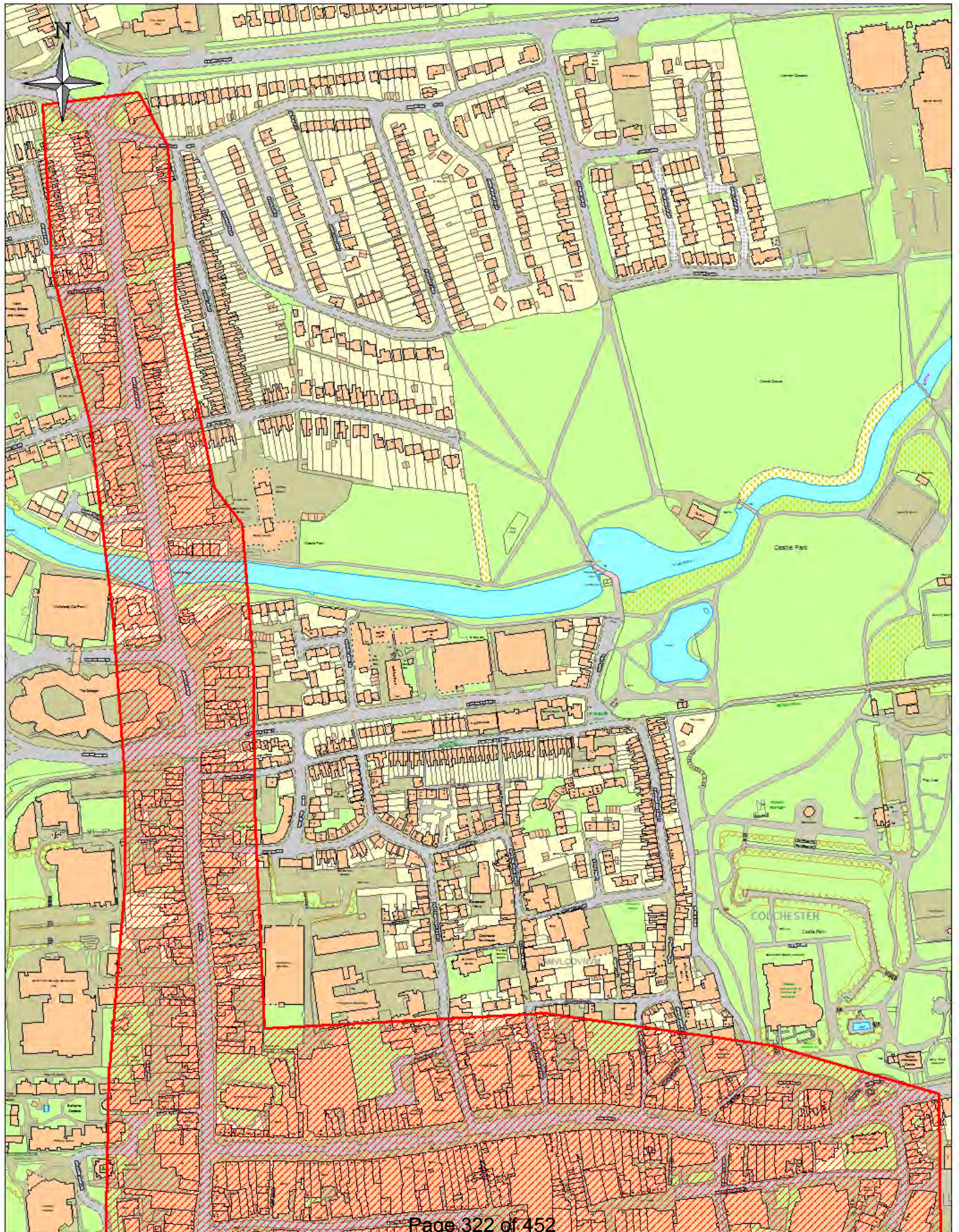
13.16 If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly by the Licensing Authority and given notice of the date the suspension shall take effect.

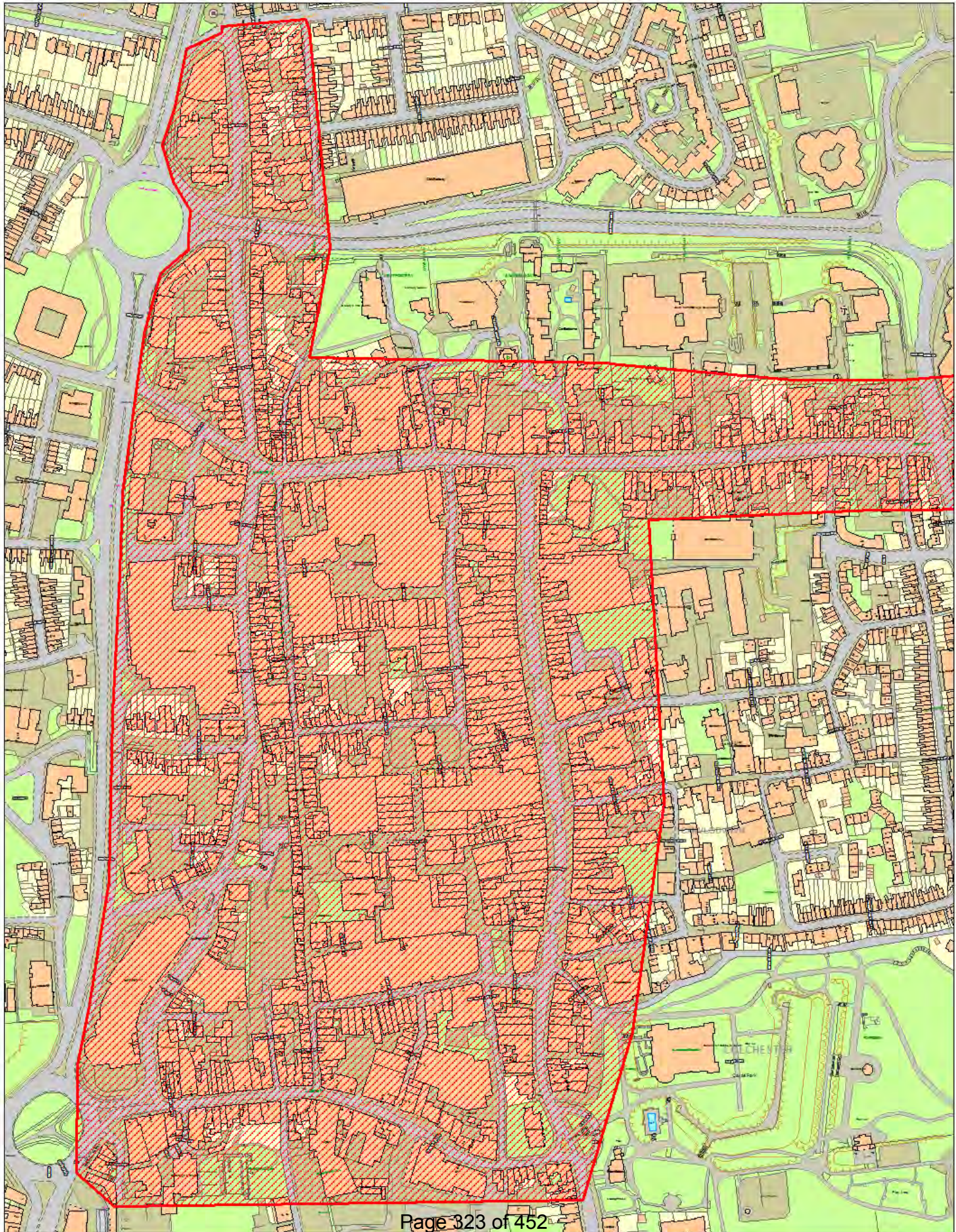
13.17 Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

Ability to re-instate conditions upon Review

13.18 Where entertainments authorised under the Licensing Act 2003 have been deregulated and the conditions in relation to those matters no longer apply, the Licensing Authority may reinstate or impose conditions following a review of a premises licence or club premises certificate. The reinstatement or imposition of conditions will be considered where it can be demonstrated that the promotion of the is being undermined and such action is considered to be appropriate.

Town Centre Zone





26 November 2015

Report of	Head of Professional Services	Author	Jon Ruder
Title	Draft Statement of Gambling Policy // outcome of consultation		
Wards affected	All		

This report details the outcome of the consultation exercise carried out for the Council's draft Statement of Gambling Policy and seeks the Licensing Committees approval for the adoption of the proposed final Statement of Gambling Policy by full Council.

1. Decision Required

- 1.1 Members are asked to consider the outcome of the public consultation exercise in relation to the draft Statement of Gambling Policy and recommend the proposed draft for the final approval of the full Council on 10 December 2015.

2. Reasons for Decision

- 2.1 The Council must re-adopt its licensing policy every three years as a requirement of the Gambling Act 2005. A final version of the policy must be approved by full Council on the 10 December 2015 to be in place and published by no later than the 31 January 2016.

3. Alternative Options

- 3.1 The Gambling Act 2005 requires this policy to be in place as a legal requirement of that Act and consequently there is no alternative.

4. Supporting Information

- 4.1 The public consultation on the proposed draft of the Council's Statement of Gambling Policy took place from 8 October to 8 November 2015. Letters advising of the consultation were sent to the responsible authorities, members and other persons who would have an interest in the policy and to businesses that were, or would be, holders of a premises licence.
- 4.2 Two representations were received to the consultation and these are attached at Appendix 1. The contents of the letters have been noted but it is not considered that any changes should be made to the Policy. The Gambling Commission is currently in the process of consulting on its 5th edition of their Guidance to Licensing Authorities. The Commission highlights the strengthening of the narrative emphasising the role and powers of licensing authorities and their mandate to manage local gambling provision. Once the updated guidance has been issued by the Gambling Commission a more fundamental review of the Policy will be carried out and some of the points raised will be covered in this review.

- 4.3 The final revision of the draft Statement of Gambling Policy is attached at Appendix 2.

5. Proposals

- 5.1 It is proposed that Members the draft policy document for submission to full Council on 10 December 2015.

6. Strategic Plan References

- 6.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non-licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

7. Community Safety

- 7.2 The Council's Statement of Gambling Policy recognises the need for commercial enterprises involved in gambling to be able to go about their lawful business without being hindered by unnecessary restrictions. However, at the same time it also recognises the scope for negative effects that gambling can have on both society and individuals, and endeavours to ensure that the approach adopted by the Licensing Authority will be proportionate, reasonable, accountable, consistent, transparent and targeted and in accordance with the principles of Better Regulation.

8. Consultation

- 8.1 The revised draft policy has been comprehensively consulted on in accordance with the Guidance issued by the Gambling Commission. The Licensing Authority will continue to publicise the implications of this policy and the legislation covered under the Gambling Act 2005 and also assist licence and permit holders as widely as it possibly and practically can.

9. Publicity Considerations

- 9.1 Those businesses, persons, responsible authorities, voluntary groups and other interested parties who may be affected by this policy or have an interest in it, have been invited to submit comments via the consultation process which was the most direct way of publicising the policy to those that needed to know about it.

10. Financial Implications

- 10.1 The Council's Statement of Gambling Policy could be judicially reviewed by an aggrieved party and decisions made by the Licensing Authority to grant or refuse applications submitted under the Gambling Act 2005 can be appealed at Court. The costs of any successful review or appeal brought could be awarded against the Council.

11. Equality, Diversity and Human Rights Implications

- 11.1 The policy has been drafted in accordance with all relevant .

- 11.2 A licence is to be regarded as the property of the holder and their right to the use of that property must be balanced against any other public interest.

12. Community Safety Implications

- 12.1 The Council's Statement of Gambling Policy reasonably and proportionately seeks to offer safeguards against gambling activities in Colchester from becoming a source of crime and disorder, being associated with crime or being used to support crime and protects children and other vulnerable persons from being harmed or exploited by gambling wholly in line with the expectations of the Gambling Act 2005 and the guidance issued by the Gambling Commission that accompanies the Act.

13. Health and Safety Implications

- 13.1 There are no direct health and safety issues arising from the policy.

14. Risk Management Implications

- 14.1 A flexible yet robust revised Statement of Gambling Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making and a secure platform from which to promote the licensing objectives as outlined in the Gambling Act 2005.

Licensing Section
'Gambling Policy Response'
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

6th November 2015

Dear Sir,

Consultation on Cheltenham Borough Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

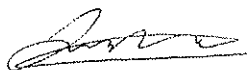
Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. Your Statement also correctly includes that the Council should not take into account any moral objections to gambling either.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations (requirement is from 6th April 2016) following the consultation completion and are pleased to see this information included.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. A number of Council's have created long lists of locations which by inclusion are required to be risk assessed & often with strict templates to be completed. Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail



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a  company



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SOLICITORS

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Our ref: RJT / LHK / 097505.00004
#GS461576
Your ref:
Date: 06 November 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

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A list of partners is available for inspection at the above address.
This firm is authorised and regulated by the Solicitors Regulation Authority under number 6121

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review

should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

Under the "General Principles" heading at paragraph 16.1, there is a statement that *"licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate."* The licensing policy statement should be clear throughout that conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case.

Paragraph 16.8 to 16.11 specifically deal with conditions. These paragraphs would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The licensing policy statement should indicate that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. This need for clear evidence is referred to in paragraph 16.11 in relation to door supervision. The need for clear evidence as a basis for conditions should be made throughout.

Paragraph 16.13 indicates that the licensing authority may impose conditions relating to the number and circumstances of use of betting machines. The statement of licensing policy would be assisted if a clear distinction was made between betting machines and gaming machines. The licensing policy statement should indicate that whilst there is power to restrict the number of betting machines (s181 Gambling Act 2005) there is no power to restrict the number of gaming machines. The holder of a betting premises licence is authorised to make up to 4 gaming machines of categories B, C or D available for use when there are sufficient facilities for over the counter betting made available.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



GOSSCHALKS

COLCHESTER BOROUGH COUNCIL

GAMBLING LICENSING POLICY STATEMENT 2016-2019

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PART A

GENERAL INTRODUCTION

1. INTRODUCTION

- 1.1 This Statement of Licensing Policy sets out the principles the Colchester Borough Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-
- Designating the body responsible for advising the Authority on the protection of children from harm;
 - Determining whether or not a person is an "Interested Party";
 - Exchanging information with the Gambling Commission and others; and
 - Inspecting premises and instituting proceedings for offences under the Act.

2. THE LICENSING OBJECTIVES

- 2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. LICENSABLE ACTIVITIES & FUNCTION OF LICENSING AUTHORITY

- 3.1 The following are the gambling activities that are allowed by the Act and in respect of which authorisations can be applied for from the Licensing Authority (in some cases authorisations must also be obtained from the Gambling Commission):-
- Casinos
 - Bingo
 - Betting Premises
 - Tracks

- Adult Gaming Centres
- Licensed Family Entertainment Centres
- Unlicensed Family Entertainment Centres
- Club Gaming Permits
- Club Machine Permits
- Alcohol Licensed Premises Gaming Machine Permits
- Prize Gaming
- Prize Gaming Permits
- Small Society & Local Authority Lotteries

3.2 The following are the main regulatory functions of the Licensing Authority in relation to gambling:-

- License Premises for gambling activities;
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- Regulate gaming and gaming machines in alcohol licensed premises;
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider occasional use notices for betting at tracks and;
- Register small societies' lotteries.

4. DESCRIPTION OF THE DISTRICT

4.1 Colchester is Britain's oldest recorded town. It was the administrative centre of Roman Britain and has a heritage of national importance. The modern borough of Colchester also has a large and rich rural hinterland. This makes Colchester an obvious visitor centre. Our historic buildings, green spaces, countryside and coastline all help create a high quality environment for local people. More than five million people visit Colchester every year from Britain and overseas.

4.2 Colchester is also special because of the different communities who enjoy life here. These include people who are based around the coastal, rural and riverside parts of the borough, those who choose to live near to the heart of town, and people living on well-established, large housing estates, as well as those who are now moving into one of the new communities that are developing around the regeneration areas. The University and the Garrison bring an extra perspective too, with hundreds of new people coming into the borough every year. Colchester is also somewhat unusual because of the large number of residents who live in and around the town centre itself, in historical areas such as the "Dutch Quarter".

- 4.3 Colchester's educational and training institutions range from the national award-winning nursery, primary and secondary schools and Sixth Form College, to a nationally acclaimed technology college and a leading university. Britain's most important army garrison is based in Colchester, and there has been a major military centre here since the first millennium.
- 4.4 Colchester has a rare opportunity to develop a vibrant future because of its strategic position and the availability of brownfield land. The town is seen as a logical centre for commerce, shopping and visitors and is strategically positioned just 45 minutes away by road from London's third airport at Stansted and is close to the Haven Ports of Harwich International and Felixstowe. With excellent rail links to London and the A12/M25 road networks so accessible, Colchester is close enough to London to provide good business opportunities at an economic rate. Colchester is the natural centre for the surrounding rural areas of north Essex, south Suffolk and beyond.
- 4.5 A map of the Borough is attached as Appendix 7.

