

Scrutiny Panel Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Tuesday, 16 October 2018 at 18:00

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

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

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Scrutiny Panel – Terms of Reference

1. To fulfil all the functions of an overview and scrutiny committee under section 9F of the Local Government Act 2000 (as amended by the Localism Act 2011) and in particular (but not limited to):

- (a) To review corporate strategies;
- (b) To ensure that actions of the Cabinet accord with the policies and budget of the Council;
- (c) To monitor and scrutinise the financial performance of the Council, performance reporting and to make recommendations to the Cabinet particularly in relation to annual revenue and capital guidelines, bids and submissions;
- (d) To review the Council's spending proposals to the policy priorities and review progress towards achieving those priorities against the Strategic and Implementation Plans;
- (e) To review the financial performance of the Council and to make recommendations to the Cabinet in relation to financial outturns, revenue and capital expenditure monitors;
- (f) To review or scrutinise executive decisions made by Cabinet, the North Essex Parking Partnership Joint Committee (in relation to decisions relating to offstreet matters only) and the Colchester and Ipswich Joint Museums Committee which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (g) To review or scrutinise executive decisions made by Portfolio Holders and officers taking key decisions which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (h) To monitor the effectiveness and application of the Call-In Procedure, to report on the number and reasons for Call-In and to make recommendations to the Council on any changes required to ensure the efficient and effective operation of the process;
- (i) To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Cabinet;
- (j) At the request of the Cabinet, to make decisions about the priority of referrals made in the event of the volume of reports to the Cabinet or creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business;

2. To fulfil all the functions of the Council's designated Crime and Disorder Committee ("the Committee") under the Police and Justice Act 2006 and in particular (but not limited to):

- (a) To review and scrutinise decisions made, or other action taken, in connection with the discharge of those functions by the responsible authorities of their crime and disorder functions;
- (b) To make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions.

COLCHESTER BOROUGH COUNCIL
Scrutiny Panel
Tuesday, 16 October 2018 at 18:00

The Scrutiny Panel Members are:

| | |
|-----------------------------------|-----------------|
| Councillor Beverly Davies | Chairman |
| Councillor Kevin Bentley | Deputy Chairman |
| Councillor Phil Coleman | |
| Councillor Chris Hayter | |
| Councillor Andrea Luxford Vaughan | |
| Councillor Lee Scordis | |
| Councillor Barbara Wood | |

The Scrutiny Panel Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 5 are normally dealt with briefly.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or

participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 17 July 2018 and 21 August 2018.

17 July 2018

9 - 16

21 August 2018

17 - 24

6 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

7 Decisions taken under special urgency provisions

The Councillors will consider any decisions by the Cabinet or a Portfolio Holder which have been taken under Special Urgency provisions.

Item 7. Decision Taken Under Special Urgency Provision - Axial Way Pumping Station 25 - 30

8 Cabinet or Portfolio Holder Decisions called in for Review

The Councillors will consider any Cabinet or Portfolio Holder decisions called in for review.

9 Items requested by members of the Panel and other Members

(a) To evaluate requests by members of the Panel for an item relevant to the Panel's functions to be considered.

(b) To evaluate requests by other members of the Council for an item relevant to the Panel's functions to be considered.

Members of the panel may use agenda item 'a' (all other members will use agenda item 'b') as the appropriate route for referring a 'local government matter' in the context of the Councillor Call for Action to the panel. Please refer to the panel's terms of reference for further procedural arrangements.

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|----|--|-----------|
| 10 | Review of Colchester Borough Homes Performance 2017/18 | 31 - 86 |
| | The panel is invited to review the performance of Colchester Borough Homes (CBH) during 2017/18, having particular regard to the Performance Summary Information 2017/18. | |
| 11 | Homelessness and Rough Sleeping | 87 - 122 |
| | The Panel is asked to review the progress on tackling Homelessness and Rough Sleeping through the implementation of Colchester's Homelessness Strategy 2014-2019 | |
| 12 | Local Council Tax Support 2019-2020 | 123 - 272 |
| | The panel is invited to review and comment on the proposed Local Council Tax Support scheme commencing 1 April 2019. | |
| 13 | Work Programme 2018-19 | 273 - 284 |
| | This report sets out the current Work Programme 2018-2019 for the Scrutiny Panel. This provides details of the reports that are scheduled for each meeting during the municipal year. | |
| 14 | Exclusion of the Public (Scrutiny) | |
| | In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972). | |

Part B

(not open to the public including the press)

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|----|--|
| 15 | Decision Taken Under Special Urgency Provisions - Axial Way Pumping Station |
| | <ul style="list-style-type: none"> • This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information). |

SCRUTINY PANEL

17 JULY 2018

Present: - Councillor Davies (Chairman), Councillor Coleman, Councillor Hayter, Councillor Luxford Vaughan, Councillor Scordis, Councillor Wood.

Substitutes: - Councillor Laws for Councillor Bentley

Also present:- Councillor King, Councillor Bourne

168. Minutes

RESOLVED that the minutes of the meetings held 16 April 2018 and 12 June 2018 were confirmed as a correct record.

169. Environment and Communities Futures Business Case

Richard Block, Assistant Director for Environment, introduced the Environment and Communities Futures Business case. The report requests that the Panel consider the proposed changes and whether they will result in services that are fit for the future and to scrutinise the financial savings proposed.

Richard Block provided the Panel with a summary of the report, and delivered a presentation providing information regarding the review. Richard Block explained that the review is at the formal consultation stage with staff, and that the Scrutiny Panel would also be able to input in the proposals.

Richard Block informed Panel members, that this report forms part of the wider set of future service reviews across the Council, which aim to design services that are fit for the future needs to the Council. The Environment and Communities teams have a total gross revenue budget of £2.38m and are currently managed by two Assistant Directors and three group managers.

As part of the future review a number of staff workshops were held to gather views on the futures review for Environment and Communities. This resulted in a number of key themes and ideas, which are included within the report.

In terms of the proposed new structure, this would see services involved in the role of health and wellbeing brought under the Assistant Manager for Communities and the Zones teams moved under the Assistant Director for Environment. This will ensure a balance

across the two areas and assist with working arrangements, such as the Zones team working with the waste teams. A further move is also proposed, with the Elections and Land Charges team moving from Environment to Customers. This restructure would also lead to a reduction of one of the Group Manager posts saving £65,000. Staff are currently being consulted on the new structure,

Richard Block stated that the restructure is based on encouraging different ways of working, using greater collaboration between services, and using ICT to free up resource. There are also opportunities for increasing income into the service, which are outlined in the report.

A member of the Panel questioned whether there would be demand for the re-inspection of food businesses. Richard Block confirmed that other local authorities provide this service and it is therefore expected that there would be a demand for such a service. Richard Block also confirmed that whilst there was no mandatory policy for food hygiene scores to be displayed, there are websites which provide the information to members of the public, which encourages restaurants to display the rating.

With regard to the additional pest control contracts this would be marketed through the Communications team and delivered by the staff and managers.

Some concern was raised with regard to the regulation of tables and chairs placed on the highway through a licensing scheme given that there may be business that already have them in place. Richard Block confirmed that the Licensing Committee would be required to agree the policy and that there would be a consultation with businesses. Richard Block anticipated that there would be 14 premises that would apply for such a licence.

A member of the Panel expressed some concern regarding charging for the start-up advice to food businesses. The Panel member felt that it may be better to provide signposting facilities, rather than charging them when they are first starting up.

Councillor Bourne addressed the Committee and highlighted that when Portfolio Holder briefings occur, Officers from the different areas attend and there is synergy with these areas of provision as well as projects that work together. Councillor Bourne also acknowledged that she was confident about the anticipated level of income and highlighted that there are already three externally funded posts within the teams.

A member of the Panel commented that whilst the report was positive, it would take time to assess whether the financial assumptions would be accurate.

RESOLVED that the proposed changes as part of the Environment and Communities Futures Business case be noted.

170. Implementation Plan to Introduce Plastic Recycling Collections to Flats

Councillor Sue Lissimore

Councillor Lissimore attended the meeting to have her say regarding the implementation plan for introducing plastic recycling collections to flats.

Councillor Lissimore asked a number of questions regarding the report and the process for implementing recycling in flats,

- What would happen if no alternative arrangements were made?
- How will implementation of recycling in flats be monitored?
- Would Zones teams be required to monitor the situation and do they have the capacity to do so with the current workload?
- What are the financial implications to the Council if flats recycling can only be part implemented?
- How many properties currently still do not have recycling?
- How is it defined what areas will be receiving the recycling service, will there need to be additional crews and will one vehicle be enough?
- Has there been engagement with houses of multiple occupancy?
- Are there landlords that the Council hasn't engaged with?
- Will the dates for collections be published and delivered to residents?

Richard Block

Richard Block, Director for Environment introduced the report, which requests that the Panel consider and note the implementation plan. Richard Block highlighted that this report follows on from the previous report submitted to Scrutiny where the Panel resolved that recycling collections provided to flats be increase, and that it be a similar service to that provided to other properties in the Borough.

The report provides the Panel with an update on the implementation of that scheme, and a timetable for the introduction of recycling. This follows the agreement at Cabinet that, where feasible, residents of flats are provided with collection of plastic recycling and that an additional refuse and recycling vehicle is provided to facilitate this.

Richard Block confirmed that as part of this process the vehicle has been sourced and the recruitment of staff is underway. A round table meeting has taken place with twelve landlords and managing agents as part of a focus group. Following on from this meeting, letters and surveys were provided to all the known managing agendas and registered social landlords to inform them of the Council's intention to recycle in flats and also to ask about the space available at the properties. To date, out of the 37 known organisations, responses have been received from 16 agents. This equates to 3,400 flats, out of which 3,183 would be suitable for plastics collection.

Richard Block confirmed that any agents or flats that had not responded would be provided with a site visit, as would those who have stated that there is no space for recycling bins. The next stage following this would be develop routes for collection of the plastic recycle.

With regard to communication this would be targeted to those in the flats, with the Councils communications team leading on this. The website would also be updated to reflect the new collection.

In terms of implementation, bins will be delivered on 17 September 2018, with the aim to make the first collections on 24 September.

Richard Block informed the Panel that a vehicle for collection from flats has been purchased, as current vehicles were already at capacity. It is intended that this new vehicle will also be used for trade waste collections and that Colchester Borough Council is in the tendering process to collect trade waste at the University of Essex.

In response to a question about what would happen if managing agents state that there is no space for bins at the flats, Richard Block confirmed that, if after a visit it is confirmed that there is not sufficient space, it would not be possible to provide a recycling solution for those flats. Following a further suggestion that if bins cannot be provided, whether plastic sacks could be used, Richard Block confirmed that there would be a challenge with this as there would need to be discussion about where they could be stored whilst awaiting collection. A Panel member suggested that plastic sack collection should remain an option for those flats that did not have space for recycling facilities, however other members expressed the view that the system should be set up correctly first before investigating other means of recycling collection.

A Panel member questioned whether, due to the limitations in space whether there would be a case for comingling the waste. Richard Block highlighted that comingling waste creates a number of other difficulties. This would require an additional vehicle to collect the comingled waste, and to ensure that it was efficiently used there would need to be enough locations which also comingled waste. There is also the issue that in comingling the waste, it significantly reduces the price of the recycled materials because it reduces the quality and increases the contamination rate to 15-25%. The Council would also need to pay a waste processing company to sort the material.

In response to a question about who would be paying for the provision of the recycling bins, Richard Black confirmed that the managing agents and registered social landlords would pay for the bins as they did previously.

With regard to the cost of the introduction recycling in flats, Richard Block confirmed that full additional costings of introducing the services were included in the Cabinet paper which went to the June meeting. The biggest cost would be the staff and the new vehicle. Ann Hedges highlighted the cost of the vehicle totalled between £120,000 and £140,000, but this would be offset as the vehicle would be used for additional trade waste contracts. Ann Hedges also highlighted that recycling credits received are currently higher than expected and that the costs of officer time haven't been included.

In response to a question as to whether this change would be more difficult than the previous alternations to the waste service, Ann Hedges stated that this is not more difficult than the previous changes but is part of the wider improvement to the waste service.

Implementing recycling in flats is more complicated in some ways due the targeted nature of rolling out the service, but also easier in other ways due to the smaller number of people involved. Following the implementation of flats recycling, the waste service will then look at those who need to be visited again to encourage to recycling following all the changes.

A member of the Panel questioned whether discussions had been held with other towns and cities that have flats and how recycling is implemented there. In response Richard Block stated that whilst discussions had not taken place so far, conversations will be undertaken when looking at the more difficult blocks of flats. Ann Hedges highlighted that there is difficulty in finding other authorities who recycle like Colchester as the majority of other Councils comingle.

Richard Block also confirmed that there would be no change to the collection frequency.

In response to a question about what would happen if landlords and management agencies refuse to include the new bins, Richard Block confirmed that this would be reviewed and highlighted that there would be demand from residents for this. Richard Block stated that further information on this could be provided by Councillor Goss at the next meeting.

RESOLVED that the considered and note the implementation plan.

171. Annual Scrutiny Report

Jonathan Baker, Democratic Services Officer, introduced the Annual Scrutiny Report. The report requests that the Panel consider and comment on the draft Annual Scrutiny Report and recommend the report to Council for approval on 18 July 2018.

Jonathan Baker explained that the report contains a summary of the work undertaken by the Scrutiny Panel during the 2017/18 municipal year, this includes prominent reviews and pre-decision Scrutiny.

Following discussions at the Scrutiny Panel Chairman's Briefing, Jonathan Baker informed the Panel of an amendment to a paragraph within the Annual report. The paragraph has been altered to strengthen the wording relating to governance procedures within the Council. Panel members agreed with the amendment and the Annual Scrutiny Report.

RESOLVED;

- a) That the third paragraph in the section entitled "Scrutiny Panel in 2017/18" be amended to read;
The low level of call-ins and matters of urgency on Scrutiny
Panel agendas suggest that the governance arrangements within the Council are working effectively.
- b) That the Panel considered and commented on the draft Annual Scrutiny Report.
- c) To RECOMMEND to COUNCIL that the Annual Scrutiny Report 2017-18 be noted.

172. 2019/20 Budget Strategy, Medium Term Financial Forecast and Budget Timetable – Scrutiny Panel Review

Sean Plummer, Strategic Finance Manager, introduced the report on the 2018/19 Budget Strategy, Medium Term Financial Forecast and timetable, which was agreed by Cabinet on 11 July 2018. The report requests that the Panel consider and note the strategy and refer any comments or concerns back to the Cabinet for further consideration.

Sean Plummer provided the Panel with a summary of the report and highlighted that the outturn position had already been reported to the Scrutiny Panel at its previous meeting. Sean Plummer provided the Panel with the latest updates on the current position, noting that there has been a saving due to a lower than budgeted for pay award, as well as a £2m contribution to the strategic plan priorities.

Sean Plummer stated that the context of the 2019/20 budget is one of continuing funding reductions. With regard to the Revenue Support Grant Funding, it is anticipated to be turning negative for 2019/20. In addition, the funding reforms for the Council mean that it will not be receiving as much funding as in the previous year.

With regard to baseline figures, this increases each year due to inflation. In terms of income, it is higher than expected, however there is a budget gap of £0.9m, following £0.5m of savings that have already been identified. Sean Plummer stated that at this point in the process it is not uncommon to report a gap in the budget. The 2019/20 budget also includes an assumption that the level of Council Tax would increase and that the New Homes Bonus was still used as part of the budget, however this is being reduced.

In terms of the medium term financial forecast, there continues to be budget gaps and speculation about the level of government grant as the four year settlement comes to an end in 2020/19. Sean Plummer stated that there is a reduction of £0.5m per year, but as yet there is no information about what will come out of the comprehensive spending review. Sean Plummer confirmed that they are still awaiting information from the Government with regard to business rate review and the level of income that is retained by the local authority.

Sean Plummer also confirmed that the level of reserves are at the recommended level.

Councillor King, Portfolio Holder for Resources expressed his thanks to the officers for the work on the 2019/20 budget.

A member of the Panel highlighted that the new strategic priority budget commitments that had been submitted to Cabinet had not been reviewed by the Scrutiny Panel. In response Councillor King apologised for not including this item on the Scrutiny Panel agenda. Councillor King confirmed that the Cabinet report provided a summary of the allocations for the new Cabinet priorities. Further information on this would be released in due course.

A further question was asked regarding whether the £500,000 savings are achievable. In response Sean Plummer highlighted that a number of futures reviews have been taking place which have a number of savings forecast, in addition there are a number of elements linked to the commercial companies which will present savings. There are also already agreed reductions in arts grants.

With regard to the risks and pressures and the potential grown in the Borough, a Panel member questioned whether costs associated with this were included within the budget. Councillor King stated that these will form part of the budget process and the assessment of the overall risk. Sean Plummer confirmed that going forward some assumptions within the budget may need to be refined, which could include demands on services. With regard to the Business Improvement District, the Council will need to pay the levy and this will need to be included going forward.

RESOLVED that the Panel considered and noted the 2019/20 Budget Strategy, Medium Term Financial Forecast and Budget Timetable.

173. Treasury Management – Annual Review 2017/18

Sean Plummer, Finance Manager, introduced the Treasury Management Annual Review 2017/18 report. The report requests that the Panel considers the Annual Treasury Management Review for 2017/18 and note the performance of the Council's treasury management advisors.

Sean Plummer highlighted that this report is brought to the Panel twice a year, with the half year review submitted to the Governance and Audit Committee. The report sets out the Council's borrowing activities up to the end of the previous financial year.

Sean Plummer highlighted that the Council undertook an additional borrowing of £5m during the year. These were undertaken from the Public Works Loan Board with a loan of three million over fifty years and other Local Authorities with a total of two million over four and a half years.

Sean Plummer informed the Panel that the Council's total debt outstanding at the end of March 2018 was £141.1m, £5m higher than at the end of the previous financial year. With regards to the borrowing there is both long term and short term borrowing in the capital programme.

Sean Plummer also highlighted that the report provides information on the investments and returns made. The investment strategy continues to reflect the Council's low appetite for risk and as of 31 March investments totalled £47.9m. The report also provided information relating to fixed interest rate loans and liquid funds.

The Panel thanked the officers for the work undertaken and presenting the report.

RESOLVED that;

- a) the Panel consider the Treasury Management Annual review 2017/18
- b) the Panel noted the performance of the Council's treasury management advisors.

174. Work Programme 2018-19

Councillor Davies introduced the Work Programme 2018-19, which requests that the Panel consider and note the contents of the work programme 2018-19 and consider the next stages of the bus review following the information gathering session held on 16 April.

Jonathan Baker informed the Panel that due to the number of items scheduled in the work programme, it has been necessary to move the August Scrutiny Panel meeting back one week and that the performance review of Colchester Borough Homes would need to be scheduled for a future or additional meeting. Panel members requested that when the performance of Colchester Borough Homes is reviewed, that Homelessness is also reviewed at this point.

With regard to the next stages of the bus review, Jonathan Baker suggested that the Panel may wish to write a letter to the bus operators, County Council and Community organisations to ask for responses to additional questions and further information.

The Panel also suggested inviting the Essex Police and Fire Commissioner to a future meeting of the Panel to provide input into the Fire and Rescue plan.

RESOLVED that;

- a) A draft letter to be sent to Bus Companies be brought to the next meeting of the Scrutiny Panel.
- b) An invitation be sent to the Essex Police and Fire Commissioner to attend a future Scrutiny Panel meeting.
- c) the Work Programme 2018-19 be noted.

SCRUTINY PANEL

21 AUGUST 2018

Present: - Councillor Davies (Chairman), Councillor Bentley, Councillor Coleman, Councillor Hayter, Councillor Luxford Vaughan, Councillor Scordis, Councillor Wood.

Also present:- Councillor Bourne, Councillor Goss, Councillor King

175. Update on Implementation of Plastic Recycling Collections to Flats

Councillor Goss, Portfolio Holder for Waste, Sustainability and Transportation, introduced the Update on implementation of Plastic Recycling Collections to Flats report. The report requests that the Panel consider whether action taken against the implementation plan will achieve the previous Cabinet decision to where feasible, provide residents of flats with collections of plastic recycling.

Councillor Goss provided the Panel with an update on the implementation of plastic recycling collections to flats and informed members that 70% of flats would be covered under the plan in phase one and that 25 out of the 35 landlords and management agencies responded positively to the scheme. Further attempts to contact the remaining ten will be undertaken. Councillor Goss confirmed that there may be some locations that are not suitable for bins and these will be surveyed, however it is not possible to place a set of bins at a flat unless there is permission from the landowner.

Panel members welcomed the progress and thanked the Portfolio Holder for attending the meeting.

In response to a question as to whether the scheme was going to plan, Councillor Goss stated that the plan is on time, and that there is nothing stopping the roll out of plastic collection from flats towards the end of the September.

A member of the Panel sought confirmation that the items possible for recycling included on the promotional material was correct. Officers confirmed that these would be reviewed to ensure that they were accurate prior to distribution.

In response to a question from the Panel, Councillor Goss confirmed that the website was in draft form, but that this could be shared with members of the Panel. A further question was asked as to what success for the project would be to which Councillor Goss stated that this would be to roll out flats recycling to 80% of flats in the Borough and to see the recycling rates increase. In terms of the next steps for the project once the first phase has

been completed, it would be to provide further information and education to residents. Councillor Goss highlighted that a future campaign would be about the need to clean the recycling prior to putting it in the bin.

In response to a question about how close the Council works with management companies and social landlords to educate residents due to fast turnover and the need to prevent cross contamination. Councillor Goss confirmed the need to provide education and continual communications to residents in partnership with social landlord and management companies. This includes the landlords agreeing to include literature in their mailshots to residents.

A question was raised regarding whether there were plans for a supplementary planning document or planning rules to ensure that going forward bin stores are large enough and have the capacity to deal with all recyclates at new developments. Councillor Goss confirmed that this is part of the current standard, with new flat developments adhering to the standard and has been in place for a number of years and has been reviewed.

RESOLVED that the progress on the implementation of plastic recycling collections to flats be noted.

176. Locality Budgets

Lucie Breadman, Assistant Director of Community and Tina Bourne, Portfolio Holder for Housing and Communities introduced the report. The report requests that the Panel review the analysis provided and consider and recommendations going forward in regard to locality budgets. This report was brought to the Panel following a request from the Chairman.

Lucie Breadman provided the Panel with a summary of the report and highlighted that the basis of locality budgets is to distribute public funds fairly to a range of organisations and projects. Lucie Breadman stated that the largest proportion of funding so far has been given to community groups.

