

Cabinet Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 25 November 2015 at 18:00**

The Cabinet deals with the implementation of all Council services, putting into effect the policies agreed by Full Council and making recommendations to Full Council on policy issues and the budget.

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COLCHESTER BOROUGH COUNCIL
Cabinet
Wednesday, 25 November 2015 at 18:00

Members:

Leader and Chairman Councillor Paul Smith (Liberal Democrats)
 Councillor Tina Bourne (Labour)
 Councillor Mark Cory (Liberal Democrats)
 Councillor Annie Feltham (Liberal Democrats)
 Councillor Bill Frame (Liberal Democrats)
 Councillor Dominic Graham (Liberal Democrats)
 Councillor Beverley Oxford (Highwoods and Stanway
 Independent)
 Councillor Tim Young (Labour)

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

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

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
- action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

3 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.

4 Have Your Say!

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter relating to the terms of reference of the Committee/Panel not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter relating to the terms of reference of the Committee/Panel not on this agenda.

5 Minutes

To confirm as a correct record the minutes of the meeting held on 14 October 2015.

14-10-15

7 - 16

6 Call-In Procedure

To consider any items referred by the Scrutiny Panel under the call-in procedure. At the time of the publication of this agenda, there were none.

7 Strategy/Resources

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

17 - 120

See report from the Assistant Chief Executive

8 Resources

8(i) Local Council Tax Support 2016/17

121 -
278

See report by the Head of Customer Services

8(ii) Officer Pay Policy Statement for 2016-17

279 -
294

See report by the Assistant Chief Executive

8(iii) Trade Union Bill

295 -
296

To consider the motion referred to Cabinet at the Council meeting on 21 October 2015.

9 Housing and Public Protection

9(i) Right to Buy for Housing Association Tenants

297 -
300

To consider the motion referred to Cabinet at the Council meeting on 21 October 2015.

9(ii) Cleaning Up Colchester's Air

301 -
304

To consider the motion referred to Cabinet at the Council meeting on 21 October 2015.

10 General

10(i) Nomination for Deputy Mayor 2016-17

To consider any recommendation put forward to this meeting for recommendation to Council

- | | | |
|---------|---|--------------|
| 10(ii) | Calendar of Meetings 2016-17
See report from the Assistant Chief Executive | 305 -
312 |
| 10(iii) | Progress of Responses to the Public
To note the contents of the Progress Sheet | 313 -
314 |
| 11 | Exclusion of the Public (Cabinet)
In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example 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)

12 Economic Growth and Planning

12(i) Essex Building Control Shared Service - Host Bid

The following report contains exempt information (financial/business affairs of a particular person, including the authority holding the information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

To consider the recommendation in the minutes from the Trading Board meeting of 18 November 2015 (to follow.) The report to Trading Board on 18 November is included for background.

CABINET

14 October 2015

Present: - Councillor Smith (Chairman)
Councillors Bourne, Cory, Feltham, Frame, Graham and B. Oxford

Also in attendance: - Councillors Cope, Davies, Hayes, Hazell, J. Maclean, G. Oxford, Sykes, Scott and Willetts

32. Minutes

RESOLVED that the minutes of the meeting held on 2 September 2015 be approved as a correct record.

33. Have Your Say!

George Penny addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express his concern about cuts to the police budget in Essex. This was particularly concerning whilst the allowances to senior councillors in Essex were being increased. Whilst it was taking on average 114 days to investigate a crime, it was wrong to close police stations and reduce the number of Police Community Support Officers. The cuts hurt morale in the force and made communities feel more vulnerable. The cuts would have a particularly severe impact on rural areas, especially when considered alongside the decision by Essex County Council to turn street lights off. A well funded police force would help provide employment and public security.

Councillor Smith, Leader of the Council, thanked Mr Penny for his comments and indicated that the issue would be the subject of a debate at the Council meeting on 21 October.

Stuart Bond addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express his concern about the proposed reversal of the traffic direction and upgrade of the car park in Priory Street. The stated aims of the upgrade of the car park in improving access to the Roman Wall would be compromised by the reversal of the traffic flow. The reversal of the traffic flow would also increase the risk to school pupils at St Thomas More's school and those using the churches and mosque on Priory Street, and also to the elderly residents of the Dell. These risks would be exacerbated by the fact that there was no useable pavement on the residential side of

Priory Street which meant that residents have to cross the road immediately on leaving their homes. The reversal of the traffic flow would increase the amount of traffic using Priory Street and the speed of the traffic. It was also likely to increase air pollution.

Councillor Frame, Portfolio Holder for Economic Growth and Planning, and Councillor Dominic Graham, Portfolio Holder for Street and Waste Services, stressed the need for residents and representatives of Priory Street to be provided with information about Essex County Council's plans. The issue of the traffic reversal had got caught up with the Borough Council's plans to open up the Roman Wall which was an entirely separate project.

34. Leisure World Colchester Strategy and Business Plan

The Head of Operational Services submitted a report a copy of which had been circulated to each Member together with minute 82 of the Trading Board meeting of 23 September 2015.

Tim Swallow, Group Manager, Sport and Leisure, made a presentation to Cabinet, setting out how Leisure World had successfully developed since the introduction of the recommendations of the Fundamental Service Review. It had achieved its financial targets and had seen a dramatic increase in participation, It was now regarded an important community hub and its success had been recognised externally. Membership numbers had increased and the facilities and equipment on offer improved. Technology had been widely used to improve efficiency and customer experience. It had managed to successfully strike a balance between a successful commercial enterprise and a community facility. It had demonstrated an ability to increase income following investment and there was clear evidence to support growth. The Strategy and Business Plan clearly set out the areas requiring investment and when payback would be achieved.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. It was acknowledged that Leisure World was a popular and well used facility. It was beginning to look a little tired and needed a plan of improvements. The lack of key financial information in the report was highlighted. Whilst it was agreed that funding was required if Leisure World was to be maintained as a first rate facility, some concern was expressed about the overall strategy. Whilst the Council was seeking to develop and improve its own facility, it was also supporting the development of competing facilities at Northern Gateway. The Council should decide which option it favoured and allocate resources accordingly.

Councillor Feltham, Portfolio Holder for Communities and Leisure Services stressed that the Council did have a strategy. Considerable work had been undertaken to understand the market and position Leisure World accordingly. Leisure World was not competing with the luxury operators who were planning to open facilities in Northern Gateway. Leisure World had demonstrated the need for investment and proved that it could meet the targets and proposals set out in the Business Plan. This was a safe, reliable proposal.

Councillor Cory, Portfolio Holder for Resources, Councillor Bourne, Portfolio Holder for Housing and Public Protection, Councillor Frame, Portfolio Holder for Economic Growth and Planning, Councillor Oxford, Portfolio Holder for Customers and Councillor Smith,

Leader of the Council and Portfolio Holder for Strategy, all expressed their support for the proposal. In particular the success of the commercial approach taken by Leisure World was highlighted, which vindicated the decision to retain Leisure World within the public sector. The contribution of staff at Leisure World to its success was stressed. The business case was compelling and promised a good rate of return within a comparatively short period.

RESOLVED that:-

- (a) The Strategy and Business Plan for Leisure World Colchester that covers the period 2016 to 2020 be approved.
- (b) The funding proposal set out in Section 9 of the Head of Operational services report for the investment required by the Strategy and Business Plan be approved.

REASONS

The Strategy and Plan is designed to ensure that Leisure World Colchester is given the opportunity to continue the growth that has resulted from the improvements introduced as part of the Fundamental Service Review (FSR) of Sport & Leisure. This will put it in the best position to maintain its share in a competitive marketplace as well as grow its income by attracting new customers.

As the Strategy and Plan does contain commercially sensitive information that would be useful to direct competitors of individual services provided at Leisure World Colchester the detailed Plan is on Part B of the agenda.

ALTERNATIVE OPTIONS

Other options could range from no investment to even further expansion of the facilities available. However, it is felt that the option presented in this Business Plan represents the best option for retaining customers and growing the business.

35. 2016/17 Revenue Budget

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

Councillor Davies attended and with the consent of the Chairman addressed the Cabinet to make the following points:-

- It was of concern that no new growth was forecast as this was a great opportunity.
- More detail was needed about how the further income from New Homes Bonus would be used.
- It was hoped that a range of different scenarios had been considered and modelled in preparing the budget.
- Whether the business rates pool would enable the budget to be balanced.

- It was of concern that 45% of New Homes Bonus was being used to prop up the budget and that concerns about the reliance of New Homes Bonus had been expressed by the auditor.
- The size of the potential budget gap in the Medium Term Financial Forecast.

Councillor Cory, Portfolio Holder for Resources, responded and introduced the report to Cabinet. There was currently a budget gap of £355,000 which the administration was working hard to close. A prudent approach to New Homes Bonus was being taken going forward and the reliance on it was being reduced year on year. It was now being used to support one off projects rather than to support the revenue budget. In terms of business rates, the Council was awaiting further details from the government of the new strategy. It was expected that the budget outturn review would identify cost reductions which would support the delivery of a balanced budget.

Councillor Bourne, Portfolio Holder for Housing and Public Protection, highlighted the impact of changes in the government's budget to social housing rates, which could lead to a reduction of £143 million over the 30 years of the HRA Business Plan. This would have a significant impact on plans to improve the housing stock and sheltered housing schemes. The position was worsened by an aggressive marketing campaign on right to buy and the extension of right to buy for housing association tenants, which would be financed by forcing the Council to sell off its most valuable housing stock.

RESOLVED that:-

- (a) The updated 2016/17 budget forecast as set out at paragraph 6.1 of the Assistant Chief Executive's report showing a current gap of £355k be noted.
- (b) It be noted that officers are working towards delivering a balanced budget and that progress has been made to identify savings to assist with the delivery of the budget strategy.
- (c) The cost pressures set out at paragraph 7.1 of the Assistant Chief Executive's report be included in the 2016/17 budget forecast.
- (d) The provisional savings set out at section 9 of the Assistant Chief Executive's report be included in the 2016/17 budget forecast.
- (e) The potential 2016/17 budget forecast variables and risks set out in Section 11 of the Assistant Chief Executive's report be noted.
- (f) The decision to be included in any NNDR pooling submission for 2016/17 be delegated to the Portfolio Holder for Resources following consideration of:
 - further work to update NNDR forecasts for 2015/16 and 2016/17
 - confirmation of those authorities wanting to be in the pool.
- (g) The position on the Housing Revenue Account set out in section 13 of the Assistant Chief Executive's report be noted.

(h) The capital programme position set out in section 14 of the Assistant Chief Executive's report be noted and the change set out in section 14.2 of the Assistant Chief Executive's report be agreed.

REASONS

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

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.

36. Update on the Waste Prevention and Recycling Options Appraisal Task and Finish Group

The Head of Operational Services submitted a report a copy of which had been circulated to each Member.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to seek further information about the focus group whose views had informed the work of the Task and Finish Group. In particular he asked for information about numbers, the demographics of the group and how members were recruited.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. He supported the recommendation that the work of the Task and Finish Group be placed on hold. This was necessary as he believed that the administration's work on a new waste strategy was in disarray. The consultation work that QA Research had undertaken on behalf of the Task and Finish Group had shown that the main strands of the administration's policies were very unpopular and that therefore time was needed for the development of a new waste strategy.

Councillor Scott, Chairman of the Waste Prevention and Recycling Options Appraisal Task and Finish Group, attended and with the consent of the Chairman addressed the Cabinet. The Group accepted the need to update the waste strategy. Other authorities, including Essex County Council, would also be reviewing their strategies so this would be a good opportunity to undertake a review and work together where appropriate. The Group had prepared material for a public consultation exercise and this would still go ahead following the approval of the new strategy. The Group was of the view that it should be placed on hold for the minimum period of time.

Councillor Graham, Portfolio Holder for Street and Waste Services explained that the focus group had been set up by QA Research, who had been commissioned to evaluate residents' views on waste issues. They had been asked to ensure they used a wide demographic across the borough. Views had been sought from over 1000 people across all wards. The administration was committed to a genuine public consultation and wanted to know resident's views on how the borough should deal with waste. The consultation questions prepared by the Task and Finish Group would be issued once the waste

strategy had been approved.

RESOLVED that:-

- (a) The good work undertaken by the Task and Finish group be noted and a new waste strategy be developed that identifies the outcomes desired by Cabinet in terms of the management of waste for the future.
- (b) To place on hold the activity of the Waste Prevention and Recycling Options Task and Finish group until the development of a new waste strategy is completed which could be presented to Cabinet at its meeting on 27th January 2016. At this point Cabinet could consider whether it wants to give new terms of reference to the Task and Finish Group.

REASONS

The current Terms of Reference for the Task and Finish Group agreed by Cabinet in October 2014 have been met in terms of the four major items set out. The group has asked for and received wide ranging information on the management of waste and the group should be thanked for the commitment and effort put into understanding the subject. As a result of this work it has been identified that the Council needs to identify its desired outcomes for the management of waste and recycling by the development of a new waste strategy.

ALTERNATIVE OPTIONS

The Council last reviewed its waste strategy in 2008 and as such it requires updating. The alternative to this is to not review the Council's objectives for the management of waste and recycling through a revised strategy, which is not a desirable position in which to consider future options for the management of waste and recycling.

37. 2014/15 Year End Review of Risk Management

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member together with minute 15 of the Governance Committee on 8 September 2015.

Councillor Cory, Portfolio Holder for Resources, highlighted that risks 4d (Potential impact of future central government decisions to reduce public funding, including that of our partners) and 6(c) (Inability to deliver the budget strategy as planned, arising from changes to Government funding/decisions and general impact of economic climate) had significantly increased. In respect of 4d, this was exacerbated by the government's failure to provide clear direction or detailed information on key policy proposals. The risk management strategy would ensure that risks were well managed.

RESOLVED that:-

- (a) The risk management work undertaken during 2014/15 be noted.
- (b) The current strategic risk register be noted.

(c) The proposed Risk Management Strategy for 2015/16 be approved.

RECOMMENDED TO COUNCIL that Risk Management Strategy 2015/16 be included in the Council's Policy Framework.

REASONS

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

During the year progress reports are presented to the Governance Committee detailing work undertaken and current issues. This report was presented to the Governance Committee on 8 September 2015 where they approved its referral to this meeting.

The Risk Management Strategy is one of the key corporate governance documents that supports the Constitution of the Council and forms part of the Policy Framework. Accordingly any amendments have to be approved by full Council.

ALTERNATIVE OPTIONS

No alternative options were proposed.

38. Internal Audit Contract Tender

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

RESOLVED that authority be delegated to the Portfolio Holder for Resources to appoint a contractor for the Council's Internal Audit service to commence from 1 April 2016.

REASONS

The Internal Audit contract is due to expire on 31 March 2016 and it is therefore necessary to carry out a tender exercise to procure a new contract.

The tender evaluation process will not be completed prior to the Cabinet meeting on 25 November and the next Cabinet meeting after that is 27 January 2016. However a decision will need to be made by the end of December 2015, to allow for any handover period required.

Based on the current value it is not envisaged that the award of the contract will constitute a key decision. However it is felt appropriate to seek prior approval for authority to be delegated to the Portfolio Holder for Resources as there is the potential for the costs to increase or the length of the contract to be extended, which may result in the value increasing above the key decision threshold.

ALTERNATIVE OPTIONS

Delay the decision to appoint the contractor until the Cabinet meeting in January 2016, which would result in the appointment not being confirmed until February 2016.

If there is a change in contractor this will result in a shortened handover period where it may not be possible to ensure that the full Internal Audit programme is in place from 1 April 2016.

39. Progress of Responses to the Public

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

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

40. Leisure World Colchester Strategy and Business Plan

The Head of Operational Services submitted a report a copy of which had been circulated to each Member together with minute of the Trading Board meeting of 23 September 2015.

RESOLVED that:-

- (a) The Strategy and Business Plan for Leisure World Colchester that covers the period 2016 to 2020 be approved.
- (b) The funding proposal set out in Section 7 of the Head of Operational Services report for the investment required by this Strategy and Business Plan be confirmed.

REASONS

The Strategy and Plan is designed to ensure that Leisure World Colchester is given the opportunity to continue the growth that has resulted from the improvements introduced as part of the Fundamental Service Review (FSR) of Sport & Leisure. This will put it in the best position to maintain its share in a competitive marketplace as well as grow its income

by attracting new customers.

ALTERNATIVE OPTIONS

Other options could range from no investment to even further expansion of the facilities available. However, it is felt that the option presented in this Business Plan represents the best option for retaining customers and growing the business.

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

2016/17 Budget Timetable	
Budget Strategy March 15 – July 2015	
March – June (SMT and Budget Group)	Budget Group Meetings Agreed Update MTFF /Budget Strategy Review potential cost pressures, growth and risks Consider approach to budget Initial budget reviews started
Cabinet – 8 July 15	<ul style="list-style-type: none"> • Review 14/15 outturn • Report on updated budget strategy / MTFF • Timetable approved
Scrutiny Panel – 21 July 15	Review Cabinet report
Detailed Budget preparation and Budget Setting Consultation	
Budget Group / Leadership Team regular sessions on progress / budget options now - December	Review budget tasks Consider delivery of existing budget savings Carry out outturn review
Cabinet – 14 October 15	<ul style="list-style-type: none"> • Budget Update • Review of capital resources / programme
Cabinet – 25 November 15	<ul style="list-style-type: none"> • Budget update • Reserves and balances • Agree fees and charges / budget changes • Government Finance settlement (if available) • Review in year budget position
Scrutiny Panel – 26 January 16	Review consultation / Budget position (Detailed proposals)
Cabinet – 27 January 16	Revenue and Capital budgets recommended to Council
Council – 17 February 16	Budget agreed / capital programme agreed / Council Tax set

Appendix B

Service	Opportunity	2016/17 £'000	Additional Comments e.g. impact on service / risk to delivery/ description of delivery
Efficiencies, Income and Fundamental Service Review			
All Services	Outturn review	350	A review has been completed that looked at the non-employee spending over the last three years compared to the 2015/16 budget. As a result of this exercise reductions in budgets of £350k have been identified.
Operational Services	Car Park Income	300	In the 2015/16 budget the expected level of car park income was reduced by £300k based on assumptions on the impact of park and ride. Budget monitoring reports show that income levels have not been affected as much as forecast and therefore it is proposed to restate the car park budget.
Corporate items	Full year impact of accommodation savings	50	In 2015/16 the saving from leaving Angel Court had contributed towards other UCC FSR savings. This reflects the full year additional impact of this decision.
Various services	Business Process Savings	326	Detailed savings have recently been reviewed and the anticipated level of savings for 2016/17 has been reduced.
Commercial Services	Commercial income & procurement	81	Updated forecast to reflect assumed additional income and savings within commercial trading services, asset income and procurement saving projections. Further changes are possible and will be considered in the final budget report.
Operational Services	Sport & leisure business Case	48	First year savings as shown in report to Cabinet. A further £50k saving is shown within the reduced allocation for inflation.
		1,155 (89% of savings)	
Budget Reductions			
Corporate & Financial Management	Parish Grants re: LCTS scheme	11	Reduction in grants as set out in Appendix C
	Sub total	11 (1% of savings)	

Service	Opportunity	2016/17 £'000	Additional Comments e.g. impact on service / risk to delivery/ description of delivery
<i>Corporate / Technical Items</i>			
Net Interest		100	There is currently a net saving on the interest account through a combination of the interest costs being lower due to the strategy of internal borrowing and also some additional interest earnings.
General Fund / HRA	Reduce contingency in budget	35	The budget includes a contingency reflecting the risk of changes in costs between the General Fund and HRA. It is proposed to remove this.
	<i>Sub total</i>	<i>135 (10% of savings)</i>	
Total Savings		1,301	

Revenue Grants to Parish, Town and Community Councils 2016/17**1 Decision Required**

- 1.1. To approve the distribution of Revenue grant to Parish, Town and Community Councils for 2016/17 as set out.

2. Reasons for Decision

- 2.1 It is necessary to set the level of Revenue grant to Parish, Town and Community Councils now in order that they may set their precepts for next year.

3. Alternative Options

- 3.1 The level of revenue grant could remain at the current level.
- 3.2 Alternative methods of distribution were also considered. However, feedback from an earlier consultation with Parish, Town and Community Councils had shown opposition to an element of the grant being subject to a bidding process.

4. Supporting Information

- 4.1 For 2013/14 allocations of revenue grant were discontinued, other than a base figure of £500 for each Parish, Town and Community Council to provide an equal level of support. No changes are proposed to this allocation for 2016/17.
- 4.2 The Portfolio Holder for Housing wrote to Parish, Town and Community Councils on 14 December 2012 to explain the impact of Local Council Tax Support (LCTS) on the tax base of Local Councils. The Government had advised of an indicative funding of £120k for Parish, Town and Community Councils in our area, and this was allocated based on calculations of what would achieve a 'neutral' impact on each Council.
- 4.3 The Portfolio Holder's letter advised that Colchester Borough Council had no control over the level of the grant in future years, it was unlikely that it would be separately identified in the overall funding figures, and that the allocation to Parish, Town and Community Councils would reduce in line with the overall grant from Government.
- 4.4 Colchester Borough Council's overall settlement funding allocation for 2016/17 has not yet been announced. The Council's current assumption is that there will be a reduction of 13%. It is therefore proposed that this element of the 2016/17 grant to Parish, Town and Community Councils is reduced in accordance with this assumption.
- 4.5 The cost of Parish, Town and Community Council revenue grants set out in this report is £90.8k. The final approval of this sum is subject to the Council's internal scrutiny process and the approval of the overall budget by full Council in February 2016.
- 4.6. Implications for equality and diversity have been considered in respect of all changes proposed as part of the budget process, including this decision. It is not for the Borough Council to specify what the grants are spent on and for that reason it is not possible to be specific about any impacts, it will be the responsibility of the Parishes themselves to consider equality and diversity requirements when spending or

allocating the funds. As such there is no Equality Impact Assessment associated with this report or link included.