5. RESPONSIBILITIES UNDER THE ACT

- 5.1 The Act introduced a new licensing regime for commercial gambling, to be operated by the Gambling Commission and/or by Licensing Authorities, depending on the matter to be licensed.
- 5.2 The Act established each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Colchester Borough Council is the Licensing Authority for the Colchester District.
- 5.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations that:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and licensed Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
 - provide facilities under a general betting operating licence
- 5.4 The Licensing Authority is responsible for licensing premises in which gambling

takes place. All types of gambling are covered, other than spread betting (regulated by the Financial Services Authority) and the National Lottery (regulated by the National Lottery Commission). It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.

5.5 The Licensing Authority cannot become involved in the moral issues relating to gambling and must aim to permit the use of premises for gambling in so far as they think it is:-

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives and subject to both of the above provisions; and
- in accordance with the Licensing Authority's Statement of Licensing Policy and subject to all three of the above provisions.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence must have been obtained from the Gambling Commission.

6. STATEMENT OF LICENSING POLICY

6.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles that it proposes to apply when exercising its functions under the Act.

6.2 In this document this is referred to as 'the Policy'. This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.

6.3 This Policy takes effect on 1 January 2016.

7. CONSULTATION

7.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of the other groups and persons consulted is also provided below.

7.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

7.3 The other groups and people consulted were:-

- organisations, including faith groups, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers, medical practices or primary care trusts and the citizens Advice Bureau;
- other tiers of local government;
- businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

7.4 The consultation also included meetings and open forums for the public.

7.5 The Licensing Authority's consultation took place between 8 October and 8 November 2015.

7.6 A full list of comments made, and details of the Council's consideration of those comments, is available via the Licensing Authority's website at:- www.colchester.gov.uk or by email to licensing.committee@colchester.gov.uk

8. APPROVAL OF POLICY

8.1 This Policy was approved by full Council on 10 December 2015

8.2 It should be noted that this Policy does not override the right of any person to make an application to make representations about an application, or to apply for a review of a licence, as each case will be considered entirely on its own individual merits and in accordance with the requirements of the Act.

9. DECLARATION

9.1 In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses received during the consultation process.

- 9.2 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers, and should not be interpreted as legal advice or as part of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the Guidance or regulations issued under the Act.

10. RESPONSIBLE AUTHORITIES

- 10.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix 2. It should be noted that, under the Act, the Licensing Authority is designated as a Responsible Authority.
- 10.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- The competency of the body to advise the Licensing Authority;
 - The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - The need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.
- 10.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex County Council Children's Safeguarding Service for this purpose.

11. INTERESTED PARTIES

- 11.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) has business interests that might be affected by the authorised activities, or*
- c) represents persons who satisfy paragraphs (a) or (b).'*

- 11.2 Interested parties can be persons who are democratically elected, such as District, Town and Parish Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Town and Parish Councils likely to be affected are also considered to be interested parties.
- 11.3 Colchester Borough Councillors, who are members of the Licensing Committee, may also qualify to act as an 'interested party'. In order to resolve any potential conflict of interest, these members will not be eligible to sit on a Sub-Committee to determine an application for any premises within their own Ward. However, a Member of the Licensing Committee or any other Ward Councillor with a prejudicial interest in an application although not permitted to sit on a Licensing Sub Committee, may appear before it to make a representation in the capacity of an 'Interested Party'.
- 11.4 Other than persons mentioned in paragraphs 11.3 and 11.4, the Licensing Authority will generally require some form of written confirmation that a person is authorised to represent an interested party.
- 11.5 The Licensing Authority considers that Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.
- 11.6 In determining whether a person lives or has business interests sufficiently close to the premises, that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-
- the size of the premises;
 - the nature of the premises;
 - the distance of the premises from the location of the person making the representation;
 - the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
 - the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
 - the catchment area of the premises (i.e. how far people travel to visit); and
 - whether the person making the representation has business interests in that catchment area that might be affected.

12. EXCHANGE OF INFORMATION

12.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- The provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- The guidance issued by the Gambling Commission;
- Data Protection Act 1998;
- Human Rights Act 1998;
- Freedom of Information 2000;
- Environmental Information Regulations 2004;
- The Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

12.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form). An audit trail should include:-

- A record of data disclosed;
- A project chronology; and
- Notes of meetings with other partners and recent correspondence including phone calls.

13. PUBLIC REGISTER

13.1 The Licensing Authority is required to keep a public register and share information contained in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

14. COMPLIANCE AND ENFORCEMENT

14.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promoted by the Better Regulation Executive and the Hampton review of Regulatory Inspections and Enforcement and will endeavour to be:-

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

14.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.

14.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It should be noted that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but will be notified to the Gambling Commission for their attention and action as appropriate.

14.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

14.5 Recognising the principle of transparency, any enforcement/compliance protocols, or written agreements prepared by the Licensing Authority and its partners will be available on request.

15. DELEGATION OF POWERS

15.1 The Council has agreed a scheme of delegation for discharging its functions under the Act and this can be found as Appendix 3 of this policy.

PART B PREMISES LICENCES

16. GENERAL PRINCIPLES

- 16.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought necessary or appropriate.
- 16.2 Licensing Authorities are required by Section 153 of the Act, in making decisions about Premises Licences, to aim to permit the use of premises for gambling so far as it thinks it:-
- In accordance with any relevant codes of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - To be reasonably consistent with the Licensing Objectives and subject to both of the above provisions; and
 - In accordance with the Authority's Policy and subject to all three of the above provisions.

Save as required by that section, each and every application for a licence will be considered and determined on its own individual merits having due regard to the Licensing Objectives, Codes of Practice, Guidance and Policy.

- 16.3 **Definition of Premises:**
Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises. However this determination will always be considered in conjunction with the Guidance issued by the Gambling Commission. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separated can be properly regarded as different premises. The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 16.4 **Demand:**
Demand is a commercial consideration and is not an issue for the Licensing Authority to consider.
- 16.5 **Location:**

Location will only be a material consideration in the context of the Licensing Objectives.

16.6 Duplication with other Regulatory Regimes:

Duplication with other statutory/regulatory regimes will be avoided where possible. The Licensing Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

16.7 Licensing Objectives:

Premises Licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority will take into account the following:-

(i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will nevertheless pay close attention to the proposed location of gambling premises in terms of promoting this licensing objective.

Where an area has known high levels of crime and disorder the Licensing Authority will consider carefully whether gambling premises are suitable to be located there, and the need for conditions such as the provision of door supervisors.

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Gambling Act 2005

(ii) Ensuring that gambling is conducted in a fair and open way –

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way.

The Licensing Authority notes that, in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain reasonable and necessary conditions to ensure that the environment in which betting takes place is suitable.

(iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling –

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

The Council will pay attention to the proposed location of gambling premises in terms of the proximity of gambling premises to schools and vulnerable adults centres, or residential area where there might be high concentration of families with children

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

16.8 **Conditions:**

Any conditions attached to Licences by the Licensing Authority will be proportionate, and will be:-

- Relevant to the need to make the proposed premises suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority may particularly take into account the following:

- Proof of age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, and helpline numbers for organisations such as GamCare.

- 16.9 Decisions upon individual conditions will be made on a case-by-case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. Applicants will

also be expected to offer their own suggestions about the way in which the Licensing Objectives can be effectively met.

16.10 It is acknowledged that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- Any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, and the winning of prizes.

16.11 **Door Supervisors:**

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises from becoming a source of crime. . As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervisors are both necessary and proportionate.

16.12 **Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. However, cash dispensers (ATMs) may be installed in such premises but the Licensing Authority may apply conditions prescribing where they are sited.

16.13 **Betting Machines:**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching reasonable and necessary conditions to a Betting Premises Licence or to a Casino Premises Licence (where betting is permitted in the Casino).

16.14 When considering whether to impose reasonable, necessary and proportionate conditions to restrict the number of betting machines in particular premises the Licensing Authority, among other things, may take into account:-

- The size of the premises;

- The number of counter positions available for person to person transactions; and
- The ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

16.15 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own individual merit, and proper account will be taken of codes of practice or guidance issued under the Act.

17. PROVISIONAL STATEMENTS

17.1 It is noted that the guidance from the Gambling commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provisional Statement. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as Planning Consent.

18. REPRESENTATIONS AND REVIEWS

18.1 Representations and applications for review of a Premises Licence may be made by responsible authorities and interested parties.

18.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is reasonable and necessary. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Planning and Licensing Service Manager as being the proper person to act on its behalf.

18.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- frivolous or vexatious.
- made on the grounds that will certainly not cause the Authority to wish to alter/revoke/suspend the Licence or remove, amend or attach conditions to the licence.
- substantially the same as previous representations or requests for a review.
- in accordance with any relevant codes of practice issued by the Gambling Commission.
- in accordance with any relevant guidance issued by the Gambling Commission.
- reasonably consistent with the licensing objectives.

- 18.4 There is no appeal against the Authority's determination of the relevance of an application for review.

19. ADULT GAMING CENTRES

- 19.1 An Adult Gaming Centre is defined in Appendix 1 of this policy. Entry to these premises is age restricted.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20. (LICENSED) FAMILY ENTERTAINMENT CENTRES

- 20.1 A Licensed Family Entertainment Centre is defined in Appendix 1 of this policy. Entry to these premises is not generally age restricted, although entry to certain areas may be restricted dependent on the category of machines available for use.
- 20.2 The Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will encourage the applicant to satisfy the Authority that they have taken reasonable and proportionate measures to ensure that under 18 year olds do not gain access to any area of the premises that may contain adult only gaming machines and that vulnerable persons should not be exploited on the premises.
- 20.3 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises, but would also encourage applicants to voluntarily offer their own measures to promote the licensing objectives. Such measures may include:
- Proof of age schemes
 - CCTV
 - Supervision of entrances and machine areas
 - Physical separation of areas
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
 - Self-barring schemes
 - Measures/training for staff on how to deal with suspected truant school children on the premises
 - Measures/training for staff by way of written procedures covering how staff would deal with unsupervised and obviously very young children being on

the premises, or unsupervised children causing problems on or around the vicinity of the premises.

- Specific opening hours

21. CASINOS

21.1 The Licensing Authority has not passed a resolution under Section 166(1) of the Gambling Act 2005 which would allow it to grant a Casino licence.

21.2 Any future decision to pass or not pass such a resolution will be made by the Council's Licensing Committee and will need to be endorsed by the full Council, but will only be taken after a full consultation process has been undertaken within its area.

21.3 Casinos and Competitive Bidding:

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State.

21.4 Betting Machines:

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching reasonable and necessary conditions to a Betting Premises Licence or to a Casino Premises Licence (where betting is permitted in the casino). When considering whether to impose a reasonable and necessary condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should take into account:-

- The size of the premises;
- The number of counter positions available for person to person transactions; and
- The ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- The steps that the applicant has taken, or is offering, to positively and proportionately promote the licensing objectives.

21.5 In deciding whether to impose reasonable and necessary conditions to limit the number of betting machines, each application will be considered entirely on its own individual merits and account will be taken of all Codes of Practice or Guidance that has been issued under the Act.

21.6 Credit:

Credit facilities are prohibited in casinos; however, this does not prevent the installation of ATMs on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22. BINGO PREMISES

- 22.1 A Bingo premises is defined in Appendix 1 of this policy. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 22.3 **Credit:**
Credit facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of ATMs on the premises, although the Licensing Authority may attach conditions as to the siting of such machines, for example by requiring adequate separation from areas used for gambling.

23. BETTING PREMISES

- 23.1 Betting Premises are defined in Appendix 1 of this policy.

24. TRACKS

- 24.1 A Track is defined in Appendix 1 of this policy. Entry to these premises is generally age restricted other than on event days. On event days, specific areas within the Track may also be age restricted dependent on the licensable activities taking place.

25. TRAVELLING FAIRS

- 25.1 It is for the Licensing Authority to determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

PART C
PERMITS/TEMPORARY OR OCCASIONAL USE
NOTICES/REGISTRATIONS

26. GENERAL

- 26.1 Forms and method of application, and any additional information or documents required, for permits covered by this section are available via a link from the Council's website, www.colchester.gov.uk

27. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 27.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a Permit. It should be noted, however, that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic criminal record check for staff or equivalent criminal records check for the applicant & also the person who has the day to day control of the premises;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,
 - children causing perceived problems on, or around, the premises,Safeguarding awareness training, and
Suspected truant children

28. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises (under the Licensing Act 2003) to automatically have two gaming machines, of Categories C and/or D, by the person who holds the 'on' premises licence notifying the Licensing Authority at least two months before the expiry of their current permit or of their intention to make

gaming machines available for use. Gaming machines can only be located on licensed premises that have a bar for serving alcohol to their customers. Premises restricted to selling alcohol only with food will not be able to apply for a permit.

28.2 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:

- adult machines being in sight of the bar;
- adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- with regard to the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information and leaflets/help-line numbers for organisations such as GamCare; and

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

28.3 Where the Licensing Authority is satisfied that the applicant has provided sufficient measures to protect children and vulnerable persons from harm, or from being exploited by gambling, the Licensing Authority will grant permits allowing up to a maximum of four machines per premises without the need for the application to be considered and determined by the Licensing Sub Committee.

29. PRIZE GAMING PERMITS

29.1 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Criminal Record Bureau check or equivalent criminal records check for the applicant and the person having day to day control of the premises;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or

- children causing perceived problems on/around the premises or suspected truant children
- Safeguarding awareness training, and
- Suspected truant children

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives, but must have regard to any Gambling Commission guidance.

30. CLUB GAMING AND CLUB MACHINE PERMITS

- 30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines, and to equal chance gaming and games of chance. A fast track procedure is available for premises that hold a Club premises certificate under the Licensing Act 2003.

31. TEMPORARY USE NOTICES (TUNs)

- 31.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 5 of this licensing policy.
- 31.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations have been issued by the Secretary of State prescribing the activities to be covered. At present a temporary use notice can only be granted for equal chance gaming.
- 31.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 31.4 The definition of "a set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 31.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

32. OCCASIONAL USE NOTICES

- 32.1 Occasional Use Notices defined in Appendix 1 of this licensing policy, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 32.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 32.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 32.5 The person in the Licensing Authority who is designated to receive the OUN's and assess validity is specified in the scheme of delegation as shown in Appendix 3 of this licensing policy. A copy must also be served on the local Chief Police Officer for the area.

33. SMALL SOCIETY LOTTERIES

- 33.1 The definition of a Small Society Lottery is contained in Appendix 1 of this licensing policy and these require registration with the Licensing Authority.

34. Gaming Machines

- 34.1 The table below shows the various categories of gaming machine and the maximum stakes and prizes

<u>Category of Machine</u>	<u>Maximum Stake £</u>	<u>Maximum Prize £</u>
<u>A</u>	<u>Unlimited – no category A gaming machines are currently permitted</u>	<u>Unlimited – no category A gaming machines are currently permitted</u>
<u>B1</u>	<u>5</u>	<u>10,000</u>
<u>B2</u>	<u>100 in multiples of 10</u>	<u>500</u>
<u>B3</u>	<u>2</u>	<u>500</u>
<u>B3A</u>	<u>2</u>	<u>500</u>
<u>B4</u>	<u>2</u>	<u>400</u>

<u>C</u>	<u>1</u>	<u>100</u>
<u>D – non money prize (other than a crane grab machine or a coin pusher or penny falls machine)</u>	<u>30p</u>	<u>8</u>
<u>D Non money prize (crane grab machine)</u>	<u>1</u>	<u>50</u>
<u>D – combined money and non money prize (other than a coin pusher or penny falls machine)</u>	<u>10p</u>	<u>8 (of which no more than 5 may be a money prize)</u>
<u>D – combined money and non-money prize (coin pusher or penny falls machine)</u>	<u>20p</u>	<u>20 (of which no more than 8 may be a money prize)</u>

A separate table (Appendix 4) shows which types of gambling premises may have which category of gaming machine.

35. Definitions

35.1 In this Policy the definitions contained in Appendix 1 are included to provide an explanation of certain terms included in the Act and this Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act.

Appendix 1

DEFINITIONS/GLOSSARY OF TERMS

Adult	An individual who is not a child or young person.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect (Premises limited to entry by adults making Category B, C and D gaming machines available to their customers).
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events (not a gaming machine).
Bingo	A game of equal chance.
Braintree District Council	The area of Essex administered by the Braintree District Council (see map – Appendix 9)
Casino	An arrangement whereby people are given an opportunity to participate in one or more Casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B,C or D).
Code of Practice	Any relevant code of practice under Section 24 of the Act.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"><input type="checkbox"/> Automatic provision<input type="checkbox"/> Regulations provided by Secretary of State<input type="checkbox"/> Conditions provided by Gambling Commission<input type="checkbox"/> Conditions provided by Licensing Authority <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers	Decisions delegated either to a Licensing Committee, Sub- Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank
	and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Small Society Lottery (required to register with Licensing Authorities). <input type="checkbox"/> Incidental Non Commercial Lotteries. <input type="checkbox"/> Private Lottery (Private Society, W o r k or Residents lottery). <input type="checkbox"/> Customer Lotteries.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the Lottery.
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3rd edition dated May 2009.
Human Rights Act 1998 Articles: 1,6,8 and 10	<p>Article 1: Protocol 1 The right to peaceful enjoyment of possessions.</p> <p>Article 6: The right to a fair hearing.</p> <p>Article 8: The right of respect for private and family life.</p> <p>Article 10: The right to freedom of expression.</p>

Incidental Non Commercial Lottery	A Lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance).
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	<p>A person who:-</p> <ul style="list-style-type: none"> ❑ lives sufficiently close to the premises to be likely affected by the authorised activities; ❑ have business interests that might be affected by the authorised activities, or ❑ represents persons in either of these two groups. <p>See paragraph 10.6 for the criteria the Licensing Authority will apply in determining who lives or has</p>
	interests sufficiently close to the premises that they are likely to be affected by any authorised activities.
Licensing Authority	Braintree District Council acting under Section 2 of the Act.
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Licensed Lottery	A Large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Licensing Objectives	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Lottery Tickets	<p>Tickets that must:-</p> <ul style="list-style-type: none"> ❑ identify the promoting society; ❑ state the price of the ticket, which must be the same for all tickets; ❑ state the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and ❑ State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Specified conditions provided by Regulations under Section 176 of the Act to be attached to Premises Licences.
Members' Club	<p>A Club that must:-</p> <ul style="list-style-type: none"> ❑ have at least 25 members; ❑ be established and conducted 'wholly or mainly' for purposes other than gaming; ❑ be permanent in nature; ❑ not be established to make commercial profit; and ❑ be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' for eight days or less in a calendar year without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.