Councillor Bourne highlighted the importance of locality budgets and the variety of organisations across the Borough that have received funding. Councillor Bourne informed Panel members that there had been a number of small changes to the locality budget scheme for 2018/19, this included an increase in minimum spend for each application from £50 to £100 as well as a focus on reducing the need for locality budget carry forwards through well planned applications.

A member of the Panel queried whether Councillors were aware that it was their responsibility to monitor locality budget spends and questioned whether locality budget money could be retrieved if a project or organisation closes prior to meeting its objectives. In response, Councillor Bourne confirmed that there is a requirement on Councillors to have an understanding of the groups and project ongoing in their area. With regard to retrieving money from those organisations that have closed down this would likely be too difficult.

Panel members agreed that officers should not be burdened with extensive monitoring of the locality budgets and also that Councillors should be made aware of the responsibilities. It was suggested that information be circulated to Councillors by e-mail, regarding frequently asked questions and examples of good practice for locality budgets, including identifying where funding could be provided before it is even available. Councillor Bourne confirmed that a reminder would be sent to Councillors in October, which could include information about guidelines and the need to reduce the number of late applications which can lead to carry overs. Members of the Panel suggested that the deadline for locality budget applications should be moved to January, rather than February to assist in preventing last minute applications and noted the time it takes to bring together a locality budget application.

Another member of the Panel questioned why there aren't more simple controls with regards to locality budgets such payment on receipt of invoice, which would reduce the need for extensive monitoring. Officers confirmed that they would go back and look at this possibility of doing this, however there may be an issue with those organisations where the funding would not provide an invoice. Officers confirmed that those grants over £1,000 would be monitored, as well as a random spot check of other applications.

A suggestion was made that any money that remains unspent at the end of a financial year could be utilised as part of a bidding system for other organisations in the Borough. Councillor Bourne stated that the key aim is to ensure that Councillors spend their locality budgets in year, resulting in no carry forwards and a fresh start each year. If there are underspends each year, this could be looked at by Cabinet.

Members of the Panel thanked officers for writing the report and attending the meeting to answer questions.

RESOLVED that

- a) Locality Budget guidelines be circulated to Councillors by e-mail.
- b) A member briefing regarding locality budgets and Councillor responsibility be arranged in the near future.
- c) The deadline for Locality Budget applications be moved to January of each year.
- d) Further research be conducted to assess the best means for monitoring locality budget spend.
- e) The Panel thanked the officers for the report.

.177. Year End 2017 – 2018 Performance Report including progress on Strategic Plan Action Plan

Councillor Coleman (by reason of being a Director of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Councillor King, Portfolio Holder for Resources, and Dan Gascoyne, Assistant Director Policy and Corporate introduced the Year End 2017-2018 Performance Report including

progress on Strategic Plan Action Plan report. The report requests that the Panel consider whether the proposed targets for next are sufficiently realistic and ambitious; ahead of Cabinet on 5 September.

Councillor King, provided the Panel with summary of the reports included in the agenda and highlighted that the performance of the Council was positive, with only one key performance indicator categorised as red. This provides assurance that the Council is delivering in those key areas against the targets set. Going forward for 2018-19 a number of key performance indicator targets have been tightened.

A member of the Panel questioned, in relation to the support to development of community neighbourhood plans, whether statements of community involvement had been published. In response Dan Gascoyne and Councillor King confirmed that further information could be provided after the meeting.

A further comment was made with regards to the Visit Colchester magazine, which does not include reference to Tiptree on the map. In response Councillor King confirmed that whilst the Visit Colchester content was effective in highlighting the tourist information for Colchester, a further look could be undertaken to ensure that there is a balance in the documentation.

With regard to the inward investment campaign, a member of the Panel suggested that examples should be included within the report to provide information of what has been achieved.

A member of the Panel expressed their thanks to those officers who look after Castle Park and Highwoods Country Park, as the parks recently received a Green Flag. Following on from this a question was asked requesting more information regarding funding for Sport England national pilot for physical activity. In response Pam Donnelly, Strategic Director, confirmed that the initial stages of the project are underway, this followed a research project on this issue the findings of which will be published towards the end of the year. Pam Donnelly confirmed that Colchester Borough Council have commenced advertising for roles that will assist developing initiatives.

It was also suggested that the wording relating to the ongoing five-year supply of housing sites and provision of sufficient numbers be reviewed to provide clarity with regards to the adoption of the local plan. Councillor King highlighted that this statement reflects a period of time, but can be reviewed to assess whether it could be more qualified.

With regard to the targets proposed for 2018-19, a Panel member questioned why some targets had not been raised when during the previous year they had been exceeded and suggested that the targets may not be stretching enough. In response Councillor King confirmed that the targets reflect the level of challenge, demand for services and inward change. Councillor King stated that six of the key performance indicators targets had been increased.

A further point was raised with relation to why the target for other planning applications has reduced, and whether this target is a reflection of staffing issues. With regards to staffing, Dan Gascoyne confirmed that the Planning team has been through a futures review process in recent months and a number of positions are currently vacant to which the Council is actively recruiting. With regards to targets they are based on considering current information with what can be achieved and previous performance.

Following on from this question, a member of the Panel queried whether the review in planning was a success. In response Pam Donnelly confirmed that the level of success for the futures review will depend on the efficiencies and degree of cultural change. In addition, it is difficult to predict the level of demand due to economic uncertainty and the changing state of the housing market. With regards to the process of setting targets, Pam Donnelly confirmed that they regularly are challenged by Cabinet.

With regard to Key Performance Indicators, a query was raised as to why K1P2, planning appeals allowed against decisions had been removed. In response Dan Gascoyne confirmed that the number of KPI's had been reduced by one, and further information about why this particular KPI had been removed could be provided after the meeting.

A member of the Panel suggested that the targets for 2018-19 be reviewed again, as some targets are lower than previous years and not stretching enough. There were also suggestions that further information be included within the reports to highlight the reason behind the target level. Councillor King confirmed that setting targets is part of a balance and that conversations on this have occurred in the creation of the document. Councillor King confirmed that he would be happy to further review the targets to ensure that they are stretching enough for the authority.

The Panel discussed the possibility of pre-scrutinising the Key Performance Indicators earlier in the municipal year in future. Councillor Bourne highlighted that additional information could be provided to the Panel in future and this could include the justification behind setting each target, which Cabinet members receive.

RESOLVED that;

- a) The proposed Key Performance Indicator Targets be further considered by CABINET to ensure they are adequate.
- b) To request to CABINET that future Key Performance Indicator targets are pre-scrutinised and that additional information be included within the reports to detail the reasoning behind the targets being set.

178. Strategic Plan Spending Priorities – Scrutiny Report

Councillor Bentley (by reason of being an Essex County Council Cabinet Member for Infrastructure) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Councillor King introduced the Strategic Plan Spending Priorities report. The report asks the Panel to consider and comment on the Strategic Plan Spending Priorities as agreed at Cabinet on 11 July 2018.

Lewis Barber

Lewis Barber attended the meeting to have his say with regards the money allocated to Transport for Colchester. Councillor Barber's main concern was what the money allocated for enabling and feasibility would be used for and to ensure that the timescales of such work would be reasonable.

Councillor King

Councillor King highlighted that this paper had been brought to the Scrutiny Panel following discussions at Full Council. Councillor King confirmed that much of the detail behind the financial contributions are still in development and that further information on this issue would be available in the autumn.

Councillor King provided Panel members with a summary of the key strands within the report and the eight themes.

Some members of the Panel queried the extent to which the report could be scrutinised given the level of detail included. Councillor King stated that the report was a statement of positive intent and is still a work in progress. The themes within the report are linked to pre-election statements, which was shared in July.

It was suggested by a member of the Panel that given the spending commitments and the limited detail in the report that the Leader of the Council and Portfolio Holders attend a future Scrutiny Panel meeting to answer detailed questions. Councillor King highlighted that the report to Scrutiny was originally submitted to Cabinet as part of a series of financial papers, and therefore in line with the Resources Portfolio. Councillor King acknowledged that the Panel would have further queries regarding the information included in the report, but that the report does provide the Panel with an opportunity to discuss the priorities set out and a reflection of the direction of the administration. Councillor King also acknowledged the important role played by Scrutiny.

A member of the Panel expressed some concern about the approach to partnership working, and whether partners had been informed of the Council's intent before it was made public. A further comment was made about why tollgate was the only project mentioned under the cooperation theme.

A member of the Panel expressed concern that some decisions on spending had been made but were not reflected in the report and that a briefing had been promised regarding the additional PCSO's prior to the Police being aware. Councillor King confirmed that more detail will be available shortly, however it is not possible to provide information on spending at this point. Councillor King also confirmed that the Essex Police and Fire Commissioner was in support of the PCSO initiative. Councillor King acknowledged that this paper had

come to the Scrutiny Panel out of sequence. Following a further query about when a report with additional information could be brought back to the Scrutiny Panel, Councillor King said that this could be confirmed in due course.

Panel members thanked Councillor King for attending the meeting and requested that further information be brought to the Scrutiny Panel when the plans have developed, with the Leader of the Council in attendance to answer additional questions. A member of the Panel stated that they did not feel that it was possible to comment fully on the strategic priorities due to the level of detail included in the report.

RESOLVED that;

- a) The Panel commented on the Strategic Plan Priorities.
- b) The Panel expressed their thanks for Councillor King attending the meeting.
- c) The Panel request that at the next opportunity the Leader of the Council bring a more detailed report on the Strategic Plan Spending Priorities.

179. Bus Review Letter – Further Questions to Bus Companies

Jonathan Baker, Democratic Services Officer, introduced the Bus Review Letter report. The report requests that the Panel consider and approve the draft letter to Bus Companies, the County Council and Community360, and to consider when the deadline for submitting responses should be, and when these responses should be considered by the Panel.

Members of the Panel welcomed the letter, and suggested that the deadline for receiving responses should be the end of October.

RESOLVED that;

- a) The draft letter to bus companies, the County Council and Community360 be approved.
- b) The deadline for responses to the letter should be the end of October.

179. Work Programme

Jonathan Baker, Democratic Services Officer, introduced the Scrutiny Panel work programme for 2018-19. The report requests that the Panel consider and note the contents of the work programme for 2018-19.

Jonathan Baker provided the Panel with an update regarding the October meeting of the Scrutiny Panel which would include the performance report from Colchester Borough Homes, as well as information relating to homelessness in the Borough. Councillor Tina Bourne, was invited to the table and informed the Panel that they could look at the homelessness strategy, which is a three year document, alongside the updated actions at the same meeting. Councillor Davies welcomed the opportunity to review homelessness at the next meeting and highlighted a request to speak to different agencies and organisations that also assist the homeless in Colchester to see whether there are gaps in provision.

Jonathan Baker also highlighted that an invite has been sent to the Police and Fire Commissioner to attend a Scrutiny Panel meeting, in order for the Panel to feed into the Essex Fire Plan.

The Panel also discussed inviting the Business Improvement District to a future Scrutiny Panel and requested that a report about business rate retention and the future arrangements be brought to a Scrutiny Panel meeting. Jonathan Baker highlighted that the November meeting of the Panel would include a finance report and it could be brought to that meeting.

In response to a question, Jonathan Baker confirmed that it was looking likely that the arts organisations would be invited to attend the Scrutiny Panel meeting in March.

RESOLVED that:

- a) The Panel request a report on business rate retention be brought to a future meeting of the Scrutiny Panel.
- b) That the Work Programme 2018-19 be noted.

| | | | |
|-----------------------|---|---------------|-----------------------------------|
| Report of | Assistant Director of Policy and Corporate | Author | Jonathan Baker ☎ 282207 |
| Title | Decision Made Under Special Urgency Provisions – Axial Way Pumping Station | | |
| Wards affected | Not applicable | | |

1. Executive Summary

- 1.1 This report provides Scrutiny Panel members with information relating to a decision taken on 9 October 2018 under special urgency provisions. The decision, Axial Way Pumping Station, was certified as an urgent decision in accordance with the Overview and Scrutiny Procedure Rule 14.

2. Action Required

- 2.1 To note the Axial Way Pumping Station decision that was taken under special urgency provisions.

3. Reason for Scrutiny

- 3.1 As stated within the constitution, decisions taken under special urgency provisions shall be reported to the next meeting of the Scrutiny Panel for information.

4. Background Information

- 4.1 A copy of the Record of Decisions Taken under Delegated Powers form and the Urgency Authorisation form, which is signed by the Monitoring Officer and the Chairman of the Scrutiny Panel, are included as part of the appendices.
- 4.2 A copy of the Part B confidential report is included as Agenda Item 15.
- 4.3 The decision was published on the Colchester Borough Council Committee (CMIS) website on Tuesday 9 October 2018.
https://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/1856/Default.aspx

Appendices

Appendix A - Record of Decisions Taken Under Delegated Powers – Axial Way Pumping Station

Appendix B – Colchester Borough Council Urgency Authorisation

Appendix C – Axial Way Pumping Station – Portfolio Holder Report (CONFIDENTIAL – Listed as Agenda Item 15. Decisions Taken Under Special Urgency Provision).

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

Part A – To be completed by the appropriate Cabinet Member/Officer

| |
|------------------------|
| Title of Report |
|------------------------|

| |
|---------------------------|
| Axial Way Pumping Station |
|---------------------------|

| |
|------------------------|
| Delegated Power |
|------------------------|

| |
|---|
| To oversee the development and implementation of the Council's renewal agenda in relation to the Northern Gateway |
|---|

| |
|-----------------------|
| Decision Taken |
|-----------------------|

| |
|---|
| To agree to the financial settlement with the contractor as set out in the report |
|---|

| |
|---------------------|
| Key Decision |
|---------------------|

| |
|----|
| No |
|----|

Forward Plan

- N/A

Reasons for the Decision

To protect the Council's financial position and to avoid formal legal proceedings with contractor

Alternative Options

Not to agree a settlement figure and risk formal legal proceedings, this option was discounted as it presents a high level of risk for the Council and could lead to unknown cost and risk.

Conflict of Interest

N/A

Dispensation by Head of Paid Service

N/A

Dispensation by Monitoring Officer

N/A

Approved by Portfolio Holder for Commercial Services

Signature Cllr Nick Barlow

Date 03/10/2018

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

Part B – To be completed by the Proper Officer (Democratic Services)

Portfolio Holder Decision Reference Number

Specify Number. COM-001-18

Implementation Date

This decision can be implemented on 09/10/2018

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on 9 October 2018.

This decision has been certified as an urgent decision in accordance with Overview and Scrutiny Procedure Rule 14 and accordingly no call in period applies.

A copy of the urgency authorisation signed by the Monitoring Officer and Chairman of the Scrutiny Panel is published alongside this decision notice.

Signature of Proper Officer Zoe Gentry


The report associated with this decision is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial/business affairs of a particular person, including the authority holding information)

COLCHESTER BOROUGH COUNCIL

URGENCY AUTHORISATION

(Decisions that require urgent determination made in accordance with Overview and Scrutiny Procedure Rule 14 are not subject to the call-in procedure).

I hereby certify that the decision indicated below is urgent, that executive action cannot be delayed for the usual five working day period, and it will not be possible to provide five clear days' notice of the decision to be taken.

Signed: .....
Proper Officer

Dated: 1st October 2018.....

Signed: .....
Chairman of the Scrutiny Panel

Dated: 8/10/18.....

TITLE OF REPORT: Axial Way Pumping Station.....

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS - REF NO: COM-001-18

OR CABINET MEETING DATE:..... ITEM NO:

PARTICULARS OF MATTER: To agree a financial settlement with the contractor for the new pumping station.

REASONS FOR CONSIDERING THE MATTER TO BE URGENT

To protect the Council's legal and financial position. The matter is urgent because the settlement offer from the contractor is time limited and should the usual process be followed whereby there is a call in period we would not be able to meet the timescales set out in the settlement offer therefore losing the opportunity to settle the matter outside of formal legal proceedings.

NB: Copy of signed form to be circulated to Group Leaders and appropriate Group Spokespersons and placed in the Members' Room.

| | | | |
|-----------------------|---|---------------|---------------------------------|
| Report of | Assistant Director Policy and Corporate | Author | Geoff Beales ☎ 506514 |
| Title | Review of Colchester Borough Homes Performance 2017/18 | | |
| Wards affected | Not applicable | | |

1. Executive Summary

- 1.1 The purpose of this report is to give Panel the background to the Management Agreement set up with Colchester Borough Homes. A presentation from Colchester Borough Homes will be provided (see Appendix A) regarding the years activities. Performance information contained within the Medium Term Delivery Plan is also provided to assist Members in any questions they may have regarding the performance during 2017/18.

2. Action Required

- 2.1 The panel is invited to review the performance of Colchester Borough Homes (CBH) during 2017/18, having particular regard to the Performance Summary Information 2017/18 (see Appendix B).
- 2.2 The panel is also invited to make any recommendations to the Portfolio Holder for Housing and Communities on CBH performance management arrangements for 2018/19 and beyond.

3. Reason for Scrutiny

- 3.1 CBH is a wholly owned arm's length company of the Council and delivers the majority of the Councils housing functions, in particular those connected with the Councils housing stock and delivery of homelessness and housing advice services. As such CBH has a key role to play in contributing to the achievement of the Council's Strategic objectives. It is therefore appropriate for Scrutiny Panel to review the performance on an annual basis.

4. Background Information

- 4.1 The Council signed a ten-year Management Agreement with CBH in August 2013. In April 2014 following a review of the Councils Corporate and Financial Management functions, the Corporate Facilities Service was transferred to CBH. Following a further review in 2017 the Housing System Team transferred in June 2018.
- 4.2 The Management Agreement includes a Liaison Protocol which sets out how CBC and CBH will make decisions and how the Council will monitor performance. This includes a quarterly Principal Liaison meeting to monitor strategic, operational, financial and performance matters, including agreeing annual targets and reviewing progress against these, monitoring progress against the Medium Term Delivery Plan, and overseeing the direction and implementation of the Asset Management Strategy and the Housing Revenue Account Business Plan. The Liaison Protocol also sets out the informal liaison arrangements between the Chief Executives of CBC and CBH and between the Chief Executive of CBH and the "Council's Representative".
- 4.3 CBC and CBH continue to work together to deliver financial planning, asset management and regulatory changes required following the introduction of the Housing Act and the Homeless Reduction Act. To encompass all the work required the Housing Futures Programme was set up to ensure all necessary work was planned and completed and all identified risk managed. Following completion of the programme the project was closed down in June 2018.

5. Strategic Plan References

- 5.1 The services and projects delivered by CBH contribute directly to the Strategic Plan 2018-2021 priority areas:
 - **Growth** - Ensuring all residents benefit from the growth of the borough by providing opportunities to increase the number of homes available that are affordable for local people.
 - **Responsibility** - Encouraging everyone to do their bit to make our borough even better. Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life.
 - **Opportunity** - Promoting and improving Colchester and its environment by contributing to the supply of housing available and help promote initiatives to help residents' live healthier lives.
 - **Wellbeing** - Making Colchester an even better place to live and supporting those who need most help by targeting support to the most disadvantaged residents and communities.

6. Consultation

- 6.1 The performance information and monitoring was developed in conjunction with CBH Board Members, Council Officers and the Portfolio Holder for Housing and Communities and as part of its development subject to scrutiny by tenant and leaseholder representatives.

7. Publicity Considerations

- 7.1 The new Medium Term Delivery Plan 2018-22 has been widely distributed which contains all performance information for 2017/18 and targets for 2018/19. (see Appendix C)

8. Standard References

- 8.1 Having considered equality, diversity and human rights; financial, health, well-being and community safety, health and safety and risk management, there are none which are significant to the matters in this report.

Appendices

Appendix A – Performance Information

Appendix B – Presentation Slides

Appendix C – CBH Medium Term Delivery Plan 2018-22

Colchester Borough Homes Performance 2017/18

Scrutiny Panel
16 October 2018



Anne Grahamslaw, Chair

Gareth Mitchell, Chief Executive



2017/18 headlines

- Good overall performance on targets
- Homelessness Reduction Act
- Fire Safety
- Contractor performance
- Housing Futures
- New CBH Strategic Plan 2017-22
and Medium Term Delivery Plan

Performance

- Excellent performance on rent collection & arrears
- Significant reduction in households in Bed & Breakfast
- Missed target on complaints upheld
- Good performance on first call resolution
- 100% of properties have a valid gas certificate

Value for money - Housing Management

- **Low housing management costs** - £290 per property per year, putting CBH in the HouseMark upper quartile (top 25% of landlords in the region), with upper quartile threshold at £379, resulting in savings of £525k per year compared to other top quartile performers
- **Performance exceeding target** - £401K higher rent collection, £47K increased rental income from faster re-lets of empty properties, £42K more in leasehold service charges by exceeding targets

Value for Money - Property Services

- **Repairs & maintenance** - £162K repaid to CBC in 2017/18. £425K in savings since 2013 from proactive procurement & supply chain, bringing total to £725k once repairs reserves of £300k are taken into account
- **Capital contracts** – extra £200K available for adaptations through savings on window contracts
- **Photovoltaic panels** - £115K income in 2017/18, £557K since 2013 – savings of £150-250 year to tenants

Customer satisfaction

| | 2014 | 2016 | 2018 | | Comparable sample | |
|-----------------------------------|------|------|------|---|-------------------|---|
| Satisfaction overall | 83 | 85 | 83 | ↓ | 86 | ↑ |
| Quality of home | 81 | 84 | 78 | ↓ | 81 | ↓ |
| Value for money of rent | 80 | 86 | 87 | ↑ | 88 | ↑ |
| Value for money of service charge | 66 | 68 | 70 | ↑ | 72 | ↑ |
| Listens and acts on views | 63 | 64 | 64 | → | 69 | ↑ |
| Kept informed | 76 | 78 | 75 | ↓ | 79 | ↑ |
| Final outcome of query | 70 | 70 | 70 | → | 74 | ↑ |
| Repairs and maintenance overall | 77 | 78 | 75 | ↓ | 79 | ↑ |
| Last completed repair | 81 | 83 | 82 | ↓ | 84 | ↑ |
| Neighbourhood as a place to live | 87 | 89 | 84 | ↓ | 87 | ↓ |

NB new methodology for 2018 – see right hand column for direct comparison with previous years

Homelessness Reduction Act

- Early start on implementation - positive feedback from Ministry for Housing, Communities & Local Government
- Training for partners
- Review of processes & procedures – reorganising team
- New IT system
- Development of self serve portal
- Homelessness Charter developed
- Duty to refer process developed
- Charter & Duty to refer form used as good practice across Essex

Fire safety

- Joint CBC and CBH Fire Safety Task Group
- No housing stock over 3 storeys or aluminium composite material cladding/infill
- Building structure surveys and Fire Risk Assessments on all blocks of flats & sheltered schemes (445 in total)
- Review of Fire Risk Assessment process & “stay put” policy
- General Needs flats - clearing communal areas, door replacements etc.
- Sheltered – signage, mobility scooter storage, fire safety processes etc.
- Communication/education & enforcement

Contractor performance

- Challenging year: two main contractors struggled to deliver within agreed rates due to a buoyant construction industry
- High sub-contractor turnover, poor workmanship and a reduction in resources by the main contractor to effectively manage programme of works
- Increased level of CBH inspections, providing much needed supervision and ensuring a safe working environment for everyone
- Maintained 100% CBH handover inspection process to ensure elements are fit for purpose and will last
- Increased CBH resident liaison resources to reduce the impact on tenants.