Proposed Grants for 2016/17

	LCTS Grant 15/16	13% Reduction	Revenue Grant	Total Grant 16/17
Parish	£	£	£	£
Abberton & Langenhoe	666	(87)	500	1,079
Aldham	760	(99)	500	1,161
Birch	1,155	(150)	500	1,505
Boxted	1,440	(187)	500	1,753
Chappel	1,052	(137)	500	1,415
Copford	1,250	(163)	500	1,587
Dedham	2,025	(263)	500	2,262
East Donyland	5,804	(755)	500	5,549
East Mersea	760	(99)	500	1,161
Eight Ash Green	2,120	(276)	500	2,344
Fingringhoe	666	(87)	500	1,079
Fordham	2,412	(314)	500	2,598
Great Horkesley	666	(87)	500	1,079
Great Tey	863	(112)	500	1,251
Langham	863	(112)	500	1,251
Layer Breton	0	0	0	0
Layer de la Haye	760	(99)	500	1,161
Layer Marney	0	0	0	0
Little Horkesley	278	(36)	500	742
Marks Tey	2,310	(300)	500	2,510
Messing cum Inworth	666	(87)	500	1,079
Mount Bures	278	(36)	500	742
Myland	4,737	(616)	500	4,621
Stanway	8,707	(1,132)	500	8,075
Tiptree	15,103	(1,963)	500	13,640
Wakes Colne	475	(62)	500	913
West Bergholt	2,603	(338)	500	2,765
West Mersea	16,360	(2,127)	500	14,733
Winstred Hundred	760	(99)	500	1,161
Wivenhoe	11,710	(1,522)	500	10,688
Wormingford	475	(62)	500	913
Total	87,724	(11,407)	14,500	90,817

Funding for voluntary welfare organisations 2016/17

Proposal

1. To freeze the revenue grant made to voluntary sector organisations

Reason for decision

Continued support for the voluntary sector is important to the Council and as such the grants will be maintained in 2016/17. However given the ongoing reductions in Government grant to the Council over the last few years an inflationary increase for revenue grants is not being made. All organisations supported in 2015/16 will continue to be supported to the same level in 2016/17

The following groups will receive funding:

Organisation	Amount
Age UK	£11,000
Colchester Citizens Advice Bureau	£101,800
Colchester Community Voluntary Service	£45,000
Colchester and Tendring Women's Refuge (accommodation)	£7,750
Colchester and Tendring Women's Refuge (outreach)	£21,500
Emergency Night Shelter	£9,000
Grassroots	£1,350
Rural Community Council of Essex	£700
Shake Trust	£12,400
Total amount	£210,500

Service Level Agreements will be agreed for each grant that meets the CBC Strategic Plan so the Council is assured of the impact it has.

Equality, Diversity and Human Rights Implications

We have fully considered the equality and diversity impacts by undertaking Equality Impact Assessments (EQIAs) and conclude there are no adverse impacts that cannot be mitigated.

To view the EQIAs please use this link to the Council's website:

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=19487&p=0>

Strategic Arts Grants 2016/2017

Colchester Borough Council awards annual grants to Firstsite, the Mercury Theatre and the Colchester Arts Centre.

This annual CBC funding combines with that awarded by Arts Council England and Essex County Council, as well as other public, private and commercial sources of income, to enable the organisations to contribute towards the Creative Colchester Strategy as well as the broader aims of the Council's Strategic Plan, and to run a wide range of targeted community and outreach activities. It also acts as an important stream of match funding to unlock additional external grants.

Performance is monitored against annual service level agreements and the organisations appear before the Scrutiny Panel on a regular basis. From 2016 a Member will represent the Council on the Boards of all three organisations.

Across the past two financial years the grant to Firstsite has been reduced by a total of 15%; the grant to the Mercury Theatre by 10%; and the grant to the Arts Centre by 5%. These reductions were made in consultation with the organisations and in recognition of the pressures on the Council's budget during this period.

For 2016/17 it is proposed to retain the current level of grant funding to Colchester Arts Centre, The Mercury Theatre and Firstsite with no inflationary increase;

	15/16	16/17
Mercury Theatre	221,850	221,850
Firstsite	127,925	127,925
Colchester Arts Centre	63,650	63,650

Appendix F

	Allocated	Risk allocations	Unallocated	Total	Note
	£'000	£'000	£'000	£'000	
Opening balance 1/4/15	(5,780)	(868)	(2,027)	(8,675)	per 14/15 accounts
Agreed contribution to balances	(280)	(280)		(560)	Agreed in 15/16 budget
Budget carry forwards	3,022			3,022	
Previous c/f decisions	194			194	
Redundancy costs	473			473	Includes pension strain costs
Previous year allocations	325			325	
Right to challenge - Gov't funding	46			46	
Agreed use of balances 15/16	71			71	agreed in 15/16 budget
Proposed use of balances - 15/16	450			450	See Cabinet 8 July 2015
Use of balances to be agreed (BIFA)	471			471	See Cabinet 8 July 2016
Estimated net use of balances in 15/16	4,772	(280)	0	4,492	
Forecast balance 31/3/16	(1,008)	(1,148)	(2,027)	(4,183)	
<i>Use of balances in later years or risk allocations</i>					
Community Stadium - rent adjustment	500			500	Provision for reduction rent
NNDR / Welfare reform - risk allocation	228	172		400	£228k to support cross service team
General contingency - risk allocation		285		285	
Planning appeals, legal, HR etc- risk allocation		411		411	Some costs possible in 15/16
Housing benefit - risk allocation		130		130	Agreed in 15/16 budget
Collection Fund - risk allocation		150		150	Agreed in 15/16 budget
Total later years allocations	728	1,148	0	1,876	
Uncommitted / unallocated Balance	(280)	0	(2,027)	(2,307)	
Recommended level			(1,800)	(1,800)	Agreed in 15/16 budget
Surplus above recommended level	(280)	0	(227)	(507)	

Earmarked Reserves and Provisions

Reserve	Amount at 31/03/15	Transfers - In	Transfers - Out	Estimate at 31/03/16	Allocated / Committed	Unallocated
	£'000	£'000	£'000	£'000	£'000	£'000
Renewals and Repairs (incl Building Maintenance Programme): Maintained for the replacement of plant and equipment and the maintenance of premises.	1,989	460	(400)	2,049	2,049	-
Insurance: To cover the self-insurance of selected properties.	334	25	(10)	349	-	349
Capital Expenditure: Revenue provision to fund the capital programme. The reserve is fully committed to funding the current capital programme.	767	100	(200)	667	667	-
Asset Replacement Reserve: A reserve for the future replacement of vehicles and plant. The vehicle replacement policy has been reviewed. Revenue contributions to this reserve have now ceased and the funding is now sourced from the Council's Capital Programme.	103	-	-	103	-	103

Reserve	Amount at 31/03/15	Transfers - In	Transfers - Out	Estimate at 31/03/16	Allocated / Committed	Unallocated
	£'000	£'000	£'000	£'000	£'000	£'000
Gosbecks Reserve: Maintained to provide for the development of the Archaeological Park. The main source of funding was a 'dowry' agreed on the transfer of land.	240	2	(26)	216	216	-
Heritage Reserve: This represents balance held of museums donations and as such represents a small element of the Council's support to heritage schemes.	9	5	(1)	13	-	13
Hollies Bequest: Provision for the upkeep of open space.	4	-	(2)	2	2	-
Section 106 Monitoring: Required for future monitoring of Section 106 agreements. From 2015/16 it was set at £20k per year.	53	20	(20)	53	53	-
Revenue Grants Unapplied: Under new accounting rules any grant received where there are no clear conditions that the grant is repayable if not spent now have to be transferred to this reserve. For all these grants proposals for use of the money exist and the funds are held in the reserve until the money is spent.	1,859	-	(600)	1,259	1,259	-
Regeneration Reserve: Contribution to reserve in respect of balancing any deficit in funding schemes in particular years.	65	-	(65)	-	-	-

Reserve	Amount at 31/03/15	Transfers - In	Transfers - Out	Estimate at 31/03/16	Allocated / Committed	Unallocated
	£'000	£'000	£'000	£'000	£'000	£'000
Parking Reserve: As part of the existing 'on street' parking arrangements there is requirement to keep any surplus funds separate from the General Fund. With the North Essex Parking Partnership (NEPP) there is also a requirement to hold separately funds provided to support TRO (Traffic Regulation Order) work and also initial funding provided by Essex County Council	355	-	-	355	355	-
Building Control: The Building (Local Authority Charges) Regulations came into force on 1 April 2010. The new charges allow Building Control to more accurately reflect the cost of chargeable services. In any year there is therefore the likelihood of a balance on this account that must be assessed as part of ongoing charges.	-	-	-	-	-	-
Heritage Mersea Mount: Funding received from English Heritage towards costs relating to Mersea Mount.	11	-	-	11	11	-
Mercury Theatre: Provision for the building's long term structural upkeep. Accumulated funds have been used to support roof repairs to the Mercury Theatre.	20	25	(10)	35	35	-

Reserve	Amount at 31/03/15	Transfers - In	Transfers - Out	Estimate at 31/03/16	Allocated / Committed	Unallocated
	£'000	£'000	£'000	£'000	£'000	£'000
Business Rates Reserve: Maintained to cover the risk of any residual issues resulting from the introduction of the Local Business rates Retention scheme.	1,255	-	-	1,255		1,255
Revolving Investment Fund Reserve: Maintained as a way to deliver income-producing development schemes and regeneration/economic growth projects. The three main sources of funding into the RIF are existing capital programme allocations, capital receipts and revenue funding. Revenue funding will be held in this reserve until it is required for future capital schemes or revenue expenditure as necessary.	700	322	(642)	380	380	-
Total General Fund	7,764	959	(1,976)	6,747	5,027	1,720
HRA Retained Right To Buy (RTB) Receipts - Debt: Reserve following Government changes to the RTB scheme. From 2012/13 the Council can retain a proportion of RTB receipts to offset debt taken on by the HRA Self-Financing settlement. The reserve must be used for HRA purposes.	1,751	500	-	2,251	2,251	-

Reserve	Amount at 31/03/15	Transfers - In	Transfers - Out	Estimate at 31/03/16	Allocated / Committed	Unallocated
	£'000	£'000	£'000	£'000	£'000	£'000
HRA Retained Right To Buy (RTB) Receipts - Replacement: Reserve following Government changes to the RTB scheme. From 2012/13 the Council can retain a proportion of RTB receipts to fund affordable housing development. Receipts held within the reserve must be used within 3 years for this purpose; otherwise they must be repaid to the Government.	870	650	(100)	1,420	1,420	-
Total HRA	2,621	1,150	(100)	3,671	3,671	-
Total	10,385	2,109	(2,076)	10,418	8,698	1,720

Reserve	Amount at 31/03/15	Transfers - In	Transfers - Out	Estimate at 31/03/16	Allocated / Committed	Unallocated
	£'000	£'000	£'000	£'000	£'000	£'000
Provision	Amount at 31/03/15	Transfers - In	Transfers - Out	Estimate at 31/03/16	Allocated / Committed	Unallocated
	£'000	£'000	£'000	£'000	£'000	£'000
Insurance: This element of the fund is specifically set aside as a provision to meet the cost of identified claims including subsidence. It also includes a contingency for liable costs if a previous insurer, which has gone into administration, is unable to remain solvent.	389	60	-	449	449	-
NNDR Appeals: The Council has created a provision to meet the financial impact of successful appeals made against rateable values as defined by the Valuation Office as part of the Business Rates Retention scheme introduced from 1 April 2013.	2,266	-	-	2,266	2,266	-
Total	2,655	60	-	2,715	2,715	-

FEES AND CHARGES

- (i) Corporate and Financial Management 2016-17
- (ii) Land Charges, Electoral Services from 1 January 2016 and Freedom of Information
- (iii) Sports Grounds, Beach Huts, Countryside Sites and Open Spaces Events – January 2016
- (iv) Lion Walk Activity Centre – 2016 - 17
- (v) Market, Street Trading and Public Baths for 2016-17
- (vi) Street Naming and Numbering 2016 -17
- (vii) Museums 2016-17
- (viii) Visitor Information Centre Fees and Charges 2016 -17
- (ix) Private Sector Housing Services from 1 January 2016
- (x) Planning Services and the Building Control Service from 1 January 2016
- (xi) Parking Services 2016 -17
- (xii) Environmental Health and Licensing Services from 1 January 2016
- (xiii) Recycling and Trade Services 2016 -17
- (xiv) Helpline 2016-17
- (xv) Cemetery and Crematorium 2016-17
- (xvi) Town Hall Events 2016-17

(i) Corporate and Financial Management 2016-17

Proposal

It is proposed that the current levels of fees and charges be retained.

Civic Events

In terms of the fee for the Mayor Making lunch, this was introduced five years ago and increased to the current charge of £30 per person, which was set in 2012. Guests have continued to attend the event despite increases in charges but it is anticipated that a further increase this year may negatively impact on attendance in future.

In respect of the Opening of the Oyster Fishery and the Oyster Feast, there continues to be a noticeable impact on the numbers of guests willing to attend these events in the current economic climate.

It is proposed that the fees for 2016-17 for each of the civic events are not increased and are maintained at the existing levels as set out below:

- Mayor Making lunch £30 per person
- Opening of the Oyster Fisheries £85 per person
- Oyster Feast £95 per person

There have been occasions in the past where the Opening of the Oyster Fishery was held at Cudmore Grove Country Park rather than using a boat. Should future plans involve the hosting of the Opening of the Oyster Fishery without the use of a boat, the alternative charge of £60 per person for the event is applied.

Equality, Diversity and Human Rights implications

Equality Impact Assessments are 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.

(ii) **Local Land Charges 2016 -17**

All fees are calculated on a cost recovery basis. In light of the Government's plan to centralise the Local Land Charges function with the Land Registry there are no major changes planned and therefore the majority of the fees remain the same. However, the main Residential and Commercial fee has been reduced by £3.50 to reflect the decrease in fee from Essex Highways.

Residential (CON 29R + LLC1)	£86.50	
Commercial (CON 29R + LLC1)	£116.50	
L.L.C.I	£15.00	
CON 29 "O" Questions 4-8 10-21	£10.00 each	£15 admin fee will be payable if optional enquiries are requested separately to original search request.
CON 29 'O' Question 9 is available from National Grid Plant Protection Team (01604 815361).		
Con 29 'O' Question 22	£14.00	£15 administrative fee is payable if this question is requested separately to the original search request.
Additional written enquiries per question	£17.00	
Additional Land Parcels per extra assessment	£14.00	

Fees for specific questions and component data for CON29R:

1.1 f – h inclusive	£5.29
3.1	£1.10
3.5	£1.01
3 (excluding e)	£6.00
3.8	£1.46
3.9 (a-n inclusive)	£15.76
3.10	£1.01
3.11	£1.05
3.12	£2.40

An admin fee of £7.04 is payable per property for Con 29 questions requested individually. Cancellation of official search requests and CON 29 R component data requests will be charged at full cost and no refunds are given.

Electoral Services

It is proposed that the current level of fees and charges are retained at the 2015 level.

- Sales of the Electoral Register are based on a fee set by the Cabinet Office which remains unchanged from previous years. The fee for paper copies of the Register is £10 plus £5 per 1,000 names or part thereof.
- The fee for Register data is £20 plus £1.50 per 1,000 names or part thereof.
- It is anticipated that this structure will produce an income of approximately £3,000.
- Also a fee of £25 for a letter to confirm that an elector has been recorded on the current electoral register is charged (this does not include new electors as they are automatically sent a confirmation letter when they register).

Equality, Diversity and Human Rights implications

Not applicable as no change to fees and charges.

Freedom of Information Requests

Freedom of Information requests are provided free of charge under the legalisation, up to an appropriate limit set by the Ministry of Justice. The appropriate limit currently remains unchanged and for local government is £450. Requests that exceed the appropriate limit may be either declined or charged at the rate of £25 per hour, also set by legislation.

(iii) Sports Grounds, Beach Huts, Countryside Sites and Open Spaces Events – 2016 - 17

Proposal

It is proposed for some Country park and Countryside areas to apply a 1.1% inflationary increase rounded to the nearest 10p. These and any proposed increases are shown in tables below.

Allotment Charges

These are identified for 5 year periods and are effective from October to September annually. A proposal for the charges effective from October 2014 up to September 2019 is in place.

Pricing Schedule

PARKS AND RECREATION				
	2015/16 Existing Charge	2015/16 Existing Charge	2016/17 Proposed Charge	2016/17 Proposed Charge
FOOTBALL, RUGBY and HOCKEY	[excl VAT]	[incl VAT]	[excl VAT]	[incl VAT]
full size - casual - all days	£54.75	£65.70	£55.66	£66.80
full size - casual - all days	£16.42	£19.70	£16.67	£20.00
9-a-side football	£15.33	£18.40	£15.58	£18.70
7-a-side or mini rugby/hockey - all days	£14.50	£17.40	£14.58	£17.50
training grid - all days	£12.00	£14.40	£12.25	£14.70
training grid - all days	£8.00	£9.60	£8.08	£9.70
training pitch (7 a side or half full pitch) - all days	£9.83	£11.80	£10.00	£12.00
American Football Pitch	-	-	£25.42	£30.50
BOWLS				
casual play - per player	£3.75	£4.50	£3.75	£4.50
casual play - per rink	£13.17	£15.80	£13.33	£16.00
season ticket	£88.08	£105.70	£89.42	£107.30
season ticket	£66.08	£79.30	£67.08	£80.50
Adult weekend season ticket (1/2 full price)	-	-	£44.75	£53.70
Adult weekend season ticket (1/2 full price)	-	-	£33.58	£40.30
Weekend family ticket (both partners and under 16 offspring)	-	-	£89.50	£107.40
Weekend family ticket (both partners and under 16 offspring)	-	-	£67.17	£80.60
Junior bowls membership (under 16's)	-	-	£67.08	£80.50
Junior bowls membership (under 16's)	-	-	£50.33	£60.40
hire of woods	£2.75	£3.30	£2.75	£3.30
CRICKET				
Colchester & EECC - exclusive weekend use	£3,517.90	£3,517.90	£3,574.20	£3,574.20
pitch - casual - weekday	£63.33	£76.00	£64.33	£77.20
pitch - casual - weekday	£54.58	£65.50	£55.50	£66.60
pitch - casual - weekend & B/H	£70.92	£85.10	£72.08	£86.50

pitch - casual - weekend & B/H	£60.17	£72.20	£61.17	£73.40
pitch - casual - weekday	£15.92	£19.10	£16.17	£19.40
practice nets	£8.42	£10.10	£8.50	£10.20
CYCLING				
grass track - club use - all days	£42.25	£50.70	£42.92	£51.50
ROUNDERS				
pitch - all days	£19.17	£23.00	£19.42	£23.30
pitch - all days	£12.00	£14.40	£12.25	£14.70
ATHLETICS				
Long jump	£12.00	£14.40	£12.25	£14.70
Running track 300m oval	£21.33	£25.60	£21.67	£26.00
Running track 4 land 100m straight	£14.25	£17.10	£14.42	£17.30
* Education Use - restricted to school day [i.e. 9.00am to 3.30pm] in term time				
Sports Day Base Charge (Shrub End Only)	-	-	£42.33	£50.80
TENNIS				
Lawn Tennis Club Season Charge	£850.00	£850.00	£863.60	£863.60

COUNTRY PARK AND COUNTRYSIDE CHARGES				
	2015/16 Existing Charge	2015/16 Existing Charge	2016/17 Proposed Charge	2016/17 Proposed Charge
	[excl VAT]	[incl VAT]	[excl VAT]	[incl VAT]
FISHING [closed 15 March to 15 June inclusive]				
High Woods Country Park	£36.00	£43.00	£36.00	£43.00
High Woods Country Park	£22.07	£26.40	£22.07	£26.40
High Woods Country Park	£7.27	£8.70	£7.27	£8.70
High Woods Country Park	£4.43	£5.30	£4.43	£5.30
Children's Craft / Environmental Activity	£4.20	£4.20	£4.30	£4.30
Children's Craft / Environmental Activity	£5.30	£5.30	£5.40	£5.40
Family Self-Guided Event	£0.50	£0.50	£0.50	£0.50
Natural History Event	£4.20	£4.20	£4.20	£4.20
Guided Walk	£4.20	£4.20	£4.20	£4.20
Young Ranger Club (12 to 15 year olds)	£41.70	£41.70	£42.10	£42.10
Forest Schools - Site hire by other groups	£208.00	£208.00	£210.00	£210.00
Forest Schools - Site hire by other groups	£73.00	£73.00	£74.00	£74.00
Forest Schools - Site hire by other groups	£53.00	£53.00	£54.00	£54.00
Environmental Education session (Led by Country Park's Education Officer)	£3.60	£3.60	£3.60	£3.60
Other groups e.g. brownies (Led by Education Officer/Ranger)	£3.60	£3.60	£3.60	£3.60

Hire of High Woods Country Park Visitor Centre	£15.80	£15.80	£16.00	£16.00
Hire of High Woods Country Park / Countryside Site by health and fitness and recreation businesses (i.e. regular commercial use)	£5.20	£5.20	£5.20	£5.20
High Woods Country Park Car Parking				
Weekdays	£0.42	£0.50	£0.42	£0.50
Weekdays	£1.67	£2.00	£1.67	£2.00
Weekdays	£3.33	£4.00	£3.33	£4.00
Weekends and Bank Holidays	£0.42	£0.50	£0.42	£0.50

OUTDOOR EVENTS			2015/16 Existing Charge	2015/16 Existing Charge	2016/17 Proposed Charge	2016/17 Proposed Charge
			[excl VAT]	[incl VAT]	[excl VAT]	[incl VAT]
CASTLE PARK						
Hollytrees Meadow	Standard	09:00 - 18:00	£89.40	£89.40	£90.80	£90.80
Hollytrees Meadow	Standard	18:00 - 23:00	£111.80	£111.80	£113.50	£113.50
Hollytrees Meadow	premium	09:00 - 18:00	£251.00	£251.00	£255.00	£255.00
Hollytrees Meadow	premium	18:00 - 23:00	£315.00	£315.00	£320.00	£320.00
Hollytrees Lawn	Standard	09:00 - 18:00	£65.00	£65.00	£66.10	£66.10
Hollytrees Lawn	Standard	18:00 - 23:00	£81.30	£81.30	£82.60	£82.60
Hollytrees Lawn	Premium	09:00 - 18:00	£184.90	£184.90	£187.90	£187.90
Hollytrees Lawn	Premium	18:00 - 23:00	£223.50	£223.50	£227.10	£227.10
Castle Bailey	Standard	09:00 - 18:00	£65.00	£65.00	£66.10	£66.10
Castle Bailey	Standard	18:00 - 23:00	£81.30	£81.30	£82.60	£82.60
Castle Bailey	Premium	09:00 - 18:00	£184.90	£184.90	£187.90	£187.90
Castle Bailey	Premium	18:00 - 23:00	£223.50	£223.50	£227.10	£227.10
Bandstand	Standard	09:00 - 18:00	£65.00	£65.00	£66.10	£66.10
Bandstand	Standard	18:00 - 23:00	£81.30	£81.30	£82.60	£82.60
Bandstand	Premium	09:00 - 18:00	£184.90	£184.90	£187.90	£187.90