Operating Licence	<p>Issued by the Gambling Commission. Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling</p> <ul style="list-style-type: none"> - Casino Operating Licence - Bingo Operating Licence - General Betting Operating Licence - Pool Betting Operating Licence - Betting Intermediary Operating Licence - Gaming Machine General Operating Licence (for an Adult – Gaming Centre Operator or a Family Entertainment Centre) - Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine) - Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling
Permits	<p>Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises. Issued by the Licensing Authority (for Unlicensed Family Entertainment Centres, Prize Gaming, Gaming Machines, on alcohol related premises, Club Gaming and Club Gaming Machines).</p>
Personal Licence	<p>Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.</p>
Pool Betting - Tracks	<p>Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the</p>
Premises	<p>Defined as 'any place', including a vehicle, vessel or moveable structure. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.</p>
Premises Licence	<p>Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.</p>

Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> ❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; ❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; ❑ Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or
	by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:-</p> <ul style="list-style-type: none"> ❑ Expects to be constructed. ❑ Expects to be altered. ❑ Expects to acquire a right to occupy.
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of

Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <ul style="list-style-type: none"> ❑ Braintree District Council acting as the Licensing Authority ❑ The Gambling Commission ❑ The Chief Officer of Police (Essex Police) ❑ Essex County Fire and Rescue Service ❑ Local Planning Authority, ie Braintree District Council Planning Department ❑ The authority having functions in relation to the environment or harm to human health, i.e. Braintree District Council Environmental Health ❑ Essex Local Safeguarding Children's Board ❑ HM Revenue and Customs ❑ Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency ❑ Other persons prescribed by the Secretary of State <p>Full details of Responsible Authorities for the Braintree District are contained in Appendix '2' to this Policy.</p>
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
The Act	The Gambling Act 2005.
The Council	Colchester Borough Council
The Commission	The Gambling Commission.
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Tote [or Totalisator]	Pool betting on tracks.

Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> ❑ gamble more than they want to ❑ gamble beyond their means ❑ who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

RESPONSIBLE AUTHORITIES

The following table shows the Responsible Authorities designated under the Act and their relevant contact details.

RESPONSIBLE AUTHORITY	CONTACT DETAILS
Licensing Authority	Licensing Food Safety Manager Colchester Borough Council Environmental and Protective Services Po Box 889 Rowan House 33 Sheepen Road Colchester Essex CO3 3WG e-mail address: licensing@colchester.gov.uk Website: www.colchester.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP e-mail address: info@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk
Essex Police	Police Licensing Officer Essex Police Colchester Police Station 10 Southway Colchester Essex CO3 3BU e-mail address: ED-Licensing@essex.pnn.police.uk Website: www.essex.police.uk
Essex County Fire & Rescue Service	Community Commander Colchester & Tendring Community Command Block C Park Road

	<p>Colchester Essex CO3 3UL</p> <p>e-mail address: ct.command@essex-fire.gov.uk Website: www.essex-fire.gov.uk</p>
Planning Services	<p>Planning Services Manager Colchester Borough Council PO Box 889 Rowan House 33 Sheepen Road Colchester Essex CO3 3WG</p> <p>e-mail address: licensing@colchester.gov.uk Website: www.colchester.gov.uk</p>
Environmental Protection	<p>Environmental Control Manager Colchester Borough Council PO Box 889 Rowan House 33 Sheepen Road Colchester Essex CO3 3WG</p> <p>e-mail: environmentalcontrolteam@colchester.gov.uk Website: www.colchester.gov.uk</p>
Essex County Council Children's Safeguarding Service	<p>Head of Children's Safeguarding Service Licensing Applications Essex County Council DG06, D Block Schools Children's and Families Service PO Box 11 County Hall Chelmsford CM1 1LX</p> <p>Email: licenceapplications@essex.gov.uk Website: www.essexcc.gov.uk</p>

HM Revenue & Customs	<p>Tj Proper Officer H M Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY</p> <p>Tel: 0141 555 3633</p> <p>e-mail: nrubetting&gaming@hmrc.gsi.gov.uk Website: www.hmrc.gov.uk</p>
Trading Standards	<p>Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS</p>

SCHEME OF DELEGATION

Licensing Authority Delegations as permitted under the Gambling Act 2005.

(Note: X indicates the lowest level at which decisions are delegated (within Guideline limits)).

Matter to be dealt with	Council	Licensing Sub-Committee	Officers (Head of Professional Services).
Final approval of three year licensing policy	X		
Fee Setting			X
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received from the Commission
Review of premises licence		X	Chief Executive (will make decision as to whether to seek review of premises licence on behalf of Licensing Authority)
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	

Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notices			
Decision to give a counter notice to a temporary use notice		X	
Policy to permit/not to permit Casino's	X		
Consideration of an Occasional Use Notice			X

APPLICATION PROCESS

This guidance covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: - www.gamblingcommission.gov.uk

PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operator's Licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an Operating Licence allowing the proposed activities to be carried out. The Premises Licence cannot be granted until the necessary Operator's Licence has been issued.

Premises Licences are issued by the Licensing Authority and are required for Casinos, Bingo premises, Betting premises (including tracks and premises used by betting intermediaries) Adult Gaming Centres and Family Entertainment Centres providing Category C gaming machines.

A Licence is restricted to one premise only. However, one set of premises may have separate licences issued in respect of different parts of the building.

Licensing Authorities are obliged to grant an application for a Premises Licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)

New Licences or Permissions

Applicants wishing to commence operating on or after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an Operator's Licence and from 31 January 2007 to the Licensing Authority for a Premises Licence.

TRACKS

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires Operators to hold either a general Betting Operator's Licence or a Pool Betting Operating Licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse tracks) and by the Premises Licence Holder (in relation to dog tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises Licence Holder provided they hold a Pool Betting Operator's Licence (for sitting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see *'Betting machines'*).

The licensing process is the same as for other premises described above.

BETTING MACHINES

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a Premises Licence.

GAMING MACHINE SUPPLY & REPAIR

These activities require Operators Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk).

GAMING MACHINES IN LICENSED PREMISES

Premises Licences issued under the Act automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Act introduces new classes of gaming machines, as shown in Fig. 1 below. The category and number of machines that may be operated under a Premises Licence are shown in figure 2 below.

-

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited – No category A gaming machines are currently permitted	
B1	5	10,000
B2	100 (in multiples of £10)	500
B3	2	500
B3A	2	500
B4	2	250
C	1	100
D money prize	10p	£5
D no money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D non money prize (crane grab machine)	1	50
D combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

Fig. 2

	Machine category						
Premises Type	A	B1	B2	B3	B4	C	D
Regional Casino		A,B,C and D, except B3A. Maximum of 1250 or 25 x No of gaming tables, whichever is less. (Casino must have at least 40 gaming tables. Otherwise permission is as for large casino)					
Large Casino		B,C and D, except B3A. Maximum of 150 or 5 x No of gaming tables, whichever is less. (Large casino must have at least one gaming table)					
Small Casino		B,C and D except B3A.Maximum of 80 machines or 2 x No of gaming tables, whichever is less.					
Pre-2005 Act Casinos (no machine/ table ratio)		Maximum of 20 machines categories B to D or C or D machines instead(except B3A)					
Betting premises and tracks occupied by Pool Betting		Maximum of 4 machines categories B2 to D not to include B3A					
Bingo Premises				Maximum of 8 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *		No limit on category C or D machines	
Adult Gaming Centre				Maximum of 4 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family Entertainment Centre gaming machine permit						D	

Club Gaming Permit					B3A, B4, C and D	3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes
Club Machine Permit					B3A, B4, C and D	3 total
Licensed premises: automatic entitlement					C and D	2 total
Licensed premises: Gaming Machine Permit					C and D	Unlimited

**Licensed AGC and Bingo premises in existence before 13th July 2011 are entitled to make available four (AGCs) or eight (Bingo) Category B Gaming Machines, or 20% of the total number of Gaming Machines, whichever is greater. AGC and Bingo Premises Licences granted on or after 13th July 2011 but before 1st April 2014 are entitled to a maximum of four or eight category B Gaming Machines or 20% of the total number of Gaming Machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of Gaming Machines only.*

TEMPORARY USE NOTICES (TUNs)

A TUN may only be issued by a person or company holding an Operating Licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12 month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/ occupation and control of the premises.

The Licensing Authority will generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Issue

Not less than 3 months and 1 day prior to the day on which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority;
- the Chief Officer of Police;
- HM Commissioners for Revenue and Customs and, if applicable;
- any other Licensing Authority in whose area the premises are situated.

The Notice must include details of: -

- the date the Notice is given;
- the gambling activity to be carried on;
- the premises where it will take place;
- the dates and times it will take place;
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by Regulations.

If there are no objections, the Notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

Objections

Having regard to the Licensing Objectives, those Authorities upon whom the TUN is served may make objections to the gambling activity taking place within 14 days of the date of the notice. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the Notice may be suggested by those objecting to it. If accepted by the issuer, a new Notice must be issued. It should be noted that the 3 month, 1 day time limit and a new fee will not apply to the new notice, nor may the original objector(s) object to the new notice.

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary (e.g. by modification of the notice) within 6 weeks of the date of the notice.

Following a Hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

OCCASIONAL USE NOTICES (OUNs)

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premises on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

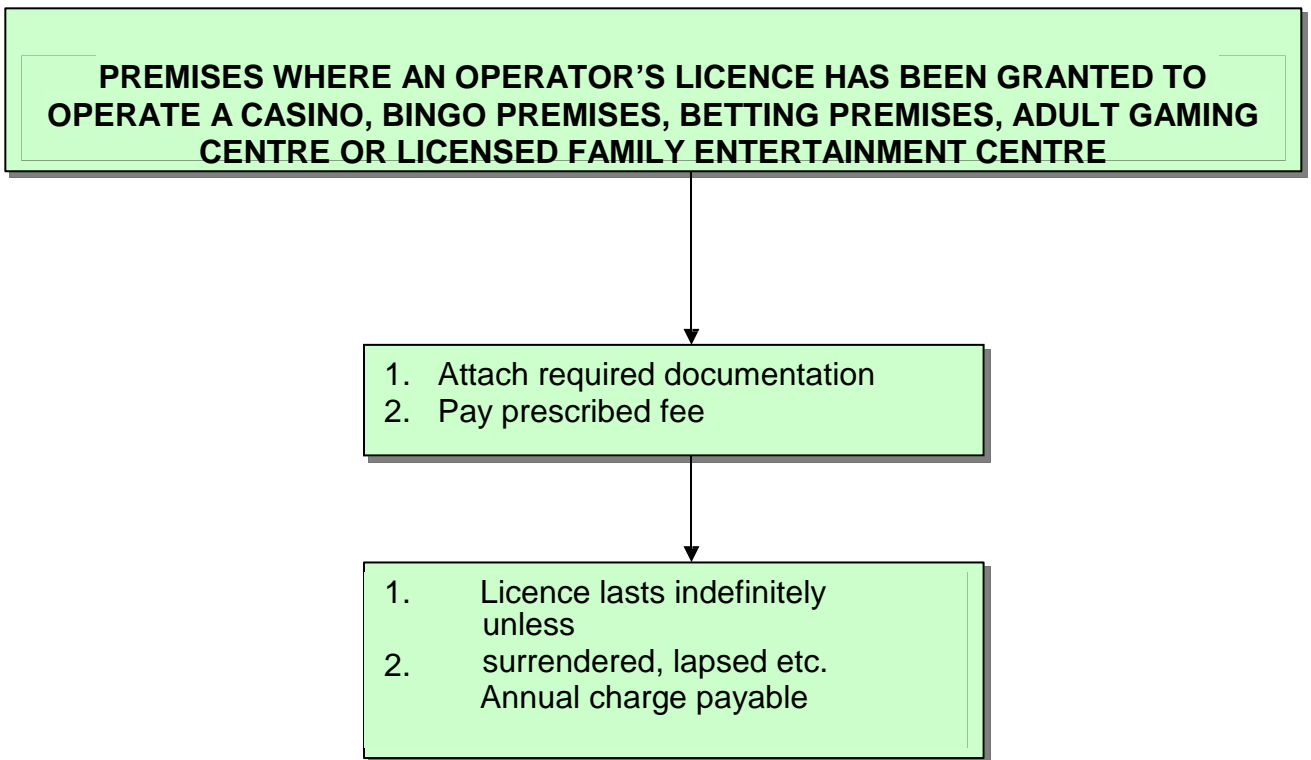
Issue

The Notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. **The Notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.**

Objections

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

PREMISES LICENCES



GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, Member's Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see '*Other premises*' below)
- Equal chance gaming, games of chance and gaming machines in Member's Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

GAMING MACHINES

The Act introduces new classes of gaming machines that may be operated under a Permit, as shown in figure 3 below.

Fig. 3

Category of machine	Maximum Stake £	Maximum Prize £
B3A	2	500
B4	2	400
C	1	100
D (Money prize)	10p	5
D Non money prize (other than a crane grab machine)	30p	8
D Non money prize (crane grab machine)	1	50
D combined money and Non money prize (other than a coin pusher or penny falls machine)	10p	8 (of which no more than 5 may be a money prize)
D combined money and non money prize (coin pusher or penny falls machine)	20p	20 (of which no more than 8 may be a money prize)

The category and number of machines that may be operated under a Premises Licence are shown in Figure 2 above.

Fig. 4

	Machine category							
Premises Type	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miner's Welfare Institutes with Permits					Maximum of 3 category B3A to D machines			
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with Gaming Machine Permit							Unlimited entitlement of 1 or 2 category C or D machines	
Family Entertainment Centre (with permit)								Unlimited category D machines
Travelling Fair								Unlimited category D machines

ALCOHOL-LICENSED PREMISES

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a Premises Licence may be authorised to operate machines of Class C or D provided the Premises Licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

Automatic Entitlement

The Act gives an automatic entitlement for the Holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a Permit is not required but Premises Licence Holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements;
- the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises.

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New permits

Where the holder of a Premises Licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- any documentary evidence (e.g. supporting statistical evidence providing details of usage, etc.);
- each application on its own merits;
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

Where the Authority grants the application, a Permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intends to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the Premises Licence is transferred, the Gaming Machine Permit must also be transferred or it will lapse. In all other cases the Permit will last indefinitely, unless surrendered or revoked.

Although the Permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

MEMBER'S CLUBS

The Act permits a Member's Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miner's Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3(A), B4, C or D.

The Act also permits a Member's Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3(A), B4, C or D under a **Club Machine Permit**.

New Permits

Applications for a Permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the Club is established primarily for gaming (other than that permitted); if, in addition to the permitted gaming, facilities are provided for other gaming; or that a Club Machine Permit issued to the applicant within the preceding 10 years has been cancelled. An application and payment of the prescribed fee is required. A Permit has effect for 10 years unless surrendered or revoked.

Applications for a Permit for premises not holding a Club Premises Certificate e.g. a Commercial Member's Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities
- a Permit held by the applicant has been cancelled in the previous 10 years

- an objection has been made by the Police or Gambling Commission

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing Authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a Permit.

A Permit will lapse if the holder no longer qualifies as a Member's Club or no longer qualifies under the 'fast track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a Permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a Club Gaming Permit or Club Machine Permit irrespective of the type of registration previously held.

An application for a new Club Machine Permit must be made at least 2 months before the existing registration expires, together with the prescribed fee.

OTHER PREMISES

Premises such as taxi offices, take-away restaurants, cafes etc., are prohibited from obtaining a gaming machine permit under the Act and will be unable to operate gaming machines of any kind.

UNLICENSED FAMILY ENTERTAINMENT CENTRES

The Licensing Authority may grant an application for a Permit for Category D Gaming Machines in an unlicensed Family Entertainment Centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief

Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Gambling Policy Licensing Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a Permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

The Authority may refuse an application for renewal of a Permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A Permit will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

Applications for new permits may be made to the Licensing Authority .

PRIZE GAMING

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A Prize Gaming Permit will not authorise the use of gaming machines.