Other 2017/18 highlights

- Sheltered Housing review – Enoch House, Harrison Court
- Residents helped to obtain over £1m in additional welfare benefits since 2015
- New Early Response Rough Sleeping Coordinator. 20 rough sleepers helped off the streets Nov 17 - July 18. £239K government funding (Colchester & Tendring)
- Carbon emissions within CBC corporate buildings down 40% since 2009
- Non-housing projects, e.g. Mercury Theatre, Activa Gym
- New governance arrangements
- Working Smarter – accommodation, ICT, working practices

2018/19 forward look

- Universal Credit rollout
- Government Social Housing Green Paper
- New asset management strategy & housing investment programme
- New Resident Panel
- Customer satisfaction
- New performance management arrangements
- Further rough sleeping funding
- New Council homes programme

Colchester Borough Homes Performance 2017/18

Scrutiny Panel
16 October 2018





Performance Summary Information

Q4 - March 2017/18

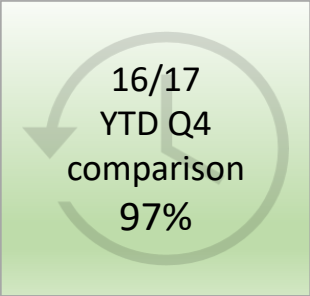
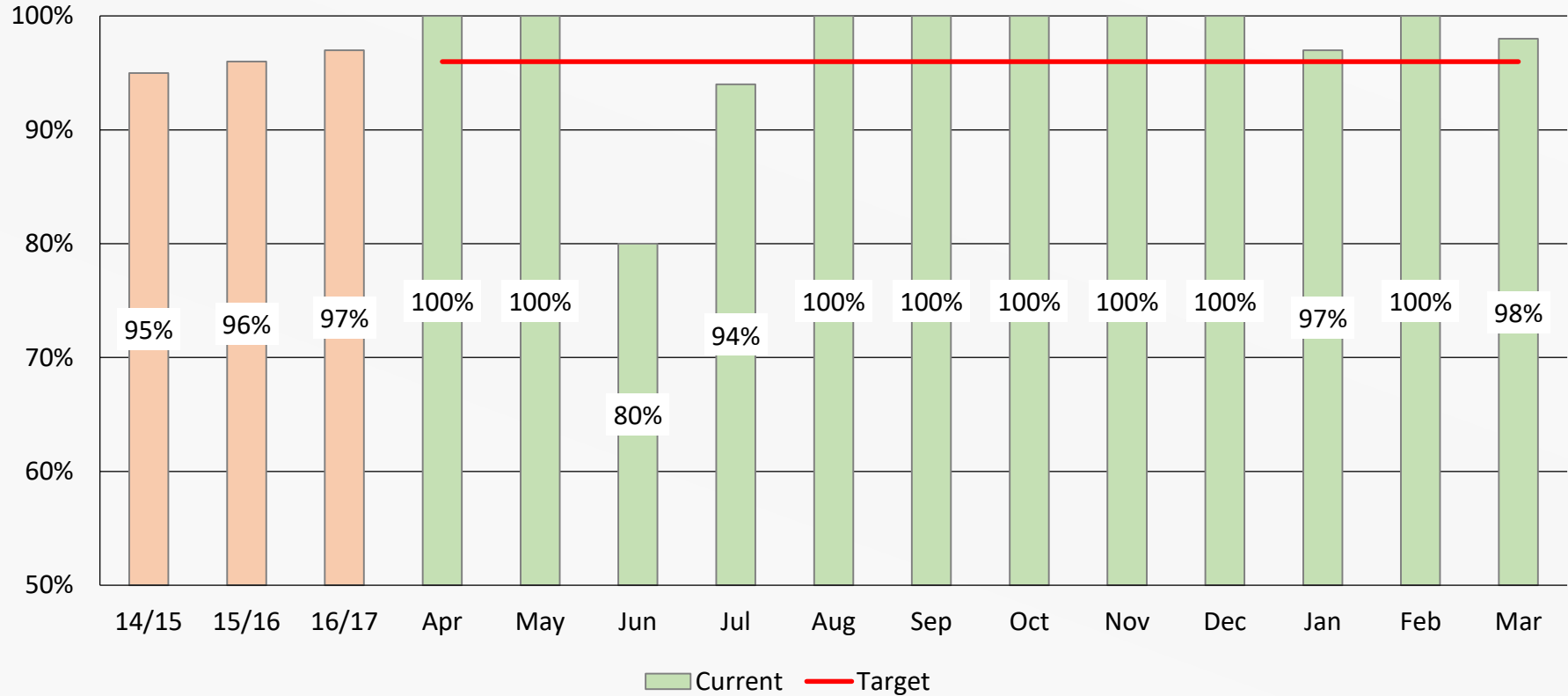
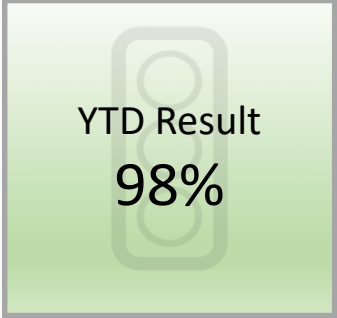
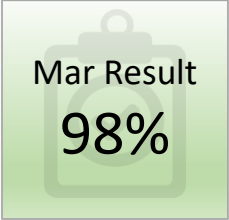
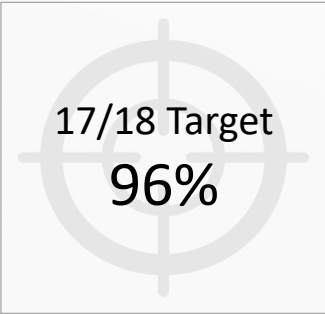
Benchmark performance comparisons are with 33 housing providers
in the HouseMark East of England group (as at December 2017)

RAG status Key

| Colour Key | Performance rating Local |
|------------|--|
| R | The indicator is not meeting performance expectations to date and/or is unlikely to improve by year end. Forecast is that it is very unlikely that the targets set will be achieved. |
| A | The indicator is not meeting performance expectations to date. There are mitigating circumstances in most cases and improvement is likely but risks are being flagged in regard to this indicator. |
| G | The indicator is meeting performance expectations to date, or as forecast to the next reporting period. |

Appendix B **ASB % of cases closed and not reopened within 90 days**

Comment: Slight dip at year end but overall a good final result. We had a low outcome earlier in the financial year, overall the team have improved communications with customers prior to case closure.



Appendix 9 % of Housing Options cases where homelessness was prevented

Comment:

17/18 Target
48%

Mar Result
72%

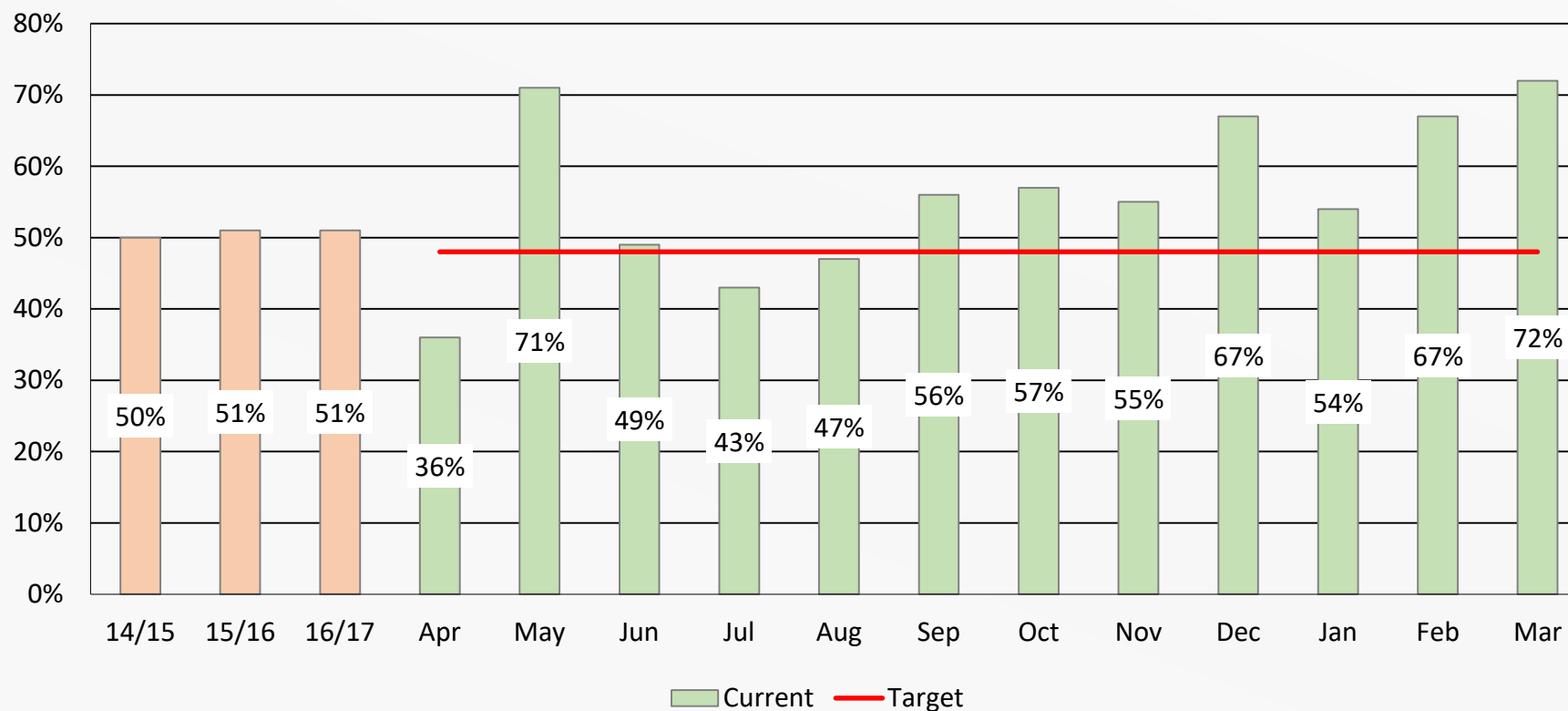
YTD Result
57%

16/17
YTD Q4
comparison
51%

Housemark
Comparisons
(Upper Quartiles)

National
n/a

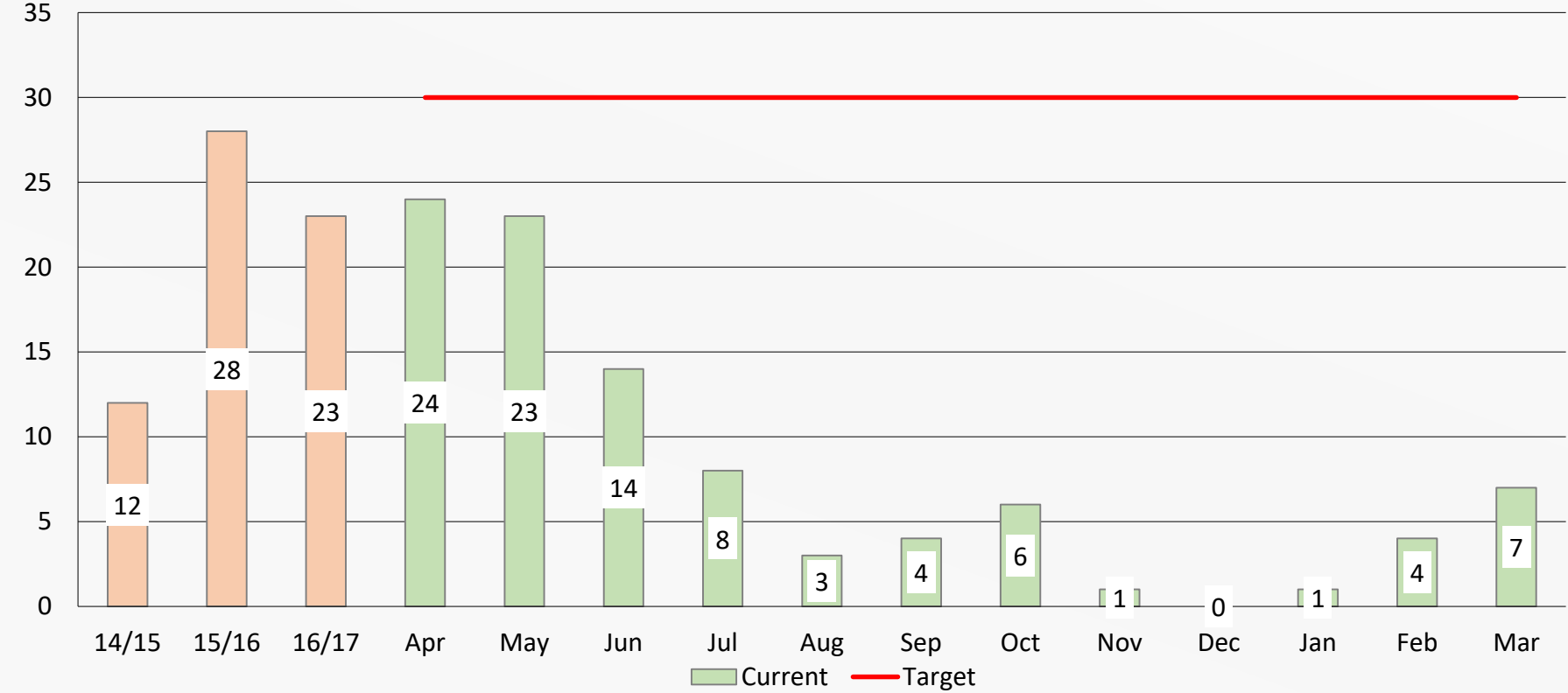
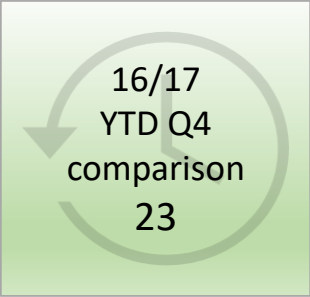
Eastern
n/a



Appendix B

Number of households in bed & breakfast accommodation

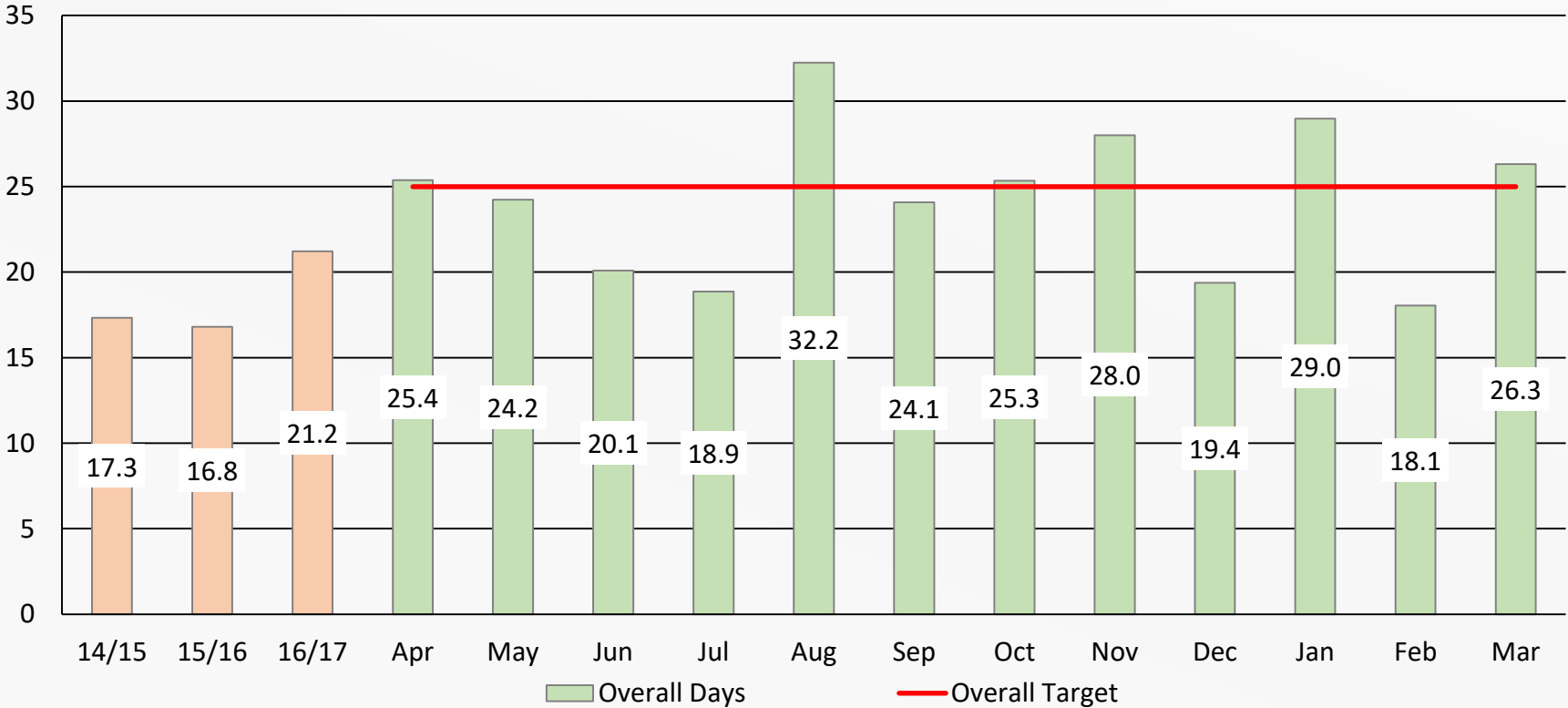
Comment:



Appendix B

Voids - Overall time to Relet – General Needs All including Capital

Comment: Within target. No additional comments.



Rent loss due to empty properties (voids) as a % of rent due (general)

Comment: Within target. No additional comments.

17/18 Target
0.45%

Mar Result
0.64%

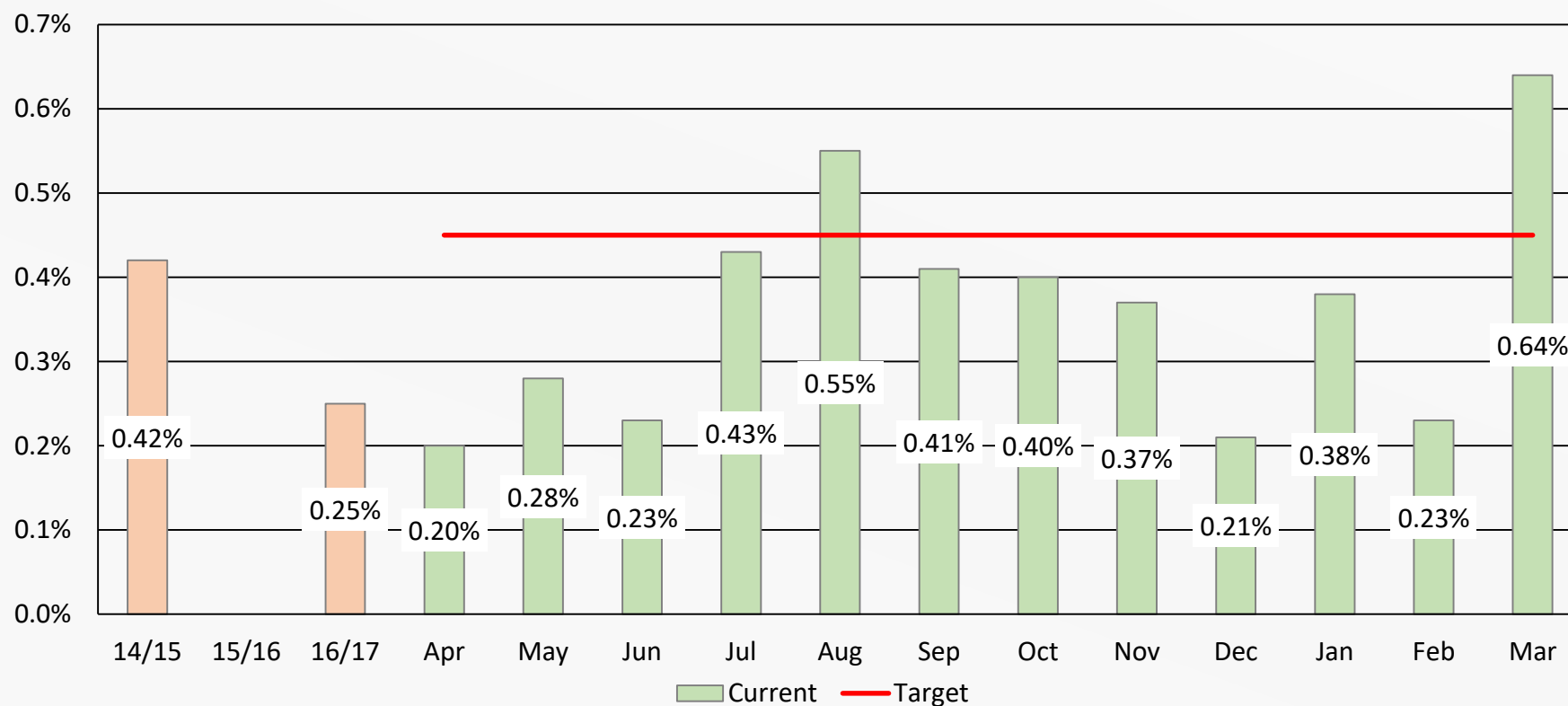
YTD Result
0.38%

16/17
YTD Q4
comparison
0.25%

Housemark
Comparisons
(Upper Quartiles)