Bandstand	Premium	18:00 - 23:00	£223.50	£223.50	£227.10	£227.10
Upper Park Slopes	Standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
Upper Park Slopes	Standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
Upper Park Slopes	Premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
Upper Park Slopes	Premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
Lower Park	Standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
Lower Park	Standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
Lower Park	Premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
Lower Park	Premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
Lower Park	Funfairs and Circuses	Per day	£751.80	£751.80	£763.90	£763.90
Upper Bowls Green	Standard	09:00 - 18:00	£22.40	£22.40	£22.70	£22.70
Upper Bowls Green	Standard	18:00 - 23:00	£22.40	£22.40	£22.70	£22.70
Upper Bowls Green	Premium	09:00 - 18:00	£85.30	£85.30	£86.70	£86.70
Upper Bowls Green	Premium	18:00 - 23:00	£85.30	£85.30	£86.70	£86.70
Upper Bowls Green	Pavilion only	09:00 - 18:00	£10.70	£10.70	£10.80	£10.80
Upper Bowls Green	Pavilion only	18:00 - 23:00	£10.70	£10.70	£10.80	£10.80
Kings Meadow	Standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
Kings Meadow	Standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
Kings Meadow	Premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
Kings Meadow	Premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
Kings Meadow	Event parking	Per day	£162.60	£162.60	£165.20	£165.20
SET UP / SET DOWN COSTS						
Hollytrees meadow and lawn, Castle Bailey, Bandstand	Standard & Premium	per hour	£31.50	£31.50	£32.00	£32.00
Upper Castle Park Slopes, Lower Castle Park, Old Heath Rec, Lexden KGV, Mill Road Rugby Club,	Standard & Premium	per hour	£44.70	£44.70	£45.40	£45.40

High Woods Country Park						
EVENT CAMPING						
Hollytrees Meadow, Lower Castle Park, Kings Meadow, Old Heath Recreation Ground, Lexden KGV, Mill Road Rugby Club, High Woods Country Park	Standard & Premium	per hour	£211.66	£254.00	£258.10	£258.10
Kings Meadow	standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
Kings Meadow	standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
Kings Meadow	premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
Kings Meadow	premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
Kings Meadow	event parking	per day	£162.60	£162.60	£165.20	£165.20
All Locations	Commercial photography	Per occasion	£261.10	£261.10	£265.30	£265.30
	Commercial filming	Negotiable				
Helicopter Landing		£50 + hourly stay	£28.40	£28.40	£28.90	£28.90
Licence for Regular Commercial Use		Per 1 hour session	£6.10	£6.10	£6.20	£6.20
Old Heath Recreation Ground	Standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
Old Heath Recreation Ground	Standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
Old Heath Recreation Ground	Premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
Old Heath Recreation Ground	Premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
Old Heath Recreation Ground	Funfairs and Circuses	Per day	£751.80	£751.80	£763.90	£763.90
Old Heath Recreation	Event Parking	Per day	£162.60	£162.60	£165.20	£165.20

Ground						
Lexden King George	Standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
Lexden King George	Standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
Lexden King George	Premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
Lexden King George	Premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
Mill Road Rugby Club	Standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
Mill Road Rugby Club	Standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
Mill Road Rugby Club	Premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
Mill Road Rugby Club	Premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
High Woods Country Park	Standard	09:00 - 18:00	£131.10	£131.10	£133.20	£133.20
High Woods Country Park	Standard	18:00 - 23:00	£162.60	£162.60	£165.20	£165.20
High Woods Country Park	Premium	09:00 - 18:00	£365.80	£365.80	£371.60	£371.60
High Woods Country Park	Premium	18:00 - 23:00	£453.10	£453.10	£460.40	£460.40
High Woods Country Park	Event Parking	Negotiable				
High Woods Country Park	Commercial Photography	Per occasion	£254.00	£254.00	£258.10	£258.10
High Woods Country Park	Commercial filming	Negotiable				
OUTDOOR EVENTS - Equipment and Facilities for Castle Park						
Electrics	3 phase 63 amp per socket	Per day	£121.92	£146.30	£123.83	£148.60
Electrics	63 amp per socket	Per day	£4.06	£4.90	£4.17	£5.00
Electrics	32 amp per socket	Per day	£20.32	£24.40	£20.67	£24.80
Electrics	16 amp per socket	Per day	£10.16	£12.20	£10.33	£12.40
Water	Standpipes	Per day	£21.84	£26.20	£22.17	£26.60
Wheelie Bins	1100 Litre	Each	£17.78	£21.30	£18.08	£21.70
White Line Marker	Groundsman type	Per day	£5.08	£6.10	£5.17	£6.20

Road Pins		Per 10 units	£2.54	£3.00	£2.58	£3.10
Radios	2-way analogue	Each	£12.20	£12.20	£12.40	£12.40
Tables	Trestle	Each	£6.10	£7.30	£6.17	£7.40
Chairs		Each	£2.03	£2.40	£2.08	£2.50
Temporary Fencing	1m x 2.5m delivered	Per panel	£1.78	£2.10	£1.83	£2.20
Temporary Fencing	1m x 2.5m installed	Per panel	£5.44	£6.50	£5.50	£6.60
Temporary Fencing	2m x 3.5m delivered	Per panel	£2.08	£2.50	£2.08	£2.50
Temporary Fencing	2m x 3.5m installed	Per panel	£6.25	£7.50	£6.33	£7.60
Toilets	5 cubicle, 4 urinal	per day	£603.50	£603.50	£613.20	£613.20
	Disabled	per day + transport	£73.20	£73.20	£74.30	£74.30
	Single	per day + transport	£121.90	£121.90	£123.90	£123.90
Overnight Security	Security Guard	Per night	£254.00	£304.80	£258.08	£309.70
HIGH HEDGES LEGISLATION FEES						
Complaint processing fee	Full rate		£304.80	£304.80	£309.70	£309.70
	Concession rate - those in receipt of approved benefits		£101.60	£101.60	£103.20	£103.20

Beach Hut Fees 2016/17	2015/16 Existing Charge	2016/17 Proposed Charge
Plot rental		
Resident - Large Front Row	£250.00	£254.00
Resident - Small Front Row	£169.00	£171.70
Resident - Large Other Row	£220.00	£223.50

Resident - Small Other Row	£148.00	£150.40
Non Resident - Large Front Row	£420.00	£426.70
Non Resident - Small Front Row	£285.00	£289.60
Non Resident - Large Other Row	£376.00	£382.00
Non Resident - Small Other Row	£255.00	£259.10
Plot rental - Concession		
Resident - Large Front Row	£184.00	£186.90
Resident - Small Front Row	£127.00	£129.00
Resident - Large Other Row	£163.00	£165.60
Resident - Small Other Row	£108.00	£109.70
Non Resident - Large Front Row	£316.00	£321.10
Non Resident - Small Front Row	£205.00	£208.30
Non Resident - Large Other Row	£285.00	£289.60
Non Resident - Small Other Row	£178.00	£180.80
Transfer Fee	£265.00	£269.20
Plot rental for the commercial hire of beach huts		
Resident - Large Front Row	£625.00	£635.00
Resident - Small Front Row	£422.50	£429.30
Resident - Large Other Row	£550.00	£558.80
Resident - Small Other Row	£370.00	£375.90

Equality, Diversity and Human Rights implications

- The proposed fees and charges affect all customers equally. Junior charges are available for many of the activities and a reduced concession price is available on some charges.
- Charges have been set in accordance with the leisure services pricing policy, which will be subject to an Equality Impact Assessment as and when it is reviewed.
- There are no new charging arrangements being introduced which will have a negative impact on any equality target groups.

(iv) Lion Walk Activity Centre – 2016-17

Proposal

An increase of 1.1% is proposed for all charges at Lion Walk Activity Centre. These mark-ups are demonstrated in the table below and are calculated to the nearest 10p. It is noted that the Members meals (both one and two courses) are not affected by this calculation as the nearest 10p remains as the current price.

Reasons for Decision

The cost of operating the centre continues to rise due to a variety of factors, including building maintenance costs, food costs, service charges etc. The service is still heavily subsidised by Colchester Borough Council. Membership data has identified that if the membership fee is increased too high year on year then the membership numbers can suffer greatly so this is price sensitive.

Meals are heavily subsidised and efforts are being made to seek ways to reduce costs of meal production and therefore the subsidy rather than significantly raise the price of meals for members and non-members. There is significant competition within the town centre from other food outlets including pubs, cafes, restaurant and shops. Whilst the meals at Lion Walk offer good value for money it is not proposed to increase meal costs beyond the identified % increase due to the impact on demand.

Pricing Schedule for Lion Walk Activity Centre

LION WALK ACTIVITY CENTRE	2015/15 existing charge (excl VAT)	2015/16 existing charge (incl VAT)	2016/17 proposed charge (excl VAT)	2016/17 proposed charge (incl VAT)
Membership	£30.00	£36.00/ £18.00 per six months/ £3.00pm	£30.30	£36.40/ 18.20 per six months / £3.03pm
Couples Membership	£50.00	£60.00/ £30 per six months / £5.00pm	£50.60	£60.70/ £30.35 per six months / £5.06pm
Membership for those on a qualifying means tested benefit	£17.92	£21.50/ £10.75 per six months / £1.79pm	£18.10	£21.70/ £10.80 per six months / £1.80pm
One Course meal (members)	£3.08	£3.70	£3.08	£3.70
Two Course meal (members)	£3.75	£4.50	£3.75	£4.50
One Course meal (non-members)	£4.08	£4.90	£4.10	£5.00
Two Course meal (non-members)	£4.75	£5.70	£4.80	£5.80

Equality, Diversity and Human Rights implications

We have fully considered the equality and diversity impact of our fees and charges and conclude that as the Activity Centre caters for older people it is inevitable that any change will impact on a protected group.

However this change has been kept to a minimal level and is mitigated by the fact that there is a concessionary rate for those on a low income. For meals and snacks this is a town centre venue where there are many alternatives should members wish to seek them out.

(v) Market and Street Trading 2016/17

Proposal – the new Colchester Market was launched in 15/16 seeing a move back to the High Street. The second year of trading will only see an inflationary increase for RPI of 1.6%. All figures are adjusted to the nearest 0.10p.

New Market Pitches for relocated market on High Street	Price 16/17 (excl VAT)	Price Adjusted
Friday pitch	£25.03	£25.00
Saturday pitch	£31.86	£31.90
Street Trading		
S - 2m x 2m	£11.39	£11.40
M - 2.5m x 2.5m	£15.96	£16.00
L - 3m x 3m	£18.22	£18.20
Ex L - 2m x 5m	£20.47	£20.50

Equality, Diversity and Human Rights Implications

In relation to Public Baths it is recognised that these will be mainly used by people on lower incomes, the price has therefore remained static.

There are no particular equality, diversity or human rights implications. This is covered in the original EQIA for the Service. The EQIA can be found here:

<http://www.colchester.gov.uk/article/4959/Community-Services>

(vi) Street Naming and Numbering

Proposal

It is proposed that the fees and charges for rework remain unchanged.

Reasons for Decision

Street Naming and Numbering is a statutory function for the local authority which means the authority should not charge for the service and therefore no charges are applied to applicants for the delivery of the service. It is also in the best interest of the current or future residents affected that charges are not applied as they may deter individuals or developers from following the correct processes for creating or changing property addresses.

Charging for reworking Street Naming and Numbering schedules that had previously been completed and issued acts as an incentive for developers to agree appropriate and complete schedules at the outset and as a deterrent from changing addresses once they have been issued to residents and third parties.

Pricing Schedule

- £100/street name change
- £10/per plot change (with a minimum of £50 charge)

Equality, Diversity and Human Rights implications

Not applicable as no change to fees and charges.

(vii) Museums Fees and Charges 2015/17

Proposal

Any changes to museum service prices below will come into effect on 1st April 2016 until 31st March 2017.

It is proposed that Castle admission charges remain static for the 2016-17 financial year, with no increase on general admission charges in April 2016. This is in line with the August 2014 to August 2015 CPI rate of 0.0%. Maintaining the current concessionary rate continues to demonstrate the commitment to fair access for those needing concessions, and in addition, the Castle's Marketing Plan will include a series of planned seasonal and time related promotions that can be used to increase visitor numbers at quieter times and which will also provide excellent value price opportunities for local visitors. These promotions will be in addition to the annual 'free' access days during Heritage Open Days weekend and the pre-Christmas period, which have traditionally attracted very high number of local visitors and families.

Castle Pass membership prices will remain static in 2016-17, in line with Castle admissions prices.

It is proposed to make a slight increase to the cost of guided tours within the Castle. The current prices of £2.90 (adult) and £1.45 (child) are excellent value for the detailed and well received tours, and a small increase to rounded prices of £3.00 and £1.50, although higher than CPI at c.3.5%, will be within the amount the customers will bear and remains below the prices for the VIC walking tours which are roughly twice the length in terms of time for each tour.

The 2015/16 Fees and Charges paper proposed an increase in the cost of hiring a tablet for the Castle App, from £1.00 to £1.20. This proposal was not implemented and it is therefore proposed to maintain the £1.00 hire price.

It is proposed to make a 10p increase to the price of each school pupil visit to Colchester museum venues. The prices are very competitive and excellent value compared to other heritage attractions including other museums.

(NB. The cost of additional adults accompanying schools above the allocated number of free adult spaces that each school is offered, will remain at £4.00; this is the same as the concession price under the group admissions rate).

It is proposed that the previous very detailed structure of Castle venue hire fees should be simplified to provide a more flexible and attractive offer for venue hire customers, so that prices can be agreed on a case by case bespoke basis in line with commercial practice. VAT is not charged on venue hire but is charged on additional services such as staffing and refreshments.

Photographic and filming fees will remain static in line with the CPI figure.

Reasons for Decision

The decision to hold admission prices for the 2016/17 year reflects the need to encourage visitors to keep visiting, and re-visiting the Castle, now that the initial high profile and curiosity surrounding the re-opening has passed. An increase in admission prices could prove a disincentive to local visitors as well as some tourists and group visit organisers, and could therefore have a cumulatively negative impact on income levels. It would not sit comfortably with CBC's high profile Strategic Plan focus on the town's heritage assets.

There will be some investment over the coming years in the way the Castle tours are delivered, with a new tranche of guides being trained in 2016 to join the existing Blue Badge Guides. The additional investment in introducing new trainees to the museum service will also be an opportunity to reframe quality criteria for the tours, to ensure they continue to offer an excellent experience.

The rounded £1.00 tablet hire price makes a simple and attractive offer – an increase could in fact reduce the volume of hires without adding to income. With the imminent addition of the Castle Guidebook it is deemed advisable to maintain the £1.00 tablet hire which will allow the possibility of attractively packaged deals with Castle Guidebook purchases, without them competing.

2016/17 will see a renewed impetus on providing excellent added value for Castle Pass members, building on the December 2015 members' event to celebrate the launch of the Castle Guidebook. With the museums team now at full strength with the Training Museum underway, and with the added capacity and creativeness of museum trainees, it will be possible to hold more members' events and communications with Pass Holders will feature strongly.

Feedback from schools on the cost of the learning sessions is very positive, and school booking figures remain very healthy. There is ongoing investment required to maintain and ensure the safety of materials used by children in the core Castle learning sessions, so a modest increase in prices is reasonable.

Venue hire and wedding package customers expect to be helped to create a bespoke package for their wedding or other event, through liaison with the experienced wedding and customer service team at the Castle. Each booking is different with many variable factors, and a more bespoke approach enables each customer's expectations to be met within the available resources.

Castle Admission and Related Charges

General admission charges have been held at 2015/16 prices, with tablet hires remaining at £1.00, and tours increasing slightly. VAT is at 20%.

2015/16 prices		2016/17 prices			
Including VAT		Including VAT		Excluding VAT	
Individual					
Adult	£7.60	Adult	£7.60	Adult	£6.33
Child *	£4.75	Child *	£4.75	Child *	£3.96
Concession	£4.75	Concession	£4.75	Concession	£3.96
Saver~	£20.00	Saver	£20.00	Saver	£16.67
Group					
Adult	£6.60	Adult	£6.60	Adult	£5.50
Child *	£4.00	Child *	£4.00	Child *	£3.20
Concession	£4.00	Concession	£4.00	Concession	£3.33
Tours					
Adult	£2.90	Adult	£3.00	Adult	£2.50
Child *	£1.45	Child *	£1.50	Child *	£1.25
Tablet Hire					
All hires	£1.00	All hires	£1.00	All hires	£0.83

* Child = anyone between the ages of 4 and 16. Under the age of four is free

~ Saver day ticket / family ticket = 2 adults + 2 concessions or 1 adult + 3 concessions)

Castle Passes

Castle Pass prices are held at 2015/16 prices. VAT is at 20%.

2015/16 prices		2016/17 prices			
Including VAT		Including VAT		Excluding VAT	
Child * / Concession	£12.25	Child * / Concession	£12.25	Child * / Concession	£10.21
Adult	£18.25	Adult	£18.25	Adult	£15.21
Joint Adult	£32.50	Joint Adult	£32.50	Joint Adult	£27.08
Family ~	£48.75	Family ~	£48.75	Family ~	£40.63

* Child = anyone between the ages of 4 and 16. Under the age of four is free

~ Saver day ticket / family ticket = 2 adults + 2 concessions or 1 adult + 3 concessions)

Schools Admissions

All prices have been put up by 10p. School visits are VAT exempt.

Colchester Castle			
2015/16 prices		2016/17 prices	
Borough – general visit	£2.90	Borough – general visit	£3.00
Borough – schools package	£3.90	Borough – schools package	£4.00
Non-Borough – general visit	£3.40	Non-Borough – general visit	£3.50
Non-Borough – school package	£4.40	Non-Borough – school package	£4.50
Teacher / adult helper *	Free	Teacher / adult helper *	Free

* The museum reserves the right to charge admission if a school brings more than six teachers / helpers with a class.

Hollytrees Museum			
2015/16 prices		2016/17 prices	
Borough – half day	£3.40	Borough – half day	£3.50
Borough – full day	£3.90	Borough – full day	£4.00
Non-Borough – half day	£3.90	Non-Borough – half day	£4.00
Non-Borough – full day	£4.40	Non-Borough – full day	£4.50
Teacher / adult helper *	Free	Teacher / adult helper *	Free

* The museum reserves the right to charge admission if a school brings more than six teachers / helpers with a class.

Museum Venue Hire 2016-17

Castle and Hollytrees Museum Venue Hire Charges

Charges below include VAT at current rate of 20% where appropriate.

Venue Hire Charges		
Charges below are for space hire, dependent on the choice of room, size of group, staffing requirements, duration, and booking details. (N.B. Concession available for charities/associated bodies – please ask on booking.)		
Colchester Castle – room hire	Cost per hour	VAT Indicator
HIRE DURING CASTLE OPENING HOURS * Charged on a bespoke basis starting at £50 per hour	£50.00 * minimum charge	Exempt
HIRE OUT OF USUAL OPENING HOURS (Mon – Thurs) * Charged on a bespoke basis starting at £130 per hour	£130.00 * minimum charge	Exempt

HIRE OUT OF USUAL OPENING HOURS (Fri – Sun) * Charged on a bespoke basis starting at £150 per hour	£150.00 * minimum charge	Exempt
Refreshments (per person) – standard (tea, coffee, biscuits)	£2.60	20%
Hollytrees Museum – room hire	Cost per hour	VAT Indicator
HIRE DURING MUSEUM OPENING HOURS * Charged on a bespoke basis starting at £35 per hour	£35.00 * minimum charge	Exempt
HIRE OUT OF USUAL OPENING HOURS (Mon – Thurs) * Charged on a bespoke basis starting at £130 per hour	£130.00 * minimum charge	Exempt
HIRE OUT OF USUAL OPENING HOURS (Fri – Sun) * Charged on a bespoke basis starting at £150 per hour	£150.00 * minimum charge	Exempt
Refreshments (per person) – standard (tea, coffee, biscuits)	£2.60	20%

A 50% deposit (including VAT) is required at the time of booking.

Hire Charges for Weddings, Civil Partnerships, etc in Colchester Castle

Charges below include VAT at current rate of 20% where appropriate.

Weddings, Civil Partnerships etc		
Colchester Castle	Cost	VAT Indicator
Wedding / Civil Partnership Ceremony or similar celebration * Charged on a bespoke basis starting at £475 for up to 40 guests	£475.00 *	Exempt

A 50% deposit (including VAT) is required at the time of booking.

Hire Charges for Children's Birthday Party Hire at Colchester Castle

Charges below include VAT at current rate of 20% where appropriate.

Children's Birthday Party - Costumed Tour and Optional Activity Room Hire		
Colchester Castle (N.B. Prices below in addition to admissions charges)	Cost	VAT Indicator
Costumed tour only	£50	20%
Activity room <u>in addition</u> to costumed tour (Activity room available 10am -12.30pm or 1pm- 3.30pm.)	£100	Exempt

A 50% deposit (including VAT) is required at the time of booking.

Overnight Venue Hire Charges

These notes are for guidance only.

Each request for overnight hiring is evaluated on an individual basis and Colchester and Ipswich Museum Service reserves the right to refuse or amend requests.

As a guide, an overnight hire will be subject to the following charges. These charges include VAT at current rate of 20% where applicable. Please call to discuss overnight hire requests.