The Authority may apply its Gambling Licensing Policy Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

The Authority may refuse an application for renewal of a Permit only on the grounds that an authorised Local Authority Officer has been refused access to

the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

An application for a Permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A prize gaming Permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

New Permits

Applications for new permits may be made to the Licensing Authority.

Prize gaming without a Permit

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Act, except that Casinos may not offer prize bingo.

Unlicensed FECs may also offer equal chance gaming only, under the authority of their Gaming Machine Permit.

Travelling Fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

TRAVELLING FAIRS

Travelling Fairs do not require a permit to provide gaming machines but must comply with Codes of Practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

ALCOHOL LICENSED PREMISES

PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D

AFTER 1 SEPTEMBER 2007

UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

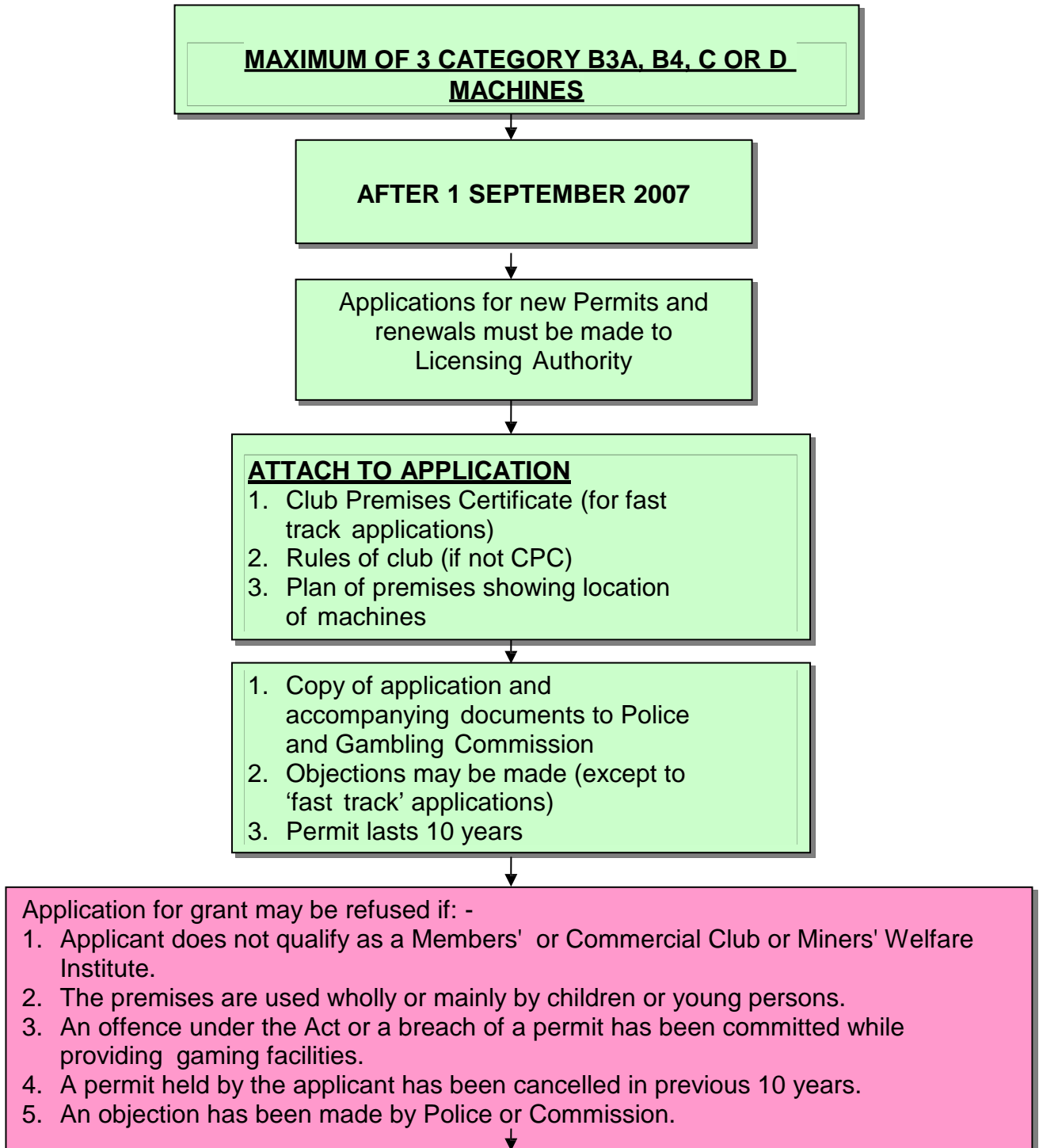
1. Permit has effect from date of grant unless surrendered or cancelled
2. Annual charge to be paid to

1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

BUT

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal

MEMBERS CLUBS



Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

UNLICENSED FAMILY ENTERTAINMENT CENTRE

PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D

**NEW PERMIT TO OPERATE
AFTER 1 SEPTEMBER 2007**

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plan of premises showing location of machines
3. Consult Chief of Police
4. Pay prescribed fee
5. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

PRIZE GAMING PERMIT

PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005

**NEW PERMIT TO OPERATE
AFTER 1 SEPTEMBER 2007**

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

LOTTERIES

A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on www.gamblingcommission.gov.uk

The Act defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the Licensing Authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions

The Licensing Authority may refuse an application if: -

- it considers the applicant is not a non-commercial society
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading

An application shall be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

NEW REGISTRATIONS

An application for registration with the prescribed fee must be made to the Licensing Authority under the Act. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

Lottery Requirements

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

Returns

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment, and include the following details: -
 - the dates when tickets were available for sale;
 - the dates of any draw and value of prizes, including any rollover;
 - the proceeds raised;
 - the amounts deducted for prizes and expenses incurred in organising the lottery;
 - the amount applied or to be applied to the purposes of the promoting society; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid

- **EXTERNAL LOTTERY MANAGERS**

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk

SMALL SOCIETY LOTTERIES

PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN

REGISTRATION TO OPERATE AFTER 1 SEPTEMBER 2007

1. Attach information required: -
 - (a) Purpose for which society established
 - (b) Confirm bona fides of society as non-commercial
 - (c) Declare convictions, if any
1. Pay prescribed fee
2. Registration valid for life, annual fee payable to Licensing Authority

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
 2. No single prize to exceed £25000
 3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
 4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw
- Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -
5. Dates tickets were available for sale, dates of draw and value of prizes
 6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
 7. Amount to be applied to purposes of the promoting society

Registration may be refused if: -

1. Society is not considered to be non-commercial
 2. Any person connected with promotion of lottery has been convicted of relevant offence , or
 3. Information provided in application is false/misleading
- Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
- Registration may be revoked where grounds exist for an application for registration to be refused.
- BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

FEES



Colchester Borough Council
Approved Fees for Applications made under the Gambling Act 2005

Non Statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of the current fees can be found on the Council's website

Appendix 6

USEFUL CONTACTS

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk. Some of these organisations provide codes of practice on their particular interest area. Links to a selection of these are shown below:

Trade Associations:

Association of British Bookmakers	Website: www.abb.uk.com
British Amusement Catering Trade Association (BACTA)	Website: www.bacta.org.uk
Bingo Association	Website: www.bingo-association.co.uk
British Horseracing Board	Website: www.britishhorseracing.com
British Greyhound Racing Board	Website: www.thedogs.co.uk

Gambling Support Organisations

GAMCARE	Website: www.gamcare.org.uk
Responsibility in Gambling Trust	Website: www.rigt.org.uk
Gamblers Anonymous	Website: www.gamblersanonymous.org.uk

Other Links:

Department for Culture, Media & Sport (DCMS)	Website: www.culture.gov.uk
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The Gambling Commission also maintains a list of useful contacts for organisations involved in gambling and these can be found on the commission's web site: www.gamblingcommission.gov.uk

Some of the organisations mentioned above also provide codes of practice on their web sites for their particular field of interest.

MAP OF THE BOROUGH OF COLCHESTER



24 November 2015

Report of	Electoral Registration Officer	Author	Sarah Cheek ☎ 282271
Title	Polling Districts and Polling Places Review		
Wards affected	All wards		

This report concerns the review of all polling districts and polling stations

1. Decisions Required

- 1.1 To consider the proposed changes to polling districts and polling places following the consultation period and to recommend to full council that it be approved and adopted. These changes will come into effect on 5 May 2016.

2. Reasons for Decision

- 2.1 Following the meeting held on the 8 September 2015, Colchester Borough Council Governance Committee approved the review of polling districts and voting arrangements in the Borough and a period of 30 days consultation was undertaken, starting on the 14 September 2015.

3. Alternative Options

- 3.1 None as this review is a statutory requirement.

4. Supporting Information

- 4.1 Colchester Borough Council Electoral Order 2015 was approved by Parliament on the 3rd November 2015. As a consequence following this review the full Register of Electors will be published on the new boundaries on the 1 February 2016. The new electoral arrangements will come into force for the next election on the 5 May 2016. See proposed schedule Appendix A.

Timetable

- 4.1 The timetable for the consultation is as follows:

Governance Committee (approval of consultation draft schedule)	8 September 2015
Notice of Review (commencement of consultation)	14 September 2015
End of consultation period	20 October 2015
Governance Committee to agree final proposals and make recommendation to full council	24 November 2015

Full Council (to ratify the final recommendations)	10 December 2015
Publication of the electoral register	1 February 2016

5. Proposals

- 5.1 For many of the polling districts no change is required and the polling districts and stations will remain the same as it is considered the existing arrangement provide satisfactory facilities for the elector.
- 5.2. Seventy six of the polling district will geographically remain the same but may be incorporated into a ward were the boundary has changed. Where a new boundary will encompasses two of the current wards the polling district will be realigned or incorporated into an existing polling district. The proposed voting arrangements are listed in Appendix B.
- 5.3 It is proposed that two polling places will be changed but these will utilise existing polling stations. See Appendix B.
- 5.4 Should a polling place be unavailable in the run up to an election the (Acting) Returning Officer be given the authority to select an appropriate alternative and formal retrospective approval be sought by the Council following the election should this be a permanent proposed change.
- 5.5 The arrangements will continue to be reviewed on an ongoing basis, with further formal reviews taking place on a regular five year cycle.

6. Strategic Plan References

- 6.1 Having an appropriate polling district and polling station scheme link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve.

7. Consultation

- 7.1 The Electoral Administration Act 2006 requires the relevant authority to actively seek representations from;

The Acting Returning Officer for the area of the Constituency the authority covers; and

Any persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

In addition, any elector in the Borough may make representations on the designation of polling places.

- 7.2 Responses were received from the following;

Acting Returning Officer – Witham Constituency
Mary Blandon
Cllr. Martin Goss
Cllr Julie Havis
Myland Community Council
Stanway Parish Council
Mr C Stephens

Rowhedge Residents Association
West Bergholt Parish Council
Wivenhoe Town Council
Cllr. Tim Young

All correspondence have been considered and incorporated in the final recommendation.
Consultation responses are set out in Appendix C.

8. Publicity Considerations

- 8.1 During the 30 day period of consultation maps and current polling district electorate as well as any other relevant information were available for public inspection as well as details listed on the council's website.
- 8.2 Upon conclusion of the review, any elector who is affected with a change in polling station will be contacted and the new polling location explained.
- 8.3 The final recommendations will be published for public inspection and details listed on the council's website

9. Financial implications

- 9.1 No direct implications.

10 Equality and Diversity implications

- 10.1 An Equality Impact Assessment is available on the Council's website.

11. Human Rights, Health & Safety, Community Safety and Risk Management Implications

- 11.1 No direct implications.

Background Papers

Appendix A - Schedule of Polling District and Places
Appendix B - Polling District Boundary Changes
Appendix C - Consultation responses



Colchester Borough Council

Schedule of Polling District and Polling Places

Colchester Borough Council Draft Polling District and Polling Place Review 2015

BERECHURCH WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
BERECHURCH	Berechurch Road	AA	Berechurch Road, Bourne Court, Britannia Mews, Chariot Drive, Circus Square, Daniel Cole Road, Dudley Close, Gurdon Road, Harrison Road, King George Road, Lord Holland Road, Maple Way, Mario Way, Memnon Court, Mersea Road, Meyrick Crescent, Midland Close, Nancy Smith Close, Pownall Close, Queen Mary Avenue, Sandringham Drive, Secundus Drive, Valentinus Crescent,	Nancy Smith Close	Plum Hall Common Room Nancy Smith Close	1515
	Willows & Monkwick	AB	Buxton Road, Crosstree Walk, Firlie Walk, Holm Oak, Mayberry Walk, Mersea Road, Monkwick Ave, Prince Charles Road, Queen Elizabeth Way, Sage Road, School Road, Sheering Walk, Silverthorne Close, Snowberry Grove, Talcott Road, The Willows, Windsor Close, Wych Elm.	The Lord Thomas Audley School Monkwick Avenue	The Thomas Lord Audley School Drama Block Monkwick Avenue	998
	Mersea Road	AC	Adelaide Drive, Armidale Drive, Bardfield Road, Beeleigh Close, Berefield Way, Bevan Close, Brisbane Way, Cairns Road, Coronation Avenue, Darwin Close, Freemantle Road, Hillston Close, Hobart Garden, Inworth Walk, Launceston Close, Mackay Court, Maryborough Grove, Melbourne Chase, Mersea Road, Middlewick Close, Monkwick Avenue, Moy Road, Onslow Crescent, Parnell Close, Perth Close, Prince Philip Road, Queen Elizabeth Way, Queensland Drive, Ridgewell Way, Rockhampton Walk, Roman Way, Sydney Street, Tamworth Chase, Terling Close, Wyndham Clos	St. Margaret's Church Stansted Road	St. Margaret's Church Hall Stansted Road	2062
	Blackheath	AD	Agnes Silverside Close, Aggregate Walk, Ash Grove, Berechurch Hall Road, Berefield Way, Blackheath, Blenheim Drive, Bounstead Road, Builder Gardens, Cabbage Hall, Chancery Grove, Chestnut Avenue, Cinder Street, Felstead Close, Finchingfield Way, Foundation Way, Fowler			

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
BERECHURCH			Road, Friday Wood Green, Gosfield Road, Gryps Close, Helen Ewing Place, Henry Everett Grove, Hetherington Close, Hooper Avenue, James Gore Drive, James Parnell Drive, John Hammond Close, John Lawrence Walk, John Mace Road, Lethe Grove, Lungley Rise, Madeley Close, Pebmarsh Close, Pier Close, Richard Day Walk, John Nichols Close, Rose Allen Court, Spencer Road, Stonecutter Road, Thaxted Walk, Thomas Benold Walk, Travis Road, Trowel Place, Wall Mews, Wethersfield Road, William Harris Way.	Polling District of Blackheath	Orchard Baptist Church Blackheath	2127
	Cherry Tree	EC	Ball Lane, Cabbage Hall Lane, Holt Drive, Mersea Road	Sexton Close	Cherry Trees Sheltered Housing Scheme, Sexton Close	488

Colchester Borough Council Draft Polling District and Polling Place Review 2015

CASTLE WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
CASTLE	Jumbo	AE	Balkerne Close, Balkerne Gardens, Balkerne Lane, Balkerne Passage, Church Street, Church Walk, Crouch Street, Crowhurst Road, Francis Kellerman Walk, Greens Yard, Henry Laver Court, Hospital Lane, James Wicks Court, Lexden Road, Manor Gardens, Manor Road, Middleborough, North Hill, Oaks Drive, Papillon Road, Popes Lane, Rawstorn Road, St Albans Road, St Marys Fields.	Quaker Meeting House	Quaker Meeting House	1201
	Castle	AF	Long Wyre Street, Pill Box Walk, Sir Isaacs Walk, Abbeygate Street, Arthur Street, Ball Alley, Castle Park, Castle Road, Chapel Street North, Culver Street East, Culver Street West, East Stockwell Street, Eld Lane, Ernulph Walk, George Street,, Headgate, High Street, John Ball Walk, Lion Walk, Maidenburgh Street Middle Mill Road, Museum Street, North Hill, Northgate Street, Nunn`s Road, Osborne Street, Parkside Quarter, Priory Street, Queen Street, Roman Road, Ryegate Road, St. Botolph`s Church Walk, St. Botolph`s Circus, St. Botolph`s Street, St. Helen`s Lane, St. James`s Rise, St. John`s Avenue, St. John`s Street, St. Julian Grove, St. Peter`s Street, Short Cut Road, Short Wyre Street, Stanwell Street, Stockwell, Trinity Square, Trinity Street, Vineyard Street, Wat Tyler Walk, West Stockwell Street, Whitewell Road, William`s Walk.	Castle Methodist Church	Castle Methodist Church	1500
	Riverside	AG	Bristol Road, Brook Street, Bury Close, Carlisle Close, Collyers Court, Coventry Close, Durham Square, East Bay, East Hill, East Street, Ely Gardens, Exeter Drive, Fenwick Drive, Grantham Court, Grosvenor Place, Guildford Road, Harold Collins Place, Hereford Road, Hillsleigh Mews,	The Celtic Rose Centre	The Celtic Rose Centre	2,247