National
0.43%

Eastern
0.43%



Appendix 9 % of under occupied Council homes

Comment: Those cases specifically affected by the Under Occupation Charge also fell by 9% during the year to 274

17/18 Target
22.0%

Mar Result
21.0%

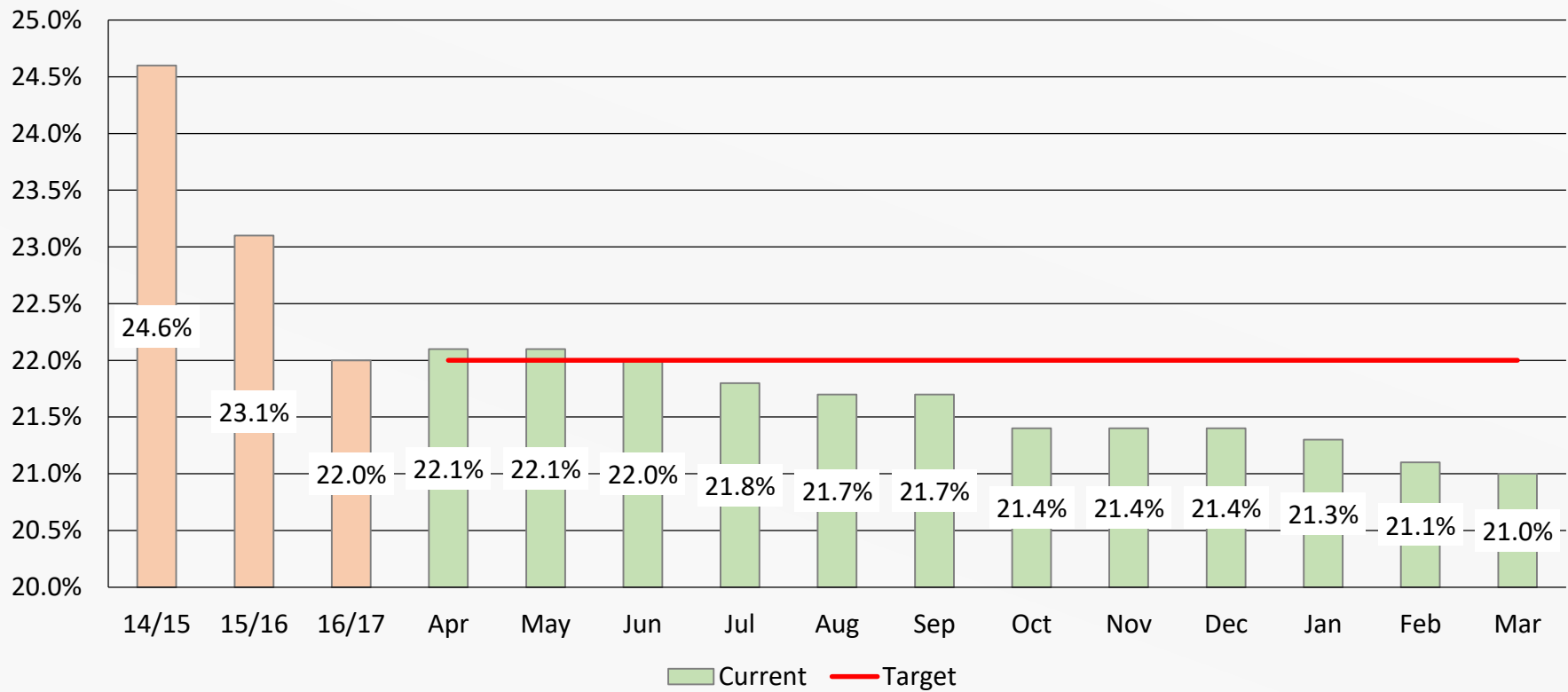
YTD Result
21.0%

16/17
YTD Q4
comparison
22.0%

Housemark
Comparisons
(Upper Quartiles)

National
n/a

Eastern
n/a



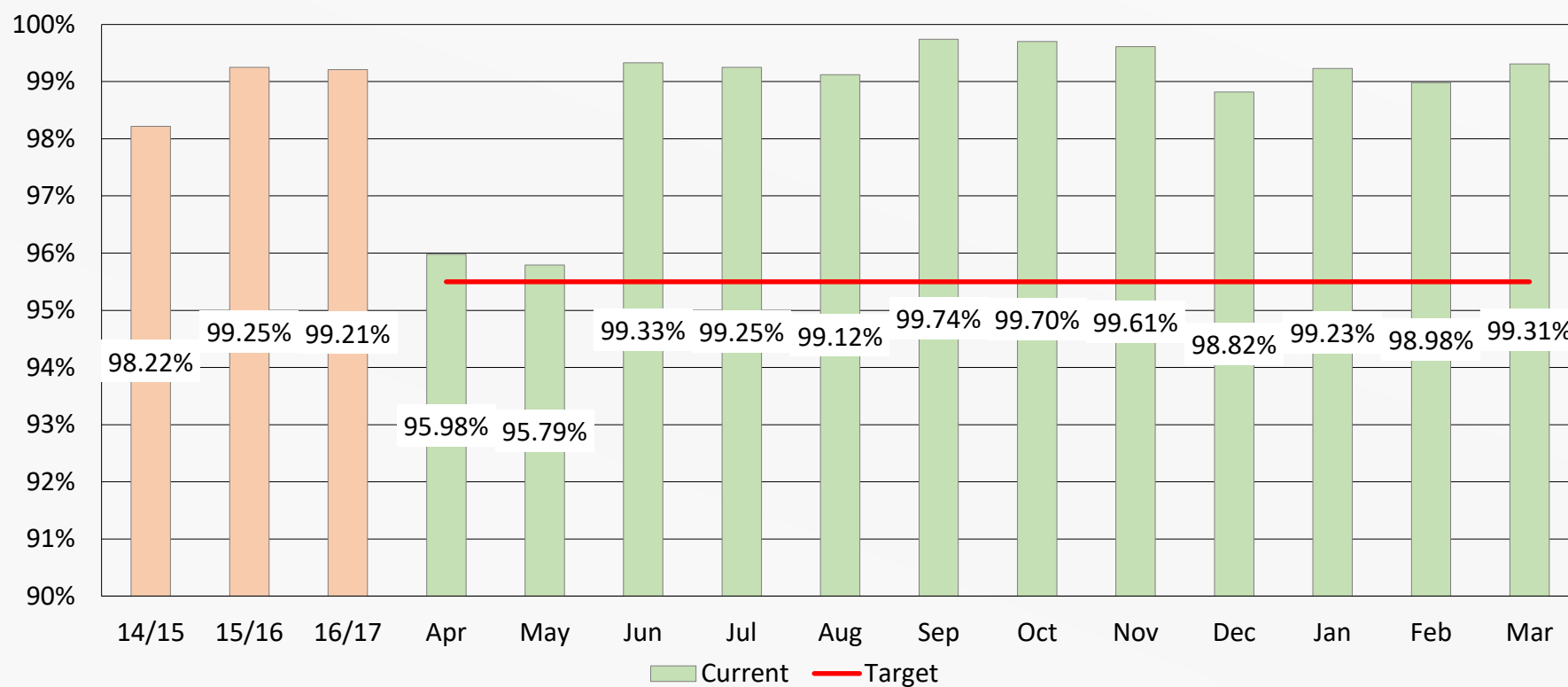
Repairs satisfaction % (including Gas)

Comment:

17/18 Target
95.5%

Mar Result
99.31%

YTD Result
98.98%



16/17
YTD Q4
comparison
99.21%

Housemark
Comparisons
(Upper Quartiles)

National
76.70%

Eastern
76.68%

Average days taken to complete a (responsive) repair

Comment:

17/18 Target
7 days

Mar Result
6.11
days

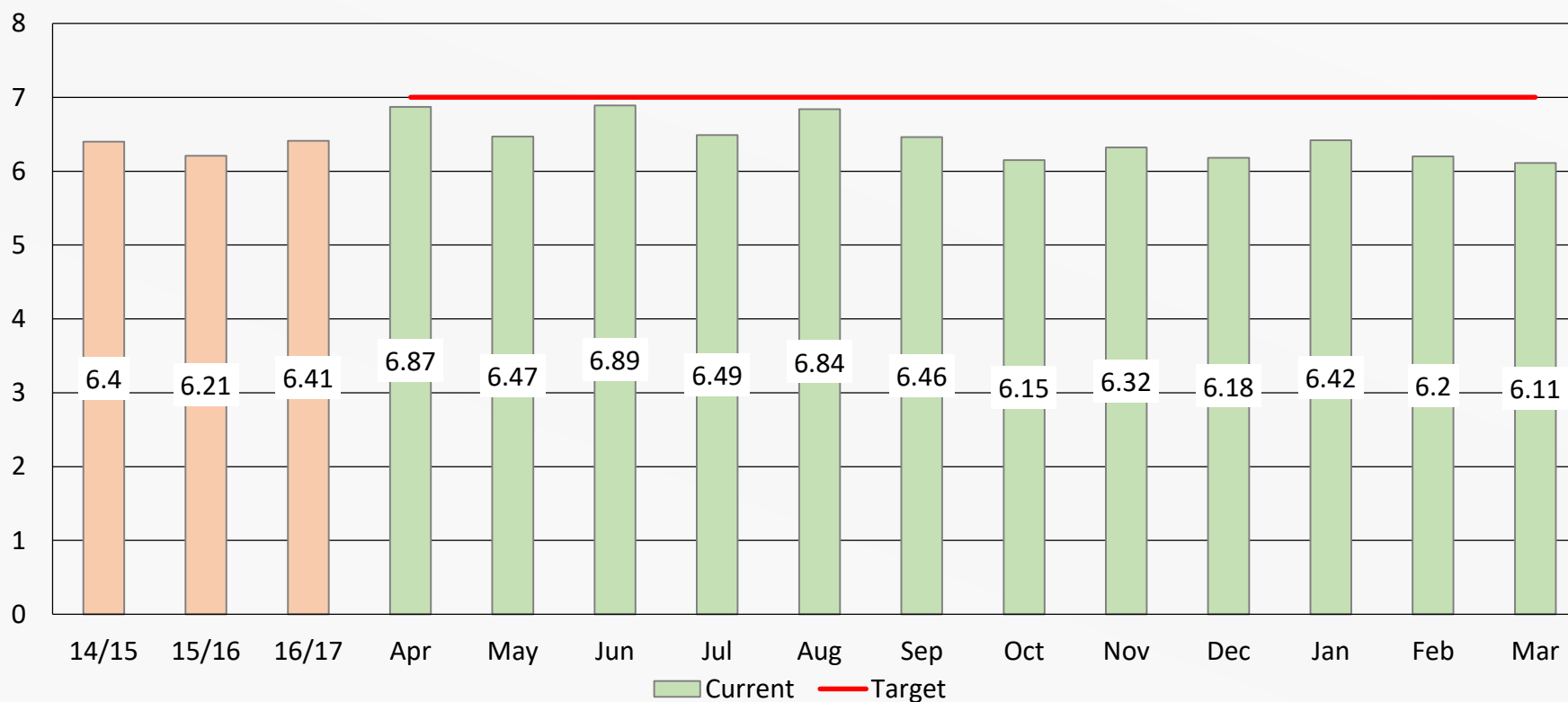
YTD Result
6.47 days

16/17
YTD Q4
comparison
6.41 days

Housemark
Comparisons
(Upper Quartiles)

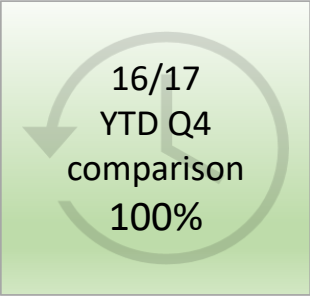
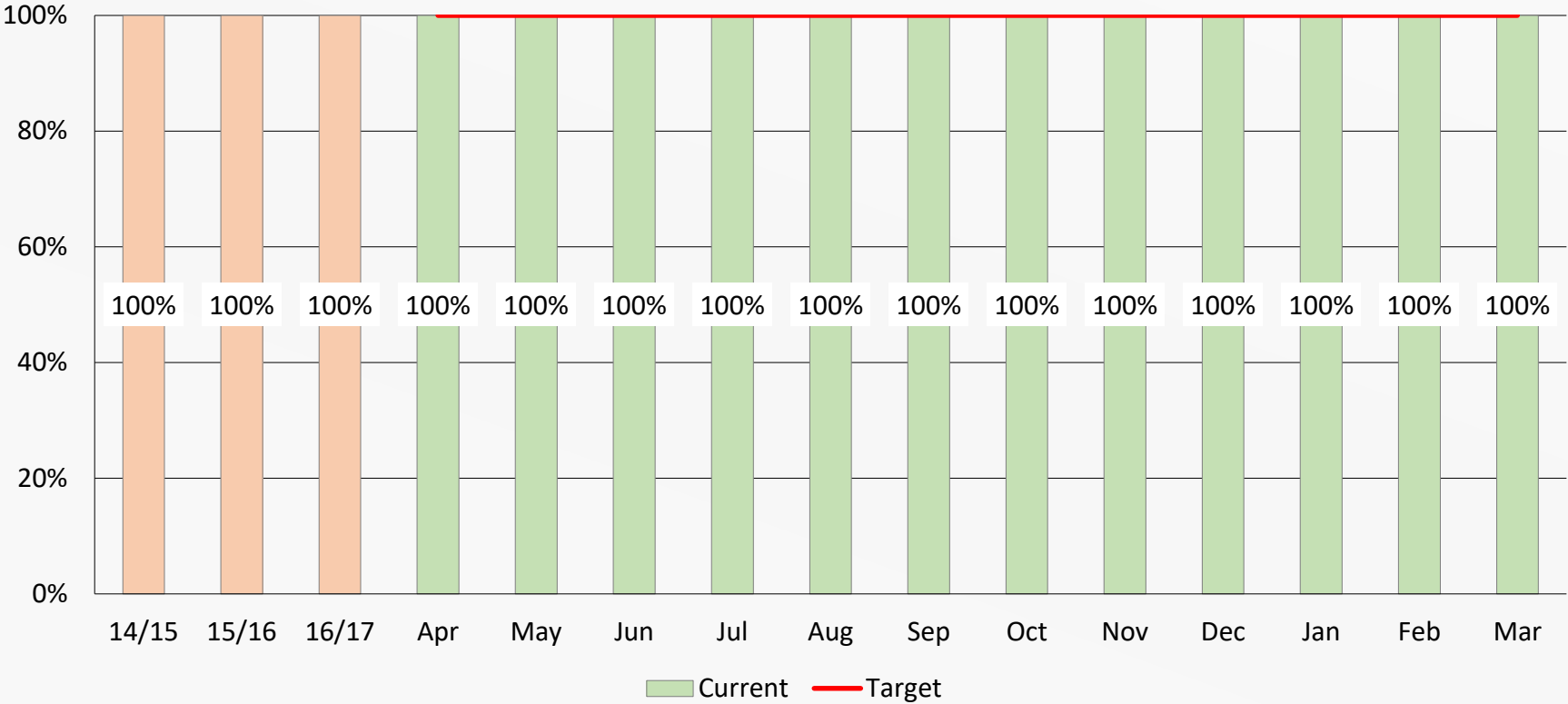
National
6.47 days

Eastern
8.74 days



Properties with valid gas certificate

Comment:



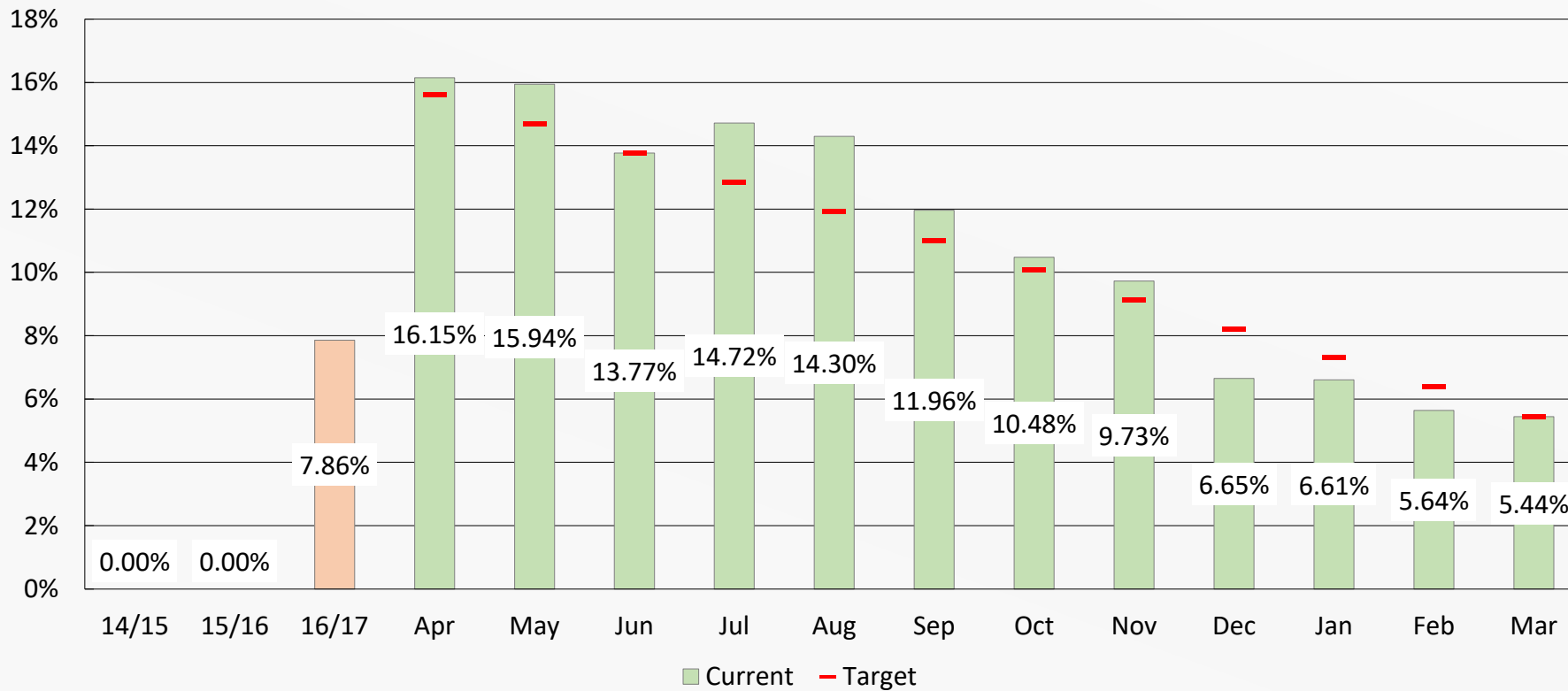
Appendix B Percentage of Non Decent homes

Comment: Of the 5867 stock, there are 319 (5.44%) Non Decent Homes.

17/18 Target
5.46%
327 properties

Mar Result
5.44%

YTD Result
5.44%
319 non decent properties



16/17
YTD Q4
comparison
7.86%
466 properties

Housemark
Comparisons
(Upper Quartiles)

National
0.0%

Eastern
1.28%

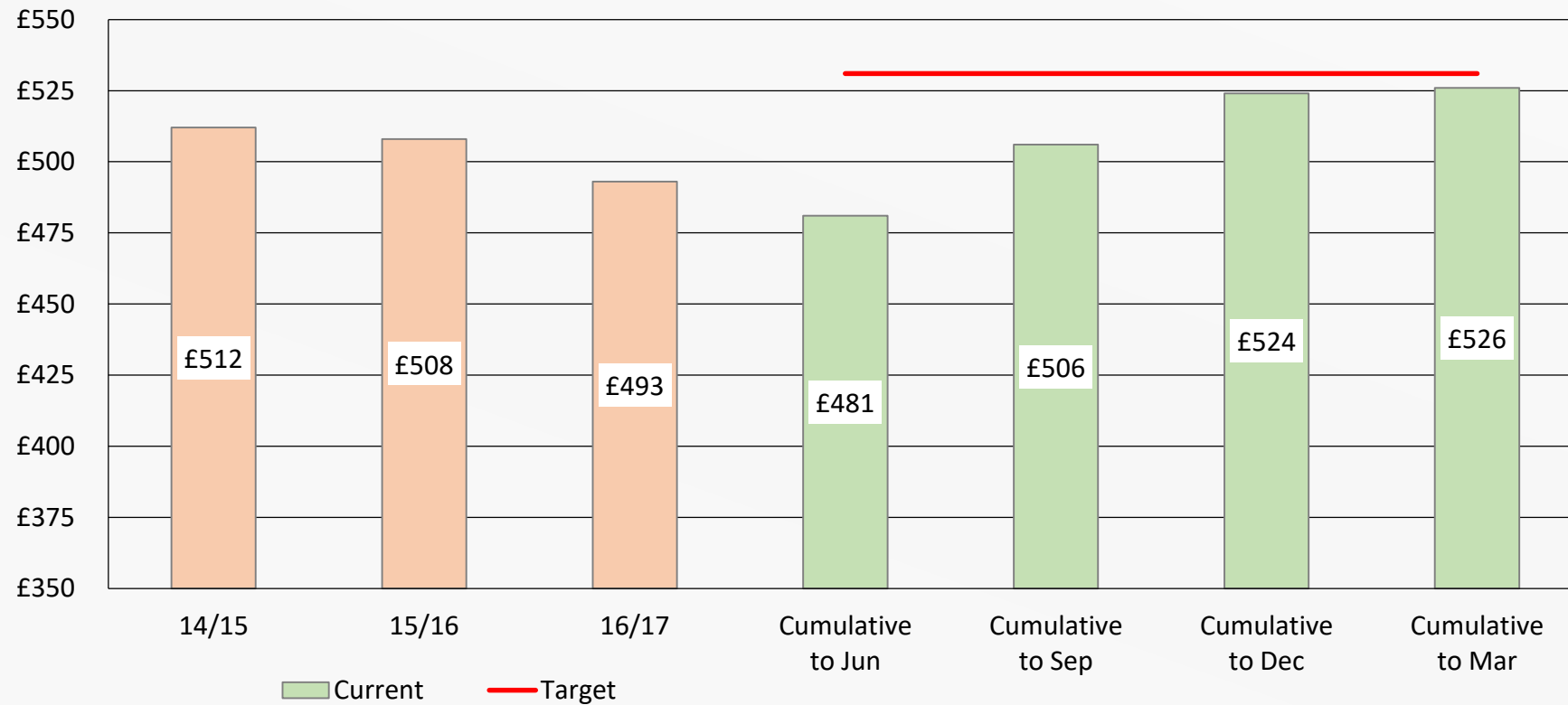
Appendix B Repair and void cost per property