Overnight Venue Hire Charges Colchester Castle and Hollytrees Museum	Cost	VAT Indicator
Facility fee (applicable to all overnight hires), plus appropriate hire and specialist support fees below	£500.00	Exempt
Hire 5.00 pm to 11.00 pm	£75.00 per hour/part of hour	Exempt
Hire 11.00 pm to 8.00 am	£100.00 per hour/part of hour	Exempt
Specialist Support 5.00 pm to 11.00 pm	£72.00 per hour/part of hour	20%
Specialist Support 11.00 pm to 8.00 am	£144.00 per hour/part of hour	20%

In all cases the facility fee plus appropriate hire and specialist support fees will be applicable and will vary according to each particular hire and its requirements, for example the number of museum staff required, access to objects, etc.

Photographic charges – 01 April 2016 to 31 March 2017

The following is intended as a guide to proposed charges. Given changes in technology, there is no public demand for traditional printed photographs and so the charges have been simplified to digital images only.

Charges below include VAT at current rate of 20%. EU customers will be charged VAT unless they supply a valid VAT number.

1. Digital Images (sent via email)

	Jpeg image
One existing jpeg image sent by email	£15.75
Each additional jpeg image sent by email at the same time as the one above	£5.25
One existing jpeg image sent on CD	£15.75
Each additional jpeg image sent on same CD as the one above	£5.25

2. Charge for New Photography

New photographic work charges at cost. This is currently £73.00 per hour plus additional cost of supplying the digital image at appropriate charges.

PLEASE NOTE:

All the above charges **DO NOT include reproduction fees** for which there is a separate charge.

All requests to reproduce photographs must be made in writing specifying the intended use and the reproduction rights required.

Clear acknowledgement to Colchester and Ipswich Museum Service must be given in all published material.

Photographic reproduction fees

Proposed charges below are non-exclusive, one time, reproduction fees and include VAT at current rate of 20%.

<i>Publications and Merchandise</i>	Single Language Rights		<i>World Rights</i> (one language)	
	<i>B/W</i>	Colour	<i>B/W</i>	Colour
Publications				
Books, Periodicals, Journals, Newspapers (feature articles) and Magazines, including part works.	£54.35	£108.70	£108.70	£217.40
Educational Books, Text Books and other non-profit publications	£27.20	£54.35	£54.35	£108.70
Book Jackets, Magazine Covers, CD/Record, Video or CD-ROM/DVD covers	£132.00	£264.00	£264.00	£528.00
Academic/Educational Book Covers, CD/Record, Video or CD-ROM/DVD covers	£65.50	£131.00	£131.00	£262.00
Merchandise				
Postcards, Greeting/Christmas Cards, Notelets, artists re-drawing and small reproductions up to A5 size, two dimensional (one year rights)	£99.00	£198.00	£198.00	£396.00
Fine Art Prints, Calendars (per plate), Gift Wrap, Posters, artists re-drawing, A4 size and over, two dimensional (one year rights)	£114.80	£229.60	£229.60	£459.20
Games, Jigsaws, T-shirts, three dimensional replicas, Souvenirs and similar items (three year rights)	£172.20	£344.40	£344.40	£688.80

Television/Filming, etc	Regional	<i>National/</i> <i>International</i>
	<i>B/W or Colour</i>	B/W or Colour
Television, Film and Video		
Television, Film and Video Flash Fee up to 6 seconds still photography (documentary, drama, etc) – Standard (five year rights)	£99.00	£198.00
Inclusive Cable, Digital, Satellite, Video, WWW Flash Fee up to 6 seconds still photography – Standard (five year rights)	£198.00	£396.00
Educational Flash Fee up to 6 seconds still photography – Standard (five year rights)	£49.50	£99.00
Repeat in same programme/repeat broadcast – Standard five year rights)	£99.00	£198.00
Facility Fee for filming or TV companies filming in the galleries	Minimum fee £230.00 per day, plus additional costs itemised on Still Photography and Filming Fees sheet	
Multimedia: CD-ROM, DVD, WWW	£99.00	£198.00
Educational Multimedia: CD-ROM, DVD, WWW, e books	£49.50	£99.00

CONDITIONS:

SINGLE LANGUAGE under EU ruling “one country” implies **ALL MEMBER STATES**, ie if single country languages are requested by an EU publisher, that publisher is deemed to have acquired rights in that language throughout **ALL** territories of the EU.

EU customers will be charged VAT unless they supply a valid VAT number.

Copy of publication/video of filming, etc to be supplied at publication date.

These fees do not include any copyright due to an artist or to the estate of an artist whose work is in copyright. It is the responsibility of the client to obtain copyright clearance.

All requests to reproduce images must be made in writing to Colchester and Ipswich Museum Service specifying the intended use and the reproduction rights required.

The above charges do not include the cost of providing any copy prints, slides, transparencies, cd, etc for which there is a separate charge.

Still photography and filming fees

The following is a guide to proposed charges.

Charges below are guidelines and are inclusive of VAT at current rate of 20%.

Filming and Cancellation Fees	Regional and National/International
Filming	
Facility Fee for film or TV companies filming in the galleries (applicable to all filming) plus Filming Fee (minimum of one hour) based on two members of staff being present	£230.00 plus £46.75 per hour
Extras: curatorial staff (interviews or assistance)	£66.00 per hour
Extras: specialist staff (display, security, lighting, etc)	£71.00 per hour
Reproduction Charges	
Costs for still photographs used in filming.	Additional costs for still photographs used in filming are as indicated on Photographic Reproduction Fees sheet are payable in addition to the above Filming Charges.
Cancellation Charges	
Non-appearance (no notification)	Charge 50% of quoted fee
Cancellation (minimum of three working days' notice required)	Charge 25% of quoted fee if no notice received
Postponement (24 hours' notice required)	No charge

All original correspondence to be passed to Business Support (Colchester) for central filing.

Invoice to be raised by Business Support after filming. Details to be prepared by Marketing Officer.

Copy of recording/video to be supplied after broadcast.

(viii) Visitor Information Centre Fees and Charges 2016-17

Proposal

It is proposed that a small increase of 10p is applied to adult guided tour charges while all other fees and charges remain unchanged for 2016/17.

Reasons for Decision

Guided Tours

It is proposed to increase all adult guided tour charges by 10p rather than a set percentage as a round figure is more easily communicated to and remembered by the customer and can be more easily multiplied, aiding their decision making process. This uplift represents a percentage increase of between 1.4% and 1.7% depending on the tour and is required to contribute to the application of the Living Wage to the fees paid to the tour guide. The child concession will be retained in recognition of the number of local schools booking educational tours. Overall guided tour charges will remain competitive and comparable with other similar destinations.

Agency Fees, Telephone & online booking fee & advertising pricing schedule

It is proposed that these remain the same as they are in line with those charged across the sector by comparable organisations.

Web and Print Advertising Fees

It is proposed that these remain unchanged. The tourism and leisure sector in Colchester is expanding, but competition for advertising spend remains intense and operators have an ever expanding choice of new media through which to promote their businesses. Therefore at this time additional revenue is more likely to be achieved by seeking an increase in volume of sales rather than in the fees charged.

Pricing Schedule

Visitor Information Centre Fees and Charges		2015/16 Existing Charge [excl VAT]	2015/16 Existing Charge [Incl VAT]	2016/17 Proposed Charge [excl VAT]	2016/17 Proposed Charge [Incl VAT]
GUIDED TOURS					
Rota Tour - public	Adult	£3.42	£4.10	£3.50	£4.20
Rota Tour - public	Child	£2.17	£2.60	£2.17	£2.60
Rota Tour - public Themed Tour (1 Guide)	Adult	£3.42	£4.10	£3.50	£4.20
Rota Tour - public Themed Tour (1 Guide)	Child	£2.58	£3.10	£2.58	£3.10
Rota Tour - public Themed Tour (4 Guide)	Adult	£5.92	£7.10	£6.00	£7.20
Rota Tour - public Themed Tour (4 Guide)	Child	£3.42	£4.10	£3.42	£4.10
Private pre-booked	Adult	£3.42	£4.10	£3.50	£4.20
Private pre-booked	Child	£2.17	£2.60	£2.17	£2.60
Private pre-booked	Min. charge applied for groups of less than 10	£34.17	£41.00	£35	£42.00

AGENCY COMMISSION FEES	Charity	5%	plus VAT	no change
	Non Charity	10%	plus VAT	no change
	Minimum handling fee applied if commission falls below £25 plus VAT	£25.00	£30	no change
TELEPHONE/ONLINE/POSTAL BOOKING FEE	CBC events/activities	£2.00	£2.00	no change
	All other events	£2.50	£2.50	no change
ADVERTISING FEES				
Accommodation web and print line entry package including availability update and on-line booking annual charge	Up to 4 bedspaces or 1 Self Catering Unit	£163.00	£195.60	no change
	5-9 bedspaces or 2 Self Catering Units	£173.00	£207.60	no change
	10-14 bedspaces or 3 Self Catering Units	£189.00	£226.80	no change
	15-19 bedspaces or 4 Self Catering Units	£205.00	£246.00	no change
	20+ bedspaces* or 5+ Self Catering Units	£220.00	£264.00	no change
Display ads in Visitor Guide	Quarter Page	£180.00	£216.00	no change
	Half Page	£330.00	£396.00	no change
	Full Page	£600.00	£720.00	no change
	Full Page Advertorial	£800.00	£960.00	no change
	Back cover	£1,000.00	£1,200.00	no change
Web extras annual charge	Web button sponsorship	£500.00	£600.00	no change

	Restaurants and shops web only basic	£35.00	£42.00	no change
	New image	£10.00	£12.00	no change
Web extras monthly charge	Website home page banner ad	£40.00	£48.00	no change
	Website landing page banner ad	£30.00	£36.00	no change
	Homepage banner website and mobile site package	£50.00	£60.00	no change

Equality, Diversity and Human Rights implications

We have fully considered the equality and diversity impacts of our fees and charges and conclude that there are no adverse impacts that cannot be appropriately mitigated. The proposed fees and charges affect all customers equally. Junior charges are available for many of the activities.

Equality Impact Assessments are 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 >Community Services.

(ix) Private Sector Housing Services from 1 January 2015

Proposal

It is proposed that minor changes are made to private sector housing fees and charges. Details of amendments where applicable are set out below and in the attached pricing schedule.

House in Multiple Occupation Licence Fee

The fee for a first time HMO licence (£715) and the fee for an HMO licence renewal (£360) under the provisions of the Housing Act 2004 are being retained.

Charges for Enforcement Notices/Orders

The fee charged for the service of an Enforcement Notice or Order under the provisions of the Housing Act 2004 is to be retained at £500.

Student Accommodation Accreditation Scheme (SAAS) Inspections

It is proposed that the fees associated with new SAAS inspections are maintained at the current level to continue to encourage responsible landlords to join the scheme.

It is proposed to introduce a renewal fee for student accreditation applications which reflects the reduction in activity based costs associated with processing a renewal.

Immigration Inspections

The fee for an immigration inspection is to be increased from £100 to £150 further to an activity based costing exercise of the process. This is a discretionary service provided by the Council, not a statutory duty, and the proposed fee remains significantly less than private sector surveyors or agents charge.

PSH Fees & Charges 2016				
Description	2015/16 Fee excl. VAT	2015/16 Fee incl. VAT	2016/17 Fee excl. VAT	2016/17 Fee incl. VAT
HMO Licensing (licence issued for a period of 5 years)				
House in Multiple Occupation Licence (new applications)	£715	N/A	£715	N/A
House in Multiple Occupation Licence – price per additional room after 10 units of accommodation	£72	N/A	£72	N/A
House in Multiple Occupation – Renewal of Licence	£360	N/A	£360	N/A
Assisted Application Fee	£360	N/A	£360	N/A
Student Accommodation Accreditation Scheme (accreditation for 5 years)				
Bedsits	£52	N/A	£52	N/A
Lodgings (resident landlord with 2 lodger)	£52	N/A	£52	N/A
1-2 Bedroom Flats	£103	N/A	£103	N/A
2-storey dwellings including non-licensable Houses in Multiple Occupation with up to 6 units of accommodation	£160	N/A	£160	N/A
Dwellings with 3 or more storeys including non-licensable Houses in Multiple Occupation	£180	N/A	£180	N/A
Student Accommodation Accreditation Scheme Renewal (accreditation for 5 years)				
Bedsits	N/A	N/A	£39	N/A
Lodgings (resident landlord with 2 lodger)	N/A	N/A	£39	N/A
1-2 Bedroom Flats	N/A	N/A	£77	N/A
2-storey dwellings including non-licensable Houses in Multiple Occupation with up to 6 units of accommodation	N/A	N/A	£120	N/A
Dwellings with 3 or more storeys including non-licensable Houses in Multiple Occupation	N/A	N/A	£135	N/A
Charge for Enforcement Notices/Orders				
Fee per Enforcement Notice issued under Housing Act 2004 and for Demolition Orders served under s.265 Housing Act 1985 (NB. Only one single fee is payable where the same notice is served on more than one recipient)	£500	N/A	£500	N/A
Immigration Inspection and Issue of Report	£83.34	£100	£120	£150

(x) Planning Services from 1 January 2016

Planning Fees 2016 – to take effect from 1 January 2016

The planning application fees are set by central government.

Exceptions to this statutory control include S106 unilateral undertakings, Planning Performance Agreements (PPA's), Preliminary Enquiry or Pre application (PE's) charges, and inspection charges.

- The research cost has increased by £20 to reflect the time involved in providing the service.
- As Planning Performance Agreements have not been increased for some years it has been decided to increase them by around 5% to reflect costs and which we feel will be acceptable to the market.

General fees and charges (fees below are exclusive of VAT which will be charged where the service offered is not statutorily required)

Item	Fee 2015	Proposed fee 2016
Research cost	£55 minimum charge	£75 per hour (minimum charge of one hour)
Retention fee for lapsed invalid applications	Householder £50 Minor & Other £100 Majors £250	Householder £50 Minor & Other £100 Majors £250
S106 Unilateral Undertakings Legal & Monitoring Costs	£495	£524
Public Open Space Practical Completion Certificate Inspection (OSPCI)	Size of landscaping scheme (each insp) <100sq.m. £500 101 – 500 £1000 501-2500 £1500 2501-5000 £2000 5001-10000 £2500 10001+ £3000	£525 £1050 £1575 £2100 £2625 £3150
Landscape Consultancy (Previously known as Landscape Practical Completion Inspection)	£120 for first hour and £50 per hour thereafter	£120 for first hour £75 per hour thereafter

Type	Fee 2015	Proposed fee 2016
Planning Performance Agreements (PPA)	<p>Sliding scale of charges depending on size of proposal</p> <p>Super majors Inception meeting £3000</p> <p>Subsequently - as agreed at inception meeting for remainder of project depending on frequency of liaison, complexity of project management and number of officers involved</p> <p>Large-scale majors Inception meeting £2500</p> <p>Subsequently - as agreed at inception meeting for remainder of project depending on frequency of liaison, complexity of project management and number of officers involved.</p> <p>Standard majors Inception meeting £2500</p> <p>Subsequently - as agreed at inception meeting for remainder of project depending on frequency of liaison, complexity of project management and number of officers involved.</p>	<p>£3150</p> <p>£2625</p> <p>£2625</p>
Preliminary Enquiries (majors)	<p>Super majors Initial meeting and written confirmation £1500</p> <p>Subsequent meetings £1000 per 3 hours (1 officer) fee variable with greater attendance</p> <p>Large-scale majors Initial meeting and written confirmation £1250</p>	<p>£1575</p> <p>£1050</p> <p>£1325</p>

	<p>Subsequent meetings £750 per 3 hours (1 officer) fee variable with greater attendance</p> <p>Standard majors Initial meeting and written confirmation £1000</p> <p>Subsequent meetings £500 per 3 hours (1 officer) fee variable with greater attendance</p> <p>Written response only per letter (no meeting) £500</p>	<p>£800</p> <p>£1050</p> <p>£525</p>
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Type	Fee 2015	Proposed fee 2016
<p>Preliminary Enquiries 'Minors' & 'Others*' (including listed buildings)</p> <p>(excluding Householder category proposals and Buildings at Risk)</p>	<p>Residential (1-4 units) £150</p> <p>Residential (5-9 units) £175</p> <p>Commercial (retail, food & drink, and offices) £175</p> <p>Industrial and other (less than 1000 m² or 1 hectare) £200</p> <p>To include a written response unless a 30 minute meeting is required.</p> <p>Anything else in addition to the above is charged at £50 per hour.</p>	<p>Residential (1-4 units) £160 written response</p> <p>Residential (5-9 units) £200 written response</p> <p>Commercial (retail, food & drink, and offices) £190 written response</p> <p>Industrial and other (less than 1000 m² or 1 hectare) £210 written response</p> <p>Anything else in addition to the above including meetings, site visits and follow up questions are charged at £65 per hour and will be arranged by agreement post receipt of initial application</p>
	Listed Buildings £200	<p>Listed Buildings £210</p> <p>(due to the nature of listed building works a site visit may be made at the officer's discretion and is included in the price)</p>

Preliminary Enquiries Householder (excluding Listed Building consent enquiries)	Written response only: per letter (no meeting) £60 Meeting and letter: £120 for first hour and then an additional £50 per hour thereafter	Report (no meeting) £65 Report, one hour meeting £125 Additional meeting £65 per hour by agreement Additional follow up questions £30 per response (maximum of 30 minutes work)
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Type	Fee 2015	Proposed fee 2016
Advertising by Public Notice in a local newspaper of applications under the Planning Act 1990 to divert, stop up or extinguish a public footpath	Such charge as shall be levied by the newspaper publisher for placing the public notice + £30 administration charge	Such charge as shall be levied by the newspaper publisher for placing the public notice + £30 administration charge
Other ad-hoc professional planning or specialist advice	Planning Officer: First hour £120 and then £50 per hour thereafter Principal Planning Officer: First hour £130 and then £60 per hour Planning Manager: First hour £140 and then £70 per hour Planning Projects Manager: First hour £140 and then £70 per hour All other others: By negotiation	Planning Officer: First hour £125 and then £65 per hour thereafter Principal Planning Officer: First hour £140 and then £75 per hour Planning Manager: First hour £175 and then £95 per hour Planning Projects Manager: First hour £175 and then £95 per hour All other others: By negotiation

Archaeology Charges 2016–17

Charging Category	Description of work	Monitoring/ Watching	Evaluation	Excavation
A	Development is a single dwelling, garage/ cartlodge, extension or other small development	£200 +VAT	£250 +VAT	£250 +VAT
B	Development of a historic building (demolition and/or	£200 +VAT		
C	Development is two dwellings or more and covers less than 1.0ha	£200 +VAT	£250 +VAT	£350 +VAT
D	Development is between 1.0ha and 3.0ha in area		£350 +VAT	£500 +VAT
E	Development is between 3.0ha and 10.0ha in area		£500 +VAT	£750 +VAT
F	Development is over 10.0ha	Request a quote		

UAD Charging Schedule

Data type	Charge
Standard Search (up to 75 records)	£50 +VAT
Extended Search (75 to 150 records)	£100 +VAT
Large scale/complex search (>150 records)	Request a quote

(xi) Parking Services

Parking Services

Proposal

It is proposed that no changes are made to the fees and charges for parking services and the tariffs remain as set out below.

Reasons for Decision

Parking fees and charges form an important measure to influence driver behaviour through setting appropriate parking charge levels. The primary function of parking is not simply to raise revenue, but to support transport policy.

The charging structure supports the demand management policies for Colchester contained within Essex County Council's Local Transport Plan, a plan which in turn provides funding for transportation. The tariffs recommended here are set at a level which ensures that for the majority of the time there is capacity within the 'Shoppers' car parks for arrivals to park at their first choice of parking place, encouraging users to travel off-peak.

There are a total of over 4,000 public parking spaces in the town, of which the Council controls just under 3,000. It is important to note that the Council has no control over the pricing structure at some car parks such as North Station, Nunn's Road and Osborne Street, which are controlled by private operators such as National Car Parks (NCP).

The current charging structure in the peak-time "core tariff" serves to meet the government's policy of reducing unnecessary journeys particularly reducing congestion, pollution and improving road safety in the town centre.

Designing effective parking charges is unquestionably a compromise. However in setting fees and charges, an authority must:

- support town centre vitality;
- pursue policy objectives to curb travel during peak hours;
- influence supply, demand and congestion;
- be aware of price elasticity and resistance; and
- support the increasing costs of running and refurbishing car parks.

Detailed Proposals

The existing fees and charges to be continued are shown in the attached tables. The Sheepen Road charges will apply to the remaining area following the redevelopment. The priory Street tariffs will be reviewed following the update of the car park

Special Offers

Additional Christmas special parking offers have been discussed with Traders Groups and will be implemented as part of the Colchester Christmas Package.

Equality, Diversity and Human Rights Implications

Any increase in parking charges is likely to have a disproportionate impact on households with lower incomes. However, the careful design and availability of the parking offers and the introduction of shorter stay tariffs across a range of car parks gives these households affordable choices and options.