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
CASTLE			Inverness Close, Ipswich Road, Leicester Close, Lichfield Close, Lincoln Way, Marriages Yard, Moorside, Nicholsons Grove, Norwich Close, Old Coach Road, Priory Street, Riverside Place, Rosebery Avenue, Rouse Way, St. Augustine Mews, Smythies Avenue, Wakefield Close, Wells Road, Worcester Road, York Place.			
	Cowdray Avenue	AH	Albert Street, Belle Vue Road, Bloyes Mews, Catchpool Road, Causton Road, Chiltern Close, Claremont Heights, Clarendon Way, Gilbert Court, Colne Bank Avenue, Cowdray Avenue, Essex Hall Road, Henry Swan Way, Jarmin Road, John Harper Street, Jubilee Court, Kings Head Court, Kings Meadow Road, Margaret Road, Market Close, Meander Mews, Mercers Way, Middleborough, Morten Road, North Station Road, Pavilion View, Pill Box Walk, Orchard Road, Poplar Hall Close, Reed Walk, River Bank Walk, Riverside Walk, Rotary Way, Rowan Place, St. Paul's Road, Serpentine Walk, Sheepen Place, Sheepen Road, Trevor Bailey Drive, Victoria Chase, Wycliffe Grove.	Belle Vue Social Club	Belle Vue Social Club	2,488

GREENSTEAD WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
GREENSTEAD	Hawthorn Avenue	BH	Acacia Avenue, Almond Way, Antonio Walk, Altbarn Road, Ariel Close, Arrow Road, Aspen Way Avon Way, Berberis Walk, Blackthorn Avenue, Brockenhurst Court, Bromley Road, Clematis Way, Conifer Close, Cooper Walk, Cypress Grove, Dewberry Close, Elm Crescent, Erica Walk, Ferdinand Walk, Foxglove Walk, Gardenia Walk, Gorse Walk, Hamlet Drive, Harwich Road, Hawthorn Avenue, Heatley Way, Hewes Close, Hickory Avenue, Holborough Close, Honeysuckle Way, Imogen Close, Jasmine Close, Jessica Close, Juniper Way, Laburnum Grove, Larch Close, Leam Close, Lime Avenue, Linden Close, Macbeth Close, Magnolia Drive, Marigold Close, Miranda Walk, Oberon Close, Orsino Walk, Othello Close, Patmore Road, Pickford Walk, Primrose Walk, Prospero Close, Redwood Close, Rosalind Close, Sebastian Close, Sherbourne Road, Spruce Avenue, Stevens Walk, Tamarisk Way, Thelsford Walk, Thorpe Walk, Titania Close, Veronica Walk, Viola Walk, William Boys Close, Yew Tree Close.	Greenstead Community Centre	Greenstead Community Centre	2609
	Avon Way	BI	Affleck Road, Alefounder Close, Alyssum Walk, Annan Road, Arnold Drive, Ashdown Way, Avon Way, Balfe Court, Ballantyne Drive, Bennett Court, Berrimans Close, Britten Close, Buckingham Drive, Buffett Way, Caelum Drive, Capstan Place, Charles Pell Road, Chase Court, Clarkia Walk, Cook Crescent, Cyril Child Close, Dahlia Walk, Delius Walk, Duffield Drive, Elmstead Road, Forest Road, Geranium Walk, Greenstead Road, Handel Walk, Hawkins Road, Hawthorn Avenue, Hickory Avenue, Howe Close, Hunwicke Road, Hythe Station Road, Laing Road, Lightship Way, Lugar Close, Mascot Square, Panton Crescent, Penrice Close, Purcell Close, Quayside Drive, Rochdale Way, St.	Forest Road Meeting Hall Forest Road	Forest Road Meeting Hall Forest Road	2743

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
GREENSTEAD			Andrew's Avenue, Scarfe Way, Sherwood Close, Ship Wharf, Stanley Wooster Way, Sullivan Close, Swan Close, Tangerine Close, The Chase, Tippet Close, Triumph Close, Tulip Walk, Wheeler Close, Whitethorn Close, Willingham Way, Woodcock Close, Woodrow Way.			
	Greenstead Road	BJ	Bridgefield Close, Davey Close, Greenstead Road, Harwich Grove, Harwich Road, Hunting Gate, St. Andrew's Avenue, Tabor Road, Whaley Road.	St Johns Ambulance HQ Greenstead Road	St Johns Ambulance HQ Greenstead Road	775
	Longridge	BM	Barbel Road, Bream Court, Bromley Road, Bullfinch Close, Cardinal Close, Chaffinch Gardens, Curlew Croft, Dunnock Way, Egret Crescent, Fulmar Close, Goldcrest Close, Goldfinch Close, Grayling Drive, Greenfinch End, Kingfisher Close, Longridge, Merlin End, Nightingale Close, Owls Retreat, Parsons Heath, Peregrine Court, Rudd Court, Salary Close, Sandpiper Close, Sheerwater Mews, Siskin Close, Teal Close, Turnstone End, Woodpecker Close.	Hazelmere School Junior & Infant School	Hazelmere School Junior & Infant School	1608

Colchester Borough Council Draft Polling District and Polling Place Review 2015

HIGHWOODS WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
HIGHWOODS	East Highwoods	AN	Albrighton Croft, Aldeburgh Gardens, Alverton Way, Arbour Way, Barncroft Close, Baronia Croft, Berkley Close, Bignell Croft, Bilsdale Close, The Brackens, Briarwood End, Brinkley Lane, California Close, Chanterelle, Chinook, Cleveland Close, Coppice End, Cotswold Court, Craven Drive, Derwent Road, Eastwood Drive, Elizabeth Close, Fir Tree Close, Friars Close, Gazelle Court, Greenwood Grove, Hallcroft Chase, Harebell Close, Harvard Court, Highwoods Square, Hillridge, Hunters Ridge, Hurrell Down, Ipswich Road, The Jays, Langham Place, Northfield Gardens, Pampas Close, Pinecroft Gardens, Princess Drive, Princeton Mews, Regents Close, Reynards Copse, Ridgeway, Rosewood Close, Sea King Crescent, Sinnington End, Sioux Close, Spindle Wood, Spring Close, Tally Ho, Thistledown, Tony Webb Close, Tynedale Square, Valleyview Close, Victoria Gardens, Viscount Drive, West View Close, Yale Mews.	St Johns & Highwoods Community Centre Highwoods Square	St Johns & Highwoods Community Centre Highwoods Square	4058
	West Highwoods	AO	Asquith Drive, Attwood Close, Brinkley Lane, Enville Way, Gavin Way, Gordon Drive, Grassmere, Hanbury Gardens, Hanningfield Way, Jack Andrew's Drive, Kinlett Close, Langdale Drive, Lilian Impey Drive, Mabbitt Way, Purvis Way, Rawlings Crescent, Severalls Lane.	The Ark Church Jack Andrews Drive	The Ark Church Jack Andrews Drive	730
	Myland East	AP	Antonius Way, Arrowsmith Walk, Augustus Close, Avitus Way, Caracalla Way, Carus Crescent, Domitian Close, Flavius Way, Freeman Close, Gavin Way, Gordian Walk, Gratian Close, Hadrian Close, Honorius Drive, Jovian Way, Julian Avenue, Libius Drive, Lucius Crescent, Magnus Drive, Marcus Close, Matchett Drive, Maximus Drive, Mill Road,	The Ark Church Jack Andrews Drive	The Ark Church Jack Andrews Drive	2212

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
HIGHWOODS			<p>Otho Drive, Petronius Way, Septimus Drive, Springham Drive, Tiberius Close, Titus Way, Trajan Close, Valens Close, Vitellus Close, Weetmans Drive.</p> <p>Appleton Mews, Bennett Green, Carter Walk, Chapman Place, Hale Green, Kirk Way, Mill Road, Mortimer Gardens, Oxley Parker Drive, Parker Drive, Roper Park, Scrivener Way.</p>			

LEXDEN & BRAISWICK WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
LEXDEN & BRAISWICK	Trafalgar	AQ	Beaver Close, Cadenhouse Mews, Chitts Hill, Cymbeline Way, Firstore Drive, Halstead Road, Hargood Close, King Coel Road, London Road, Mellor Chase, Tusset Mews.	Lexden Primary School	Lexden Primary School	788
	East Lexden	AS	Acland Avenue, Alton Drive, Ashley Gardens, The Avenue, Bakers Lane, Bramley Close, The Chantry, The Chase Way, Elianore Road, Endsleigh Court, Fitzwalter Road, Fitzwilliam Road, Glen Avenue, Highfield Drive, Hubert Road, Hurnard Drive, Lexden Court, Lexden Road, Lockhart Avenue, Mossfield Close, New Kiln Road, Norman Way, Park Road, Piper Road, Roddam Close, Round Close, St. Clare Drive, St. Clare Road, Sanders Drive, Spring Lane, Sussex Road, Tapwoods, Vint Crescent, West End Mews, Wroxham Close.	Kingswode Hoe School	Kingswode Hoe School	1629
	Braiswick	AT	Achnacone Drive, Anemone Court, Bakers Lane, Bluebell Way, Braiswick, Braiswick Place, Burywoods, Camomile Way, Celandine Court, Coltsfoot Court, Devereux Place, Fairways, Fernlea, Gention Court, Jonquil Way, Keepers Green, Lavender Way, Sorrel Close, Stonecrop, Warwick Bailey Close, Westwood Hill	Woods Bowling Pavilion Keepers Green	Woods Bowling Pavilion Keepers Green	725
	Aldham	EJ	Brook Road, Church Grove, Ford Street, Foxes Corner, Green Lane, Halstead Road, Hardings Close, Hines Close, New Road, Rectory Road, Tey Road.	Polling District of Aldham Village	Aldham Village Hall	396
	Eight Ash Green	ET	Abbotts Lane, Beech Grove, Blind Lane, Brick Street, Chippets Lane, Choats Wood, Cooks Mill	Polling District of Eight Ash	Eight Ash Green Village Hall	1313

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
LEXDEN & BRAISWICK			Lane, Daisy Green, Daisy, Green, Farm Drive, Fiddlers Folley, Fordham Heath, Foxes Corner, Foxes Lane, Halstead Road, Heath Road, Heathfields, Huxtables Lane, Jubilee Meadow, Pallant Chase, Porters Close, Porters Cottages, Porters Lane, Searle Way, Seven Star Green, Spring Lane, The Bridleway, The Rise, The Walk, Turkey Cock Lane, Wood Lane, Woodland Chase.	Green		
	West Bergholt	EU	Albany Close, Albany Road, Armoury Lane, Armoury Road, Bourne Road, Bures Road, Chapel Lane, Chapel Road, Chitts Hill, Church Close, Colchester Road, Cooks Hall Lane, Cooks Hall Road, Coopers Crescent, Donard Drive, Erle Havard Road, Firmins Court, Fordam Heath, Fordh Garling Walk am Road, Fossetts Lane, Garret Place, Garthwood Close, The Avenue, The Crescent.	Polling District of West Bergholt	Orpen Memorial Hall Lexden Road	2573

Colchester Borough Council Draft Polling District and Polling Place Review 2015

MARKS TEY & LAYER WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
MARKS TEY & LAYER	Birch	GA	Birch Park, Birch Road, Birch Street, Birch Way, Blind Lane, Craxes Green, Easthorpe, Fountain Lane, Hardys Green, Layer Bretton Heath, Luards Way, Maldon Road, Mill Lane, Orpen Hill, Orpens Hill, Porters Green, Pudding Lane, Rectory Road, Roundbush Road, School Hill, Straight Way.	The Polling District of Birch	Birch Village Hall School Hill	646
	Layer de la Haye	GB	Abberton Road, Birch Road, Church Road, Field Farm Road, The Folley, Great House Farm Road, Green Acres Road, Hawfinch Road, The Heath, High Road, Layer Road, Lower End, Mallard Close, Malting Green, Malting Green Road, Martin End, Mill Lane, New Cut, Oaks End, Old Forge Road, Rye Lane, Swallow Close, Waterworks Close, Winstree Close, Woodfield End.	The Polling District of Layer de la Haye	Queen Elizabeth Hall New Cut	1431
	Layer Marney	GC	Clears Road, Dukes Road, Haynes Green Road, Layer Breton Road, Layer Marney, Maldon Road, Newbridge Road, Rockinghams Road, Roundbush Road, Smythes Green, Stockhouse Road, Thorrington Road, White Lodge Road, Wick Road, Woodview Road.	The Polling District of Layer Marney	Layer Marney Tower	162
	Layer Bretton	GD	Garland Road, Layer Breton Heath, Layer Breton Hill, Lower Road, Shatters Road, Wigborough Road	The Polling District of Layer Bretton	St Marys Church The Heath	222
	Messing	GE	Harborough Hall Lane, Kelvedon Road, Lodge Road, Messing Green, Messing Park, Rookery Lane, School Road, The Street.	The Polling District of Messing	Messing Village Hall Messing	239
	Inworth	GF	Kelvedon Road, Windmill Hill.	The Polling District of Inworth	Inworth Church Kelvedon Road	70
	Gt Wigborough	GG	Abbotts Wick Lane, Church Lane, Colchester Road, Coopers Lane, Drakes Corner, Layer Road, Maldon Road, School Lane, Staffords Corner.	The Polling District of Gt Wigborough	Essex Wildlife Trust Abbotts Hall Farm	173
	Lt Wigborough	GH	Copt Hall Lane, Peldon Road.	The Polling District of Gt Wigborough	Essex Wildlife Trust Abbott Hall Farm Gt Wigborough	28

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
MARKS TEY & LAYER	Salcott	GI	Barn Hall Road, Colchester Road, Rose Lane, Salcott Street, The Street.	The Polling District of Salcott	Salcott Village Hall The Street	149
	Virley	GJ	Colchester Road, Mill Lane.	The Polling District of Salcott	Salcott Village Hall The Street	49
	West Stanway	GL	Church Lane, London Road, Nuthatch Close, Plover Road, Redwing Close, Turkey Cock Lane.	The Polling District of Copford	Copford Village Hall School Road	184
	Copford	GM	Allendale Drive, Ashwin Avenue, Bellingham Drive, Birch Road, Boarded Barn Road, Church Road, Copford Green, Coppingford End, Foundry Lane, Fountain Lane, Grantley Close, Hall Road, Hedglands, London Road, Millstone Green, Queensberry Avenue, Rectory Road, St. Michael's Chase, School Road, Westbury Close.	The Polling District of Copford	Copford Village Hall School Road	1203
	Easthorpe	GN	Churchwell Avenue, Easthorpe Green, Easthorpe Road, Well Lane.	The Polling District of Easthorpe	Easthorpe Church Hall	132
	Marks Tey	GO	Ashbury Drive, Badgers Green, Bree Avenue, Bury Close, Church Lane, Church Lane, Coggeshall Road, Cornwallis Drive, Danbury Close, Dinants Crescent, Dobbies Lane, Domsey Bank, Elm Lane, Francis Court, Godmans Lane, Great Tey Road, Harvest Close, Hawlmark End, Honeywood Close, Jays Lane, Keable Road, Kingsbury Close, Ley Field, London Road, Long Green, Mandeville Road, Maybury Close, Mill Road, Motts Lane, Norbury Close, Norman Close, North Lane, Old London Road, Patten Close, Potts Green, Proctor Way, Stane Field, Station Road, Steele Close, The Crescent, The Rookeries, Well Side, Wilsons Lane.	Polling District of Marks Tey	Marks Tey Parish Hall	2049

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MERSEA & PYFLEET WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
MERSEA & PYFLEET	Abberton	EO	Bracken Way, Broom Way, Glebe Lane, Layer Road, Meadow Way, Mersea Road, Peldon Road, Rectory Lane.	The Polling District of Langenhoe	Abberton and Langenhoe Village Hall	346
	East Mersea	EP	Bromans Lane, Church Lane, East Road, Fen Lane, Ivy Lane, Meeting Lane, Moore Lane, Rewalls Lane, Shop Lane.	The Polling District of East Mersea	East Mersea Village Hall	203
	Fingringhoe	EQ	Abberton Road, Ballast Quay Road, Brook Hall Road, Chapel Road, Church Road, Dudley Road, Ferry Road, Frere Way, Frog Hall Close, Furneaux Lane, Haye Lane, Pyefleet Close, South Green Road, Upper Haye Lane.	The Polling District of Fingringhoe	Fingringhoe Village Hall	642
	Langenhoe	ER	Brand Drive, Edward Marke Drive, Fingringhoe Road, The Geetons, Hall Lane, Haye Lane, Layer Road, Lodge Lane, Mersea Road, Mulberry Gardens, Pertwee Way, Proctor Close, Pyefleet View, Sawkins Close.	The Polling District of Langenhoe	Abberton and Langenhoe Village Hall	469
	Peldon	ES	Church Road, Colchester Road, The Glebe, Lodge Lane, Lower Road, Malting Road, Mersea Road, , Newpots Close, Peldon Crescent, Peldon Road, St. Ives Road, Sampsons Lane, The Strood, Wigborough Road.	The Polling District of Peldon	Peldon Village Hall Committee Room	433
	West Mersea	EV	Alexandra Avenue, Avocet Close, Barfield Road, Barrow Mews, Beach Road, Beverley Avenue, Birchwood Close, Blackwater Drive, Bower Grove, Bower Hall Lane, Brambledown, Brickhouse Close, Brierley Avenue, Brierley Paddocks, Broomhills Road, Buxey Close, Captains Road, Chandlers Close, Chapmans Lane, Chatworth Road, Church Road, Churchfields, City Road, Coast Road, Colchester Road, Cross Lane, Cross Way, Dawes Lane, East Mersea Road, East Road, Elmwood Drive, Empress Avenue, Empress Drive, Estuary Park Road, Fairhaven Avenue, Farriers Chase, Firs Chase, Firs Hamlet, Firs Road, Fountain Court, Gainsborough Close, Garden Farm, Glebe View,	The Polling District of West Mersea	The Mersea Centre High Street	5842