Comment:

17/18 Target
£531

Cumulative
to Mar
Result
£526

YTD Result
£526



16/17
YTD Q4
comparison
£493

Housemark
Comparisons
(Upper Quartiles)

National
£581

Eastern
£565

First Call Resolution (%)

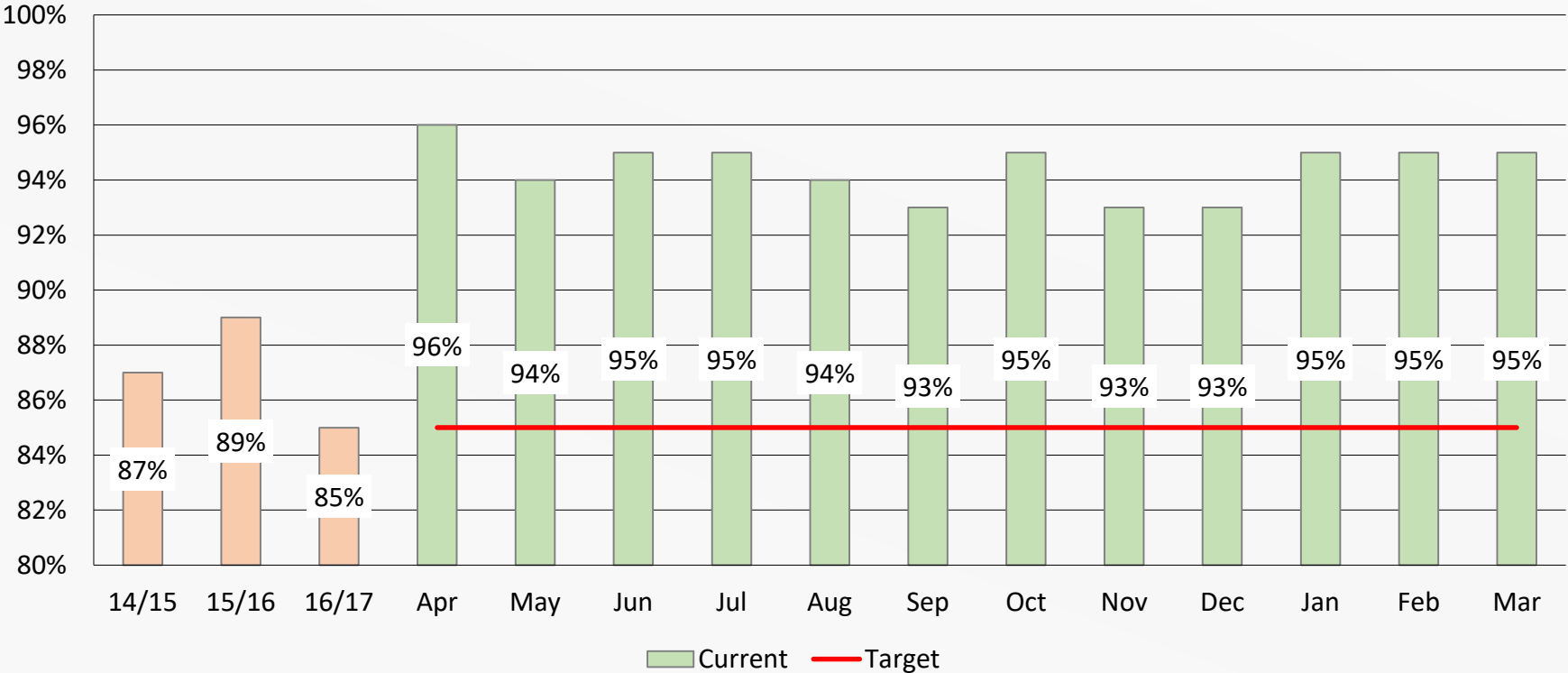
repairs calls only

Comment:

17/18 Target
85%

Mar Result
95%

YTD Result
94%



16/17
YTD Result Q4
comparison
n/a
definition has
changed

Housemark
Comparisons
(Upper Quartiles)

National
n/a

Eastern
n/a

Appendix B

Average waiting time for calls (seconds)

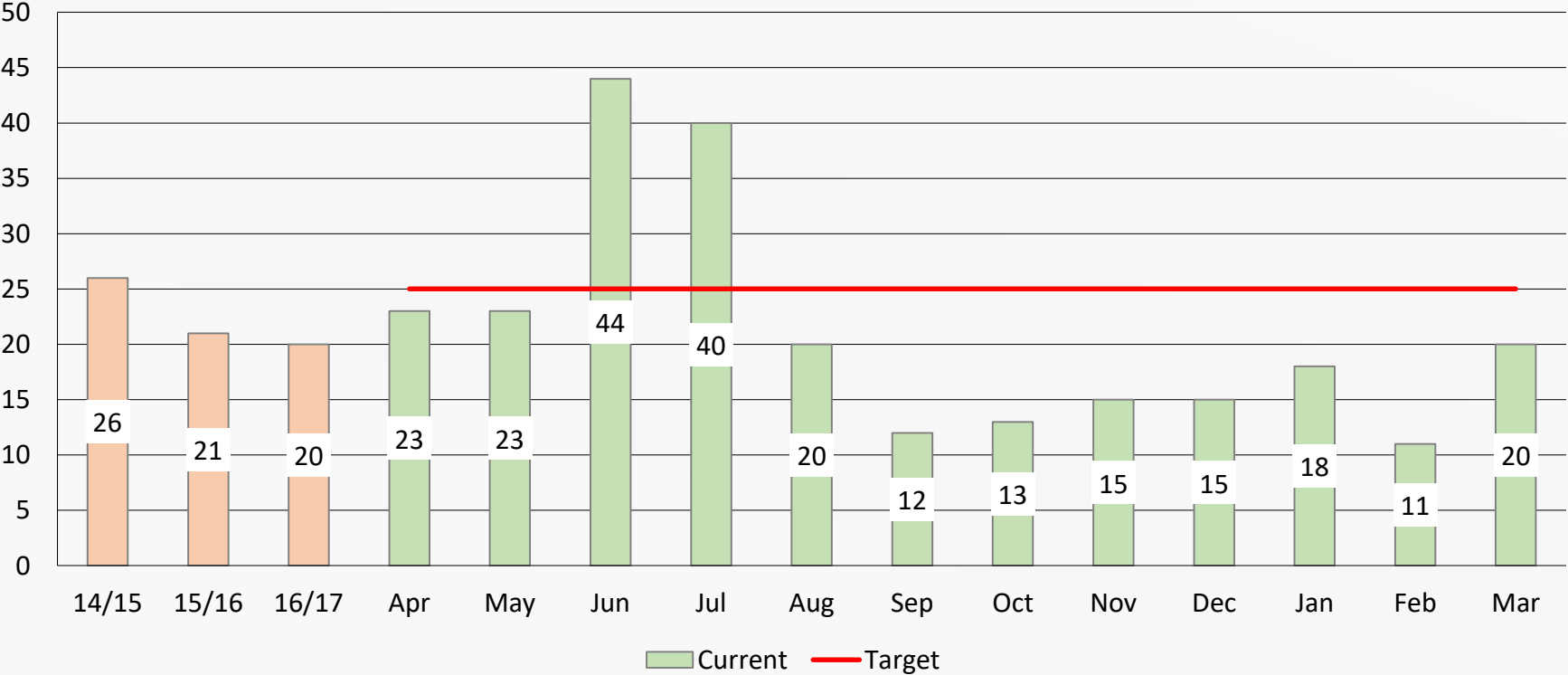
Comment:

17/18 Target
25 seconds

Mar Result
20
seconds

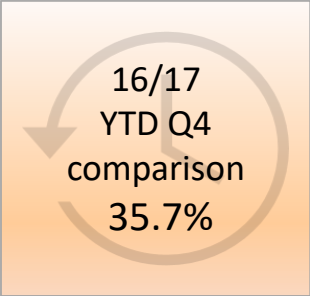
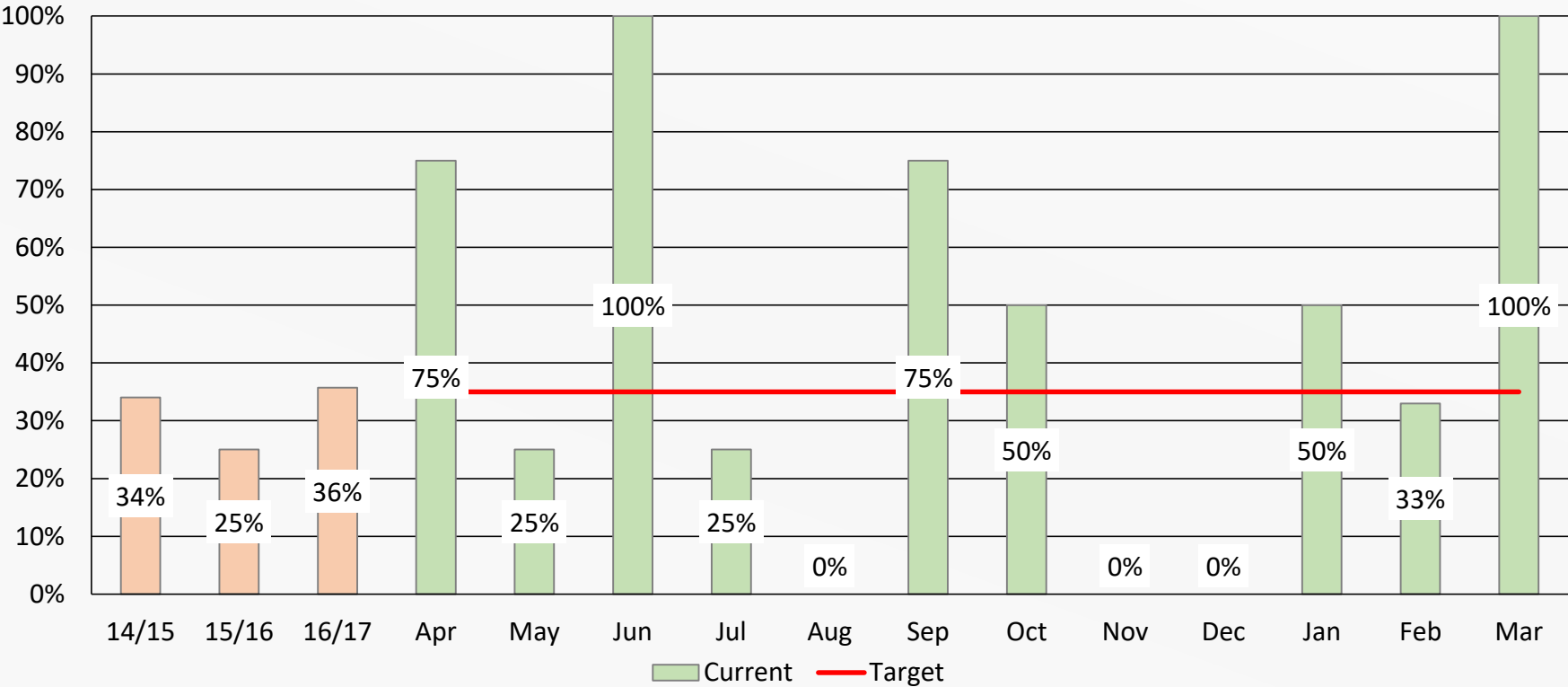
YTD Result
21
seconds

16/17
YTD Q4
comparison
20 seconds



Appendix B % of stage 1 complaints upheld

Comment: 2 new complaints in March. 2 upheld.
38 new complaints YTD. 15 upheld.



Former tenant arrears (£)

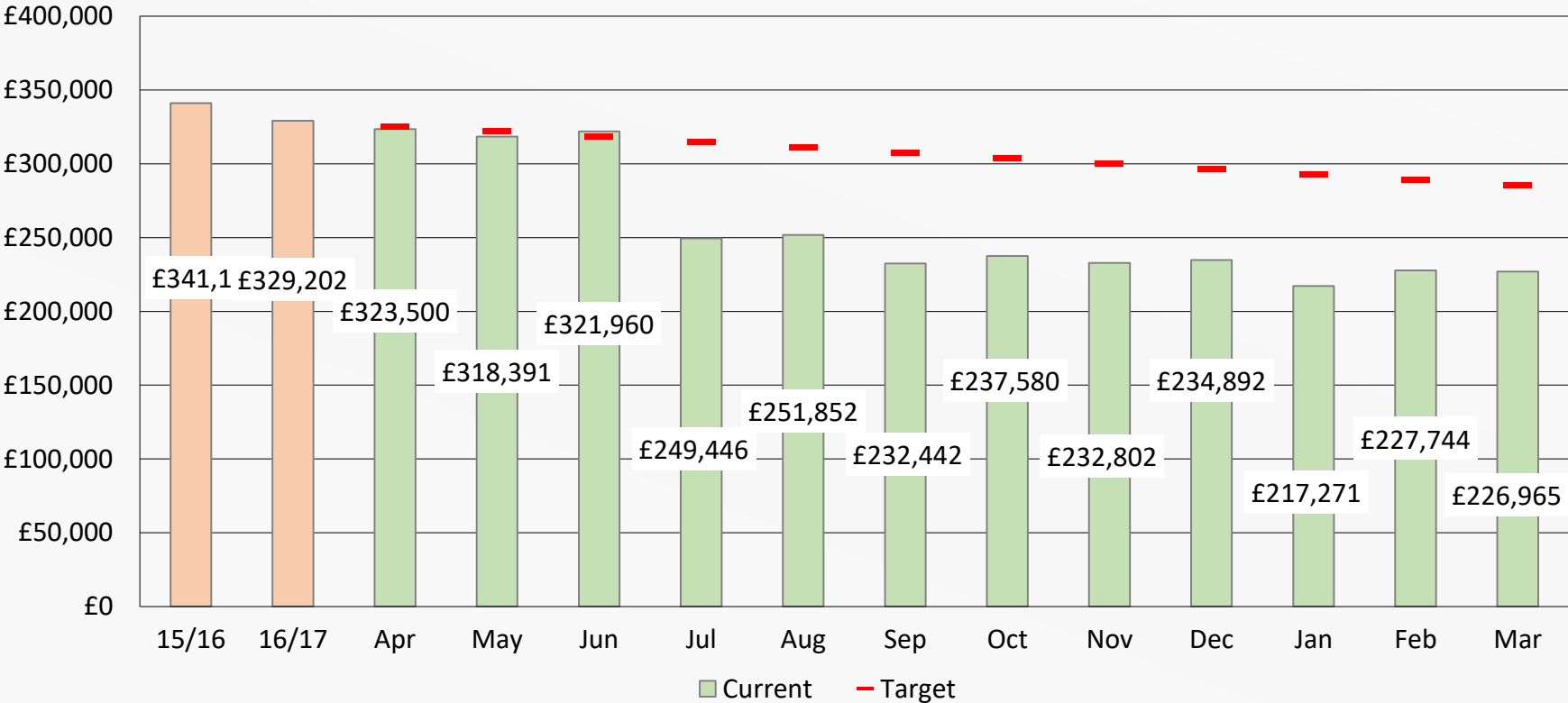
Comment: Joint work with CBC debt team to improve the FTA process has helped to bring this in on target

17/18 Target
£285,900

Mar Result
£226,965

YTD Result
£226,965

16/17
YTD Q4
comparison
£329,202



Housemark
Comparisons
(Upper Quartiles)

National
n/a

Eastern
n/a

Current tenant rent collection (including arrears brought forward)

Comment: Great year end performance despite austerity measures

17/18 Target
98.5%

Mar Result
107.25%

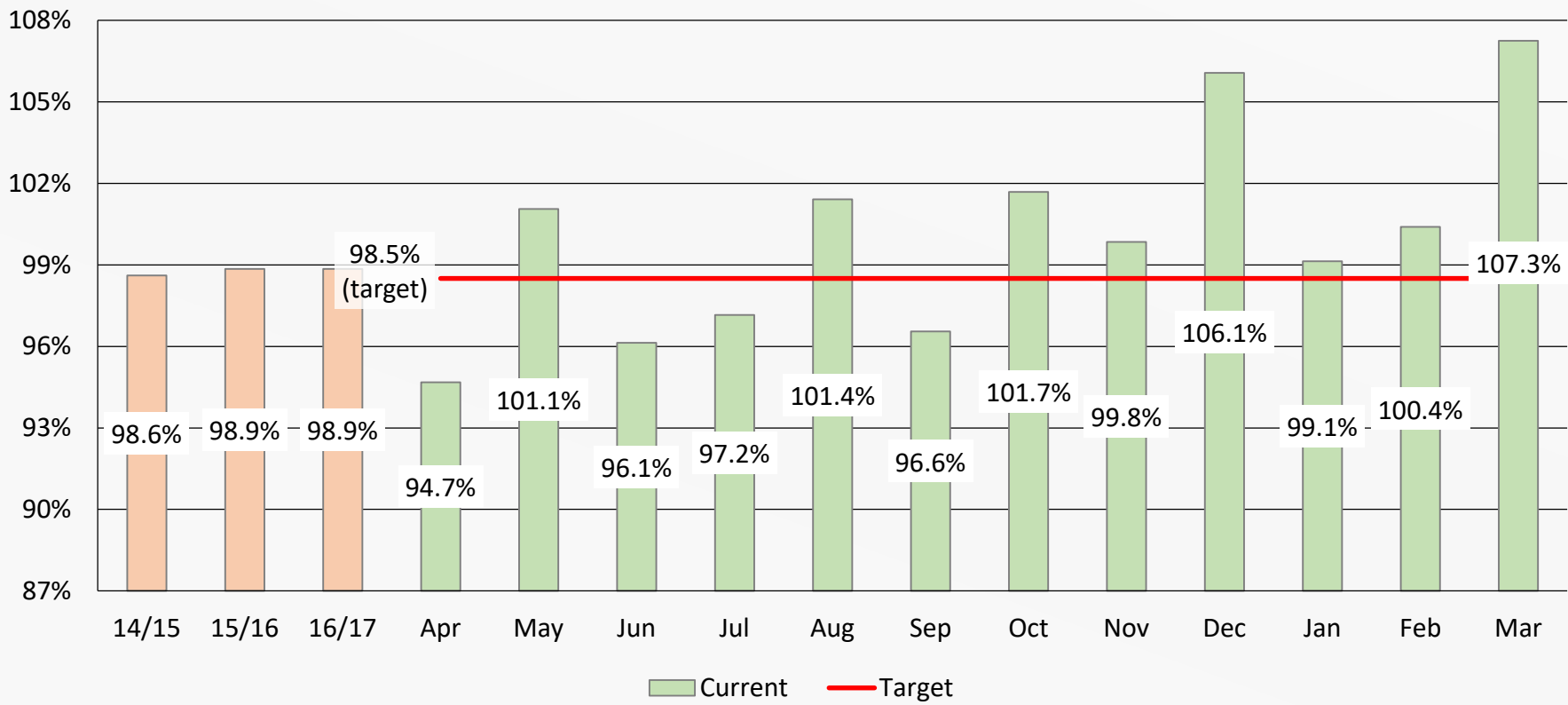
YTD Result
99.91%

16/17
YTD Q4
comparison
98.85%

Housemark
Comparisons
(Upper Quartiles)

National
n/a

Eastern
n/a



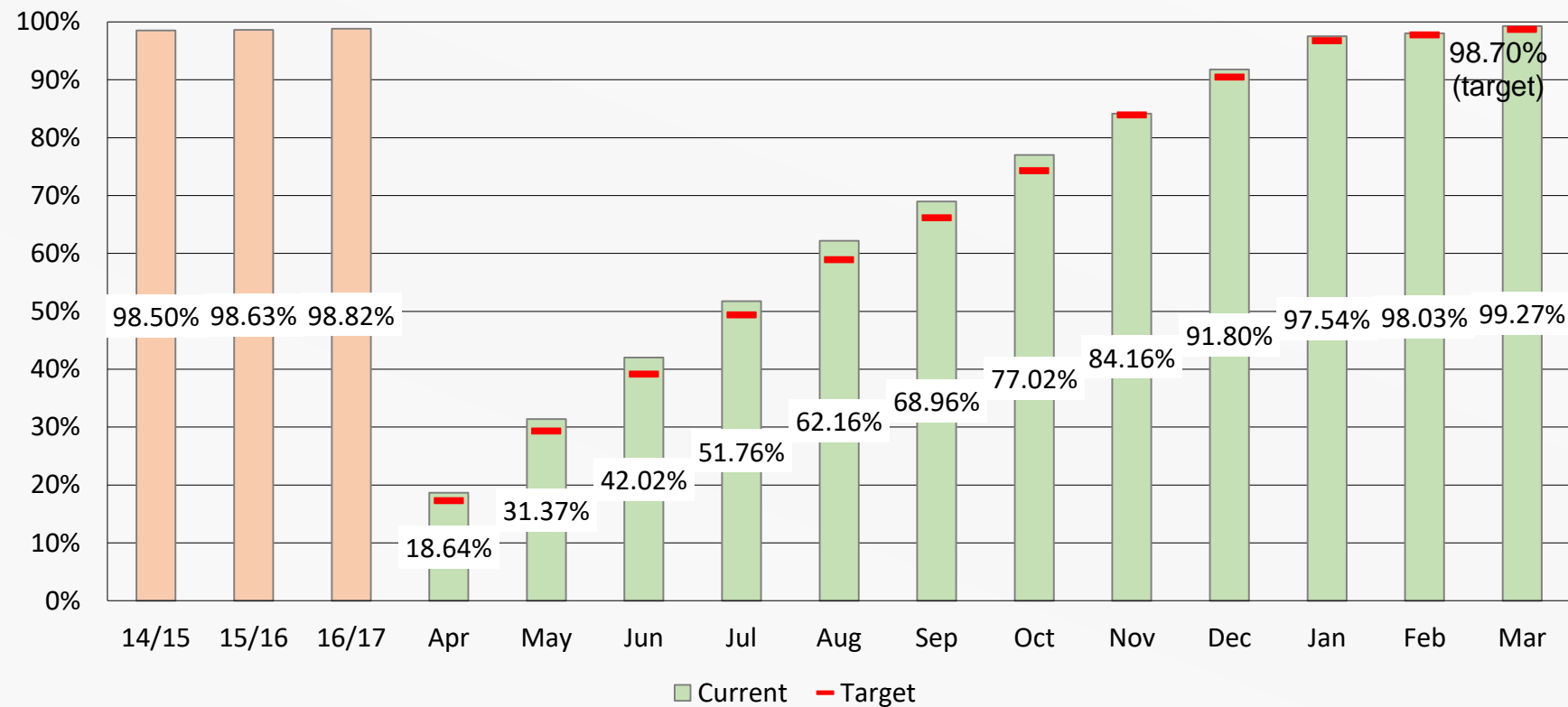
Appendix B Leasehold service charge collection