The EQIA is available on the Council's website www.colchester.gov.uk and follow the pathway: Home > Council and Democracy > Policies, strategies and performance > Equality and Diversity > Equality Impact Assessments or on the link below:
<http://www.colchester.gov.uk/CHttpHandler.ashx?id=3748&p=0>

ST. JOHN'S		
Time period	Mon to Friday and Sunday	Saturday
Up to ½ hour	0.90	1.00
Up to 1 hour	1.80	2.10
Up to 2 hours	2.70	3.10
Up to 3 hours.....	3.30	3.80
Up to 4 hours	3.50	4.00
Up to 5 hours.....	4.40	5.10
Up to 6 hours.....	4.90	5.60
Up to 7 hours.....	5.70	6.60
Up to 8 hours.....	6.50	7.50
Day Rate (6am to 6pm)	3.50	N/A
Up to 12 hours	7.00	8.10
Over 12 hours (long stay penalty rate)	16.50	16.50
Lost or No Ticket	15.00	15.00
Daily evening charge entry after 1900 hours.....	2.00	2.00

ST. MARY'S		
Time period	Mon to Friday and Sunday	Saturday
Up to ½ hour	0.90	1.00
Up to 1 hour	1.80	2.10
Up to 2 hours	2.70	3.10
Up to 3 hours.....	3.30	3.80
Up to 4 hours	3.50	4.00
Up to 5 hours.....	4.40	5.10
Up to 6 hours.....	4.90	5.60
Up to 7 hours.....	5.70	6.60
Up to 8 hours.....	6.50	7.50
Up to 12 hours	7.00	8.10
Over 12 hours (long stay penalty rate)	16.50	16.50
Lost or No Ticket	15.00	15.00
Daily evening charge entry after 1900 hours.....	2.00	2.00

MIDDLEBOROUGH	
Mon - Fri	
Up to 2 hours (after 10 am).....	2.90
Long stay day rate (6am to 6pm).....	3.50
Over-night charge (6pm till 6am)	0.50
Saturday	
Up to 2 hours.....	2.90
Up to 4 hours.....	4.10
Over 4 hours (long stay day rate)	6.00
Over-night charge (6pm till 6am)	0.50
Sunday	
At any time (day rate).....	2.20
Over-night charge (6pm till 6am)	0.50

SHEEPEN ROAD	
Mon - Fri	
Up to 2 hours (after 6 am).....	2.90
Up to 4 hours.....	4.10
Over 4 hours (long stay day rate).....	6.00
Over-night charge (6pm till 6am)	0.50
Saturday	
Up to 2 hours.....	2.90
Up to 4 hours.....	4.10
Over 4 hours (long stay day rate).....	6.00
Over-night charge (6pm till 6am)	0.50
Sunday	
At any time (day rate).....	2.20
Over-night charge (6pm till 6am)	0.50

BRITANNIA & PRIORY STREET	
Mon – Sat	
Up to 40 min.....	0.90
Up to 1 hour 10 mins.....	1.90
Peak hours only: Up to 2 hours	2.90
Peak hours only: Up to 4 hours	3.90
Up to 4 hours off-peak only (9.30am to 6.00pm)	2.50
Over 4 hours (penalty long stay day rate)	10.00
Sunday all-day charge (until 18.00 hrs)	0.50
Daily over-night charge (6pm till 6am)	0.50

VINEYARD STREET – Short stay, 2 hours maximum	
Mon – Sun	
Up to 40 min.....	1.20
Up to 1 hour 10 mins.....	2.30
Up to 2 hours off-peak only (6.00am to 6.00pm)	2.50
Over 2 hours (penalty long stay day rate)	10.00
Daily over-night charge (6pm till 6am)	0.50

BUTT ROAD; NAPIER ROAD NORTH & NAPIER ROAD SOUTH	
Mon - Sat	
Up to 2 hours.....	1.00
Up to 4 hours.....	1.50
Over 4 hours (long stay day rate).....	2.50
Over-night charge (6pm till 6am).....	0.50
Sundays	
Up to 2 hours.....	1.00
Up to 4 hours.....	1.50
Over 4 hours (long stay day rate).....	2.50
Over-night charge (6pm till 6am).....	0.50

(xii) Environmental Health and Licensing Services from 1 January 2015

Animal Services

Proposal

It is proposed that Animal Services fees and charges are amended slightly as set out in the pricing schedule attached.

Domestic Pest Control

An activity based costing review of pest control processes has resulted in some minor changes. Whilst the majority of charges remain the same there has been a small increase to the cost of rodent and flea treatments in domestic properties. There has also been a small increase in the standard charge for commercial rodent and insect treatments. Proactive monitoring contracts will be priced on an individual basis.

It is proposed to hold all charges to domestic customers in receipt of means tested benefits at the current rates i.e. free of charge for rats, mice and cockroaches and £20.00 for other insect pests.

It is proposed that all cases will be subject to a call out fee of £15 where appointments are not kept.

Dog Control

To continue to reward responsible dog ownership microchipping of dogs will be free of charge. Micro-chips for dogs are supplied free of charge to the Council by the Dogs Trust for dogs on this basis. It is proposed that we continue to charge £10 to micro-chip cats.

It is proposed to retain other charges associated with the collecting, transporting and kennelling of stray dogs as they are.

Environmental Protection

Proposal

It is proposed that the current level of fees and charges are retained as set out in the pricing schedule attached with the exception of the fee for Environmental Information requests.

Private Water Supplies

The maximum charge for various water sampling activities is stipulated in Schedule 5 of the Private Water Supplies Regulations 2009. All fees currently charged are in line with these Regulations, the exception being the charges made to the most vulnerable households where the fee is waived for customers in receipt of a means tested benefit. It is therefore proposed to hold all fees at current levels.

Environmental Information

The charge for the provision of Environmental Information covers the costs incurred in responding to such requests. It is proposed to retain this charge however enquiries that take in excess of 2 hours research will be charged at £30 per hour for each additional hour.

Animal Services Fees & Charges 2016				
Description	2015/16 fee excl. VAT	2015/16 fee incl. VAT	2016/17 fee excl. VAT	2016/17 fee incl. VAT
Non Domestic Pest Control				
Rodents (rats, mice, squirrels) & cockroaches (max 3 visits, additional visits priced on request, monitoring contracts priced on request)	£150.83	£181.00	£159.17	£191.00
Other insect pests (Price per hour, minimum 1 hour charge, contracts priced on request)	£82.50	£99.00	£87.20	£109.00
Call out where no treatment required	£36.67	£44.00	£36.67	£44.00
Domestic Pest Control				
Rodents (rats & mice)	£48.30	£58.00	£52.00	£65.00
Cockroaches/Tropical Ants	£70.00	£84.00	£70.00	£84.00
Bedbugs	£142.50	£171.00	£142.50	£171.00
Wasps/Hornets	£45.83	£55.00	£45.83	£55.00
Fleas	£58.33	£70.00	£60.00	£75.00
Call out fee – appointments not kept	£12.50	£15.00	£12.50	£15.00
Reduced Charges - for those in receipt of a means tested benefit				
Rodents (rats & mice)	0	Free	0	Free
Cockroaches	0	Free	0	Free
Wasps/hornets	£16.67	£20.00	£16.67	£20.00
Other public health significant pests - (tropical ants, bedbugs, fleas)	£16.67	£20.00	£16.67	£20.00
Animal Control				
Microchip – per dog	Free	Free	Free	Free
Microchip – per cat	£8.33	£10.00	£8.33	£10.00
Fixed Penalty – Breach of Dog Control Order	£75.00	n/a	£75.00	n/a
Stray Dog Charge – Dogs WITH collar & tag/microchip	£65.00	n/a	£65.00	n/a
Stay Dog Charge – Dogs WITHOUT collar & tag/microchip	£75.00	n/a	£75.00	n/a
Stray Dog Kennelling Charge (per day or part thereof)	£13.00	n/a	£13.00	n/a
Stray Dog Return Fee (subject to officer availability)	£25.00	n/a	£25.00	n/a

Environmental Protection Fees & Charges 2016/17				
Description	2015/16 fee excl. VAT	2015/16 fee incl. VAT	2016/17 fee excl. VAT	2016/17 fee incl. VAT
Private Water Supplies				
Risk Assessment	£416.67	£500.00	£416.67	£500.00
Sampling (initial visit & revisit)	£83.33	£100.00	£83.33	£100.00
Investigation	£83.33	£100.00	£83.33	£100.00
Grant Authorisation	£83.33	£100.00	£83.33	£100.00
Sample Analysis (minor)	£20.83	£25.00	£20.83	£25.00
Sample Analysis (check monitoring)	£83.33	£100.00	£83.33	£100.00
Sample Analysis (audit monitoring)	£416.67	£500.00	£416.67	£500.00
Concession - sampling fee for residents living in a single dwelling who are in receipt of a means tested benefit	FREE	FREE	FREE	FREE
Environmental Information Requests				
	£83.33	£100.00	£83.33	£100.00
Cases exceeding 2 hours will incur an additional £30p/h	n/a	n/a		£30p/h

Licensing, Food & Safety Fees Proposed Charges 2016/17

All charges marked with an 'E' do not attract VAT.

ENVIRONMENTAL LICENCES - VARIABLE

				Present Charges 2015/16 (excl VAT) £	Present Charges 2015/16 (incl VAT) £	Proposed Charges 2016/17 (excl VAT) £	Proposed Charges 2016/17 (incl VAT) £
	Schedule of Charges						
	Sex Shop Licence - New Applications			E	1,040.00		1,040.00
	Sex Shop Licence - Renewals			E	370.00		370.00
	Sex Entertainment Venue - New Applications			E	1,225.00		1,225.00
	Sex Entertainment Venue - New Applications	Renewals	E	385.00		385.00	
	Scrap metal Dealers Act	Site New Application	E	465.00		465.00	
	Scrap metal Dealers Act	Site Renewal	E	215.00		215.00	
	Scrap metal Dealers Act	Site/Collector Variation	E	new		100.00	
	Scrap metal Dealers Act	Additional Site Licence	E	new		100.00	
	Scrap metal Dealers Act	Collector New Application	E	315.00		315.00	
	Scrap metal Dealers Act	Collector Renewal	E	205.00		205.00	
	Riding Establishment Licences (+ vet fee)			E	160.00		160.00
	Zoo Operators Licence (+ vet fee) (payable every 6 years - next due 2013)			E	1,100.00		1,100.00
	Dangerous Wild Animals (+ vet fee) (payable every two years)			E	165.00		165.00

	Pet Animal Licence	E	135.00		135.00	
	Animal Boarding Establishment Licence/Day Care	E	135.00		135.00	
	Home Boarding	E	125.00		135.00	
	Dog Breeder's Licence	E	135.00		135.00	
	Food Export Certificates	E	55.00		55.00	
	Food Surrender Certificates	E	100.00		100.00	
	Skin Piercing - Premises - including 2 operators	E	160.00		160.00	
	- Operators - up to 2 operators	E	80.00		80.00	
	- Admin charge for transfers	E	40.00		40.00	
	Basic Food Hygiene/Health and Safety Courses					
	Basic charge	E	65.00		65.00	
	If resident or employed within Colchester Borough	E	50.00		50.00	
	Delivered at businesses own premises		£400 (10 pers) + £20 p/h		£400 (10 pers) + £20 p/h	
	Basic charge (up to 10)	E	400.00		400.00	
	Each additional person	E	20.00		20.00	
	Exam resit fees	E	20.00		20.00	
	Hypnotists	E	65.00		65.00	
	Pleasure Boats	E	65.00		65.00	
	Pavement café Licence	New Application	E	new		350.00
	Pavement café Licence	Annual Renewal	E	new		175.00

<u>HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES - VARIABLE</u>							
		Schedule of Charges		Present Charges 2015/16 (excl VAT) £	Present Charges 2015/16 (incl VAT) £	Proposed Charges 2016/17 (excl VAT) £	Proposed Charges 2016/17 (incl VAT) £
	Vehicle and Operators Licences						
		Hackney Carriage Vehicle	E	315.00		315.00	
		Private Hire Vehicle	E	275.00		275.00	
		Operator's Licence - 1-2 vehicles (PHV)	E	295.00		295.00	
		Operator's Licence - 3+ vehicles (PHV)	E	350.00		350.00	
		Category change fee	E	35.00		35.00	
		Operator's licence transfer fee	E	85.00		85.00	
	Drivers Licences						
		Initial Licence valid for up to 3 years	E	200.00		200.00	
		Renewal Licence valid for up to 3 years	E	135.00		135.00	
		Deposit - refunded if application proceeds	E	50.00		50.00	
		Knowledge Test - initial fee (offset against licence if licence applied for)	E	35.00		35.00	
		Knowledge Test - re-sit fee	E	35.00		35.00	
	Licence Transfer Fees						
		Vehicle to vehicle	E	85.00		85.00	
		Person to person	E	85.00		85.00	
		PHV to Hackney Carriage Vehicle	E	85.00		85.00	

		Registration number change	E	30.00		30.00	
	Vehicle Inspection Fees						
		HC Vehicle Inspection Fee (other than brand new) as MOT	E	50.00		50.00	
		HC Vehicle Inspection Fee (Brand new)	E	30.00		30.00	
		PH Vehicle Inspection Fee (other than brand new) as MOT	E	50.00		50.00	
		PH Vehicle Inspection Fee (Brand new)	E	30.00		30.00	
		Failure to attend for appt	E	20.00		30.00	
	Replacement Equipment						
		Replacement Plates	E	25.00		25.00	
		Replacement Badges	E	17.00		17.00	
		Replacement vehicle window cards	E	5.00		5.00	
		Standard Roof Sign	E	At Cost + £10.00 handling charge		At Cost + £10.00 handling charge	
		Standard Door Signs	E	At Cost + £10.00 handling charge		At Cost + £10.00 handling charge	
Fees for drivers' licences do not include the £44.00 fee for a mandatory DBS check, which will be charged additionally.							
ALCOHOL & ENTERTAINMENT LICENCES - STATUTORY FEES (No discretion to change)							
		Schedule of Charges		Present Charges 2015/16 (excl VAT) £	Present Charges 2015/16 (incl VAT) £	Proposed Charges 2016/17 (excl VAT) £	Proposed Charges 2016/17 (incl VAT) £

	Premises Licenses - Initial Applications						
		Band A - Rateable Value £0 - £4,300	E	100.00		100.00	
		Band B - £4,301 - £33,000	E	190.00		190.00	
		Band C - £33,001 - £87,000	E	315.00		315.00	
		Band D - £87,001 - £125,000	E	450.00		450.00	
		Band E - £125,000 and over	E	635.00		635.00	
	Premises Licenses - Renewals						
		Band A - Rateable Value £0 - £4,300	E	70.00		70.00	
		Band B - £4,301 - £33,000	E	180.00		180.00	
		Band C - £33,001 - £87,000	E	295.00		295.00	
		Band D - £87,001 - £125,000	E	320.00		320.00	
		Band E - £125,000 and over	E	350.00		350.00	
	Premises Licences - Variations						
		Band A - Rateable Value £0 - £4,300	E	100.00		100.00	
		Band B - £4,301 - £33,000	E	190.00		190.00	
		Band C - £33,001 - £87,000	E	315.00		315.00	
		Band D - £87,001 - £125,000	E	450.00		450.00	
		Band E - £125,000 and over	E	635.00		635.00	
		Minor Variations - all Bands	E	89.00		89.00	
	Personal Licenses						
		Initial Application	E	37.00		37.00	
	Miscellaneous Fees						
		Copies of Documents etc	E	10.50		10.50	
		Transfers	E	23.00		23.00	
		Change of Designated Premises Supervisor	E	23.00		23.00	

		Temporary Event Notices	E	21.00		21.00	
		Notice of Interest in Premises	E	21.00		21.00	
All charges marked with an 'E' do not attract VAT.							

GAMBLING LICENCES - VARIABLE

	Schedule of Charges			Present Charges 2015/16 (excl VAT) £	Present Charges 2015/16 (incl VAT) £	Proposed Charges 2016/17 (excl VAT) £	Proposed Charges 2016/17 (incl VAT) £
	Premises Licenses - New Applications / Provisional Statements						
		New Small Casino	E	6,200.00		6,200.00	
		New Large Casino	E	7,700.00		7,700.00	
		Regional Casino	E	12,500.00		12,500.00	
		Bingo Club	E	3,100.00		3,100.00	
		Betting Premises (excluding Tracks)	E	2,600.00		2,600.00	
		Tracks	E	2,100.00		2,100.00	
		Family Entertainment Centres	E	1,600.00		1,600.00	
		Adult Gaming Centres	E	1,600.00		1,600.00	
	Premises Licenses - Annual Fees						
		Existing Casinos	E	2,600.00		2,600.00	
		New Small Casino	E	4,200.00		4,200.00	
		New Large Casino	E	7,700.00		7,700.00	
		Regional Casino	E	12,500.00		12,500.00	
		Bingo Club	E	850.00		850.00	
		Betting Premises (excluding	E	550.00		550.00	

		Tracks)					
		Tracks	E	850.00		850.00	
		Family Entertainment Centres	E	650.00		650.00	
		Adult Gaming Centres	E	850.00		850.00	
	Premises Licenses - Application to Vary						
		New Small Casino	E	3,000.00		3,000.00	
		New Large Casino	E	4,000.00		4,000.00	
		Regional Casino	E	6,000.00		6,000.00	
		Bingo Club	E	1,000.00		1,000.00	
		Betting Premises (excluding Tracks)	E	1,000.00		1,000.00	
		Tracks	E	750.00		750.00	
		Family Entertainment Centres	E	600.00		600.00	
		Adult Gaming Centres	E	750.00		750.00	
	Premises Licenses - Application for Transfer / Reinstatement						
		New Small Casino	E	1,200.00		1,200.00	
		New Large Casino	E	1,500.00		1,500.00	
		Regional Casino	E	5,000.00		5,000.00	
		Bingo Club	E	1,000.00		1,000.00	
		Betting Premises (excluding Tracks)	E	1,000.00		1,000.00	
		Tracks	E	750.00		750.00	
		Family Entertainment Centres	E	750.00		750.00	
		Adult Gaming Centres	E	1,000.00		1,000.00	
	Premises Licenses - Licence Application (Provisional Statement Holders)						
		New Small Casino	E	3,000.00		3,000.00	

		New Large Casino	E	4,000.00		4,000.00	
		Regional Casino	E	6,000.00		6,000.00	
		Bingo Club	E	900.00		900.00	
		Betting Premises (excluding Tracks)	E	900.00		900.00	
		Tracks	E	750.00		750.00	
		Family Entertainment Centres	E	600.00		600.00	
		Adult Gaming Centres	E	800.00		800.00	

GAMBLING LICENCES - STATUTORY FEES (No discretion to Change)

				Present Charges 2015/16 (excl VAT) £	Present Charges 2015/16 (incl VAT) £	Proposed Charges 2016/17 (excl VAT) £	Proposed Charges 2016/17 (incl VAT) £
		Schedule of Charges					
		Permits For Gaming Machines - New Application					
		FEC Gaming Machine	E	300.00		300.00	
		Prize Gaming	E	300.00		300.00	
		Alcohol Licensed Premises - 2 or less machines	E	50.00		50.00	
		Alcohol Licensed Premises - more than 2 machines	E	150.00		150.00	
		Club Gaming Permit	E	200.00		200.00	
		Club Gaming Machine Permit	E	200.00		200.00	
		Small Society Lottery Registration - New Application	E	40.00		40.00	
		Permits For Gaming Machines - Annual Fees/Renewals					
		FEC Gaming Machine	E	300.00		300.00	
		Prize Gaming	E	300.00		300.00	
		Alcohol Licensed Premises - 2 or	E	N/A		N/A	

		less machines					
		Alcohol Licensed Premises - more than 2 machines	E	50.00		50.00	
		Club Gaming Permit	E	50.00		50.00	
		Club Gaming Machine Permit	E	50.00		50.00	
		Small Society Lottery Registration - Annual Fee	E	20.00		20.00	
	Permit - Miscellaneous Fees						
		<u>Change of Name</u>					
		FEC Permits	E	25.00		25.00	
		Prize Gaming Permits	E	25.00		25.00	
		Alcohol Licensed Premises - 2 or less machines	E	N/A		N/A	
		Alcohol Licensed Premises - more than 2 machines	E	25.00		25.00	
		Club Gaming Permit	E	N/A		N/A	
		Club Gaming Machine Permit	E	N/A		N/A	
		Small Society Lottery Registration	E	N/A		N/A	
		<u>Copy of Permit</u>					
		FEC Permits	E	15.00		15.00	
		Prize Gaming Permits	E	15.00		15.00	
		Alcohol Licensed Premises - 2 or less machines	E	N/A		N/A	
		Alcohol Licensed Premises - more than 2 machines	E	15.00		15.00	
		Club Gaming Permit	E	15.00		15.00	
		Club Gaming Machine Permit	E	15.00		15.00	
		Small Society Lottery Registration	E	N/A		N/A	
		<u>Variation</u>					

		FEC Permits	E	N/A		N/A	
		Prize Gaming Permits	E	N/A		N/A	
		Alcohol Licensed Premises - 2 or less machines	E	N/A		N/A	
		Alcohol Licensed Premises - more than 2 machines	E	100.00		100.00	
		Club Gaming Permit	E	100.00		100.00	
		Club Gaming Machine Permit	E	100.00		100.00	
		Small Society Lottery Registration	E	N/A		N/A	
		<u>Transfer</u>					
		FEC Permits	E	N/A		N/A	
		Prize Gaming Permits	E	N/A		N/A	
		Alcohol Licensed Premises - 2 or less machines	E	N/A		N/A	
		Alcohol Licensed Premises - more than 2 machines	E	25.00		25.00	
		Club Gaming Permit	E	N/A		N/A	
		Club Gaming Machine Permit	E	N/A		N/A	
		Small Society Lottery Registration	E	N/A		N/A	
		All charges marked with an 'E' do not attract VAT.					
<u>MISCELLANEOUS FEES - VARIABLE</u>							
					Present Charges 2015/16 (excl VAT) £	Present Charges 2015/16 (incl VAT) £	Proposed Charges 2016/17 (excl VAT) £
							Proposed Charges 2016/17 (incl VAT) £
		H&S Disclosures					
		Statement of Relevant Facts (per hour)		33.33	40.00	33.33	40.00
		Application Checking Service					

		Full Application		41.67	50.00	41.67	50.00
		Temporary Event Notice		8.33	10.00	8.33	10.00

Equality, Diversity and Human Rights implications

We have fully considered the equality and diversity impacts of our fees and charges by undertaking Equality Impact Assessments (EIAs) and conclude that there are no adverse impacts that cannot be appropriately mitigated.

To view the Equality Impact Assessments, please go to the Council's website www.colchester.gov.uk and follow the pathway: Your Council > How the Council Works > Equality and Diversity > Equality Impact Assessments > Professional Services.

The decision to implement the proposed fees and charges for Environmental Health and Licensing services will not result in any breach of human rights.

(xiii) Recycling and Trade Services

Proposal

It is proposed that fees and charges are maintained at their current levels for 2016/17 in order to continue to provide a competitive service that can be marketed against private sector providers.