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
MERSEA & PYEFLEET	West Mersea	EV	Goings Lane, Grove Avenue, Gunfleet Close, Haycocks Lane, High Street, High Street North, Hillybroom Gardens, Hogarth Close, Keene Close, King Charles Road, Kingsland Beach, Kingsland Close, Kingsland Road, Kingsmere Close, Langwood, Leaside, Meadow Lane, Melrose Road, Mersea Avenue, Mill Road, Millcroft Mews, New Captains Road, Norfolk Avenue, Oakwood Avenue, Oakwood Drive, Oakwood Gardens, Oyster Close, Pharos Lane, Phoenix Close, Pine Grove, Pleasant Plains Mews, Prince Albert Road, Queen Anne Drive, Queen Anne Gardens, Queen Anne Road, Queens Corner, Queens Mews, Queensbury Close, Rainbow Road, Reymead Close, Richmond Road, Rosebank Road, Rushmere Close, Saltings Crescent, Seaview Avenue, Shears Crescent, Spruce Close, St. Peter's Road, Stable Close, Stable Mews, Stonehill Way, Strood Close Suffolk Ave, The Lane, The Mews, The Seedfield, Thornwood Close, Trinity Close, Trinity Mews, Upland Crescent, Upland Road, Victoria Esplanade, Victory Place, Victory Road, Vince Close, Waldegraves Lane, Wellhouse Avenue, Westwood Drive, Whittaker Way, Willoughby Avenue, Windsor Road, Woodfield Drive, Woodstock, Yorick Avenue, Yorick Road.	The Polling District of West Mersea	The Mersea Centre High Street	

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MILE END WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
MILE END	Bergholt Road	AU	Aerofoil Grove, Apprentice Drive, Axial Drive, Bergholt Road, Blade Road, Braiswick, Breeze Lane, Engineers Square, Enid Way, Fan Avenue, Golden Dawn Way, Groves Close, Hugh Dickson Road, Littlewoods Mews, Longacre, Mile End Road, Motor Walk, Prior Way, Propelair Way, Rectory Close, Rose Crescent, Spindle Street, Three Crowns Road, Tufnell Way, Turbine Road, Vortex Road, Wedgewood Drive.	Mile End Ward	St Michaels Parish Church Hall Mile End Road	1861
	Mile End Road	AV	Bardsley Close, Bartholomew Court, Bolsin Drive, Borges Gardens, Boxted Road, Bradford Drive, Braiswick Lane, Cambie Crescent, Chesterwell Mews, Chestnut Close, Church Farm Way, Cromer Mews, Defoe Crescent, Dickenson Road, Estuary Close, Fords Lane, Greenacres, Hakewill Way, Howards Croft, Hutley Drive, Knevet Close, Leeches Lane, Link Close, Littlecotes, Mile End Road, Mill Road, Nayland Road, Henry Villa Close, Orrin Walk, Pleasant Plains Mews, Raven Way, Shepherd Drive, Stevens Close, Studds Lane, Tall Trees, Tranter Drive, Tubswick Mews, Wallace Road, Walnut Drive, Wheelwright Place, Whitebeam Close.	St Michaels Parish Church Mile End Road	St Michaels Parish Church Hall Mile End Road	2199
	Turner Road	AW	Barton Boulevard, Beaumont Close, Bedford Road, Braithwaite Drive, Brickmakers Lane, Brinkley Grove Road, Broad Oak Lane, Charter Way, Coeur De Lion, The Copse, Cowper Crescent, Courage Drive, Cranborne Close, De Grey Road, Endeavour Way, Fellowes Close, Fieldview Close, Flame Way, Fortius Mews, Gresley Close, Holden Road, Hollymead Close, Jade Gardens, Kettle Street, Kingswood Road, Lufkin Road, McCluskeys Street, Mill Road, , Olympic Boulevard, Orchard Place, Oxley Parker Road, Peppercorn Close, Peto Avenue, Podium Close, Potter Mews, Remus Close,	Highwoods Country Park Visitor Centre Turner Road	Highwoods Country Park Visitor Centre Turner Road	2787

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
MILE END			Riddles Drive, Romulus Close, Rudkin Road, Severalls Lane, Sinclair Close, Squirrels Field, Stammers Road, Stanford Road, Thomas Wakley Close, Thornton Drive, Thornwood, Torch Walk, Tubswick Mews, Turner Road, Worsdell Way, Wryneck Close			

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NEW TOWN & CHRIST CHURCH WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
NEW TOWN & CHRIST CHURCH	Christchurch	AI	The Avenue ,Athelstan Road, Audley Road, Beverley Road, Cambridge Road, Capel Road, Christ Church Court, Creffield Road, Gray Road, Honywood Road, Hospital Road, Inglis Road, Ireton Road, Irvine Road, Keble Close, Maldon Road, Oxford Road, Queen`s Road, Shrub End Road, Silvanus Close, Victoria Road Wellesley Road, West Lodge Road	Christ Church Hall Ireton Street	Christ Church Hall Ireton Street	1662
	Hamilton Road	AJ	Alexandra Road, Alexandra Terrace, Beaconsfield Avenue, Burlington Road, Butt Road, Cavalry Road, Circular Road East, Constantine Road, Crimea Walk, Drury Road, Errington Road, Garland Road, Hamilton Road, Maldon Road, St. Helena Mews, St. Helena Road, Salisbury Avenue, Stable Road, Wickham Road.	Hamilton Road Primary School Constantine Road	Hamilton Road Primary School Constantine Road	1734
	St Johns Green	AX	Attlee Garden, Butt Road, Cedars Road, Chapel Street South, Charles Street, Cromwell Road, Fairfax Road, George William Way, Gladstone Road, Golden Noble Hill, Goodey Close, Granville Road, James Street, Kendall Road, Lucas Road, Magdalen Green, Magdalen Street, Mersea Road, Military Road, Mill Street, Napier Road, New Town Road, Pioneer Place, Portland Road, Shrubland Road, Simons Lane, St. John`s Green, South Street, South Way, St Botolphs Circus, Walsingham Road, Wellington Street, West Street , Wimpole Road, Winnock Road, Winsley Road. Artillery Street, Barrack Street, Brook Street, New Grange Cannon Road, Cannon Street, Challenge Way, Cross Cut Court, Falcon Crescent, Gantry Close, Gunners Mews, Harsnett Road, Kimberley Road, King Stephen Road, Morant Road, New Park Street, Port Lane, Providence Place, Rebow Street,	YMCA Magdalen Street	YMCA Magdalen Street	2045

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
NEWTOWN & CHRIST CHURCH			Saw Mill Road, Victor Road, Victoria Place, Wimpole Road.			
	Canterbury Road	AZ	Albion Grove, Barrington Road, Bourne Road, Battalion Road, Brigade Road, Campion Road, Canterbury Road, Captain Gardens, Cavalier Grove, Circular Road East, Claudius Road, Eagle Drive, Garrison Parade, Grimston Road, Hydrabad Close, Knights Field, Lisle Road, Mersea Road, Military Road, Myrtle Grove, Parade Square, Roberts Road, Steed Crescent, Winchester Road.	St Stephens Church Centre Canterbury Road	St Stephens Church Centre Canterbury Road	1466

OLD HEATH & THE HYTHE WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
OLD HEATH & THE HYTHE	Scarletts	AK	Distillery Lane, Old Heath Road, Philbrick Close, Recreation Road, Scarletts Road, Smiths Field.	Worsnop House Old Heath Road	Worsnop House Old Heath Road	500
	Barnhall	AL	Abbot's Road, Avignon Close, Barn Hall Avenue, Brittany Way, Churchill Way, Clearwater, Dorchester End, Eaton Mews, Faulds Walk, Flanders Field, Horrocks Close, Jackson Walk, Ladbroke Drive, Mersea Road, Montgomery Close, Mountbatten Drive, Mulberry Avenue, Normandy Avenue, Pembroke Close, Poppy Gardens, Ranger Walk, Roosevelt Way, Sergeant Close, Stalin Road, Tortosa Close, Unity Close, Viceroy Close, Waterville Mews.	Abbots Community Hall Ladbroke Drive	Abbots Community Hall Ladbroke Drive	1532
	Old Heath	AM	Abbot's Road, Alanbrooke Road, Albany Gardens, Battlesbrook Road, Bell Close, Canwick Grove, Cavendish Avenue, Cheveling Road, Cottage Drive, D'arcy Road, Distillery Lane, Fingringhoe Road, Foresight Road, Fullers Road, Grange Way, Haven Road, Hilltop Close, King Edward Quay, Littlebury Gardens, Oak Tree Gardens, Old Heath Road, Range View, Rowhedge Road, Savill Road, Speedwell Road, Swallowdale, Waterside Lane, Whitehall Close, Whitehall Road, Wick Road.	Old Heath Community Centre D'Arcy Road	Old Heath Community Centre D'Arcy Road	2279
	Hythe	AY	Barrack Street, Cannon Road, Cannon Street, Connaught Close, Edward Paxman Gardens, Falcon Garden, Farrington Close, Geoff Seaden Close, Haddon Park, Hatcher Crescent, Hesper Road, Hythe Hill, Hythe Quay, Morant Road, Port Lane, Providence Place, Rebow Street, Victor Road, Wimpole Road Jennings Close, King Edward Quay, Lenz Close, Maudlyn Road, Meachen Road, Peache Road, St. Leonard's Road, Spurgeon Street, Standard Road, Tarrett Drive, Timber Hill, Valenta Close, Vega Close, Ventura Drive.	Hythe Community Centre Ventura Drive	Hythe Community Centre Ventura Drive	2526

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
OLD HEATH & THE HYTHE	Winsley Square	BA	Beche Road, Bourne Road, Brookside Close, Gilbert Road, Old Heath Road, Sadler Close, Weston Road.	Worsnop House Old Heath Road	Worsnop House Old Heath Road	670
	Rowhedge	ED	Albion Street, Ashurst Close, Chapel Street, Church Hill, Church Street, Colne Rise, Darkhouse Lane, Donyland Way, Fingringhoe Road, Head Street, Heath Road, High Street, Hillview Close, Iona Walk, Marsh Crescent, Oxton Close, Paget Road, Parkfield Street, Rectory Road, Regent Street, Rowhedge Road, Stephen Cranfield Close, Sunbeam Close, Taylors Road, Thanet Walk, West Street.	The Polling District of Rowhedge	Rowhedge Village Hall	1475

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PRETTYGATE WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
PRETTYGATE	Home Farm	AR	Back Lane, Browning Close, Burns Avenue, Byron Avenue, Chaucer Way, Church Lane, Colvin Close, Heath Road, Henley Court, Herrick Place, Keats Road, Lexden Grove, Lexden Road, London Road, Marlowe Way, Masfield Drive, Milton Close, The Mount, Scott Drive, Shakespeare Road, Shelley Road, Sheridan Walk, Spring Lane South, Straight Road, Thompson Avenue, Wordsworth Road. Clairmont Road, Collingwood Road, Mayflower Court, De Burgh Road, Garden Drive, Lanvalley Road, London Road, Nelson Road, Victoria Court, Ratcliffe Road Straight Road, The Chase, Trafalgar Road.	Home Farm Primary School	Home Farm Primary School	2062
	East Prettygate	BB	All Saints Avenue, Ambrose Avenue, Baines Close, Bawtree Way, Beech Hill, Church Lane, The Commons, Cotman Road, Crome Close, De Vere Road, Gainsborough Road, Hills Crescent, Hoe Drive, Holman Crescent, King Harold Road, Landseer Road, Laxton Court, Magazine Farm Way, Munnings Road, Nash Close, Norman Way, Parsons Hill, Plough Drive, Plume Avenue, Pond Chase, Prettygate Road, Reaper Road, Rembrandt Way, Reynolds Avenue, Shrub End Road, Van Dyck Road, Whitefriars Way, Winston Avenue.	Plume Avenue United Reform Church	Plume Avenue United Reform Church	2340
	West Prettygate	BC	Alan Way, Ambrose Avenue, Bryanstone Mews, Cape Close, Cherrywood Drive, Christine Chase, Church Lane, Clairmont Road, Dugard Avenue, ,	Church of Jesus Christ and the Latter Day	Church of Jesus Christ and the Latter Day Saints	2145

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
PRETTYGATE			Greystones Close, Hastings Road, Heath Road, Heather Drive, Jefferson Close, Jeffrey Close, King Harold Road, Oaklands Avenue, Parr Drive, Pershore End, The Poplars, President Road, Redmill, Regency Green, Richardson Walk, , Rudsdale Way, Saxon Close, Scythe Way, Shrub End Road, Somers Road, Sterling Close, Stoneleigh Park, Straight Road, Washington Court, Weavers Close, Woodland Drive, Worthington Way, Wyedale Drive.	Saints		
	James Carter	BD	Ash Way, Bale Close , Baden Powell Drive, Brownsea Way Becker Road, The Brambles, Clara Reeve Close, Fenno Close, Fislin Walk, Gilwell Park Close Greystones Close James Carter Road, Keymer Way, King Harold Road, Ladell Close, Maldon Road, Marsden Court, Newcastle Avenue, Pilborough Way, Redmill, Salmon Close, Rowallan Close, Shillito Close, Shrub End Road Straight Road, Sutton Park Avenue, Somers Road Twining Road, Wallis Court.	Straight Road Centre	Straight Road Centre	1450

RURAL NORTH WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
	Langham	EB	Birchwood Road, Chapel Road, Dedham Road, Greyhound Hill, Grove Hill, Gun Hill, High Street, Ipswich Road, Langham, Langham Lane, Lodge Lane, Moor Road, Nightingale Hill, Old Mill Road, Old Ipswich Road, Park Lane, Perry Lane, Rectory Road, School Road, Turnpike Close, Water Lane, Whitehouse Close, Wick Road.	The Polling District of Langham	Langham Village Hall	847
	Boxted	EE	Accommodation Road, Boxted Cross, Burnt Dick Hill, Cage Lane, Carters Hill, Chapel Lane, Chapel Road, Church Road, Church Street, Cooks Hill, Cross Field Way, Dedham Road, Ellis Road, Green Lane, Hobbs Drive, Horkesley Road, Langham Lane, Langham Road, Lower Farm Road, Mill Road, Newman Drive, Oakfield Drive, Old House Lane, Parsonage Hill, Queens Head Road, Red House Lane, Rivers Hall Estate, Sky Hall Hill, Straight Road, Water Lane, Wet Lane, Windmill Close, Workhouse Hill.	The Polling District of Boxted	Boxted Village Hall	1092
	Fordham	EF	Bergholt Road, Chappel Road, Church Road, Fossetts Lane, Hall Road, Halstead Road, Hems Green, Herrings Way, Lucas Avenue, Mill Road, Moat Road, Partridge Drive, Penlan Hall Lane, Plummers Road, Ponders Road, Quilters Green, Rams Farm Road, Sunnyside Road, Wash Corner, Wormingford Road.	The Polling District of Fordham	Fordham Village Hall	669
	Great Horkesley	EG	Barnfield Road, Blackbrook Road, Boxted Church Road, Boxted Road, Braeburn Road, Brick Kiln Lane, Broad Lane, The Causeway, Chilton Close, Coach Road, The Crescent, Elstar Lane, David May Garden, Exeter Close, Gala Close, Glebelands, Glenway Close, Grange Road, Grantham Road, Green Lane, Green Lane, Helm Close, Holly Lane, Horkesley Hill, Ivy Lodge Road, Jonagold Drive,	The Polling District of Great Horkesley	New Village Hall Tile House Lane	2019