Comment:

17/18 Target
98.7%

Mar Result
99.27%

YTD Result
99.27%



16/17
YTD Q4
comparison
98.82%

Housemark
Comparisons
(Upper Quartiles)

National
n/a

Eastern
n/a

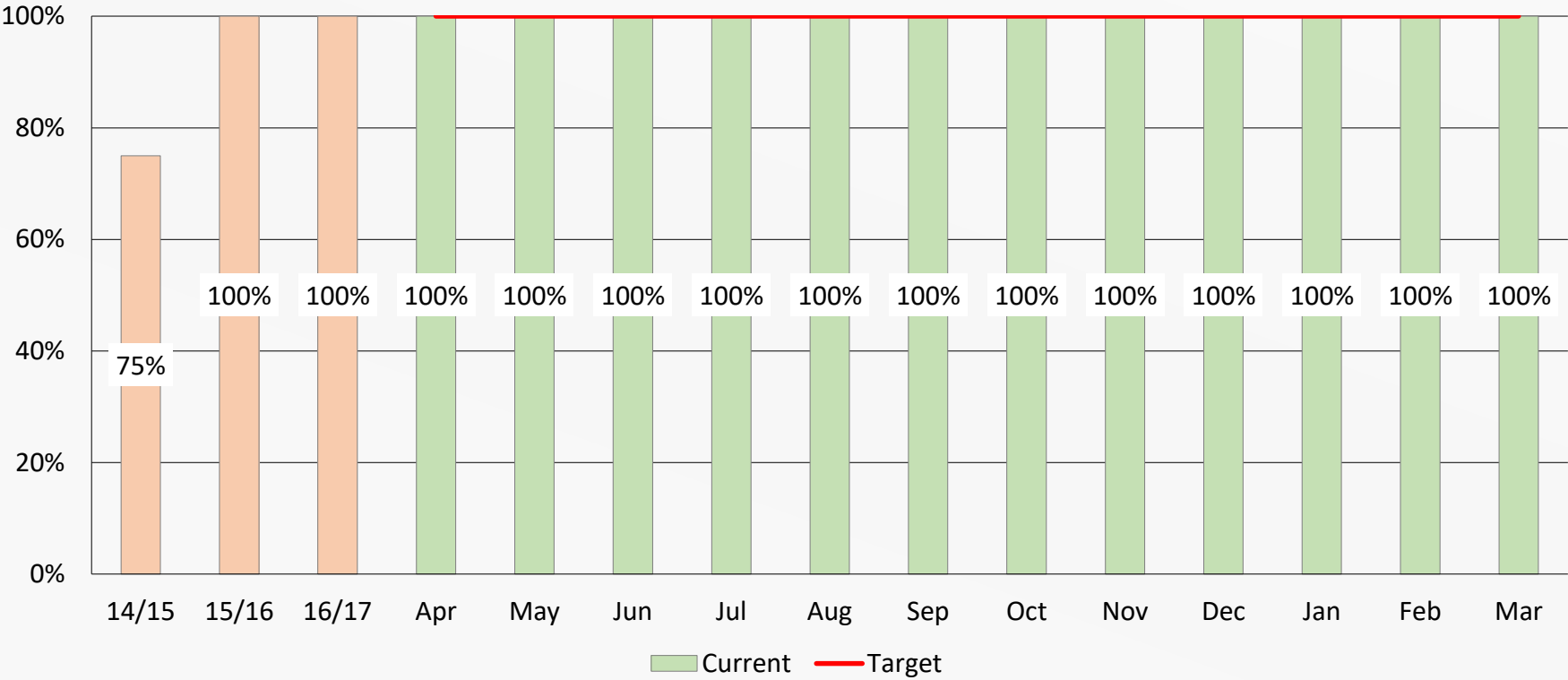
% of Corporate Buildings assets with condition surveys

Comment:

17/18 Target
100%

Mar Result
100%

YTD Result
100%



16/17
YTD Q4
comparison
100%

Housemark
Comparisons
(Upper Quartiles)

National
n/a

Eastern
n/a



Medium Term Delivery Plan 2018-2022

Author: Gerardine Murphy, Service Development Manager

| |
|-------------|
| Version 1.0 |
| March 2018 |

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Foreword from the Chair and Chief Executive

Our Medium Term Delivery Plan 2018-22 sets out the framework for delivery and monitoring of services we provide on behalf of Colchester Borough Council. We deliver a wide range of high-quality, low cost services, including tenancy and property management for the Council's tenants and leaseholders, the housing options service, management of the Borough's public buildings and delivery of new projects.

Our aim is to deliver great services that make a difference and be the trusted choice for local housing, property and community services. We will achieve this by delivering services that are valued by our customers and serving our communities. To do this we will continue to focus on customer satisfaction, value for money and positive outcomes in the community, and we have a number of other plans in place alongside this plan which set out how we will develop as an organisation to support the services we deliver for the Council.

Anne Grahamslaw (Chair) Gareth Mitchell (Chief Executive)

Delivering our services – Performance Plan 2018-22

Customers

Our Customer Plan sets out how we plan to achieve our ambition of being among the top 25% of similar organisations for customer satisfaction by 2022. We plan to do this by:

- Communicating better with customers & promoting more effectively the value of our services
- Listening to customers consistently across our business and translating customer insight into priorities & service design
- Improving access to services
- Empowering staff & supporting a customer-focused culture.

Major areas of focus to improve customer satisfaction will include upskilling and empowering staff, using customer insight and feedback to improve services and upgrading of systems and our online offering to support better customer service.

Customer satisfaction %

We will monitor satisfaction at the point of service to ensure customers are satisfied with the service they have received. We will monitor aspects of our service such as repairs and maintenance, new tenants moving in and property upgrades.¹

| 2017/18 target | 2017/18 latest | Targets | | | |
|----------------|---------------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| New | 96.4 Q3 94.9 YTD | 95 | 95.5 | 96 | 96.5 |

¹ Further development of this KPI will take place during 2018/19 to incorporate other areas such as antisocial behaviour, homelessness & housing options, customer service centre and repairs carried out by sub-contractors.

Repairs & maintenance

The next few years will present an increasingly challenging environment for our repairs and maintenance service. Managing the impact on demand for responsive repairs due to reductions in the capital programme will be a key priority, and will mean working with the Council to implement a new repairs policy and repairs standards.

We will also need to manage the impact on customer satisfaction of difficult decisions due to budget pressures, for example the reduced fencing programme.

We will continue to focus on delivering an effective service for our customers by focusing on getting repairs right first time and improving communications around repairs; we will be working on making better use of technology, including how customers report repairs and how repairs are scheduled and managed.

Our challenges will also include making sure we continue to attract, develop and retain the best staff in a competitive environment. This will help us ensure that our repairs service delivers value for money by making the best use of our own team and our network of suppliers.

We will be managing the framework of new repairs & maintenance contracts in place from 2017 and our focus will be on ensuring customers are satisfied with the service delivered by our subcontractors. The new gas servicing & repairs contract is expected to save in the region of £100K per year.

The introduction of new wiring regulations from April 2018 will potentially impact on training and rewiring costs and these will need to be factored into resourcing of the whole service.

Repairs completed on time %

We will monitor the percentage of repairs which are completed within agreed timeframes: 21 working days for routine repairs, 24 hours for emergency repairs, 3 working days for urgent repairs and 3 months for programmed repairs.

| 2017/18 target | 2017/18 latest | Targets | | | |
|----------------|-----------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| 96.75 | 98 Q3 98 YTD | 97 | 97.25 | 97.5 | 97.75 |

Housing options and homelessness

We will continue to provide high quality housing options and homelessness services, working with the Council and partners to deliver the local homelessness strategy.

Our focus will remain on reducing homelessness through early intervention. The new duties under the Homeless Reduction Act will mean increased homelessness prevention and relief activity and are likely to result in higher demand for the provision of accommodation, as well as a rise in associated costs. An increase in customer demand, reviews and partner referrals will require the development of new partnerships and improvement of existing ones.

A new co-ordinated approach to tackling entrenched rough sleeping will mean a renewed emphasis on improved partnership working, more work to identify those likely to end up on the streets and new service level agreements with partners to tie in with grant allocation.

We aim to minimise the use of temporary accommodation and in particular bed and breakfast accommodation. Our focus will continue to be on minimising temporary accommodation costs while increasing the supply of good quality alternative accommodation; this will include improving the private sector leasing scheme and Homefinder offer through better service provision, developing an effective landlord incentive scheme and setting up a project steering group to include private landlords.

Homelessness prevention & relief %

We will monitor the proportion of cases where advice or assistance has been provided to households who are homeless or threatened with homelessness which has resulted in homelessness being prevented.²

| 2017/18 target | 2017/18 latest | Targets | | | |
|----------------|-----------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| 45 | 59 Q3 54 YTD | 50 | New | New | New |

² Currently this is the existing homelessness prevention measure submitted as part of our statutory returns. Implementation of the new Homelessness Reduction Act will mean that from April 2018 we will be measuring homelessness prevention and relief rather than prevention alone. The new methodology and baseline are to be confirmed once government guidelines are in place, and the measure will be reviewed after new duties/measures under the Homelessness Reduction Act are implemented.

Housing asset management

Our challenge over the next few years will be to continue to provide high quality homes in an environment of limited budgets. In response to government policies, including rent reductions of 1% per year over 4 years, the Capital Programme budget has been reduced by £2.25m per year for the next 4 years.

Over the next few years our focus will be on implementing the Housing Futures programme which will mean moving from a condition-based investment programme to a planned approach. The revised programme will only address retaining the Decent Homes standard and ensuring the stock and surrounding estates are safe.

The team will be focusing on essential works: kitchens, bathrooms, heating, rewires, windows, doors, roof replacements, footpath safety repairs, asbestos removal and garage refurbishments.

We will continue to assist the Council in identifying medium term strategic options for the stock under the Asset Management Strategy and we will support the Council in ensuring the long-term sustainability of its 30-year Housing Revenue Account Business Plan.

We will provide support to the Council on its ambitions for the development of new homes.

Capital program elements completed on time %

We will monitor progress against the capital programme delivery schedule agreed at the start of each year.

| 2017/18 target | 2017/18 latest | Targets | | | |
|-------------------|-------------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| New | New | 95 | 95.5 | 96 | 96.5 |

Housing management

Welfare reform will continue to have an impact on our customers and the business, in particular the transition towards Universal Credit. Our focus will be on supporting tenants to sustain their tenancies and maintaining collection rates.

To do this we will continue to develop staff knowledge and skills, and we will work towards a better understanding of the support needs of our customers to help them sustain tenancies.

To maximise income collection we will develop our rent collection processes, and by ending tenancies more effectively we will reduce the money owed by former tenants.

We will improve community safety by working with partners and offering a range of interventions to support victims of antisocial behaviour throughout the Borough. Ensuring that estates and communal areas are kept clean and safe will continue to be a high priority.

Providing high quality, efficient services to our leaseholders and maintaining collection rates for leasehold service charges and capital repairs will continue to be an important focus.

We will communicate more effectively to demonstrate to tenants and leaseholders that we listen and improve services.

Our new Community Plan will set out how we will work to ensure vulnerable residents can access the support they need, promoting health and wellbeing and tackling financial and digital exclusion, ensuring better outcomes for the community by working in partnership with others.

Rent collection %

We will monitor the rent collected from current tenants as a percentage of the rent collectable plus any arrears at the start of the year.

| 2017/18 target | 2017/18 latest | Targets | | | |
|-------------------|-------------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| 98.5 | 99.4 YTD | 98 | 98 | 98.2 | 98.5 |

Letting homes

We will be working with CBC to review the Colchester minimum standard for newly-let properties whilst endeavouring to maintain customer satisfaction.

We will start, amend and end tenancies more efficiently, minimising void times and rent lost through properties being empty. A key priority will be maximising the use of Council homes, for example targeting under-occupation by promoting mutual exchanges and encouraging tenants to downsize where appropriate.

As well as carrying out our own works to vacated properties we will be managing the voids contract with Mears which commenced in 2017; the contract now covers insurance works and will speed up turnaround times for empty properties.

Average days to re-let general needs properties

We will monitor the number of days taken to re-let vacant general needs homes, including any days spent in capital works.

| 2017/18 target | 2017/18 latest | Targets | | | |
|-------------------|-------------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| 25 | 25 YTD 25 Q3 | 25 | 25 | 24.75 | 24.75 |

Corporate asset management

We will continue to support delivery of the Council's Corporate Asset Management Strategy; this includes the completion of stock condition surveys and resulting Building Maintenance Programme works. The team develops and manages a planned programme of maintenance works operating on a five-year cycle.

We will be working with the Council on the re-tender of its Planned Preventative Maintenance contract for corporate buildings.

An important area of focus over the next few years will be enhancing the effectiveness and value for money of the Technical Services team.

Corporate facilities repairs completed on time %

We will monitor the percentage of responsive repairs which are completed within agreed timeframes: immediately in the case of emergencies, 24 hours for urgent repairs and 30 days for non-urgent repairs.

| 2017/18 target | 2017/18 latest | Targets | | | |
|----------------|----------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| New | 70 | 75 | 85 | 90 | 95 |

Compliance

We will continue to ensure that high-quality health and safety and risk management frameworks are in place and that risks from gas, fire hazards and asbestos are actively managed. We will implement best practice in governance & risk management.

We will be completing works resulting from programme of Fire Risk Assessments carried out in 2017.

Gas safety will continue to be a high priority; we will be managing the Council's gas servicing & repairs contract and implementing a new "MOT" approach to gas servicing which has been in place since 2017 and is expected to save in the region of £100K per year.

We will seek to maintain our accreditations for ISO 9001 Quality Management, ISO 14001 Environmental Management, OHSAS 18001 Occupational Health and Safety Management.

Gas compliance %

We will monitor the percentage of tenanted homes with a gas supply which have a valid gas service certificate.

| 2017/18 target | 2017/18 latest | Targets | | | |
|-------------------|-------------------|---------|---------|---------|---------|
| | | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| 100 | 100 | 100 | 100 | 100 | 100 |

Financial plan

The annual turnover of the Housing Revenue Account (HRA) and Housing Investment Programme is around £41 million. Of this, £11.4 million each year is for our management and delivery of services, with a further £24.1 million managed through delegated budgets. This includes £8.5 million for the Mercury Rising Project.

The management fee is set in line with the provisions of the 30-year HRA business plan on an annual basis. In addition, we also manage General Fund activities relating to Housing Options and Corporate Facilities Management.

Our Business Development Plan will support us in our aim of generating extra income to support our priorities and our sustainability as a business. Our Value for Money, Technology and Investment Plan sets out how we will generate savings to reinvest in our services.

| | 2018/19 £,000s | 2019/20 £,000s | 2020/21 £,000s | 2021/22 £,000s |
|---|-------------------|-------------------|-------------------|-------------------|
| Turnover | | | | |
| Management fee | 9,274 | 9,459 | 9,649 | 9,842 |
| Capital works | 2,160 | 2,203 | 2,247 | 2,292 |
| Interest | 10 | 10 | 10 | 11 |
| Total turnover | 11,444 | 11,673 | 11,906 | 12,144 |
| Expenditure | | | | |
| Housing management | 1,445 | 1,474 | 1,503 | 1,533 |
| Sheltered housing | 561 | 572 | 584 | 595 |
| Business services and overheads | 1,472 | 1,501 | 1,531 | 1,562 |
| Housing Options | 775 | 791 | 806 | 822 |
| Repairs & refurbishment management | 1,837 | 1,874 | 1,911 | 1,949 |
| Facilities management of public buildings | 215 | 219 | 224 | 228 |
| Corporate services | 287 | 293 | 299 | 305 |
| Revenue works | 2,693 | 2,747 | 2,802 | 2,858 |
| Capital works | 2,160 | 2,203 | 2,247 | 2,292 |
| Total expenditure | 11,444 | 11,673 | 11,906 | 12,144 |

Figures from 2019/20 onwards assume a 2% per annum uplift and can only be considered estimates at this stage; these figures will be agreed on an annual basis over the lifetime of the plan.

Delegated budgets

| Budget | 2018/19 £,000s | 2019/20 £,000s | 2020/21 £,000s | 2021/22 £,000s |
|---|---------------------------|---------------------------|---------------------------|---------------------------|
| Housing Investment /refurbishment programmes | 6,250 | 6,375 | 6,503 | 6,633 |
| Revenue works | 1,399 | 1,427 | 1,456 | 1,485 |
| Corporate facilities - capital works | 12,500 | 4,000 | 4,000 | 4,000 |
| Corporate facilities - revenue works | 1,917 | 1,955 | 1,994 | 2,034 |
| Total works | 22,066 | 22,507 | 22,957 | 23,417 |
| Revenue delegated budgets | 2,045 | 2,086 | 2,128 | 2,170 |
| Total delegated budgets | 24,111 | 15,843 | 16,080 | 16,322 |

Figures from 2019/20 onwards assume a 2% per annum uplift (with the exception of corporate facilities capital works) and can only be considered estimates at this stage; these figures will be agreed on an annual basis over the lifetime of the plan.

2018/19 figure includes one-off income of £8.5 from the Mercury Rising project; corporate facilities capital income is not currently projected to rise from 2019/20.

Resources plan

The Colchester Borough Homes Strategic Plan sets out how we will develop as a business to support and enhance delivery of our services and provide customer satisfaction, value for money and positive outcomes in the community.

Our staff are our greatest asset, and our People Plan will focus on how we can continue to be an employer of choice and get the best out of our staff.

We are constantly striving for efficiency in every area of our business and will continue to focus on achieving even more with the resources available. Our Value for Money, Technology and Investment Plan and Working Smarter project will help us to make the most of the resources we have, including developing our use of technology, embedding a new outcome-based approach to performance management and redesigning services to generate efficiencies.

Our Leadership and Governance Plan will ensure we continue to develop the appropriate skills and framework to support accountability and inspire trust in CBH as an organisation.

Monitoring Delivery

Delivery is monitored via a performance framework agreed with the Council which encompasses partnership working, governance and tenant scrutiny, regular planning and reporting, benchmarking with other organisations and external assessment:

- **Council liaison:** Quarterly meetings, performance data discussions, Capital Monitoring Group, Asset Management Group meetings
- **Reports and key documents:** Monthly and quarterly performance reports, Property Services KPI pack, statutory returns, annual report, standardised tenant survey report
- **Tenant Scrutiny:** Resident Board members, Resident panel, focus groups, satisfaction surveys, tenant and leaseholder events
- **Internal scrutiny:** Board and committees, panels, internal audit
- **Benchmarking:** HouseMark, informal benchmarking with other organisations
- **External assessment:** third party organisations/bodies, e.g. OHSAS 18001, Investors in People.

Key performance indicators are monitored using a quarterly performance review approach. This involves targets and detailed analysis for a wide range of indicators and is shared with the Council as well as being reviewed internally and benchmarked externally on a regular basis.

We are committed to supporting local decision making and accountability and we will continue to support scrutiny by Council tenants as part of the co-regulatory regime. Our Customer Plan and Leadership Plan set out how we encourage and facilitate wider and more representative participation by local residents in shaping the delivery of housing services.

Related documents – the strategic framework

Colchester Borough Council Strategic Plan

We are committed to working with our parent organisation Colchester Borough Council to share in the delivery of its vision for the Borough.

The Council's [Strategic Plan 2018-21](#) outlines its overall objectives to support Growth, Responsibility, Opportunity and Wellbeing (GROW) in the Borough. Colchester Borough Homes can make a significant contribution, particularly to the following aims:

- Target support to the most disadvantaged residents and communities
- Promote responsible citizenship by encouraging residents to get involved in their communities and to identify solutions to local issues
- Ensure residents benefit from Colchester's economic growth with skills, jobs and improving infrastructure
- Educate those residents who behave anti-socially about the impact of their behaviour
- Encourage belonging, involvement and responsibility in all the Borough's communities
- Work with Essex Police and partners in the Safer Colchester Partnership to make Colchester an even safer place
- Create new social housing by building Council homes
- Develop jobs, homes, infrastructure and communities to meet the Borough's future needs by creating new Garden Communities
- Work with partners to create a shared vision for a vibrant town centre
- Encourage re-use and recycling to reduce waste to landfill
- Improve standards in the private rented sector
- Help residents adopt healthier lifestyles by enabling the provision of excellent leisure facilities.

The Council has also set out a number of strategies and plans where CBH has an important contribution to make, including:

- Housing strategy
- Homelessness strategy
- Housing asset management strategy
- Housing development strategy
- Corporate asset management strategy
- Environmental sustainability strategy
- Community enabling strategy.

Colchester Borough Homes Strategic Plan

The CBH Strategic Plan 2017-22 sets out how we will develop as an organisation over the next few years to support us in delivering great services that make a difference. We aim to be the trusted choice for local housing,

property and community services, and we achieve this by delivering services that are valued by our customers and by serving our communities.

To do this we will need to focus on customer satisfaction, value for money and positive outcomes in the community; we recognise that we will need:

- Excellent customer service
- A smarter approach to the way we work
- Increased income
- Effective governance & leadership
- Partnerships that deliver for our communities.

As well as the Medium Term Delivery Plan, we have a range of plans to support our Strategic Plan priorities and make sure that we develop as an organisation to support the services we deliver:

- Customer plan
- Value for money, technology & investment plan
- People plan
- Business development plan
- Leadership plan
- Community plan.


Our Board, customers and staff will help us monitor progress against these goals.