Pricing Schedule

Pricing Schedule Trade tonnage subject to landfill tax	Charge excluding vat
Green sacks trade	£38.14
Green sacks schools	£32.42
360l hire	£1.40
360l emptying trade	£6.48
360l emptying schools	£5.73
660l hire	£3.04
660l emptying trade	£10.43
660l emptying schools	£8.40
950l hire	£2.86
950l emptying trade	£12.21
950l emptying schools	-
1100l hire	£3.69
1100l emptying trade	£12.34
1100l emptying schools	£10.43
Other Trade Income	
Duty of Care Certificate	£29.50
Clear Cardboard Sacks - Trade	£26.55
Clear Cardboard Sacks - Schools	-
Delivery charge sacks	£8.13
Regular Cardboard Collection - Trade	£530.99
Regular Cardboard Collection - Schools	-
Non-contract Cardboard Collection	£41.29
Cleansing of Bulk Containers	£26.00
Re-signing fee	£56.56
Day works inc labour - Trade HGV	
Day works inc labour Van	
360l Trade glass bin	£4.68
Household/Garden Refuse	
Black waste sacks	£3.70
Garden waste sacks	£3.70
Garden waste/recycling boxes sacks - delivery	
Green recycling boxes	
Green recycling boxes - new properties	
Special collections	
Bulky items 1-6	£41.41
Bulky items 6-12	£66.46
Fridges, Fridge/freezers or Freezers	£25.45
TVs, Monitors, Microwaves	£12.12
White goods - dishwashers, cookers, washing machines, tumble driers, spin driers (maximum 5 items) price per item	£12.12

Equality, Diversity and Human Rights Implications

Equality Impact Assessments are 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 > Operational Services.

(xiv) Helpline 2016/17

Proposal

It is proposed that fees and charges are retained at their current levels.

Reasons for Decision

The Community Alarms Team operates Helpline, a chargeable service which is widely used amongst elderly and vulnerable residents in Colchester. The service consists of a range of alarms which can be installed by our officers which are then monitored 24 hours a day by our Monitoring Centre Operators. There are currently two levels of service;

Monitoring only is the service whereby our operators monitor the alarms for a customer and if an alarm is raised the operator will contact the most appropriate person (for instance ambulance or doctor) as well as friends or family who's details have been provided to us.

Monitoring and Response is the service as explained above but with the addition of our Mobile Support Officers (MSO's). When an alarm is raised we would go to the person's property to check that they are ok, administer first aid if required and help those who have fallen.

As well as an entry level pendant alarm additional sensors can be included based on people's needs, they include;

Activity monitors, epilepsy sensors, fall detectors, bed/chair occupancy sensors, wandering alerts, movement detectors and door/window contact sensors, carbon monoxide detectors, gas detectors, temperature extremes sensors, enuresis detectors, fire/smoke alarms, flood sensors, remote control main switches, medication dispensers and bogus caller alarms.

We also offer key safe installations which enable our MSO's to access properties when the resident may be stuck or injured and unable to answer the door.

The fees and charges for Helpline are regularly checked against other providers in the County through a countywide benchmarking exercise. Colchester Borough Council offers the most comprehensive services to its customers and subsequently has some of the higher charges.

It is recommended that no increase is applied to Helpline charges for 2016/17.

The proposal to keep the prices the same would come into effect on 1 April 2016 and will be valid until 31 March 2017.

Pricing Schedule

Helpline Fees and Charges 2016 – 2017

	Private (52 week charge)	2015/16
59079274	Private dispersed alarm post 1.4.96	
	Monitoring and mobile response	£4.36
	Monitoring only	£2.10
	Equipment	£1.69
59079274	Private dispersed alarm pre 1.4.96	
	Monitoring and response	£3.13
	Equipment	£2.10
59079274	Telecare	
TZ03	Basic weekly charge (up to 3 items)	£5.95
	Additional items each per week (fixed)	£0.50
59079274	Telecare	
TZ03	Monitoring only weekly charge	£3.79
59079295	Key Safe	
TZ03	Police approved key safe and installation at time of Helpline install	£69.00
	Police approved key safe & installed on separate visit	£79.00
	Lone Worker	
	Over 20 units (per unit per month)	£20
	Over 10 units (per unit per month)	£25
	Less than 10 units (per unit per month)	£30

*Please note that the Private dispersed alarm post 1.4.96 and the Private dispersed alarm pre 1.4.96 charges are no longer available for new customers.

Equality, Diversity and Human Rights implications

Not applicable as no change to fees and charges.

(xv) Cemetery and Crematorium 2015/16

It is proposed that the majority of fees and charges remain unchanged and a small uplift be applied to those areas shown in the table below

Colchester Crematorium & Cemetery		2015/16 Existing Charges (excl VA T)	2015/16 Existing Charges (incl VAT)	2016/17 Proposed Charges (excl VAT)	2016/17 Proposed Charges (incl VAT)
All charges marked with an 'E' do not attract VAT. VAT liability could change if HMRC change their policy		£	£	£	£
Cremations					
Over 16 years of age	E	625.00	625.00	634.00	634.00
Environmental surcharge(Cremations over 16 years)	E	77.00	77.00	78.00	78.00
Baby under 24 weeks gestation	E	96.00	96.00	96.00	96.00
Body part	E	96.00	96.00	96.00	96.00
Still born to one month of age	E	142.00	142.00	142.00	142.00
Exceeding one month to 7 years	E	189.00	189.00	189.00	189.00
Exceeding 7 years to 16 years	E	235.00	235.00	235.00	235.00
Interments					
For interment in a grave with or without an exclusive right of burial:-					
i) Of the body of a still born or child to one month in age	E	186.00	186.00	186.00	186.00
ii) Of the body of a child to 7 years	E	236.00	236.00	236.00	236.00
iii) Of the body of a child to 16 years	E	282.00	282.00	282.00	282.00
iv) Of the body of a person over 16 years					
- Single	E	585.00	585.00	591.00	591.00
- Double	E	700.00	700.00	707.00	707.00
- Treble	E	815.00	815.00	823.00	823.00
v) of a baby under 24 weeks gestation	E	139.00	139.00	139.00	139.00
Combined charge - Right to build a bricked grave & interment	E	848.00	848.00	856.00	856.00
For the interment of cremated remains in a grave	E	182.00	182.00	185.00	185.00
Disinterment of cremated remains	E	308.00	308.00	311.00	311.00
Disinterment from a grave - price on request					
Book of Remembrance					
Inscription in the Book of Remembrance:-					
2 line entry	V	56.67	68.00	57.50	69.00
5 line entry	V	109.17	131.00	110.83	133.00
5 line entry with flower	V	155.83	187.00	158.33	190.00
5 line entry with crest	V	176.67	212.00	179.17	215.00
8 line entry	V	176.67	212.00	179.17	215.00
8 line entry with flower	V	223.33	268.00	226.67	272.00
8 line entry with crest	V	239.17	287.00	242.50	291.00
Memorial Cards (per card supplied):- price on request					

Fees & charges		2015/16 Existing	2015/16 Existing	2016/17 Proposed	2016/17 Proposed
Garden of Remembrance Memorials					
Standard Rose Tree with cast aluminium plaque:-					
Initial Period of five years	V	219.17	263.00	221.67	266.00
Initial Period of ten years	V	286.67	344.00	289.17	347.00
Renewal for a further one year	V	60.83	73.00	61.67	74.00
Renewal for a further five years	V	112.50	135.00	113.33	136.00
Renewal for a further ten years	V	156.67	188.00	157.50	189.00
Fuchsia or shrub, with cast aluminium plaque					
Initial Period of five years	V	176.67	212.00	178.33	214.00
Initial Period of ten years	V	241.67	290.00	244.17	293.00
Renewal for a further one year	V	45.00	54.00	45.83	55.00
Renewal for a further five years	V	88.33	106.00	89.17	107.00
Renewal for a further ten years	V	135.00	162.00	136.67	164.00
Additional cast aluminium plaque	V				
Other Garden Memorials					
Name tower in rose garden for 10 years	V	200.00	240.00	203.33	244.00
Name tower in Jemima's Corner for 10 years	V	200.00	240.00	200.00	240.00
Tree initial period of 10 years (existing mature tree) with plaque	V				
		311.67	374.00	315.00	378.00
Tree for a further 10 years	V	175.00	210.00	175.83	211.00
Inscribed stone brick in either Wall of Remembrance (brick to remain throughout the duration of the wall standing or relocated elsewhere should the wall be removed within ten years)	V	238.33	286.00	241.67	290.00
Columbarium per niche	V	492.50	591.00	500.00	600.00
Granite niche		516.99	620.00	524.17	629.00
Additional inscription on plaque	V	110.00	132.00	110.83	133.00
Memorial seat, including maintenance & plaque:-					
For a period of 10 years:	V	406.67	488.00	406.67	488.00
Renewal lease for a further 10 years		275.00	350.00	291.67	350.00
Additional seat plaque	V	108.33	130.00	108.33	130.00
Aboria plaque text only	V	110.83	133.00	110.83	133.00
Aboria plaque monochrome motif	V	130.83	157.00	130.83	157.00
Aboria plaque coloured motif	V	161.67	194.00	161.67	194.00
Aboria plaque photo plaque	V	202.50	243.00	202.50	243.00
Exclusive Rights of Burial					
For the exclusive right of burial in a lawn or traditional grave					
50 years	E	481.00	481.00	488.00	488.00
100 years	E	770.00	770.00	782.00	782.00
For the exclusive right of burial in the Baby Burial Garden					
50 years	E	189.00	189.00	191.00	191.00
100 years	E	303.00	303.00	306.00	306.00

For the exclusive right of burial in a cremated remains grave					
50 years	E	262.00	262.00	266.00	266.00
100 years	E	391.00	391.00	397.00	397.00
On the expiry of the initial period of grant, the period may be renewed for a further 50 or 100 years					
Scattering of cremated remains on grave space	E	75.00	75.00	77.00	77.00
Scattering of cremated remains in Garden of Remembrance					
where cremation took place at another crematorium	E	75.00	75.00	75.00	75.00
Scattering of cremated remains in the Garden on Saturday					
(cremation at Colchester)	E	50.00	50.00	50.00	50.00
Scattering of cremated remains in the Garden on a Saturday					
where cremation took place at another crematorium	E	125.00	125.00	125.00	125.00
Applications for the Erection of Memorials					
i) A flat stone or slab covering single grave space	E	182.00	182.00	184.00	184.00
ii) A memorial stone:					
a) Not exceeding 0.56m in height	E	94.00	94.00	95.00	95.00
b) Exceeding 0.56m in height	E	134.00	134.00	136.00	136.00
iii) A footstone, tablet or stone vase	E	94.00	94.00	95.00	95.00
iv) a) Kerb Stones - adult grave space	E	213.00	213.00	213.00	213.00
b) Kerb Stones - child grave space	E	109.00	109.00	109.00	109.00
v) For an additional inscription on an existing memorial	E	83.00	83.00	84.00	84.00
Miscellaneous - Crematorium					
Use of Crematorium Chapel for further 30 minutes of service	E	236.00	236.00	239.00	239.00
Use of Crematorium chapel for burial or memorial service	E	236.00	236.00	239.00	239.00
Register Search of over 8 names (not on computer)	V	21.67	26.00	21.67	26.00
Postage and packing of cremated remains - price on request					
Wooden grave marker with engraved plaque	V	29.17	35.00	30.00	36.00
Blue box for cremated remains	V	5.42	6.50	5.42	6.50
Recording of the chapel service on CD	V	38.33	46.00	38.33	46.00
Additional CDs	V	35.00	42.00	35.00	42.00
Recording of the chapel service on DVD	V	45.00	54.00	45.00	54.00
Additional DVDs	V	40.00	48.00	40.00	48.00
Webcast of a chapel service (not guaranteed to be broadcast live)	V	50.00	60.00	50.00	60.00
Miscellaneous - Cemetery					
For registering transfer of Grant of Exclusive Right of Burial or surrender of a deed of grant	V	44.17	53.00	44.17	53.00

Cremation or Burial Cancellation Fee (if less than 48 hours' notice)	V	280.83	337.00	285.00	342.00
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Equality, Diversity and Human Rights implications

An Equality and Diversity Impact Assessment has been completed to accompany this report. The assessment identified no negative impacts for those with protected characteristics.

Equality Impact Assessments are 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 >Commercial Services.

(xvi) Town Hall Events 2016-17

It is proposed that all fees and charges set in 2015-2016 remain the same for 2016-2017.

The current fees are:-

Ceremonies

Hire of Town Hall Rooms (Summary)		
Room	Usage	Day Time £
Mid-Week (Monday to Thursday)		
Moot Hall	Ceremony	425
Council Chamber	Ceremony	300
Grand Jury Room/West	Ceremony	300
Grand Jury/Council Chamber	Ceremony (20 Guests)	200

		Day Time £
Friday and Weekend		
Moot Hall	Ceremony	550
Council Chamber	Ceremony	400
Grand Jury Room/West	Ceremony	400
Grand Jury/Council Chamber	Ceremony (20 Guests)	320

Receptions

		Evening £
Mid-Week		
Moot Hall	Reception/Party	870
Friday and Weekend		
Moot Hall	Reception/Party	1,100
Mid-Week		
Moot Hall	Charity	750
Friday and Weekend		
Moot Hall	Charity	990

Equality, Diversity and Human Rights implications

Equality Impact Assessments are 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 > Operational Services

(xvii) Sport and Leisure 2016-17

The Council has a pricing framework in place for its Sport and Leisure activities. This has proved effective, and has assisted the service in meeting the challenging income targets. As the Council takes a more commercial approach to service delivery, it will require managers to behave in a more commercial manner and to be able to respond more quickly to market forces. This could 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.

All charges have been reviewed and new prices proposed below taking into account a combination of the current and likely demand of each activity, competitors' pricing and entrance fees to other leisure activities and the cost of providing the activity.

Proposed changes to the Lifestyles Membership package prices are not shown below as this information is commercially sensitive.

				2015/16 Existing Charge (excl VAT) £	2015/16 Existing Charge (incl VAT) £	2016/17 Proposed Charge (excl VAT) £	2016/17 Proposed Charge (incl VAT) £
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Leisure Pool

Leisure Pool (hire)		Session	V	300.00	360.00	308.33	370.00
Off Peak Swim	Adult	Session	V	4.50	5.40	4.58	5.50
Off Peak Swim	Concession	Session	V	4.25	5.10	4.33	5.20
Off Peak Swim	Junior	Session	V	4.25	5.10	4.33	5.20
Parent & toddler	1 over 3 yrs	Session	V	5.17	6.20	5.25	6.30
Parent & toddler	1 under 3 yrs	Session	V	4.33	5.20	4.42	5.30
Parent & toddler	2 over 3 yrs	Session	V	6.00	7.20	6.08	7.30
Parent & toddler	Pass + 1	Session	V	1.42	1.70	1.50	1.80
Parent & toddler	Pass + 2	Session	V	2.25	2.70	2.33	2.80
Peak Swim	Adult	Session	V	4.92	5.90	5.00	6.00
Peak Swim	Concession	Session	V	4.25	5.10	4.33	5.20
Peak Swim	Family	Session	V	18.33	22.00	19.17	23.00
Peak Swim	Junior	Session	V	4.67	5.60	4.75	5.70

Fitness Pool

Aqua Fun Swim	Adult	Session	V	3.92	4.70	4.00	4.80
Aqua Fun Swim	Junior	Session	V	2.83	3.40	2.92	3.50
Fitness Pool Swim	Adult	Session	V	3.58	4.30	3.67	4.40
Fitness Pool Swim	Concession	Session	V	2.42	2.90	2.50	3.00
Fitness Pool Swim	Corporate	Session	V	3.25	3.90	3.33	4.00
Fitness Pool Swim	Junior	Session	V	2.42	2.90	2.50	3.00
Lane Swim		Session	V	4.08	4.90	4.17	5.00

Fitness Pool (hire)

Fitness Pool (hire)		55	V	91.67	110.00	100.00	120.00
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(aqua splat)		minutes					
Fitness Pool (hire) (gala)		55 minutes	V	123.33	148.00	126.67	152.00
Fitness Pool (hire) (general)		55 minutes	V	91.67	110.00	95.00	114.00
Fitness Pool (hire) (school)		55 minutes	V	1.83	2.20	1.83	2.20
Teaching Pool/Dive Pit (hire)		55 minutes	V	45.83	55.00	45.83	55.00

Wetside Course

ASA teachers level 1 Course		Course	E	340.00	340.00	370.00	370.00
ASA teachers level 2 Course		Course	E	570.00	570.00	590.00	590.00
One to One Lesson (30 minutes)		Session	E	21.00	21.00	21.00	21.00
One to One Lesson (60 minutes)		Session	E	31.00	31.00	31.00	31.00
One to Two Lesson (30 minutes)		Session	E	25.00	25.00	25.00	25.00
One to Two Lesson (60 minutes)		Session	E	35.00	35.00	35.00	35.00
RLSS Pool Lifeguard Course		Course	E	290.00	290.00	290.00	290.00
Swim School Lesson	Adult	Lesson	E	7.00	7.00	7.10	7.10
Swim School Lesson	Advanced	Lesson	E	6.60	6.60	7.00	7.00
Swim School Lesson	Standard	Lesson	E	5.60	5.60	5.80	5.80

Aqua Springs

Group Entrance		Session	V	8.33	10.00	8.75	10.50
Naturist Entrance		Session	V	10.00	12.00	10.42	12.50
Towel Hire		Item	V	2.08	2.50	2.50	3.00
Weekday Entrance	Adult	Session	V	10.00	12.00	10.42	12.50
Weekday Entrance	Corporate	Session	V	9.17	11.00	9.58	11.50
Weekday Entrance (weekday before 4pm)	Concession	Session	V	8.33	10.00	8.75	10.50
Weekend Entrance	Adult	Session	V	11.67	14.00	12.08	14.50
Weekend	Corporate	Session	V	10.83	13.00	11.25	13.50

Entrance							
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Beauty Therapy - Services

Body Treatment (deep cleansing back)		Session	V	20.83	25.00	21.67	26.00
Body Treatment (exfoliation treatment)		Session	V	20.83	25.00	21.67	26.00
Body Treatment (power wrap)		Session	V	40.00	48.00	40.83	49.00
Body Treatment (sea mud)		Session	V	40.00	48.00	40.83	49.00
Eyes (eyebrow shape)		Session	V	9.17	11.00	9.17	11.00
Eyes (eyebrow tint)		Session	V	7.50	9.00	7.50	9.00
Eyes (eyebrow shape and tint)		Session	V	14.17	17.00	14.17	17.00
Eyes (eyelash and eyebrow tint)		Session	V	15.00	18.00	15.00	18.00
Eyes (eyelash tint)		Session	V	10.83	13.00	10.83	13.00
Facial (30 min)		Session	V	20.83	25.00	22.50	27.00
Facial (60 min)		Session	V	35.83	43.00	37.50	45.00
Facial (bump facial)		Session	V	35.83	43.00	37.50	45.00
Maintain (back and shoulders)		Session	V	19.17	23.00	19.17	23.00
Maintain (bikini line)		Session	V	9.17	11.00	9.17	11.00
Maintain (brazilian)		Session	V	16.67	20.00	16.67	20.00
Maintain (chest and stomach)		Session	V	19.17	23.00	19.17	23.00
Maintain (lip or chin)		Session	V	7.50	9.00	7.50	9.00
Maintain (under arm)		Session	V	9.17	11.00	9.17	11.00
Maintain (waxing) (full leg)		Session	V	21.67	26.00	21.67	26.00
Maintain (waxing) (half leg)		Session	V	15.83	19.00	15.83	19.00
Maintain (whole arm)		Session	V	13.33	16.00	13.33	16.00
Manicure		Session	V	24.17	29.00	25.00	30.00
Manicure (luxury)		Session	V	27.50	33.00	29.17	35.00
Manicure (shape and polish)		Session	V	12.50	15.00	12.50	15.00
Gel Color (polish)		Session	V	20.83	25.00	22.50	27.00
Gel Color (upgrade)		Session	V	12.50	15.00	12.50	15.00

Gel Color (removal)		Session	V	4.17	5.00	5.83	7.00
Massage (aromatherapy)		Session	V	40.00	48.00	41.67	50.00
Massage (back, neck, shoulder)		Session	V	25.83	31.00	26.67	32.00
Massage (full body)		Session	V	37.50	45.00	39.17	47.00
Massage (reflexology)		Session	V	40.00	48.00	41.67	50.00
Massage (seated back)		Session	V	24.17	29.00	26.67	32.00
Massage (shoulder, face, scalp)		Session	V	25.83	31.00	26.67	32.00
Pedicure		Session	V	24.17	29.00	25.00	30.00
Pedicure (luxury)		Session	V	27.50	33.00	29.17	35.00
Pedicure (shape and polish)		Session	V	12.50	15.00	12.50	15.00
Spa Day Package (mums to be package)		Session	V	54.17	65.00	55.83	67.00
Spa Day Packages (spa escape) (weekday)		Session	V	52.50	63.00	54.17	65.00
Spa Day Packages (spa escape) (weekend)		Session	V	56.67	68.00	58.33	70.00
Spa Day Packages (spa pamper) (weekday)		Session	V	66.67	80.00	68.33	82.00
Spa Day Packages (spa pamper) (weekend)		Session	V	70.83	85.00	72.50	87.00
Spa Day Packages (winter warmer) (weekday)		Session	V	44.17	53.00	44.17	53.00
Spa Day Packages (winter warmer) (weekend)		Session	V	48.33	58.00	48.33	58.00
Activa Health and Fitness							
Induction		Session	E	20.00	20.00	20.00	20.00
Induction (par-q)		Session	E	10.00	10.00	10.00	10.00
Personal Training (30 minutes)		30 minutes	V	18.75	22.50	20.83	25.00

Personal Training (30 minutes)	Passport	30 minutes	V	14.58	17.50	16.67	20.00
Personal Training (60 minutes)		60 minutes	V	27.08	32.50	29.17	35.00
Personal Training (60 minutes)	Passport	60 minutes	V	22.92	27.50	25.00	30.00
Running Club		Session	E	3.50	3.50	3.50	3.50
Voucher Sales (4 sessions) (personal training) (30 min)		Session	V	NEW	NEW	75.00	90.00
Voucher Sales (4 sessions) (personal training) (30 min)	Passport	Session	V	NEW	NEW	58.33	70.00
Voucher Sales (4 sessions) (personal training) (60 min)		Session	V	NEW	NEW	108.33	130.00
Voucher Sales (4 sessions) (personal training) (60 min)	Passport	Session	V	NEW	NEW	91.67	110.00
Voucher Sales (8 sessions) (personal training) (30 min)		Session	V	NEW	NEW	141.67	170.00
Voucher Sales (8 sessions) (personal training) (30 min)	Passport	Session	V	NEW	NEW	108.33	130.00
Voucher Sales (8 sessions) (personal training) (60 min)		Session	V	NEW	NEW	208.33	250.00
Voucher Sales (8 sessions) (personal training) (60 min)	Passport	Session	V	NEW	NEW	175.00	210.00
Voucher Sales (12 sessions) (personal training) (30 min)		Session	V	NEW	NEW	208.33	250.00
Voucher Sales (12 sessions) (personal training) (30 min)	Passport	Session	V	NEW	NEW	158.33	190.00
Voucher Sales (12 sessions) (personal training) (60 min)		Session	V	NEW	NEW	308.33	370.00
Voucher Sales (12 sessions)	Passport	Session	V	NEW	NEW	258.33	310.00