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
			Keelers Way, Kelso Close, Lincoln Lane, London Road, Malvern Way, Manor Close, Millers Close, Monarch Lane, Nayland Road, Old House Road, Park Road, Pattinson Walk, Ramparts Close, Sandon Close, School Lane, Sparton Close, Spratts Marsh, Terrace Hall Chase, Tile House Chase, Tile House Lane, Tog Lane			
	Little Horkesley	EH	Bures Road, Crabtree Lane, Holts Road, London Road, Park Farm Road, School Lane.	The Polling District of Little Horkesley	Little Horkesley Village Hall School Lane	165
	Wormingford	EI	Bowdens Lane, Chantry Drive, Church Road, Church Road West, Colletts Chase, Easten Greene, Fordham Road, Garnons Chase, Grange Chase, Hall Chase, Horkesley Road, Main Road, Packards Lane, Robletts Way.	The Polling District of Wormingford	Wormingford Village Hall Main Road	342
	Chappel	EK	Bacons Lane, Chappel Hill, Colchester Road, Lamberts Lane, Oak Road Off New Road, Popes Lane, Priory Road, Spring Gardens Road, The Street, Swan Grove, Swan Street, Vernons Road.	The Polling District of Wakes Colne	Chappel & Wakes Colne Village Hall Colchester Road	419
	Great Tey	EL	Broad Green, Brook House Road, Brook Road, Buckleys Lane, Burnt House Road, Chappel Road, The Chase, Chrismund Way, Coggeshall Road, Dowsland Green, Earls Colne Road, East Gores Road, Elm Lane, Farmfield Road, Flories Road, Garden Fields, Greenfield Drive, Harvesters Way, Holliland Croft, Lamberts Lane, Moor Road, New Barn Road, Pattocks Lane, Salmons Corner, Salmons Lane, The Street, Tambour Close, Tey Road, Windmills.	The Polling District of Great Tey	Great Tey Village Hall Chappel Road	768
	Mount Bures	EM	Bells Hill, Boarded Barn Road, Chappel Road, Colchester Road, Craigs Lane, Dowling Road, Fordham Road, Golden Square, Hall Road, Hemps Green, Jankes Green, Mount Bures, Mount Bures Green, Old Barn Road, Peartree Hill	The Polling District of Mount Bures	Mount Bures Village Hall Craigs Lane	188
	Wakes Colne	EN	Boarded Barn Road, Bures Road, Colchester Road, Crepping Hall Road, Inworth Lane, Lane Road,	The Polling District of	Chappel & Wakes Colne Village Hall	423

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
			Lower Green, Middle Green, Mount Bures Road, Parkhurst Green Lane, Spring Gardens Road, Station Road, Upper Green, Vernons Road, White Colne Road.	Wakes Colne	Colchester Road	

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SHRUB END WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
SHRUB END	Rainsborowe Road	BE	Abbey Field View, Aisne Road, Alport Avenue, Baynard Green, Broughton Close, Cambrai Road, Cannons Close, Circular Road South, Circular Road West, Colet Crescent, Dapifer Close, Crystal Walk, Drury Road, Eltham Road, Eudo Road, Fitzgilbert Road, Gladwin Road, Goojerat Road, Hampton Court Close, Harp Meadow Lane, Kensington Road, Lambert Road, Layer Road, Little Foxburrows, Loddors Walk, Menin Road, Messines Road, Mons Road, Rainsborowe Road, Reed Hall Avenue, Richmond Road, St. Barbara's Road, Shrub End Road, Turnstile Square, Wavell Avenue. Poperinghe Road, Ypres Road.	Shrub End & Community Sports Centre Boadicea Way	Shrub End & Community Sports Centre Boadicea Way	2140
	Shrub End	BF	Anglia Close, Barbour Gardens, Bishop Road, Boadicea Way, Camulus Close, Catherine Hunt Way, Centurion Way, Coats Hutton Road, Cohort Drive, Coriolanus Close, Daniell Drive, Devon Road, Duncan Road, Egerton Green Road, Eldred Avenue, Gladiator Way, Glisson Square, Gloucester Avenue, Gosbecks Road, Gosbecks View, Gurney Benham Close, Harvey Road, Hazell Avenue, Hedge Drive, Icen Way, John Kent Avenue, Layer Road, Mason Close, Mercury Close, Owen Ward Close, Paxman Avenue, Rayner Road, Rutland Avenue, Shrub End Road, Smallwood Road, Somerset Close, Sparling Close, Springfields Drive, Temple Road, Thracian Close, Toga Close, Tumulus Way, Vicarage Court, Walnut Tree Way, Watts Road, Wilbye Close, Willett Road, Wolton Road.	The Polling District of Shrub End	Alderman Blaxhill School Paxman Avenue	2,858
	Lordswood Road	BG	Alamein Road, Amber Court, Anzio Crescent, Apollo Mews, Arakan Close, Baronswood Way, Bay Tree Close Beechwood Close, Berechurch Hall Road, Berechurch Road, Bounstead Road, Camulodunum	The Musket Club Homefield Road	The Musket Club Homefield Road	2,578

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
SHRUB END			Way, Cassino Road, Catkin Mews, Corunna Drive, Cottonwood Close, Duoro Mews, Earlswood Way, Ebony Close, Eight Acre Lane, Elmwood Avenue, Fallowfield Road, Glebe Road, Holly Close, Homefield Road, Hornbeam Close, Ilex Close, Imphal Close, Juno Mews, Knightsbridge Close, Kohima Road, Layer Road, Leas Road, Littlefield Road, Lordswood Road, Malting Road, Mareth Road, Maypole Green Road, Meadow Road, Midway Road, Minerva End, Oakapple Close, Olive Grove, Rangoon Close, Rimini Close, St. Catherine's Close, St. Michael's Road, Salamanca Way, Salerno Crescent, Selby Close, Silver Birch Close, Sittang Close, Talavera Crescent, Vitoria Mews			

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ST ANNE'S & ST JOHN'S WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
ST ANNE'S & ST JOHN'S	St Annes	BK	Alderton Road, Arnstones Close, Asbury Close, Ayloffe Road, Barkstead Road, Barnardiston Road, Booth Avenue, Broadlands Way, The Causeway, Compton Road, Crown Bays Road, Dilbridge Road East, Dilbridge Road West, Dinsdale Close, Edison Gardens, Fairhead Road North, Fairhead Road South, Frank Clater Close, Gascoigne Road, Goring Road, Grenfell Close, Harwich Road, Havering Close, Ipswich Road, King Cole Place, Longcroft Road, Norfolk Crescent, Ratcliffe Court, Rayleigh Close, Ripple Way, Romford Close, St. Andrew's Avenue, St. Andrew's Gardens, St. Anne's Road, St. David's Close, Suffolk Close, Valentine's Drive, Wesley Avenue, Wilson Marriage Road.	St Annes Church Compton Road	St Annes Church Compton Road	2974
	Churnwood	BL	Bridgebrook Close, Brinkley Crescent, Broadmead Road, Chaplin Drive, Churnwood Close, Churnwood Road, Eldon Close, Elwes Close, Francis Way, Harwich Road, Hazelton Road, Pondfield Road, St. John's Road, Tara Close, Templewood Road, Thurlston Close, Woodside Close.	Oak Tree Community Centre Harwich Road	Oak Tree Community Centre Harwich Road	1023
	Ipswich Road	BN	Acorn Close, Arden Close, Belmont Crescent, Braemore Close, Bullace Close, Bullock Wood Close, Chalfont Road, Clay Lane Grove, Delamere Road, Dennis Randle Way, Evergreen Drive, Francis Gunn Close, Gilderdale Close, Glendale Grove, Glentress Close, Hendry Worthington Close, Ipswich Road, James Mayger Chase, John Shell Drive, Kildermorie Close, Little Acorns, Murray McPherson Parade, Rockingham Close, Rossendale Close, St. Bartholomew Close, St. Cyrus Road, St. John's Close, St. John's Road, St. Joseph Road, Woodview Close.	St Johns Church Community Centre St Johns Close	St Johns Church Community Centre St Johns Close	1363
	Parsons Heath	BO	Anthony Close, Blackwater Avenue, Broad Oaks Park, Campbell Drive, Chalfont Road, Cloverlands, Debenn Road, Dunthorne Road, Fox Street, Green			

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
ST ANNE'S & ST JOHN'S			Lane, Ipswich Road, Kentmere, Mayfield Close, Mountain Ash Close, Orwell Close, Parsons Heath, Paul Spendlove Court, Pegasus Way, Porters Brook Walk, Roach Vale, St. Austell Road, St. Bernard Road, St. Bride Court, St. Christopher Road, St. Clement Road, St. Columb Court, St. Cyrus Road, St. Dominic Road, St. Faith Road, St. Fillan Road, St. John's Road, St. Jude Close, St. Jude Gardens, St. Lawrence Road, St. Luke's Close, St. Mark Drive, St. Monance Way, St. Neots Close, St. Saviour Close, St. Thomas Close, Silcock Close, Southland Close, Stour Walk, Temple Court, The Glade, Tyehurst Crescent, Upland Drive, Vale Close, Welshwood Park Road, Woodlands, Wilmington Road.	Friars Grove Community Centre Upland Drive	Friars Grove Community Centre Upland Drive	2665

STANWAY WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
STANWAY	Stanway	GP	Albertine Close, Badgers Holt, Bailey Dale, Barley Way, Barn Fields, Beacon Way, Barn Field, Blackberry Road, Bridle Walk, Brougham Glades, Centaury Close, Chapel Road, Chitts Hill, Church Lane, Churchfield Avenue, Clover Court, Cobble Row, Columbine Mews, Copper Beeches, Coraline Walk, Cornflower Close, Cowslip Court, Crane Avenue, Cygnet Walk, Dale Close, Damask Road, Darina Court, Darnel Way, Dawnford Court, Dyers Road, Egremont Way, Ewan Close, Ewan Way, Farriers End, The Folly, Foxendale Folly, Frensham Close, Furrow Close, Gorse Way, Grieves Court, Grymes Dyke Way, Halstead Road, Harvest End, Harvey Crescent, The Haywain, Heath Road, Hedgerows, Heron Close, Holliwell Close, Holly Road, Jubilee Close, Juniper Close, Juniper Road, Kale Croft, King Coel Road, Lakeside Walk, Lambourne Close, Layer Road, London Road, Longstraw Close, Lucy Close, Lucy Lane North, Lucy Lane South, Maldon Road, Maldon Road, Marram Close, Meadow Grass Close, Meadow View Close, Miles Close, Millers Close, Millers Lane, Montbretia Close, Musk Close, New Farm Road, New Road, Nightingale Place, Nursery Close, Oatfield Close, Old Chapel Drive, Olivers Lane, Osier Close, Osprey Close, Partridge Way, Peace Road, Pearmain Way, Peartree Road, Ploughmans Headland, Provence Close, Radvald Chase, Rambler Close, Robin Crescent, Rogation Close, Rose Avenue, Rowan Close, Rugosa Close, Rye Close, Saddle Mews, Sandmartin Crescent, Shepherds Croft, Spring Sedge Close, Stable Close, Stanfield Close, Stanway Green, Stirrup Mews, Sweet Briar Road, Swift Avenue, St Albright Crescent, Threshers End, Tollgate Drive, Tudor	Stanway Village Hall Villa Road	Stanway Village Hall Villa Road	6568

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Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
STANWAY			Rose Close, Tydeman Close, Tyed Croft, Valley Close, Villa Road, Warren Lane, Weyland Drive, Wheatfield Road, Winstree Road, Woden Avenue, Woodrush End, Wren Close			

Colchester Borough Council Draft Polling District and Polling Place Review 2015

TIPTREE WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
TIPTREE	Tiptree Grove	GK	Archer Crescent, Bassingbourn Crescent, Bladon Close, Blenheim Way, Brock Close, Chapel Lane, Churchill Road, Grove, Road, Holbrooke Walk, Ketley Close, Kiltie Road, Luther Drive, Newbridge Road, Olley Walk, Park Drive, Powell Close, Shelley Avenue, Southgate Crescent, Tawell Mews, Tew Close, Tiffin Drive, Vallis Way, Wadley Close, Warren Lingley Way, Wilkin Drive Winston Avenue	The Polling District of Tiptree Grove	Tiptree United Reform Church Hall Chapel Road	1168
	Tiptree Church	GQ	Anchor Road, Birchwood Close, Birchwood Way, Bird Lane, Brendon Court, Caxton Close, Chapel Road, Church Road, The Cut, Factory Hill, Fennell Close, Gladstone Road, Glebe Road, Holly Way, Maldon Road, Mill Close, Mill Walk, Morley Road, New Road, Newbridge Road, Pierce Glade, Ransom Road, Rectory Road, Rosemary Close, Rosemary Crescent, Silverthorn Close, Station Road, Tarragon Close, Thyme Road.	St Lukes Church Extension Church Road	St Lukes Church Extension Church Road	1635
	Tiptree Heath	GR	Anchor Road, Bainbridge Drive, Birkin Close, Blue Road, Bokhara Close, Braxted Park Road Braxted Road, Brookland, Bull Lane, Cherry Chase, Chervil Close, Coriander Road, Factory Hill, Firs Road, Francis Close, Gate House Mews, Gorse Lane, Grange Road, Hall Road, Harrington Close, Hutchinson Close, Kelvedon Road, Kingsway, Lansdowne Close, Lavender Close, Maldon Road, Meadow View, Peakes Close, Pennsylvania Lane, Perry Road, Primrose Lane, Priory Road, Queensway, Saffron Way, Sage Walk, Simpsons Lane, Spring Path, Spring Road, Station Road, Stone Lane, Stores Lane, Surrey Lane, Tiptree Hall Lane, Tudwick Road, Vine Road, West End Road, Windmill Hill	Tiptree Heath Primary School	Tiptree Heath Primary School	2232
	Tiptree Maypole	GS	Almond Close, Arnold Villas, Barbrook Lane, Bedford Close, Bijou Close, Bishops Lane, Carolina Way, Cedar Avenue, Chapel Road, Chestnut Way,	Tiptree Sports Centre Thurstable	Tiptree Sports Centre Thurstable School Maypole Road	2095

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
TIPTREE			Church Road, Colchester Road, Downton Walk, Eleanor Close, Eleanor Walk, Elm Close, Elton Walk, Elwin Road, Gager Drive, Globe Walk, Green Lane, Grosvenor Close, Grove Road, Heaton Way, Heycroft Way, Keeble Close, Kelvedon Road, Maple Leaf, Maypole Road, Messing Road, Millfields, Millwrights, Muscade Close, New Road, Oak Road, Rookery Lane, St. Jean Walk, Seldon Road, Talisman Close, Talisman Walk, Townsend Road, Walnut Tree Way, Willow Walk	School Maypole Road		

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WIVENHOE WARD

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
WIVENHOE	University	EW	Alresford Court, Annan Road, Anne Knight House, Bertrand Russell Tower, Brightlingsea Court, Eddington Tower, Frinton Court, Harwich Court, Isaac Rebow House, Josephine Butler House, Keynes Tower, Manningtree Court, Rayleigh Tower, Richard Wood House, Rowhedge Court, Swaynes House, Tawney Tower, Thaxted Court, Thomas Hopper House, Walton Court, William Morris Tower, Wivenhoe Park, Wolfson Court.	The University Wivenhoe Park	The University Wivenhoe Park	423
	Wivenhoe Cross	EX	Alexandra Drive, Almond Close, Ash Grove, Barley Court, Boudicca Walk, Boundary Road, Broadfields, Broome Grove, Buddleia Court, Caroline Close, Chaney Road, Charles Court, Elmstead Road, Colchester Road, Cracknell Close, Dixon Way, Elizabeth Way, Elmstead Road, Endean Court, Feedhams Close, Field Way, Frances Close, Heath Road, Henrietta Close, Hereward Close, Jack Hatch Way, James Close, Kings Mews, Lammas Way, Leys Road, Lilac Court, Mede Way, Paddock Way, Richard Avenue, Robert Way, Rosetta Close, Saran Court, Sonell Court, Tolliday Close, Vine Drive, Vine Farm Road, Vine Parade, Watsham Place, Westlake Crescent, William Close, Wilson Close	Broomgrove Infant School Broome Grove	Broomgrove Infant School Broome Grove	1624
	Wivenhoe Quay	EY	Admirals Walk, Alma Street, Alresford Road, Amberley Close, Anchor Hill, Anglesea Road, The Avenue, Ballast Quay Road, Barr Close, Bath Street, Beech Avenue, Belle Vue Road, Bethany Street, Black Buoy Hill, Blyths Lane, Bobbits Way, Bowes Road, Brook Street, Carlton Mews, Castleward Close, Chapel Road, Claremont Road, Clifton Terrace, Cooks Crescent, Conway Close, The Cross, The Dale, De Vere Close, De Vere Lane, Denham Close, Dry Dock, East Street, Elm Grove, The Folly, Friars Close, , Hamilton Road, Hardings Yard, Harvey Road, , High Street, Keelars Lane,	William Loveless Hall High Street	William Loveless Hall High Street	3086

Colchester Borough Council Draft Polling District and Polling Place Review 2015

Ward	Polling District	Polling District Code	Description of Polling District	Polling Place	Polling Station	Elector Totals 1 August 2015
WIVENHOE			Littlefield, Manor Road, Merediths Close, Milford Close, Mulberry Harbour Way, Nelson Close, Palmer Gardens, The Nook, Nottage Close, Old Ferry Road, Paget Road, Park Road, Parkwood Avenue, Pearl Walk, Petworth Close, Phillip Road, Quay Street, The Quay, Queens Road, Rebow Road, Rectory Hill, Rose Lane, St. John's Road, Sainty Close, Sandford Close, The Shipwrights, Spindrift Way, Stanley Road, Station Road, Tern Mews, Trinity Close, Turner Close, Valfreda Way, Valley Road, Valonia Drive, Walter Radcliffe Road, West Quay, West Street, Woodland Way.			
	Broome Grove	EZ	Broomfield Crescent, Broome Grove, The Avenue, The Cross, Britannia Crescent, Cap Pilar Close, Ernest Road, Grasby Close, Heath Road, Rectory Road, Rosabelle Avenue, Spring Chase, Spring Lane, Tower Road, Vanessa Drive, Victoria Close.	Broomgrove Junior School Broome Grove	Broomgrove Junior School Broome Grove	1163

Polling District Boundary Changes

Berechurch Ward

The following roads will be moved from AA Berechurch Road to BE Rainsborowe Road (Shrub End Ward) Poperinghe Road, Ypres Road (Area 3 on Plan 1).