Document control sheet

| | |
|---|---|
| Title: | Medium Term Delivery Plan |
| Electronic File Name & location: | https://colchbh.sharepoint.com/sites/fnc/dmtsm/Medium term delivery plan/Medium Term Delivery Plan 2018-22 approved March 2018.docx |
| Consultation with stakeholders: | CBH Board, September 2017 SMT/DMT September/November 2017 CBH Operations Committee November 2017/February 2018 CBC November/December 2017 |
| Approved: | CBH Board February 2018, CBC March 2018 |
| Next Review date: | February 2019 |
| Circulation method: | CBH website |
| Equality Impact Assessment: | February 2018j |

Document amendment history

| Version | Type | Date | Notes |
|----------------|-------------|-------------|--|
| 1.0 | New | March 2018 | New plan approved by Board & CBC. Awaiting Q4 figures for publication. |

| | | | |
|-----------------------|--|---------------|---|
| Report of | Dan Gascoigne Assistant Director Policy and Corporate | Author | Karen Paton  282275 |
| Title | Homelessness and Rough Sleeping | | |
| Wards affected | All wards | | |

1. Executive Summary

- 1.1 During 2017-18 significant progress has been made in tackling Homelessness and Rough Sleeping in Colchester against a backdrop of national and local housing challenges, and a fundamental change to homelessness legislation with the introduction of the Homelessness Reduction Act 2017.
- 1.2 The Act places two additional Prevention and Relief duties on the Local Housing Authority and an additional 'duty to refer' on all public authorities specified in the legislation.
- 1.3 Demand for Social Housing in Colchester continues to grow whilst the supply of accommodation is reducing. In order to mitigate this Colchester Borough Council, Colchester Borough Homes and partner organisations continue to focus on innovative ways to prevent homelessness occurring in the first instance .Progress in the prevention of homelessness has increased from 648 households in 2016-17 to 869 households in 2017-18.
- 1.4 Colchester's Homelessness Strategy was adopted in March 2014. The 5 year Strategy and Delivery Plan set out the way in which Colchester Borough Council and its partner organisations will work together to prevent homelessness in the borough. In order to do this five key Priorities were identified for the Homelessness Strategy:
 - Preventing homelessness by sustaining tenancies
 - Mitigating the negative impacts of welfare reform
 - Improving the Health and Wellbeing of homeless people
 - Changing the perception and culture of social housing through education – managing expectations
 - Rough Sleepers – this priority focusses on actions specifically for this group
- 1.5 The Homelessness Strategy continues to be a 'working document' and actions to reflect the changes in legislation and the implementation of the Homelessness Reduction Act have been incorporated into the Homelessness Strategy Delivery Plan.
- 1.6 The report looks back on the progress that has been made on homelessness and rough sleeping, through the actions identified in the Delivery Plan of the strategy during 2017-18.

2. Action Required

- 2.1 The Panel is asked to review the progress on tackling Homelessness and Rough Sleeping through the implementation of Colchester's Homelessness Strategy 2014-2019

3. Reason for Scrutiny

- 3.1 The Panel has requested to review progress on Homelessness and Rough Sleeping in Colchester. The Panel are invited to comment and provide feedback on the progress made on the actions in the Homelessness Strategy Delivery Plan in the light of challenging national and local housing and welfare reform circumstances.

4. Background Information

Homelessness in Colchester

- 4.1 In response to the national housing crisis Colchester Borough Council has continued to adopt a strong approach:

- To focus on increasing the supply of permanent homes.
- To adopt imaginative methods to prevent homelessness.
- To put in place innovative measures to improve the experience of households living in temporary accommodation.

- 4.2 Colchester has achieved its targets for new house building for many years, but nationally housing supply has fallen short of what is needed for decades.

Despite this the demand for social housing in Colchester continues to outweigh the supply. In 2017-18 the number of affordable homes delivered was 134 and in the same year there were 647 lettings to Council and Registered Provider homes, of which 244 were let to homeless households. At the end of March 2018 there were 4989 households on the Council's Housing Register.

- 4.3. Colchester Borough Council delegates its duties in respect of homelessness, provision of housing advice and maintaining a housing register to Colchester Borough Homes. Together with partners we continue to be successful in preventing homelessness. In 2017-18 the number of households prevented from becoming homeless was 869. There has been a significant decrease in the number of households that the Council owes a duty to rehouse from 325 households in 2016-17 to 184 in 2017-18. The number of households in temporary accommodation has also decreased from 204 households at the end of 2016-17 to 154 at 31st March 2018.

The Housing and Homelessness quarterly summary containing key statistical information from the Housing and Homelessness Strategies is shown at Appendix 1.

4.4 Homelessness Reduction Act 2017

The Homelessness Reduction Act came into force in April 2018. The government published a new code of guidance that set out in more detail how the changes should be implemented.

The Act is the first change to Homelessness Legislation for 16 years although some commentators argue it is the greatest change since the original 1977 Homeless Persons Act.

The new Homelessness Reduction Act places two additional statutory duties on local housing authorities:

The prevention duty – requires councils to intervene to prevent homelessness at an earlier stage, when a household is at risk of losing their home in the next 56 days. This is particularly relevant for those living in privately rented homes who are served with notice, and provides more opportunity to support people directly into another tenancy.

The relief duty - requires councils to offer more advice and support to anyone who is already homeless, regardless of whether they are in priority need and may involve offering accommodation.

- 4.5 Councils are now required to draw up personalised plans for people that are homeless and anyone who is at risk of becoming homeless. Public authorities that are specified in the legislation and that have contact with clients who are homeless or at risk of homelessness will be required to refer them to local authorities, with the persons consent. Clients can choose which local authority they want to be referred. This is known as a 'duty to refer'.
- 4.6 The duties that existed under the previous homelessness legislation, known as the **main duty** remain in place. A main housing duty is owed where homeless households are eligible (certain persons from abroad are ineligible for housing assistance), have a priority need for accommodation and are not homeless intentionally. Certain categories of household, such as pregnant women, families with children, and households that are homeless due to an emergency such as a fire or flood, have priority need if homeless. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or as a result of becoming homeless due to domestic abuse. This duty is usually ended through the offer of a settled/permanent home.
- 4.7 As a result of the Homelessness Reduction Act processes, procedures, information being collected and statutory returns have all had to change. Colchester Borough Homes (CBH) have detailed elsewhere on this agenda the significant work they undertook to achieve this.
- 4.8 Colchester's Homelessness Strategy 2014-19.

The Homelessness Act 2002 requires all local authorities to carry out a homelessness review, develop a Homelessness Strategy for their area to prevent homelessness, and provide accommodation and/or support for people who are or may become homeless.

- 4.9 Colchester's Homelessness Strategy was adopted in March 2014. The 5 year Strategy and Delivery Plan set out the way in which Colchester Borough Council and its partner organisations will work together to prevent homelessness in the borough.

The strategy is a "partnership" document developed with all the statutory and non-statutory organisations that share the Council's strategic objective to prevent, and reduce homelessness and support those who experience it.

Key Priorities were identified for the Homelessness Strategy:

1. Preventing homelessness by sustaining tenancies
2. Mitigating the negative impacts of welfare reform
3. Improving the Health and Wellbeing of homeless people
4. Changing the perception and culture of social housing through education – managing expectations
5. Rough Sleepers – this priority focusses on actions specifically for this group

- 4.10 Actions to reflect the changes in legislation and the implementation of the Homelessness Reduction Act have been incorporated into the Homelessness Strategy Delivery Plan.

These include:

Provide advice and information about the changes to the Council's Homelessness Service brought about by the introduction of the Homelessness Reduction Act and the new Homelessness Code of Guidance

Review the Allocations Policy to meet the requirements of the Homelessness Reduction Act to ensure that it is sufficiently geared towards preventing homelessness.

Identify people at risk of homelessness at an earlier stage, and interventions that need to be put in place to prevent them being threatened with or becoming homeless.

- 4.11 There are a significant number of single homeless people, including those that are sleeping rough in Colchester. Colchester Borough Council and Colchester Borough Homes work in partnership with, and support a number of voluntary sector organisations in Colchester that provide valuable advice, support and accommodation for single homeless people. These include:

Beacon House
Colchester Emergency Night Shelter
Open Road
One Support
Phoenix Futures
Youth Enquiry Service
Catch 22
Supported Housing Providers including; Peabody (formally Family Mosaic), Sanctuary Housing, Nacro and the YMCA
Essex Probation.

5. Progress on delivering the Homelessness Strategy.

- 5.1 In order to monitor the actions in the delivery plan of the Homelessness Strategy, a project group was set up which includes representatives from the organisations in 4.11. A report on the progress of the actions is produced on an annual basis and circulated to the relevant stakeholders. It is also published on the Council's website.

A full copy of the Delivery Plan for 2017-2018 is shown at Appendix 2.

- 5.2 Some of the key actions that have been progressed during 2017-18 include:

Action: Increase the provision of tenancy support including floating support to tenants

Progress: One Support continue to support people in the community, in their homes and at drop-ins, delivering housing related support. This includes; Homelessness prevention and tenancy sustainment In Colchester, One Support have a capacity of approximately. 150 customers at any one time along with 14.5hrs of drop-ins each week and telephone support through their gateway.

Progress: CBH provides Tenancy sustainment to support its tenants who are at risk of eviction, and lead a partnership with Catch 22 who provide Intensive family support for Social housing tenants in Colchester. A pilot service "Start well" has been funded by CBC to provide intense intervention and support to families living in temporary accommodation, especially Bed and breakfast which has provided positive outcomes.

Action: Provide services that will support young tenants to maintain their tenancy and prevent unnecessary evictions through Anti-Social Behaviour (ASB) and Arrears

Progress: Continuation of pre tenancy workshops by the Youth Enquiry Service and CBH. The content of the workshop is continually updated to ensure that young people are fully aware of welfare benefit reforms.

All new CBH tenants under 25 years old are visited by the Support team to ensure they have the skills to manage their tenancy. Prompt intervention is put in place if the tenancy becomes at risk.

No young people were evicted for rent arrears/ASB from CBC properties in 2017-18.

Action: Increase prevention of homelessness caused by domestic abuse

Progress: CBC, in partnership with Braintree, Tendring and Maldon Councils, successfully secured £263,453 for a 15 month project to provide specialist services at the refuge and in the community for Gypsy and Roma Travellers and hard to reach groups, victims and their families. The project is being delivered by Colchester and Tendring Women's Refuge. The service started in May 2017.

From May 2017 to the end of March 2018, 181 Colchester households who were experiencing domestic abuse were referred to the project. Of these, 169 were from hard to reach groups and 12 from the Gypsy and Roma Traveller Community. A total of 24% of all the referrals were accommodated in the Refuge and 76% were offered support in the community. An additional £14,573 of funding was secured from the Ministry of Housing Communities and Local Government (MHCLG) to continue the project.

Action: Provide advice and support to tenants/residents potentially affected by the welfare reforms.

Progress: Discretionary Housing Payments (DHP) was further utilised to support residents affected by the welfare reforms and to remove the risk of homelessness. The DHP fund of £464,027 (including £50,000 from CBC) was fully spent in 2017/18.

Voluntary sector organisations in Colchester are also providing services to residents to help mitigate some of the impacts of welfare reform. (Details are included in the Delivery Plan at Appendix 2).

Action: Provide advice and information about the changes to the Council's Homelessness Service brought about by the introduction of the Homelessness Reduction Act (HRA) and the new Homelessness Code of Guidance.

Progress: CBH held a successful Stakeholder event in February 2018 to introduce partners to the changes being made to the service with the implementation of the HRA. Training on the HRA was also carried out for partner organisations by CBH Officers. Upskilling of Housing Solutions Officers has taken place to meet the new requirements and additional officers have been recruited to carry out the initial assessment process.

Systems and processes have been reviewed to assist customers to self-serve.

Action: Review the Allocations Policy to meet the requirements of the Homelessness Reduction Act to ensure that it is sufficiently geared towards preventing homelessness.

Progress: The Allocations Policy was reviewed in 2017-18 to meet the requirements of the Homelessness Reduction Act and to ensure that it is sufficiently geared towards preventing homelessness. Two new circumstances where an applicant would be placed in Band C have been added to the policy. These are to reflect the new prevention and relief duties placed on local authorities under the new Homelessness prevention Act. The Policy was adopted in February 2018.

Action: Identify the support needs of different types of rough sleepers including entrenched rough sleepers, young people that are 'new' to the streets and people suffering from mental health to help engage with different groups

Progress: In December 2016 CBC and Tendring District Council successfully secured the Department of Communities and Local Government (DCLG) funding of £239,000 for 2 years to provide a co-ordinated response to rough sleeping across both local authority areas to support and prevent homelessness for this group. Two Early Response Rough Sleeper co-ordinators (one for Colchester and one for Tendring) were in post by November 2017. The Early Response Rough Sleeper Co-ordinator for Colchester sits within the CBH Housing Solutions Team.

Since the project begun, the Co-ordinators have been working with local partner organisations who have the skills and expertise in this field to provide an assertive outreach service to support and help secure accommodation for people living on the street.

In Colchester from November 2017 to the end of July 2018, 20 rough sleepers or those at risk of rough sleeping have been housed or supported to remain in their homes.

Action: Establish a multi-agency group of support services for single homeless and rough sleepers.

Progress: Colchester's Homeless Service User Panel (CHASUP) is now chaired by the Early Response Rough Sleeper Coordinator. A matrix has been developed to provide an accommodation and support pathway. CHASUP is currently working with 18 clients to provide support and assist them into accommodation.

A Community of Practice has been set up in partnership with Homeless Link (a national good practice and innovation organisation). Every quarter a forum is held to look at innovation and ideas and provide training for all services in Colchester to help address single homelessness and rough sleeping. Two events have been held so far and have been well attended, with learning and good practice taken away from the meetings by those attending.

Action: *Explore the possibility of extending the opening times of agencies to reduce the amount of time that rough sleepers spend on the street.*

Progress: From mid December 2017 until the end of February 2018, St Peters Guest House in conjunction with Beacon House provided 12 bed spaces for rough sleepers in Colchester. During the period 22 different individuals used the service.

Daytime activities at Colchester Emergency Night Shelter (CENS) remain well attended by residents and ex residents. This in itself has created a mentoring and peer support environment which allows residents to see that positive outcomes can be made if engagement is continued. Emergency bed spaces at CENS increased during the cold period in 2018 and 24 hour opening introduced during extreme bad weather.

5.3 Colchester's current Homelessness Strategy is due to end in March 2019. Therefore over the next few months the project group will be reviewing homelessness in Colchester to inform the next 5 year strategy.

5.4 Rough Sleeper Initiative Funding

5.5 A Rough Sleeper count was conducted in November 2017 and Colchester was found to have 20 rough sleepers on that particular night. Out of this, 16 were UK nationals (4 preferred not to disclose) 5 were women and 11 were over 25 (out of those who disclosed their age).

5.6 In May 2018 the Ministry of Housing Communities and Local Government (MHCLG) identified Colchester as an area eligible to bid for additional funding during 2018/19 to further reduce rough sleeping. CBC in conjunction with CBH, submitted a bid and were successful in securing £192,683 of funding. 4 key interventions were identified for the funding:

- To provide an assertive street outreach service, especially out of hours provision and helping those rough sleepers who have no local connection to Colchester return to the area where they do have a local connection*.
- To provide an opportunity to pilot 'Housing First' for 6 months with a Registered Provider that provides supported housing (The concept of Housing First is to provide a stable home and intensive personalised support and case management to homeless people with multiple and complex needs).
- To Increase bed spaces and support staff capacity at Colchester Night Shelter, specifically for Colchester people at risk of rough sleeping.
- To provide continuous Severe Weather Emergency Provision (SWEP) from the end of October - mid March, with specialist support staff to prevent people moving back to the street once the provision ends.

5.7 Colchester Borough Council were also invited to bid for further funding to continue the interventions for 2019-20. A further bid was submitted and MHCLG have confirmed a provisional funding allocation of £204,753 subject to a number of conditions being met.

5.8 In total **£517,123.50** of funding has been secured from the three government funding streams to prevent, reduce and support rough sleepers.

*a person has a local connection with the district of a housing authority if they have a connection with it because:

(a) they are, or were in the past, normally resident there, and that residence was of their own choice;

or,

(b) they are employed there; or,

(c) they have family associations living there; or,

(d) of any special circumstances.

Under the Local Authority Agreement normal residence is established by:

six months' residence in the area during the past 12 months, or

not less than three years residence during the previous five years.

5.9 National Rough Sleeping Strategy

In August 2018 the government published its Rough Sleeping Strategy. The strategy sets out the government's vision to support every person who sleeps rough off the streets and into a home, which will deliver its commitment to halve rough sleeping by 2022 and to

end it for good by 2027. The strategy is based around three core objectives: Prevention, Intervention and Recovery.

Prevention - providing a focus on timely support before someone becomes homeless.
Intervention - helping people who are already in crisis get swift, targeted support to get them off the streets.

Recovery – supporting people to find a new home quickly and rebuild their lives via a new rapid rehousing approach.

The interventions currently being implemented by Colchester Borough Council and Colchester Borough Homes meet the objectives in the government's Rough Sleeping Strategy.

6 Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment on the Homelessness Strategy has been completed and a link to the document can be found below:

[Homelessness Strategy EQIA](#)

7 Strategic Plan References

- 7.1 The Homelessness Strategy links to the Council's Strategic Plan 2018-21 under the Theme: Wellbeing - Making Colchester an even better place to live and supporting those who need most help. Priority - Target support to the most disadvantaged residents and communities.

8 Consultation

- 8.1 During the development of the Homelessness Strategy, consultation in the form of focus groups and questionnaires took place with service users.
- 8.2 Key stakeholders were consulted on all the Homelessness Strategy documents and continue to be involved in the delivery of the strategy.

9 Publicity Considerations

- 9.1 The Homelessness Strategy documents including the progress reports are published on Colchester Borough Council's website. The Progress report and Delivery Plan 2017-18 will be circulated to all key stakeholders.

10 Financial implications

- 10.1 Resources required to implement the actions in the Homelessness Strategy is delivered from existing budgets. Partner organisations use the Homelessness Strategy to assist in aligning their financial resources to support the delivery of the actions in the Delivery Plan.

11 Health, Wellbeing and Community Safety Implications

- 11.1 The impact of experiencing homelessness on health and wellbeing are well documented. When it was originally developed, the Homelessness Strategy took into account national health and wellbeing strategies and initiatives such as the Public Health Outcomes Framework and Making Every Contact Count along with local health and wellbeing strategies such as the Essex Health and

Wellbeing Strategy. The strategy seeks to reflect themes and priorities in these national and local documents as well as addressing local health and wellbeing needs. A whole chapter of Colchester's Homelessness Strategy is dedicated to improving the health and wellbeing of homeless people. The delivery plan includes a number of actions to improve the suitability, access and take up of health services for people who experience homelessness and rough sleeping.

11.2 The implementation of the Homelessness Strategy Delivery Plan will be a positive benefit for Community Safety.

12 There are no particular references to health and safety or risk management implications.

Appendices

Appendix A: Housing and Homelessness Summary

Appendix B: Homelessness Strategy Delivery Plan 2017-18

Colchester Borough Council - Housing and Homelessness Summary May 2018

The summary contains key information from the Housing and Homelessness Strategies including the housing stock, housing register, homelessness and housing options service, development of new homes, the housing market, and the private rented sector.

If any of this information is to be used in any publicity, please contact Karen Paton, Housing Strategy Officer by telephone on (01206) 282275 or email: karen.paton@colchester.gov.uk

This bulletin will be published quarterly. Information will be updated if available, but please note that some information is only produced annually.

Housing Stock in Colchester

| Type of home | Percentage of total housing % |
|--|-------------------------------|
| Owner Occupied with Mortgage | 33.7 |
| Owner Occupied without mortgage | 31.4 |
| Private rented | 16.2 |
| Rented from Colchester Borough Council | 9.5 |
| Rented from a Registered Provider | 6.5 |
| Shared ownership | 0.3 |
| Living in tied accommodation* or rent free | 2.4 |
| Total | 100 |

* tied accommodation is accommodation provided as a condition of employment

Source: Census 2011

The table below shows the number of dwellings in Colchester by tenure as at 1st April 2016 (most recent information available).

| Local Authority (incl. owned by other LAs) | Private Registered Provider | Other public sector | Private sector | Total |
|--|-----------------------------|---------------------|----------------|--------|
| 6,040 | 4,900 | 960 | 66,700 | 78,610 |

Source: DCLG live tables

Number of homes sold under the Right to buy scheme

During 2017-18 there were **46** Council homes sold to tenants under the national Right to Buy scheme. During quarter 4 (January to March 2018) 9 properties were sold under the scheme.

Empty homes

As 2nd May 2018 there were **1,693** empty homes classified as empty for council tax purposes. Of these **1,613** were privately owned or owned by Registered Providers and **80** were owned by Colchester Borough Council. This definition of empty properties is 'Empty, Unoccupied & unfurnished' which includes short term (possibly vacant between moves) and long term (Uninhabitable/subject to Major Works).

The Housing Register

Colchester holds a housing register of people interested in Council or Registered Provider homes. Households eligible to join the register are assessed according to need and 'banded' as to their priority for rehousing. There are five bands (Bands A - E), depending on the assessed level of housing need.

Not everyone on the housing register will be offered a property. Last year (April 2017 – March 2018) there were only **647** lets of affordable housing compared to nearly **5,000** households on the register.

Households on the register according to band

| Banding | Number of households on register |
|--------------|----------------------------------|
| A | 127 |
| B | 673 |
| C | 1180 |
| D | 334 |
| E | 2675 |
| Total | 4989 |

Gateway to Homechoice, 31st March 2018

Households on the register according to number of bedrooms required

| Number of bedrooms required | Number of households on the register |
|-----------------------------|--------------------------------------|
| One | 1379 |
| Two | 1941 |
| Three | 1326 |
| Four or more | 343 |
| Total | 4989 |

Gateway to Homechoice, 31st March 2018

Lettings of affordable housing

Affordable housing includes both Council owned and Registered Provider homes. The table below shows the number of properties let during 2017 – 2018.

| Landlord | Number of homes let April 2017 - March 2018 |
|----------------------------|--|
| Colchester Borough Council | 392 |
| Registered Providers | 253 |
| Colchester Borough Homes | 2 |
| Total | 647 |

Source: Gateway to Homechoice, 31 March 2018

Registered Providers of social housing are independent societies, bodies of trustees or companies established for the purpose of providing low-cost social housing for people in housing need on a non-profit-making basis. They are also known as 'housing associations'.

The table below shows the total number of lettings by applicant type on the Housing register.

| Applicant type | Number of homes let April 2016 - March 2017 |
|----------------|--|
| Direct | 195 |
| Transfer | 208 |
| Homeless | 244 |
| Total | 647 |

Source: Gateway to Homechoice, 31 March 2018

Please note this does not include households who have moved through mutual exchange. This is where an existing Council or Registered Provider tenant 'swaps' their home with another tenant.