(personal training) (60 min)							
Activa Workout	Adult	60 minutes	E	7.00	7.00	7.50	7.50
Activa Workout	Disabled	60 minutes	E	5.50	5.50	6.00	6.00
Activa Workout	Teen Fitness	60 minutes	E	4.50	4.50	5.00	5.00
Group Fitness Classes							
Line Dancing (2hr)		Session	E	7.00	7.00	7.00	7.00
Pilates		Session	E	6.00	6.00	6.00	6.00
Pilates (course)		Course	E	44.00	44.00	45.00	45.00
Standard Class		Session	E	6.00	6.00	6.00	6.00
Water Workout (1 hour)		Session	E	5.80	5.80	6.00	6.00
Water Workout (45 mins)		Session	E	4.80	4.80	5.00	5.00
Yoga		Session	E	6.50	6.50	6.50	6.50
LEAP							
Activa Workout	Adult	60 minutes	E	5.50	5.50	5.50	5.50
Activa Workout	Teen	60 minutes	E	4.00	4.00	4.00	4.00
Aerobic class		Session	E	6.00	6.00	6.00	6.00
Aqua Springs Entrance		Session	E	9.50	9.50	9.50	9.50
Fitness Pool Swim		Session	E	2.80	2.80	2.80	2.80
LEAP Appointment		Session	E	5.00	5.00	5.00	5.00
Water Mobility	Casual	Session	E				
Water Mobility	Passport	Session	E	5.50	5.50	5.50	5.50
Miscellaneous							
Spectator Entrance Fee			V	0.83	1.00	0.83	1.00
Highwoods Sports Centre Sports Hall							
Hire of Hall (sports and events)	Adult	per hour	V	38.50	46.20	39.67	47.60
Hire of Hall (sports and events)	Junior	per hour	V	22.67	27.20	23.33	28.00
Hire of Hall (sports and events)	Adult	per hour	V	38.50	46.20	39.67	47.60
Hire of Hall (sports and events)	Junior	per hour	V	22.67	27.20	23.33	28.00

and events)							
Badminton	Club	per hour	V	9.08	10.90	9.25	11.10
Badminton	Adult	per hour	V	9.08	10.90	9.25	11.10
Badminton	Junior	per hour	V	6.17	7.40	6.33	7.60
Table Tennis	Adult	per hour	V	6.25	7.50	6.42	7.70
Table Tennis	Junior	per hour	V	4.67	5.60	4.92	5.90
Cricket (2 nets)	Adult	per hour	V	39.92	47.90	40.83	49.00
Cricket (2 nets)	Junior	per hour	V	20.08	24.10	20.67	24.80
Cricket (4 nets)	Adult	per hour	V	46.67	56.00	48.08	57.70
Cricket (4 nets)	Junior	per hour	V	28.92	34.70	29.75	35.70

Gymnasium

Hire of Gymnasium (sports and events)	Adult	per hour	V	29.75	35.70	30.67	36.80
Hire of Gymnasium (sports and events)	Junior	per hour	V	17.67	21.20	18.17	21.80
Badminton	Club	per hour	V	9.08	10.90	9.25	11.10
Badminton	Adult	per hour	V	9.08	10.90	9.25	11.10
Badminton	Junior	per hour	V	6.17	7.40	6.33	7.60
Table Tennis	Adult	per hour	V	6.25	7.50	6.42	7.70
Table Tennis	Junior	per hour	V	4.75	5.70	4.83	5.80

Field Area

5-a-side Football pitch	Adult	per pitch	V	16.17	19.40	16.67	20.00
5-a-side Football pitch	Adult	per pitch	V	16.17	19.40	16.67	20.00
5-a-side Football pitch	Junior	per pitch	V	11.50	13.80	11.83	14.20
5-a-side Football pitch	Junior	per pitch	V	11.50	13.80	11.83	14.20
7-a-side Football pitch	Junior	per match	V	20.00	24.00	20.00	24.00
7-a-side Football pitch (col villa)	Junior	per match	V	17.50	21.00	17.83	21.40
9-a-side Football pitch	Junior	per match	V	24.75	29.70	24.75	29.70
9-a-side Football pitch (col villa)	Junior	per match	V	22.25	26.70	22.25	26.70
Football Training grid	Adult	per pitch	V	11.58	13.90	11.96	14.35
Football Training grid	Junior	per hour	V	7.33	8.80	7.58	9.10
Football Training grid	Adult	per pitch	V	11.58	13.90	11.96	14.35
Football Training grid	Junior	per hour	V	7.33	8.80	7.58	9.10
Full size pitch	Adult	per match	V	52.50	63.00	54.08	64.90

Full size pitch	Junior	per match	V	30.92	37.10	31.25	37.50
Floodlit Area Management							
Football (weekday)	Adult	per hour	V	14.83	17.80	15.25	18.30
Football (weekday)	Junior	per hour	V	12.75	15.30	13.08	15.70
Football (weekend)	Adult	per hour	V	13.17	15.80	13.58	16.30
Football (weekend)	Junior	per hour	V	10.58	12.70	10.92	13.10
Netball (weekday)	Adult	per hour	V	12.75	15.30	13.08	15.70
Netball (weekday)	Junior	per hour	V	8.75	10.50	9.00	10.80
Netball (weekend)	Adult	per hour	V	10.92	13.10	11.25	13.50
Netball (weekend)	Junior	per hour	V	7.08	8.50	7.33	8.80
Floodlit Area Casual							
Netball (weekday)	Adult	per hour	V	12.75	15.30	13.08	15.70
Netball (weekday)	Junior	per hour	V	8.75	10.50	9.00	10.80
Netball (weekend)	Adult	per hour	V	10.92	13.10	11.25	13.50
Netball (weekend)	Junior	per hour	V	7.08	8.50	7.33	8.80
Tennis court	Adult	per hour	V	7.08	8.50	7.17	8.60
Tennis court	Junior	per hour	V	3.75	4.50	3.83	4.60
Combined price		per hour	V	5.00	6.00	5.17	6.20
Miscellaneous							
Hire of Equipment			V	2.08	2.50	2.50	3.00
Deposit for Equipment			V	2.08	2.50	1.67	2.00
Activity Hall							
Hire of Hall (whole)	Adult	per hour	V	24.00	28.80	24.83	29.80
Hire of Hall (whole)	Junior	per hour	V	19.42	23.30	20.42	24.50
Hire of Hall (two thirds)		per hour	V	16.17	19.40	16.67	20.00
Hire of Hall (two thirds)		per hour	V	16.17	19.40	16.67	20.00
Hire of Hall (one third)		per hour	V	8.08	9.70	8.33	10.00
Hire of Hall (one third)		per hour	V	8.08	9.70	8.33	10.00
Seminar Room							
Hire of Room		per hour	V	14.17	17.00	14.17	17.00
Fitness Centre							
Fitness Centre Workout	Adult	per hour	V	4.00	4.80	4.08	4.90

Fitness Centre Workout	Junior	per hour	V	2.58	3.10	2.67	3.20
Gold Card	Adult	12 months	V	200.00	240.00	200.00	240.00
Silver Card	Adult	3 months	V	58.33	70.00	60.00	72.00
Bronze Card	Adult	1 month	V	21.67	26.00	22.50	27.00
Induction	Adult	per person	E	10.00	10.00	10.00	10.00
Induction	Junior	per person	E	10.00	10.00	10.00	10.00
Re-Induction		per person	E	10.00	10.00	10.00	10.00

Sessions

Fitness circuit training	Adult	per person	E	4.65	4.65	4.80	4.80
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Birthday Parties

Tots			V	112.50	135.00	112.50	135.00
Supertots			V	125.00	150.00	125.00	150.00
Fun Zone			V	112.50	135.00	112.50	135.00
Superfun			V	125.00	150.00	125.00	150.00
Sports			V	100.00	120.00	100.00	120.00

Sports Courses

Infant Soccer			E	4.30	4.30	4.50	4.50
Trampoline			E	4.30	4.30	4.50	4.50

Tiptree Sports Centre Sports Hall

Hire of Hall (sports and events)	Adult	Hour	V	38.33	46.00	39.67	47.60
Hire of Hall (sports and events)	Junior	Hour	V	22.67	27.20	23.33	28.00
Badminton	Adult	Hour	V	9.08	10.90	9.25	11.10
Badminton	Junior	Hour	V	6.17	7.40	6.33	7.60

Gymnasium

Hire of Gymnasium (sports and events)	Adult	Hour	V	23.67	28.40	24.50	29.40
Hire of Gymnasium (sports and events)	Junior	Hour	V	19.50	23.40	19.83	23.80
Badminton	Adult	Hour	V	9.08	10.90	9.25	11.10
Badminton	Junior	Hour	V	6.17	7.40	6.33	7.60
Table Tennis	Adult	Hour	V	6.25	7.50	6.42	7.70
Table Tennis	Junior	Hour	V	4.67	5.60	4.83	5.80

Squash Courts

Squash	Club	45 mins	V	7.00	8.40	7.17	8.60
Squash	Junior	45 mins	V	5.25	6.30	5.42	6.50

Dance Studio / Community Hall							
Hall hire	Adult	Hour	V	18.08	21.70	18.58	22.30
Hall hire	Junior	Hour	V	15.00	18.00	15.42	18.50
Dancing	Adult	Hour	V	18.08	21.70	18.58	22.30
Dancing	Junior	Hour	V	15.00	18.00	15.42	18.50
Aerobics	Adult	Hour	V	18.08	21.70	18.58	22.30
Martial Arts	Adult	Hour	V	18.08	21.70	18.58	22.30
Martial Arts	Adult	Hour	V	18.08	21.70	18.58	22.30
Martial Arts	Junior	Hour	V	15.00	18.00	15.42	18.50
Martial Arts	Junior	Hour	V	15.00	18.00	15.42	18.50

Fitness Centre

Fitness Centre Workout	Adult	Hour	V	4.00	4.80	4.08	4.90
Fitness Centre Workout	Junior	Hour	V	2.58	3.10	2.67	3.20
Fitness Centre (Gold Card)	Adult	12 months	V	200.00	240.00	200.00	240.00
Fitness Centre (Silver Card)	Adult	3 months	V	58.33	70.00	60.00	72.00
Fitness Centre (Bronze Card)	Adult	1 month	V	21.67	26.00	22.50	27.00
Fitness Centre - Induction Course	Adult	Head	E	10.00	10.00	10.00	10.00
Fitness Centre - Induction Course	Junior	Head	E	10.00	10.00	10.00	10.00

Multi-Use Games Area

Netball - per court - weekday	Adult	Hour	V	12.75	15.30	13.08	15.70
Netball - per court - weekday	Junior	Hour	V	8.75	10.50	9.00	10.80
Netball - per court - weekend	Adult	Hour	V	10.92	13.10	11.25	13.50
Netball - per court - weekend	Junior	Hour	V	7.08	8.50	7.33	8.80
Tennis - per court	Adult	Court	V	7.08	8.50	7.17	8.60
Tennis - per court	Junior	Court	V	3.75	4.50	3.83	4.60
Tennis Combined Price		Court	V	5.00	6.00	5.17	6.20

Artificial Turf Pitch Management bookings

Whole Area (11-a-side matches only) wd	Adult	Match	V	68.33	82.00	68.33	82.00
Whole Area (11-a-side matches only)	Junior	Match	V	51.50	61.80	51.50	61.80

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Whole Area (11-a-side matches only) we	Adult	Match	V	58.33	70.00	58.33	70.00
Whole Area (11-a-side matches only) we	Junior	Match	V	43.75	52.50	43.75	52.50
Whole Area (4 x 5-a-side pitches) wd	Adult	Hour	V	98.67	118.40	98.67	118.40
Whole Area (4 x 5-a-side pitches) wd	Junior	Hour	V	65.83	79.00	65.83	79.00
Whole Area (4 x 5-a-side pitches) we	Adult	Hour	V	91.67	110.00	91.67	110.00
Whole Area (4 x 5-a-side pitches) we	Junior	Hour	V	61.00	73.20	61.00	73.20
5-a-side - per pitch - weekday	Adult	Hour	V	28.75	34.50	29.33	35.20
5-a-side - per pitch - weekday	Junior	Hour	V	19.33	23.20	19.92	23.90
5-a-side - per pitch - weekend	Adult	Hour	V	26.25	31.50	26.67	32.00
5-a-side - per pitch - weekend	Junior	Hour	V	17.50	21.00	18.00	21.60
half area (2 x 5-a-side pitches) - wd	Adult	Hour	V	50.83	61.00	51.67	62.00
half area (2 x 5-a-side pitches) - wd	Junior	Hour	V	34.33	41.20	35.00	42.00
half area (2 x 5-a-side pitches) - we	Adult	Hour	V	47.08	56.50	47.08	56.50
half area (2 x 5-a-side pitches) - we	Junior	Hour	V	30.83	37.00	30.83	37.00

Grass Pitches

Football pitch - full size	Adult	Match	V	52.50	63.00	54.08	64.90
Football pitch - full size	Junior	Match	V	30.92	37.10	31.25	37.50
training area (not marked)	Adult	Hour	V	11.58	13.90	11.92	14.30
training area (not marked)	Junior	Hour	V	7.33	8.80	7.58	9.10
7 a side Match	Adult		V	20.00	24.00	20.00	24.00

Sessions

Adult Climbing	Adult	Session	E	6.90	6.90	7.10	7.10
Men's Keep Fit	Adult	Session	V	3.58	4.30	3.67	4.40
Pay and Play Squash	Adult	Session	V	3.17	3.80	3.25	3.90
Tots Session	Junior	Session	V	1.67	2.00	2.25	2.70
Unsupervised Climbing 60 Min		Session	V	4.75	5.70	4.92	5.90
Unsupervised		Session	V	3.75	4.50	3.83	4.60

Climbing 30 Min							
Spinning classes (45 min)	Adult	Session	E	4.20	4.20	4.40	4.40

Birthday Parties

Tots		2 Hours	V	112.50	135.00	112.50	135.00
Fun Zone		2 Hours	V	112.50	135.00	112.50	135.00
Sports Party		2 Hours	V	100.00	120.00	100.00	120.00
Climbing		2 Hours	V	95.83	115.00	95.83	115.00

Sports Courses

Trampolining			E	4.40	4.40	4.50	4.50
Climbing			E	6.60	6.60	6.80	6.80

Seminar Room

Hire of Seminar Room			V	15.83	19.00	15.83	19.00
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Miscellaneous

Hire of Equipment	Standard		V	2.08	2.50	2.50	3.00
Deposit for Equipment	Standard		V	2.08	2.50	2.08	2.50
Showers			V	3.00	3.60	3.33	4.00

Tennis

Tennis Booking (casual)	Adult	Hour	V	7.08	8.50	7.17	8.60
Tennis Booking (casual)	Junior	Hour	V	3.75	4.50	3.83	4.60
Tennis Booking (casual)	Combined	Hour	V	5.00	6.00	5.17	6.20
Tennis Booking (member)	Combined	Hour	V	4.00	4.80	4.08	4.90

Memberships

Play More Tennis	Adult	Item	V	15.00	18.00	15.00	18.00
Play More Tennis	Junior	Item	V	8.33	10.00	8.33	10.00
Winter Membership	Adult	Item	V	50.00	60.00	50.00	60.00
Winter Membership	Junior	Item	V	25.00	30.00	25.00	30.00
Winter Membership	Family	Item	V	120.00	144.00	120.00	144.00
Summer Membership	Adult	Item	V	91.67	110.00	91.67	110.00
Summer Membership	Junior	Item	V	50.00	60.00	50.00	60.00
Summer Membership	Family	Item	V	226.67	272.00	226.67	272.00
Annual Membership	Adult	Item	V	129.17	155.00	129.17	155.00

Annual Membership	Junior	Item	V	62.50	75.00	62.50	75.00
Annual Membership	Family	Item	V	306.67	368.00	306.67	368.00

Hire

Racquet & Ball	Hire		V	2.08	2.50	2.50	3.00
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Sales

Tennis Balls			V	4.83	5.80	5.00	6.00
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Equality, Diversity and Human Rights implications

Equality Impact Assessments are 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 > Operational Services

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%

MINUTE EXTRACT SCRUTINY PANEL 10 NOVEMBER

33. Treasury Management Strategy Statement – Mid-Year Review Report 2015/16

Steve Heath, Finance Manager, introduced the Treasury Management Strategy Statement mid-year review report. The Scrutiny Panel is requested to consider the activity for the first six months of 2015/16 and to note the expected impact of the proposed changes to the Treasury Management Strategy Statement (TMSS) before being forwarded to Cabinet for approval.

Steve Heath outlined that the report is the first review since the strategy was approved at the February Full Council meeting. As part of the review there are three proposed changes; the first is to amend the minimum sovereign credit rating from AAA to AA-. This is due to the financial markets and counterparties having changed markedly since the financial crisis, and the ratings agencies having changed their methodologies in an effort to remove any adjustment based upon implied sovereign support.

The second change is to recharge borrowing costs from the Housing Investment Programme to the Housing Revenue Account. This is due to the Council having adopted a policy of internal borrowing, avoiding the use of external borrowing.

The final alteration is a change in the maturity structure of borrowing, which will amend the upper limits of the structure to reflect that the Council's Lender Option Borrower Option Loans are now all classed as short-term debt.

Steve Heath stated that the Council has not deviated from Annual Strategy Statement during the year, investments have occurred within the approved limits and the performance has been at the benchmark. Steve Heath also stated that the forecast for an increase in investment rates has slipped from the end of 2015 to mid-2016.

Councillor Harrington questioned the reasoning behind the change of the sovereign limits, and whether this would expose the Council to more risk. Steve Heath stated that the AA- rating is still a high rating and is in keeping with the Treasury Advisors advice. The previous AAA rating limitation was very risk averse; changing the rating will provide more diversity rather than increasing the level of risk. Colchester Borough Council is still not investing in the Eurozone due to the higher risk.

The Panel commented on the change of sovereign limits and whether the Council had an ethical investment policy considering the additional countries that CBC could now invest in. Steve Heath stated that an ethical investment policy is not something that currently exists in the Treasury Management Strategy Statement; however there may be something that can be factored in

to the existing strategy. Steve Heath stated that he would seek advice from the Treasury Advisor.

RESOLVED that:

- (a) Given the proposed change to sovereign limits the Scrutiny Panel request that the Finance Manager seeks advice from Colchester Borough Council's Treasury Advisors regarding ethical investment and report back to the Scrutiny Panel.
- (b) The Treasury Management activity for the first six months of 2015/16 be noted.

34. Treasury Management Strategy Statement – Mid-Year Review Report 2015/16 – Appendix B

The Panel resolved under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for this item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

The Scrutiny Panel discussed the contents of the Appendix, and queried the definitions of the information provided.