Polling District EC Cherry Trees (complete) will move from East Donyland Ward to Berechurch Ward

These changes have been made to realign the new ward boundary.

Consideration has been given to amending the Polling District boundary at the edge of EC Cherry Trees and AD Blackheath but taking in to consideration the size and accessibility the current polling station it is felt that at present the balance is equitable.

No changes proposed for the remainder of the ward

Castle Ward

No Proposed changes

Greenstead Ward

Polling District BH Hawthorn Avenue (complete) and Polling District AI Avon Way will change from St Andrews Ward to the new Greenstead Ward

These changes have been made to reflect the new ward.

88-134 St Andrews Avenue and 1-3 Weggs Willow will move from Polling District BK St Annes to Polling District BJ Greenstead Road (Area 4 on Plan 1)

Polling District BJ Greenstead Road (complete) will move from St Annes Ward to the new Greenstead Ward

These changes have been made to realign the new ward boundary.

Polling District BM Longridge (complete) will move from St Annes Ward to the new Greenstead Ward

These changes have been made to realign the new ward boundary.

Heatley Way will move from Polling District BM Longridge to Polling District BH Hawthorn Avenue

The movement of this road into the adjoining polling district will provide the elector with a more accessible and convenient polling station.

Caretakers House Acacia Avenue will move from Polling District BM Longridge Polling District BH Hawthorn Avenue

This property has been moved to incorporate it within the same polling district as the remainder of Arcadia Avenue.

Highwoods Ward

1-19(odd) Appleton Mews, 1-12 Bennett Green, 1-11 Carter Walk, 2-54 Chapman Place, 1-14 Hale Green, 1-59 Kirk Way, 1-8 Matchett Way, 1-67 Mortimer Gardens, 1-48 Oxley Parker Drive, 1-22 Parker Road, 1-12 Roper Park, 1-12 Scrivener Way will move from Polling District AW Turner Road (Mile End Ward) to Polling District AP Myland East (Highwoods Ward) (Area 1 on Plan 1).

These changes have been made to realign the new ward boundary.

No changes proposed to the remainder of the ward.

Lexden and Braiswick Ward

1-3 Lexden Mews, 193-231 odd Lexden Road, Christmas House ,Raft Cottage Spring Lane South will move from Polling District AR Home Farm (Prettygate Ward) to Polling District AQ Trafalgar (Area 2 on Plan1)

1-25(odd) Clairmont Road, 1-8Mayflower Close, 1-31 De Burgh Road, 1-6 Garden Drive, 1-19 Lanvalley Road, 82-110 even London Road, 1-73 Nelson Road, 1-13 Victory Court, 1-29 Ratcliffe Road, 9-111odd Straight Road, 1-5 The Chase,1-48 Trafalgar Road will move from Polling District AQ Trafalgar to Polling District AR Home Farm (Prettygate Ward) (Area 7 on Plan 1)

These changes have been made to realign the new ward boundary. The Polling District (complete plus additional roads from AR) will change to the new Lexden & Braiswick Ward to reflect the new ward name.

Polling District AS East Lexden (complete) will move from Lexden Ward to the new Lexden & Braiswick Ward

Polling District AT Braiswick (complete) will move from Mile End Ward to the new Lexden & Braiswick Ward

Polling District EJ Aldham (complete) will move from Great Tey Ward to the new Lexden & Braiswick Ward

Polling District ET Eight Ash Green(complete) will move from West Bergholt & Eight Ash Green Ward to the new Lexden & Braiswick Ward

Polling District EU West Bergholt (complete) will move from West Bergholt & Eight Ash Green Ward to the new Lexden & Braiswick Ward

These changes have been made to realign the new ward boundary.

Marks Tey and Layer Ward

Polling Districts (complete) GA Birch, GB Layer de la Haye, GC Layer Marney, GD Layer Bretton, GE Messing, GF Inworth, GG Gt Wigborough, GH Little Wigborough, GI Salcott and GJ Virley will move from Birch & Winstree Ward to the new Marks Tey and Layer Ward.

Polling Districts (complete) GL West Stanway, GM Copford and GN Easthorpe will move from Copford and West Stanway Ward to Mars Tey and Layer Ward.

These changes have been made to reflect the new ward.

Polling District (complete) GO Marks Tey will change to the new ward of Marks Tey and Layer Ward.

This change has been made to reflect the new ward.

Mersea and Pyefleet Ward

Polling Districts (complete) EO Abberton, EP East Mersea, EQ Fingeringhoe, ER Langenhoe, ES Peldon, will move from Pyefleet Ward to the new Mersea and Pyefleet Ward.

These changes have been made to reflect the new ward.

Polling District (complete) EV West Mersea will move to the new Mersea and Pyefleet Ward.

This change has been made to reflect the new ward.

Mile End Ward

1-19 Appleton Mews, 1-12 Bennett Green, 1-11 Cater Walk, 1-54 Chapman Place, 1-3 Comyns Close, 1-14 Hale Way, 1-59 Kirk Way, 1-8 Matchett Drive, 352-453 (even) & 397-453 (odd) Mill Road, 1-67 Mortimer Gardens, 1-29 & 30-48 (even) Oxley Parker Road, 1-22 Parker Road, 1-12 Roper Close, 1-12 Scrivener Close. Will move from Polling District AW Turner Road to Polling District AP Myland West (Highwoods Ward) (Area 1 on Plan 1).

These changes have been changed to realign the new ward boundary.

There are no proposed changes to Polling Districts (complete) AU Bergholt Road and AV Mile End Road. The polling station for AU Bergholt Road will be moved to within the Ward.

These changes have been made to realign the new ward boundary.

New Town and Christ Church Ward

1-117 Artillery Street, 1-139 Barrack Street, 98-106 Brook Street, New Grange Cannon Road, 1-34 Cannon Street, 1-29 Cross Cut Court, 1-24 Falcon Crescent, 1-23 Gantry Close, 1-8 Gunners Mews, 1-134 Harsnett Road, 1-10 Kimberley Road, 1-61 King Stephen Road, 1-143 Morant Road, 1-77 New Park Street, 1-49 Port Lane, 1-25 Providence Place, 1-36 Rebow Street, 1-67 Saw Mill Road, 1-80 Victor Road, 1- 10 Victoria Place, 57-90 Wimpole Road will move from Polling District AY Hythe to Polling District AX St Johns Green (Area 6 on Plan 1).

These changes have been made to realign the new ward boundary.

Polling Districts (complete) AI Christ Church and AJ Hamilton Road will move from Christ Church Ward to New Town and Christ Church Ward.

Polling District (complete) AZ Canterbury Road will move from New Town Ward to New Town and Christ Church Ward.

These changes have been made to reflect the new ward.

Old Heath and the Hythe Ward

1-117 Artillery Street, 1-139 Barrack Street, 98-106 Brook Street, New Grange Cannon Road, 1-34 Cannon Street, 1-29 Cross Cut Court, 1-24 Falcon Crescent, 1-23 Gantry Close, 1-8 Gunners Mews, 1-134 Harsnett Road, 1-10 Kimberley Road, 1-61 King Stephen Road, 1-143 Morant Road, 1-77 New Park Street, 1-49 Port Lane, 1-25 Providence Place, 1-36 Rebow Street, 1-67 Saw Mill Road, 1-80 Victor Road, 1- 10 Victoria Place, 57-90 Wimpole Road will move from Polling District AY Hythe to Polling District AX St Johns Green (Area 6 on Plan 1). The remaining streets will move from New Town Ward to the new Old Heath & The Hythe Ward.

These changes have been made to realign the new ward boundary.

Polling Districts (complete) AK Scarletts, AL Barnhall, AM Old Heath will move from Old Heath Ward to the new Old Heath and The Hythe Ward.

Polling Districts (complete) BA Winsley Square and ED Rowhedge will move from East Donyland Ward to Old Heath and The Hythe Ward.

These changes have been made to reflect the new ward.

Consideration has been given to moving the polling station for AK Scarletts Polling District to Worsnop House. As the ward boundary has changed this station will now be within the ward and would be for more accessible and convenient for the electors in this area.

Prettygate Ward

1-3 Lexden Mews, 193-231 odd Lexden Road, Christmas House, Raft Cottage Spring Lane South will move from Polling District AR Home Farm (Prettygate Ward) to Polling District AQ Trafalgar (Area 2 on Plan1).

1-25(odd) Clairmont Road, 1-144 Collingwood Road, 1-9 Mayflower Court, 1-31 De Burgh Road, 1-6 Garden Drive, 1-19 Lanvalley Road, 82-110 (even) London Road, 1- 73 Nelson Road, 1-13 Victoria Court, 1-29 Ratcliffe Road, 9-111 (odd) Straight Road, The Chase, 1-48 Trafalgar Road will move from District AQ Trafalgar (Lexden Ward) to Polling District AR Home Farm (Area 7 on Plan 1).

The remaining streets will move from Lexden Ward to Prettygate Ward

These changes have been made to realign the new ward boundary.

No proposed changes to the remainder of the ward.

Rural North Ward

The Polling Districts (complete) EA Dedham and EB Langham will move from Dedham and Langham Ward to Rural North Ward.

The Polling Districts (complete) EE Boxsted, EF Fordham, EG Gt Horkesley, EH Lt Horkesley and EI Wormingford will move from Fordham and Stour Ward to Rural North Ward.

The Polling Districts (complete) EL Gt Tey, EM Mount Bures and EN Wakes Colne will move from Great Tey Ward to Rural North.

These changes have been made to reflect the new ward.

Shrub End

Poperinghe Road, Ypres Road will move from AA Berechurch Road to BE Rainsborowe Road (Area 3 on Plan 1).

These changes are to realign the changes to the ward boundary.

There are no further changes to the ward.

St Anne's and St John's Ward

86-134 St Andrews Avenue, 1-3 Weggs Willow will move from Polling District BK St Annes to Polling District BJ in the new Greenstead Ward (Area 4 on Plan 1) The remaining streets in the Polling District will move from St Annes Ward to St Anne's & St John's Ward.

These changes are to reflect the changes to the ward boundary.

Polling District (complete) BL Churnwood will move from St Anne's Ward to St Anne's and St John's Ward.

Polling Districts (complete) BN Ipswich Road and BO Parsons Heath will move from St John's Ward to St Anne's and St John's Ward.

These changes are to reflect the new ward.

Stanway Ward

No proposed changes.

Tiptree Ward

Polling District (complete) GK Tiptree Grove will move from Birch and Winstree Ward to Tiptree Ward.

These changes are to realign the new ward boundary.

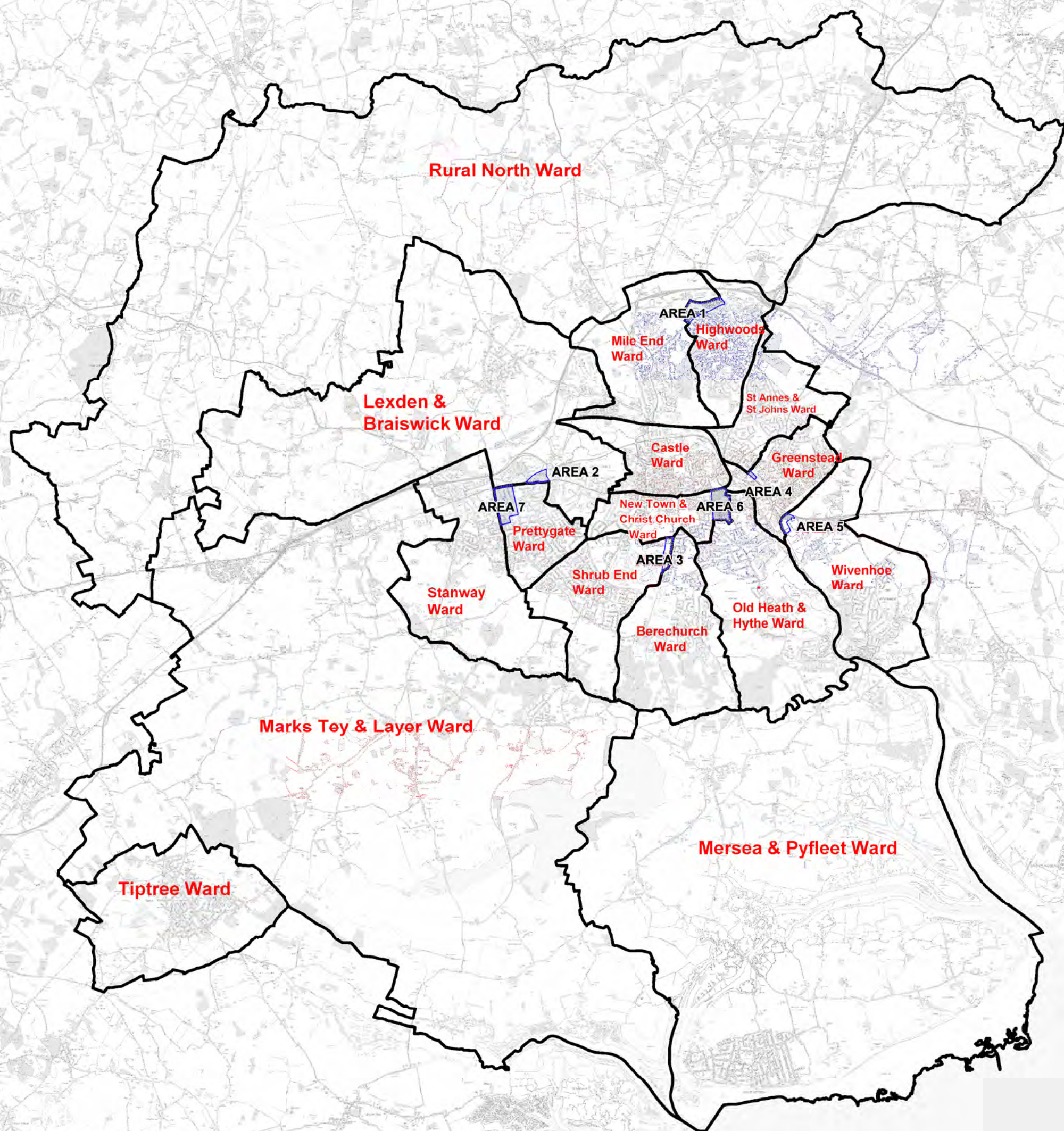
There are no further changes to the ward.

Wivenhoe Ward

The Polling Districts (complete) EW University and EX Wivenhoe Cross will move from Wivenhoe Cross Ward to Wivenhoe Ward.

The Polling Districts (complete) EY Wivenhoe Quay and EZ Broome Grove will move from Wivenhoe Quay Ward to Wivenhoe Ward.

These changes have been made to reflect the new ward.



Consultation Responses

Mary Blandon	Old Heath & The Hythe Ward – concerns with AK Scarletts polling district voting at Old Heath Community Centre, making voting difficult for some because of extra journey time. Previously Worsnop House has been used. Consider the possibility of using Worsnop House for AK Scarletts and BA Winsley Square polling districts.
Braintree District Council Acting Returning Officer Witham	Confirm support for the new arrangements.
Cllr Martin Goss	Mile End Ward – Suggests that the Community Room or the Church would be a suitable alternative to the bowling pavilion, which is no longer in the ward and was the polling station for the Bergholt Road area.
Cllr Julia Havis	Old Heath & Hythe Ward – Commented that Hythe Community Centre is too far for the residents of polling district AK Scarletts to travel. Worsnop House would be more suitable.
Myland Community Council	Mile End Ward – Only concerns, the polling station for Bergholt Road area as the Bowling Pavillion is no longer in the ward.
Stanway Parish Council	Stanway Ward – Confirmation that polling stations remain as Stanway Village Hall and Copford Village Hall. Happy with the proposals
Mr C Stephens	Old Heath & Hythe Ward – Wishes to vote at Worsnop House as Old Heath Community Centre is too far.
Rowhedge Residents Association	Accepts the proposal to merge Rowhedge with Old Heath & Hythe but does not agree with the name allocated as it makes no mention of Rowhedge a village and community in its own right.
West Bergholt Parish Council	Lexden & Braiswick Ward – Agree with the proposals
Wivenhoe Town Council	Wivenhoe Ward – Agree with the proposals
Cllr Tim Young	<p>Old Heath & The Hythe Ward – Suggests that electors in Polling District AK Scarletts and polling district BA Winsley Square use Worsnop House Polling station, either as one polling district or two in the same polling station. Traditionally, other than 2014 electors from the polling district used Worsnop House.</p> <p>Berechurch Ward – consider the possibility of amending polling at the edge of polling district EC Cherry Trees and AD Blackheath as areas of Blackheath are closer to Cherry Tree estate.</p> <p>Greenstead Ward – Heatley Way off Magnolia Drive, consider moving to BH Hawthorn Avenue polling district allowing electors to vote at Greenstead Community Centre rather than Hazelmere School which is further away.</p> <p>Acacia Avenue seems to appear in both BH Hawthorn Avenue polling district and BM Longridge.</p>