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

Colchester Borough Council - Council Tax Reduction Scheme Policy	1
1.0 Introduction to the Council Tax Reduction Scheme.....	7
2.0 Interpretation – an explanation of the terms used within this policy.....	13
3.0 Definition of non-dependant	21
4.0 Requirement to provide a National Insurance Number	22
5.0 Persons who have attained the qualifying age for state pension credit	22
6.0 Remunerative work.....	22
7.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control	23
Persons subject to immigration control.....	25
7A.0 Transitional provision	25
8.0 Temporary Absence (period of absence)	25
Sections 9 - 11	27
The family for Council Tax Support purposes.....	27
9.0 Membership of a family	28
10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	28
11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household	29
Sections 12 – 14 & Schedule 1.....	30
Applicable Amounts for Council Tax Support purposes	30
12.0 Applicable amounts.....	31
13.0 Polygamous marriages	31
14.0 Applicable amount: persons who are not pensioners who have an award of universal credit	31
Sections 15 – 32 & Schedules 3 & 4.....	33
Definition and the treatment of income for Council Tax Support purposes	33
15.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage	34
16.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's	35
17.0 Calculation of income on a weekly basis.....	35
18.0 Treatment of child care charges.....	36
19.0 Average weekly earnings of employed earners	40
20.0 Average weekly earnings of self-employed earners	40
21.0 Average weekly income other than earnings.....	40
22.0 Calculation of average weekly income from tax credits	41
23.0 Calculation of weekly income	41
24.0 Disregard of changes in tax, contributions etc.....	41
25.0 Earnings of employed earners.....	42
26.0 Calculation of net earnings of employed earners	42
27.0 Earnings of self-employed earners.....	43

28.0	Calculation of net profit of self-employed earners	44
29.0	Deduction of tax and contributions of self-employed earners	46
30.0	Calculation of income other than earnings	46
31.0	Capital treated as income	48
32.0	Notional income	48
Sections 33 – 42 & Schedule 5		52
Definition and the treatment of capital for Council Tax Support purposes		52
33.0	Capital limit	53
34.0	Calculation of capital	53
35.0	Disregard of capital of child and young person	53
36.0	Income treated as capital	53
37.0	Calculation of capital in the United Kingdom	53
38.0	Calculation of capital outside the United Kingdom	54
39.0	Notional capital	54
40.0	Diminishing notional capital rule	55
41.0	Capital jointly held	58
42.0	Not used	58
Sections 43 - 56		59
Definition and the treatment of students for Council Tax Support purposes		59
43.0	Student related definitions	60
44.0	Treatment of students	63
45.0	Students who are excluded from entitlement to council tax support	63
46.0	Calculation of grant income	64
47.0	Calculation of covenant income where a contribution is assessed	66
48.0	Covenant income where no grant income or no contribution is assessed	66
49.0	Student Covenant Income and Grant income – non disregard	66
50.0	Other amounts to be disregarded	66
51.0	Treatment of student loans	67
51A.0	Treatment of fee loans	68
52.0	Treatment of payments from access funds	68
53.0	Disregard of contribution	68
54.0	Further disregard of student's income	69
55.0	Income treated as capital	69
56.0	Disregard of changes occurring during summer vacation	69
Sections 57 – 63		70
The calculation and amount of Council Tax Support		70
57.0	Maximum council tax support	71
58.0	Non-dependant deductions	71

59.0 Council tax support taper (applies to persons defined within Class D).....	72
59A.0 Minimum Council Tax Support	73
60.0 Extended reductions	73
60A.0 Duration of extended reduction period	73
60B.0 Amount of extended reduction.....	74
60C Extended reductions – movers.....	74
60D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement.....	74
61.0 Extended reductions (qualifying contributory benefits)	75
61A.0 Duration of extended reduction period (qualifying contributory benefits)	75
61B.0 Amount of extended reduction (qualifying contributory benefits).....	75
61C.0 Extended reductions (qualifying contributory benefits) – movers	76
61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement.....	76
61E.0 Extended reductions: - Movers Generally	76
62.0- 63.0 Not Used	76
Sections 64 – 67.....	77
Dates on which entitlement and changes of circumstances are to take effect	77
64.0 Date on which entitlement is to begin	78
65.0 - 66.0 Not Used	78
67.0 Date on which change of circumstances is to take effect	78
Date on which income consisting of earnings from employment as an employed earner are taken into account.....	79
Sections 68– 74A	80
Claiming and the treatment of claims for Council Tax Support purposes	80
68.0 Making an application.....	81
69.0 Procedure by which a person may apply for a reduction under an authority's scheme	82
69A.0 Date on which a claim made	83
70.0 Submission of evidence electronically	85
71.0 Use of telephone provided evidence	85
72.0 Information and evidence.....	85
73.0 Amendment and withdrawal of claim	86
74.0 Duty to notify changes of circumstances	86
Sections 75- 90	88
Decisions, decision notices and awards of Council Tax Support	88
75.0 Decisions by the authority.....	89
76.0 Notification of decision	89
77.0 Time and manner of granting council tax support	90
78.0 Persons to whom support is to be paid	90
79.0 Shortfall in support / reduction.....	91
80.0 Payment on the death of the person entitled.....	91

81.0	Offsetting	91
82.0	Payment where there is joint and several liability	91
83- 90.0	Not used	91
Sections 91 – 94.....		92
Collection, holding and forwarding of information for Council Tax Support purposes.....		92
91.0	Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC).....	93
92.0	Collection of information	93
93.0	Recording and holding information	93
94.0	Forwarding of information	93
Sections 95 – 98.....		94
Revisions, Written Statements, Termination of Council Tax Support		94
95.0	Persons affected by Decisions.....	95
96.0	Revisions of Decisions	95
97.0	Written Statements.....	95
98.0	Terminations	95
Section 99.....		96
Appeals against the authority's decisions		96
99.0	Procedure by which a person may make an appeal against certain decisions of the authority	97
Section 100.....		98
Procedure for applying for a discretionary reduction		98
100.0	Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act.....	99
Section 100A – 100B.....		100
Second Adult Reduction - Special Provision for Students		100
100A.1	Alternative maximum council tax reduction (Second Adult Reduction)(Eligible Students only)	101
100B.0	Residents of a dwelling to whom Second Adult Reduction does not apply	101
Section 101 – 106A.....		102
Electronic Communication		102
101.0	Interpretation.....	103
102.0	Conditions for the use of electronic communication	103
103.0	Use of intermediaries	103
104.0	Effect of delivering information by means of electronic communication.....	103
105.0	Proof of identity of sender or recipient of information	104
106.0	Proof of delivery of information.....	104
106A.0	Proof of content of information.....	104
Section 107		105
Counter Fraud and Compliance		105
107.0	Counter Fraud and compliance	106

Schedule 1	107
Applicable Amounts	107
Personal Allowance	108
Family Premiums	108
Premiums	109
Disability Premium	109
Additional Condition for the Disability Premiums	109
Severe Disability Premiums	109
Enhanced Disability Premium	109
Disabled Child Premium	109
Carer Premium	109
Persons in receipt of concessionary payments	109
Persons in receipt of benefit for another	110
Amounts of Premium	110
The components	111
Transitional Addition	111
Amount of transitional addition	111
Schedule 2	112
Second Adult Reduction – Special Provisions for Students	112
(Alternative Maximum Council tax reduction)	112
Schedule 3	114
Sums to be disregarded in the calculation of earnings	114
Schedule 4	120
Sums to be disregarded in the calculation of income other than earnings	120
Schedule 5	131
Capital to be disregarded	131

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 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 60B1 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)

MINUTE EXTRACT

SCRUTINY PANEL 10 NOVEMBER 2015

29. Local Council Tax Support 2016/17

Samantha Preston, Customer Solutions Manager, introduced the Local Council Tax Support Scheme 2016/17 report. The Panel is invited to review and comment on the proposed Local Council Tax Support scheme ahead of the Cabinet meeting on 25 November, and the Full Council meeting on 10 December 2015 where approval of the scheme will be requested. The Portfolio Holder for Resources, Mark Cory had wanted to attend the Scrutiny Panel, but was unable to do so.

Samantha Preston stated that this is the fourth year the scheme has operated. It is recommended to bring the scheme in line with national legislative amendments and to propose that the backdating of working age local Council Tax Support applications be limited to four weeks. The second recommended change is to increase the applicable non dependant deduction from £11 to £12. All other fundamental elements of the scheme are proposed to remain unaltered.

As part of the scheme billing authorities are required to hold public consultation, results of which are included in the report. The majority of respondents agreed with the terms presented in relation to the non-dependant deduction, however the proposed changes to backdating did not receive agreement in the majority, although a number of individual comments did support the suggested changes.

Have Your Say!

Councillor Willets had his say regarding the Local Council Tax Support Scheme 2016/17, and highlighted that he supported the good work of the scheme in helping people across Colchester. Cllr Willets stated that he was concerned by the level of consultation that had taken place for such an important scheme. Cllr Willets highlighted that there was 11,000 residents who were in receipt of the scheme, and only 123 people started to respond, even less completed the consultation document.

Councillor Willets questioned whether a review of the Colchester Borough Council's consultation procedures should be included in the Scrutiny Panel Work Programme. Improving the number of respondents to consultations would help to ensure that a decision has incorporated the views of individuals from across the Borough.

The following issues were raised by Councillors:

- Councillor J Young – Are there any exceptions to the limit of backdating payments, for example for those residents who have had extended hospital stay?
- Councillor Davies – Why has the alternative options of setting a minimum income level for self-employed persons for working age residents not been explored?
- Councillor Pearson – Highlighted concerns with the number of respondents to the consultation and requested that the information provided in the scheme be more user friendly.
- Councillor Moore – What is the reason for the inclusion of polygamous marriages within the scheme?

The following responses were provided by Samantha Preston:

- There are not any proposed exceptions for the backdating limit, as the policy now matches the guidance for housing benefit applications. This means that applications LCTS and Housing Benefit can be assessed simultaneously. There is a hardship fund that can be used to help individuals in certain exceptional circumstances.
- A response to Councillor Davies' question will be provided by Cllr Cory after the meeting.
- With regard to the consultation it is a disappointing return, however work was undertaken with Local Authority Partners to develop the consultation, and it was hosted on Essex County Council's consultation portal. There are restrictions on the questions that need to be asked due to the complexity of the scheme
- A response to Councillor Moore's question will be provided by Officers after the meeting.

The Scrutiny Panel raised concerns about the low number of respondents to the Local Council Tax Support Scheme 2016/17, particularly when the scheme affects 11,000 residents across the Borough. The Panel commented that the response rate does not provide assurances that residents' views are fully represented.

RESOLVED that:

- (a) Colchester Borough Council's consultation policy be reviewed in light of the low response rates in the Local Council Tax Scheme 2015/16.
- (b) The Scrutiny Panel receive an update on Colchester Borough Council's consultation policy.

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

Contents	Page
Introduction.....	1
1. Pay strategy and framework	1
2. Pay review and annual increases	2
3. Remuneration of Chief Officers	2
4. Other items in addition to salary	2
5. Rewarding performance	4
6. Pension.....	4
7. Other financial benefits	5
8. Recruitment.....	6
9. Sick Pay.....	6
10. Payments when employment status changes	7
11. Election duties	7
12. Temporary staff and interim arrangements	7
13. Supporting Information	8
Document Information	8
Pay Data – Appendix 1	9

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](#)).

Extract from the minutes of the Council meeting on 21 October 2015

95(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).

Extract from the minutes of the Council meeting on 21 October 2015

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).

95(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).

Extract from the minutes of the Council meeting on 21 October 2015

95(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).

Report of	Assistant Chief Executive	Author	Richard Clifford
Title	Calendar of Meetings 2016-17		507832
Wards affected	Not applicable		

This report proposes a Calendar of Meetings for the 2016-2017 Municipal Year

1. Decision(s) Required

- 1.1 Cabinet is requested to approve the draft Calendar of Meetings for the next municipal year from May 2016 to April 2017.
- 1.2 To delegate authority to cancel meetings to the Chairman of the relevant Committee/Panel in conjunction with the Assistant Chief Executive.

2. Reasons for Decision

- 2.1 The Calendar of Meetings needs to be determined so that decisions for the year can be timetabled into the respective work programmes and the Forward Plan.
- 2.2 Advance notice of the Calendar of Meetings needs to be made available to external organisations, parish councils and other bodies with which the Council works in partnership and to those members of the public who may wish to attend meetings of the council and make representations.
- 2.3 The meeting rooms also need to be reserved as soon as possible so that room bookings can be made for private functions by private individuals, external organisations and internal Council groups.
- 2.4 A formal arrangement needs to be in place for the cancellation of meetings that no longer need to be held.

3. Alternative Options

- 3.1 This proposal has been largely devised based on the current meeting structure and frequency. It would be possible to devise alternative proposals using different criteria.

4. Proposals

- 4.1 The attached draft Calendar of Meetings for 2016-17 is largely based on the current meeting structure and frequency of meetings. The following matters have also been taken into consideration:-

- The Municipal Year to begin with the Annual Meeting on 25 May 2016.
- No Cabinet meetings in the six weeks before the local elections in May 2017;
- A minimum of a two week gap between Council and Cabinet meetings.

- To facilitate the hearing of call ins, a Scrutiny Committee meeting to follow after a Cabinet meeting;
- Nine member training days between June 2016 and March 2017;
- Political group meetings in advance of meetings of Council and Cabinet
- No meetings of Council or Cabinet/Revolving Investment Fund Committee during the party political conference season in late September/early October.

4.2 The Calendar of Meetings 2016-17 comprises:-

- Council – the Annual Meeting plus four Council meetings. Council meetings are scheduled for Wednesdays, with the exception of the December meeting, which is scheduled for a Thursday to avoid the difficulties caused by the clash with late night shopping that would ensue if the meeting were held on Wednesday.
- Cabinet – seven meetings on a Wednesday.
- Governance Committee – six meetings on a Tuesday.
- Local Plan Committee – six meetings on a Monday.
- Licensing Committee – eight meetings on a Wednesday.
- Licensing Sub-Committee Hearings – Meetings for sub-committee hearings of the Licensing Committee have been scheduled for a number of Fridays, to be held during the day. A number of weeks have been left free to enable commercial bookings to be taken. It is not anticipated that a sub-committee meeting will be held on each of the dates scheduled but it is necessary to have the flexibility for meetings to be called at short notice.
- Planning Committee – 22 meetings on a Thursday. As established in the current schedule, the Committee moves to a three week cycle during July, August and September with a two weekly cycle throughout the rest of the year.
- Scrutiny Panel – nine meetings on a Tuesday.
- Trading Board – six meetings on a Wednesday.
- Revolving Investment Fund Committee – six daytime meetings largely on a Wednesday.
- Occasionally it proves necessary to schedule additional meetings of Committee and Panels at short notice. Six “reserve” dates have been included in the Calendar where meeting rooms will be booked. This will facilitate the scheduling of additional/urgent meetings. These meeting dates will not be used unless needed.
- The following Civic events have also been included for completeness:

Opening of the Oyster Fishery 2 September 2016
Oyster Feast 28 October 2016

5. Financial implications

- 5.1 In general terms the costs are those associated with the meetings process such as the number of panels/committee, hallkeeping charges, agenda printing costs and members travelling allowances. The costs are covered by existing budgets.

6. Consultation

- 6.1 Consultation has been undertaken with the Mayor, the Deputy Mayor, Executive Management Team and Heads of Service.

7. Publicity Implications

- 7.1 The dates of council meetings are published on the Council's website. They are also distributed to parish council and advertised at Council offices and libraries throughout the borough.

8. Equality and Diversity Implications

- 8.1 An Equality Impact Assessment covering the Council's decision making and meetings processes has been completed and can be found by on the Council's website www.colchester.gov.uk following the route: Home/Council and Democracy/Polices, Strategies and Performance/Equality and Diversity/Equality Impact Assessments/Decision Making and Meetings or by clicking on the link below:-

[Decision Making and Meetings EQIA](#)

9. Standard References

- 9.1 It is considered that there are no direct Strategic Plan references, human rights, community safety, health and safety and risk management implications raised by this report.

2016

		May		June		July		August
Mon							1	
Tue							2	
Wed			1				3	Trading Board
Thu			2				4	Planning Committee
Fri			3		1		5	
Sat			4		2		6	
Sun	1		5		3		7	
Mon	2	Bank Holiday	6	Groups	4		8	
Tue	3		7		5		9	
Wed	4		8	Cabinet	6	Licensing Committee	10	Revolving Investment Fund Committee
Thu	5	Elections	9	Planning Committee	7		11	
Fri	6		10		8	Licensing Sub-Committee	12	Licensing Sub-Committee
Sat	7		11		9		13	
Sun	8		12		10		14	
Mon	9		13	Local Plan Committee	11	Groups	15	Local Plan Committee
Tue	10		14	Training	12		16	Training
Wed	11		15	Licensing Committee	13	Cabinet	17	Reserve Meeting Date
Thu	12		16		14	Planning Committee	18	
Fri	13		17		15		19	
Sat	14		18		16		20	
Sun	15		19		17		21	
Mon	16		20		18		22	
Tue	17		21	Scrutiny Panel	19	Scrutiny Panel	23	Scrutiny Panel
Wed	18		22	Trading Board	20	Training	24	Licensing Committee
Thu	19		23	Planning Committee	21		25	Planning Committee
Fri	20		24		22		26	Licensing Sub-Committee
Sat	21		25		23		27	
Sun	22		26		24		28	
Mon	23	Groups	27	Reserve Meeting Date	25	Groups	29	Bank Holiday
Tue	24		28	Governance Committee	26	Governance Committee	30	
Wed	25	Annual Meeting	29	Revolving Investment Fund Committee	27	Council	31	
Thu	26	Planning Committee	30		28			
Fri	27	Licensing Sub-Committee			29	Licensing Sub-Committee		
Sat	28				30			
Sun	29				31			
Mon	30	Bank Holiday						
Tue	31							

¹ Daytime meeting

Light shading = Essex school holidays

2016

		September		October		November		December
Mon								
Tue					1			
Wed					2	Council		
Thu	1				3	Planning Committee	1	Planning Committee
Fri	2	Opening of Oyster Fishery			4	Licensing Sub-Committee	2	
Sat	3		1		5		3	
Sun	4		2		6		4	
Mon	5	Groups	3	Local Plan Committee	7		5	Groups
Tue	6		4	Training	8	Scrutiny Panel	6	Training
Wed	7	Cabinet	5	Reserve Meeting Date	9	Training	7	
Thu	8		6	Planning Committee	10		8	Council
Fri	9	Licensing Sub-Committee	7		11		9	Licensing Sub-Committee
Sat	10		8		12		10	
Sun	11		9		13		11	
Mon	12		10	Groups	14		12	
Tue	13	Governance Committee	11	Governance Committee	15	Reserve Meeting Date	13	Scrutiny Panel
Wed	14	Licensing Committee	12	Cabinet	16	Revolving Investment Fund Committee	14	Licensing Committee
Thu	15	Planning Committee	13		17	Planning Committee	15	Planning Committee
Fri	16		14	Licensing Sub-Committee	18		16	
Sat	17		15		19		17	
Sun	18		16		20		18	
Mon	19		17		21		19	Local Plan Committee
Tue	20	Scrutiny Panel	18	Revolving Investment Fund Committee	22	Governance Committee	20	
Wed	21	Reserve Meeting Date	19	Licensing Committee	23	Trading Board	21	
Thu	22		20	Planning Committee	24		22	
Fri	23		21		25	Licensing Sub-Committee	23	
Sat	24		22		26		24	
Sun	25		23		27		25	
Mon	26		24		28	Groups	26	<i>Bank Holiday</i>
Tue	27		25		29		27	<i>Bank Holiday</i>
Wed	28	Trading Board	26		30	Cabinet	28	
Thu	29		27				29	
Fri	30	Licensing Sub-Committee	28	Oyster Feast			30	
Sat			29				31	
Sun			30					
Mon			31	Groups				

¹Daytime meeting Light shading = Essex school holiday; Party conferences –Lib Dem

2017

		January		February		March		April
Mon								
Tue								
Wed			1	Cabinet	1	Revolving Investment Fund Committee		
Thu			2	Planning Committee	2	Planning Committee		
Fri			3		3			
Sat			4		4		1	
Sun	1		5		5		2	
Mon	2	Bank Holiday	6	Local Plan Committee	6		3	
Tue	3		7		7	Training	4	
Wed	4		8	Reserve Meeting Date	8	Licensing Committee	5	
Thu	5	Planning Committee	9		9		6	
Fri	6		10		10	Licensing Sub-Committee	7	
Sat	7		11		11		8	
Sun	8		12		12		9	
Mon	9	Training	13		13	Groups	10	
Tue	10	Revolving Investment Fund Committee	14	Training	14		11	
Wed	11	Licensing Committee	15		15	Cabinet	12	
Thu	12		16	Planning Committee	16	Planning Committee	13	Planning Committee
Fri	13	Licensing Sub-Committee	17		17		14	Bank Holiday
Sat	14		18		18		15	
Sun	15		19		19		16	
Mon	16		20	Groups	20		17	Bank Holiday
Tue	17	Governance Committee	21		21		18	
Wed	18		22	Council	22	Trading Board	19	
Thu	19	Planning Committee	23		23		20	
Fri	20		24	Licensing Sub-Committee	24		21	
Sat	21		25		25		22	
Sun	22		26		26		23	
Mon	23		27		27	Local Plan Committee	24	
Tue	24		28	Scrutiny Panel	28	Scrutiny Panel	25	
Wed	25	Trading Board			29		26	
Thu	26				30	Planning Committee	27	Planning Committee
Fri	27				31		28	Licensing Sub-Committee
Sat	28						29	
Sun	29						30	
Mon	30	Groups						
Tue	31	Scrutiny Panel						

¹ Daytime meeting; Light shading = Essex school holidays

2017

		May
Mon	1	Bank Holiday
Tue	2	
Wed	3	
Thu	4	Elections
Fri	5	
Sat	6	
Sun	7	
Mon	8	
Tue	9	
Wed	10	
Thu	11	
Fri	12	
Sat	13	
Sun	14	
Mon	15	
Tue	16	
Wed	17	
Thu	18	
Fri	19	
Sat	20	
Sun	21	
Mon	22	
Tue	23	
Wed	24	Annual Meeting
Thu	25	
Fri	26	
Sat	27	
Sun	28	
Mon	29	Bank Holiday
Tue	30	
Wed	31	
Thu		
Fri		
Sat		
Sun		
Mon		
Tue		

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

(i) Have Your Say speakers

Date of Meeting	Details of Members of the Public	Subject Matter	Form of Response	Date Completed
Cabinet, 14 October 2015	George Penny	Cuts to Essex Police Budget	Verbal response given at the meeting by Councillor Smith, Leader of the Council and Portfolio Holder for Strategy	14 October 2015
Cabinet, 14 October 2015	Stuart Bond	Reversal of the traffic flow on Priory Street	Verbal response given at the meeting by Councillor Frame, Portfolio Holder for Economic Growth and Planning and Councillor Graham, Portfolio Holder for Street and Waste Services	14 October 2015
Cabinet, 14 October 2015	Nick Chilvers	Focus Groups involved in the work of the Waste and Recycling Options Task and Finish Group	Verbal response given at the meeting by Councillor Graham, Portfolio Holder for Street and Waste Services	14 October 2015
Council, 21 October 2015	Nick Chilvers	The role of the Portfolio Holder for Customers in the decision to change the method of payment at St Marys and St Johns car parks.	Verbal response given at the meeting by Councillor B. Oxford, Portfolio Holder for Customers and by Councillor Graham, Portfolio Holder for Street and Waste Services	21 October 2015
Council, 21 October 2015	Valerie Blowers	The Council's position on the opening of a new nuclear power station at Bradwell.	Verbal response given at the meeting by Councillor Smith, Leader of the Council and Portfolio Holder for Strategy	21 October 2015

Council, 21 October 2015	Rob Brown	Reversal of the traffic flow on Priory Street	Verbal response given at the meeting by Councillor Graham, Portfolio Holder for Street and Waste Services	21 October 2015
Council, 21 October 2015	Angel Kalyan	Governance issues	Verbal response provided at the meeting by Adrian Pritchard, Chief Executive	21 October 2015
Council, 21 October 2015	Sharon Wilsdon	How to access further support from the Council in respect of issues of anti-social behaviour and intimidation	Verbal response provided at the meeting by Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture	21 October 2015
Council, 21 October 2015	Christopher Manby	The decision of the Planning Committee in respect of the Stane Park development	Verbal response provided at the meeting by Councillor Manning, Chairman of the Planning Committee	21 October 2015
Council, 21 October 2015	Eliza Vasquesz-Walters	Trade Unions	The issues raised were discussed in the debate on the motion on the Trade Union Bill	21 October 2015
Council, 21 October 2015	Ron Levy	The impact of the measure proposed in the motion on Colchester's air quality on the town centre	The issues raised were discussed in the debate on the motion on Cleaning Colchester's Air	21 October 2015

(ii) Petitions

Date petition received	Lead Petitioner	Subject Matter	Form of Response	Date Completed
No valid petitions received				