Homelessness and Housing advice

The Housing Solutions Team provides free, expert housing advice to residents of all tenures in the borough. The team has a strong focus on preventing homelessness and can advise people with housing problems or assist those people in finding somewhere to live.

For the year 2017 - 2018, the Housing Solutions Team;

- In conjunction with partner organisations, prevented homelessness for **869** households by giving advice on budgeting, defending illegal evictions, negotiating with landlords and helping them secure alternative accommodation.

- Accepted a duty under the homelessness legislation for **184** households and helped them into accommodation.

The table below shows the number of cases where a homelessness duty has been accepted and where homelessness has been prevented for each quarter of 2017 – 2018:

| | April-June 2017 | July-September 2017 | October-December 2017 | January-March 2018 |
|---|------------------------|----------------------------|------------------------------|---------------------------|
| Homelessness households accepted | 54 | 37 | 47 | 46 |
| Homelessness prevention | 170 | 200 | 244 | 255 |

Source: DCLG P1E information

The Council has a statutory duty under the Housing Act 2002 to provide temporary accommodation to homeless people that are unintentionally homeless and in priority need, whilst they wait for more permanent accommodation to become available.

The following table shows the number of households in temporary accommodation by type of accommodation as at 31st March 2018.

| Type of temporary accommodation: | Number of households as at 31st March 2018 |
|---|--|
| Bed and Breakfast Accommodation | 7 |
| Nightly paid privately managed accommodation | 4 |
| Social Housing (Council/Registered Provider Stock) | 82 |
| Private rented sector housing | 0 |
| Housing Leased by Registered Providers | 61 |
| Hostel accommodation/Women's refuge | 0 |
| Other | 0 |
| Total in Temporary Accommodation | 154 |

Source: DCLG P1E information

Development of new homes

Between April 2016 and March 2017 a total of **912** new homes were built in Colchester and between April 2017 and March 2018 there were **1048** new homes built.

Source: Annual Monitoring Report, 2017.

Number of affordable homes delivered

During the year April 2017 to March 2018 a total of **134** new affordable homes were completed in Colchester. Areas where these homes were built included; Severalls Hospital site, Wyvern Farm Stanway, the Northern Gateway, Bourne Court, Tiptree and The Garrison.

| Type of affordable housing | Number of homes completed |
|---------------------------------|---------------------------|
| Registered Provider for renting | 71 |
| Shared ownership | 19 |
| Intermediate Rent | 43 |
| Social Rent (CBC) | 1 |
| Total | 134 |

Source: Registered Provider returns

Affordable Home ownership

The Government has set up a number of schemes to help households into homeownership. Two of the key schemes are Help to buy equity loans (a low interest loan towards a deposit for a home) and the Help to buy mortgage guarantee (enables you to buy a home with a 5% deposit).

The number of properties bought in Colchester with the support of the Help to buy Equity loans scheme from April 2013 to 31 December 2017 was **1,237**.

The number of homes bought with the support of the Help to buy Mortgage guarantee scheme in Colchester from October 2013 to 31 December 2016 was **312**. This scheme has now ceased.

The Housing Market

House prices in Colchester

| Date | March 2017 | March 2018 |
|-----------------------|------------|------------|
| Average price of home | £286,361 | £299,920 |
| Lower quartile price | £190,000 | £200,000 |

Source: Hometrack

The table above compares the changes in both the overall average house price and the average lower quartile house price from the previous year. The lower quartile house price is the bottom of the market - usually smaller homes and flats.

Housing in the Private Sector

The Private Sector Housing Team (PSH) has introduced a robust method of monitoring of hazards removed and homes improved. The targets for 2014/15 include 300 housing hazards to be removed and 300 homes improved.

The number of requests from tenants asking the Private Sector Housing Team to investigate disrepair in their privately rented property in 2017–2018 was: **195**.

The table below shows the number of requests from tenants asking the Private Sector Housing Team to investigate disrepair by quarter during 2017-18:

| Time period | Requests from tenants |
|------------------------------|-----------------------|
| Quarter 1 (April-June) | 42 |
| Quarter 2 (July-September) | 51 |
| Quarter 3 (October–December) | 53 |
| Quarter 4 (January-March) | 49 |

Source; PSH information

The total number of serious hazards removed by the PSH team during 2017 - 2018 was:

The table below shows the number of serious hazards removed by quarter during 2017 – 2018: **326**

| Time period | Hazards removed |
|------------------------------|---------------------------|
| Quarter 1 (April-June) | 69 (inc 8 cat 1 hazards) |
| Quarter 2 (July-September) | 77 (inc 20 cat 1 hazards) |
| Quarter 3 (October–December) | 116 |
| Quarter 4 (January-March) | 64 |

Source; PSH information

The total number of homes improved by the PSH team in 2017- 2018 was: **112**

The table below shows the number of homes improved by the PSH team by quarter for 2017 - 18:

| Time period | Dwellings improved |
|------------------------------|--|
| Quarter 1 (April-June) | 29 (10 of which are Cat 1) |
| Quarter 2 (July-September) | 35 (16 of which are Houses in Multiple Occupation) |
| Quarter 3 (October–December) | 30 |
| Quarter 4 (January-March) | 18 |

Source; PSH information

Over the last year (2017 – 18) the Council needed to serve **9** Improvement Notices for Category 1 and 2 hazards on non-compliant landlords to secure compliance with housing standards and **9** other statutory notices.

The table below shows the notices served by quarter during 2017 - 18:

| Time period | Improvement notices served | Other Statutory notices served |
|-------------------------------------|---|--|
| Quarter 1 (April-June) | 1 | 5 Hazard awareness notices 1 Prohibition Order served 1 Overcrowding Notice served 1 notices served to abate a statutory nuisance |
| Quarter 2 (July-September) | 3 (1 of which had the action suspended until the property became vacant) | 0 |
| Quarter 3 (October-December) | 0 | 1 (Smoke and Carbon Monoxide Remedial Notice served) |
| Quarter 4 (January-March) | 5 | 0 |

Source; PSH information

During 2017-18 the Private Sector Housing Team in addition to the above:

- Prosecuted against 4 non-complaint landlords
- Bought back 2 long term vacant properties in to occupation

Assistance to home owners

Colchester Borough Council administers Disabled Facilities Grants (DFGs) to criteria set out by the Government. In 2017-18 there were **80** grants paid after completion of works to adapt properties to enable people with disabilities to continue to live in them.

- The number of Disabled Facilities Grants (DFGs) paid after completion of works to adapt properties by quarter during 2017-18 is as follows:

| | |
|--------------|-----------|
| Quarter 1 | 4 |
| Quarter 2 | 12 |
| Quarter 3 | 30 |
| Quarter 4 | 34 |
| Total | 80 |

In 2017-18 Colchester Borough Council completed **10** Home Repair Loans. This is an income based, 'means tested' loan, secured on the property, and is available to home owners and leaseholders to repair and maintain their property.

- The number of Home Repair Loans completed by Colchester Borough Council during 2017-18 by quarter is as follows:

| | |
|--------------|-----------|
| Quarter 1 | 2 |
| Quarter 2 | 2 |
| Quarter 3 | 5 |
| Quarter 4 | 1 |
| Total | 10 |

Colchester's Homelessness Strategy Delivery Plan 2014 – 2019

2017 - 18 update

| Priority 1: Preventing homelessness by sustaining tenancies | | | | | | | | |
|---|---|---|---|---|-------------|---|---|--|
| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| Increase the provision of tenancy support including floating support to tenants in social rented sector | <p>1.1 Encourage the take up of tenancy floating support through One support to vulnerable tenants moving into accommodation</p> <p>1.2 Tenancy support Officers to identify and support clients in accommodation</p> | Increased take up of One support service – increase in tenants sustaining their tenancy – reduction in number of evictions for rent arrears and ASB | Throughout the lifetime of the strategy | <p>One support/Customer Service Centre/Colchester Borough Homes/Registered Providers</p> <p>Colchester Borough Homes – Tenancy Support Officers</p> | | <p>One Support has increased the number of referring agencies to the service. Additional drop in services have been created at the Job Centre and the Library – there are approximately 260 referrals per month to the service.</p> | <p>Floating support – One Support continue to provide Housing related support with a reduced capacity due to ECC funding reductions. Although there has been a reduction in referrals to One Support from the previous year time spent waiting to receive the service has reduced. In 2016-17 there were 613 referrals to the service. The number of drop-in hours has increased and the team are working with the Lakes Mental health Unit to provide advice and guidance to patients.</p> | <p>One Support continue to support people in the community, in their homes and at drop-ins, delivering housing related support. This includes; Homelessness prevention, tenancy sustainment etc. In Colchester One Support have a capacity of approx. 150 customers at any one time along with 14.5hrs of drop-ins each week and telephone support through their gateway.</p> <p>Colchester Borough Homes provides Tenancy sustainment to support tenants who are at risk of eviction, and lead a partnership with Catch 22 who provide Intensive family support for Social housing tenants in Colchester. A pilot service “Start well” has been funded by CBC to provide intense intervention and support to families living in temporary accommodation, especially Bed and breakfast which has provided positive outcomes.</p> <p>Colchester Emergency Night Shelter (CENS) TSO still supporting ex residents in Private Rented Sector move on accommodation. 100% success rate. No returning clients except for on-going support.</p> <p>Beacon House Occupational Therapy and Assessment staff provide pre-tenancy and post-tenancy support, relating to financial capacity, self-care and supportive social networks.</p> |

| Priority 1: Preventing homelessness by sustaining tenancies | | | | | | | | |
|--|--|---|---|--|---|---|--|---|
| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| Prevent Homelessness by helping people sustain their tenancies, through the increased provision of debt and welfare rights advice. | <p>1.3 Provide support and advice to tenants on managing debt and welfare benefits including organisations working with single homeless</p> <p>1.4 Increase the availability and provision of debt advice in the Borough and promote existing services including the Citizens Advice Bureau (CAB).</p> <p>1.5 Continue to raise awareness of the Credit Union to avoid clients using expensive doorstep credit providers</p> | <p>Reduction in the number of evictions for rent arrears</p> <p>Increase take up of welfare benefits</p> <p>Increase in number of people using the Credit Union</p> | Throughout the lifetime of the strategy | Colchester Borough Homes – Financial Inclusion Officer/CAB/Credit Union/Beacon House/Night Shelter | <p>19 CBC tenants were evicted in 2014/15 for rent arrears. CBH Financial Inclusion Officer continues to support tenants to manage budgets. The Night Shelter has appointed a Tenancy Sustainment worker and is holding pre tenancy workshops – 100% success rate.</p> <p>A Housing Benefit Officer is working within the front facing office with housing staff at CBH; this allows for crisis resolution at the front end of the service.</p> <p>The CAB has been grant funded to provide an enhanced money management advice service which housing options services staff can refer their clients into directly.</p> | <p>20 CBC tenants were evicted in 2015/16 for rent arrears.</p> <p>During 2015-16 the Financial Inclusion Officer visited 152 tenants to provide support and debt advice including; opening bank accounts, applying for welfare benefits and preventing homelessness, evictions and court action.</p> <p>Colchester Emergency Night Shelter (CENS) Tenancy Sustainment Officer continues to have 100% success with all clients supported into the PRS and general needs accommodation.</p> <p>Beacon House – has set up 'Bridging a gap' to help clients with ID, moving support, financial support and skills to maintain tenancies</p> <p>Beacon House – awarded CBC Homelessness Prevention Grant Funding to provide homelessness prevention and support for single homeless. Open Road are developing money</p> | <p>10 CBC tenants were evicted in 2016/17 for rent arrears.</p> <p>CBH Financial Inclusion Officer provided 67 home visits with CAB debt advice service.</p> <p>CBH Financial Inclusion Team (FIT) helped tenant's obtain 142 Discretionary Housing Payments (DHP) totalling £89,674 and an additional £223,440 in welfare benefits.</p> <p>Colchester Emergency Night Shelter (CENS) Tenancy Sustainment Officer continues to have 100% success rate with all clients supported into the Private Rented Sector and general needs accommodation. 20% of these are in employment. CENS also have a Personal Development worker for people that have moved on from the shelter and a breakfast club.</p> <p>Tenancy workshops are also being provided by Family Mosaic, Beacon House and Probation.</p> <p>CBH have awarded funding of £30k to Catch 22 for a year to provide intensive support for families who are at risk of eviction or who are presenting as homeless. Catch 22 will:</p> <ul style="list-style-type: none"> - Support families in emergency or temporary accommodation with needs wider than the direct housing pressure. - Maximise opportunities to have timely supportive conversations through Customer Solutions and Family Interventions work. - Compliment the housing | <p>6 CBC tenant were evicted in 2017/18 for rent arrears.</p> <p>CBH Financial Inclusion Officer (FIT) made 39 home visits with CAB providing support for debts.</p> <p>30 CBC tenants were supported to open basic bank accounts.</p> <p>CBH Financial Inclusion Officer made 84 Welfare Reform Visits.</p> <p>8 CBC tenants were supported to open a Credit Union account and obtained the emergency loan.</p> <p>(FIT) helped 152 tenants obtain Discretionary Housing (DHP) payments totally to £98,769 and an additional £223,440 in Welfare Benefits.</p> <p>CBH fund a full time Debt Specialist post at the Citizens Advice Bureau (CAB).</p> <p>CENS runs a Financial Capability Course via CAB on a monthly basis. It is well attended and available to all residents past and present. Follow on appointments available when clients move out to provide assistance with their new situation and individual budgets.</p> <p>CENS are liaising with the Credit Union to provide a collection point. This will encourage residents to start saving due to the convenience of the collection point being on site.</p> <p>CENS sign post to registered money advice services and support clients with completion of all paperwork.</p> <p>CENS are now able to have residents DWP payments credited to CENS account with their permission to assist clients with budgeting and to try and protect them from financial abuse by</p> |

| Priority 1: Preventing homelessness by sustaining tenancies | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| | | | | | | and work mentors to assist service users to maintain accommodation. | options advice given to families who have been provided with an interim or full housing duty with wider support dependent on need. - Focus on income maximization, debt reduction and back to work advice to deliver longer term solutions and future stability of tenure, along with wider health/wellbeing referrals and connecting families to their community. | others. CBC Welfare benefits Team provide Drop-In sessions at Beacon House. |
| Reduce the number of owner occupiers losing their properties through mortgage arrears | 1.6 Provide advice and support services to home owners threatened with repossession at an early stage so that homelessness can be prevented in a sustainable way 1.7 Promote the Governments Mortgage Rescue Scheme | Reduction in homeless applications due to repossession | Throughout the lifetime of the strategy | Colchester Borough Homes - Housing Options Team | Mortgage rescue scheme has now ceased and no longer exists. | CBH Housing options Team continue to provide advice and support to homeowners to help prevent homelessness through repossession. | CBH Housing Solutions Team continue to provide advice and support to homeowners to help prevent homelessness through repossession. | |
| Provide services that will support young tenants to maintain their tenancy and prevent unnecessary evictions through ASB and Arrears | 1.8 Develop early intervention programmes for young people under 25 including pre eviction panels/pre tenancy workshops 1.9 Joint working with Supported Housing Schemes for under 25's on Notice to Quit Panels to prevent evictions | Reduction in Young People being evicted from their tenancy including Temporary Accommodation and Supported Housing | October 2014 | Colchester Borough Homes – Housing Options Team/Supported Housing Network, CBH TSO's | Pre tenancy workshops now mandatory. 15 young people attend per workshop. 5 Young people evicted for rent arrears by CBH in 2014/15. Tenancy Support Team now supporting new young tenants for 6 months. DWP quarterly Liaison meetings set up - helping to engage young people that are hard to reach. | Youth Enquiry Service (y.e.s.) - Pre tenancy workshops with young people in supported housing – focus on priority debts to help prevent homelessness by maintaining move – on accommodation. 3 young people were evicted for rent arrears/ASB from CBC properties | The Youth Enquiry Service (y.e.s), continue to provide pre tenancy workshops targeted at young people moving-on into permanent accommodation. CBH complete support assessments for young people at sign-up to identify need to help new tenants to sustain tenancies. 2 young people were evicted for rent arrears/ASB from CBC properties | Continuation of pretenancy workshops by y.e.s and CBH. The content of the workshop is continually updated to ensure that yp are fully aware of welfare benefit reforms. All new CBC tenants under 25 years old are visited by the Support team to ensure they have the skills to manage their tenancy. Prompt intervention is put in place if the tenancy becomes at risk. No young people were evicted for rent arrears/ASB from CBC properties. |

| Priority 1: Preventing homelessness by sustaining tenancies | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| | | | | | | Bernard Brett House track and support their clients for 2 years after being rehoused to support them in maintaining a tenancy. | | |
| Improve release programmes for people leaving Care and Institutions' such as Prison and Armed Forces | 1.10 Set up monitoring of release programmes from Prisons and Armed Forces 1.11 Work with Prisons, Armed Forces and Social Services on planned move-on routes - The April Centre is conducting visits to prisons to help those ready to be released | Data collected to inform policy Release programmes in place | Monitoring set up by April 2015 October 2015 | Colchester Borough Homes The April Centre has now closed. | 'Help for single homeless' funding secured by CBC, Tendring DC and Ipswich BC to provide early intervention for prison leavers. Anglia Care Trust to provide Early Intervention Service for 18 months. | Referrals to ACT since the service began from Colchester is 59. Referrals predominantly from CBH, Colchester probation and the Community Rehabilitation Company. | Funding has now ceased for the Help for single homeless programme. Essex County Council (ECC) have been awarded funding from the Department of Communities and Local Government (DCLG) to provide a Homelessness Prevention Trailblazer project across Essex for 2 years. Each Local Authority area has been allocated a specialist mentor. In Colchester Phoenix Futures will be delivering the Offenders with complex additional needs (OCAN) contract. CBH can refer clients to the service who are at risk of losing their tenancy and have a history of offending or are at risk of offending, to try to prevent them from becoming homeless. | The Colchester Trailblazer mentor has been in post since August 2017 and continues to work pro-actively with CBH to develop effective referral pathways – making links with the temporary housing officer, the rough sleeper co-ordinator and the Greenstead housing team. To date the mentor has been able to engage with 19 cases. Of these 19 referrals the mentor has been able to work alongside relevant agencies to prevent homelessness for 12 cases (the rest remain on-going or have been unsuccessful). It is hoped that with closer working and a greater presence within the relevant housing teams the mentor will be able to increase referral numbers and successful preventions over the coming year. Beacon House staff negotiate with Chelmsford Prison pre-release to ensure support is in place upon release. |
| Increase prevention of homelessness caused by domestic violence | 1.12 continue to support the multi-agency partnership work with local domestic abuse agencies through the Domestic Violence Forum 1.13 Monitor the take up of the Sanctuary Scheme | A reduction In homelessness caused by domestic violence | Throughout the lifetime of the strategy | Community Initiatives Team/Housing Options Team | Domestic Abuse protocol being set up by ECC. | The Colchester Sanctuary Scheme received 62 high risk domestic violence security reports from Essex Police between 1/4/15 – 31/3/16, to which CBC have responded. CBC and CBH have worked in partnership with | There have been 26 referrals to the Sanctuary Scheme in 2016-17. The scheme is now being run by CBH. CBC, in partnership with Braintree, Tendring and Maldon Councils, successfully secured £263,453 for a 15 month project to provide specialist services in the refuge and the community for Gypsy and Roma Travellers and hard to | From May 2017 to the end of March 2018, 181 Colchester households who were experiencing domestic abuse were referred to the project. Of these, 169 were from hard to reach groups and 12 from Gypsy and Roma Traveller Groups. A total of 24% of all the referrals were accommodated in the Refuge and 76% were offered support in the community. The project was also able to deliver training for survivors of domestic abuse to empower them and help them identify potential signs of domestic abuse in the future. |

| Priority 1: Preventing homelessness by sustaining tenancies | | | | | | | | |
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| | | | | | | ECC on the Domestic Abuse Joint Commissioning Strategy for Essex. This included the commissioning of the Independent Domestic Violence Advisor (IDVA) service to support households experiencing domestic violence (100% of high risk victims known by Essex Police are now supported by an IDVA) | reach groups, victims and their families. The project is being delivered by Colchester and Tendring Women's Refuge. The service will start in May 2017. | An additional £14,573 of funding was secured from the MHCLG to continue the project. Beacon House provide therapeutic support with Emotional Management in partnership with local service providers. |
| Set up a system to monitor and analyse the demand for TA, repeat homelessness applications and the reasons for homelessness including where tenancies have broken down | Identify what data is already being collected and where there are gaps. | Set up a template to collate and monitor the demand and supply for temporary accommodation. | Set up system to capture data on a quarterly basis from April 2016 | CBH- Housing Options Team/CBC- Housing Strategy Officer | | Temporary accommodation (TA) position statement reviewed and updated. Demand for TA being monitored including use of B&B. | Research co-ordinated by the Housing Strategy Team into the use of B&B and alternative options for temporary accommodation has been undertaken. Report completed. | |

| Priority 2: Mitigating the negative impacts of welfare reform | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| Provide advice and support to tenants/residents potentially affected by the welfare reforms | <p>2.1 Promote the availability of Discretionary Housing Payments (DHP)</p> <p>2.2 Work with the Job Centre Plus to help assist tenants to access employment</p> <p>2.3 Promote mutual exchange to encourage tenants to move including via Mutual Exchange fairs</p> <p>2.4 Review existing policies to encourage tenants to move and make better use of housing stock</p> <p>2.5 Identify and support tenants with managing budgets – Financial Inclusion officer</p> | Reduction in tenants /residents affected by welfare reforms | April 2017 | Colchester Borough Council/Colchester Borough Homes/Job Centre Plus | <p>DHP used predominately to assist families in the PRS. There has been a 43% reduction in the budget for 2015/16 from the previous year. On 1st April 2015 the number of families affected by the benefit cap was 54 which is a reduction from 228 families in 2012. CBC is working in partnership with JCP which includes an Officer being seconded from the JCP to provide job search advice to clients. CBH has changed its Transfer Incentive Scheme and now offers tenants £500 for help with moving costs and £500 per bedroom given up, to a maximum of £2,000. A CBH enabling team support tenants to make decisions and take care of practicalities, to help them move. Since April 2013 the number of residents affected by the spare room subsidy has been reduced by 36%; this has been achieved by proactive support, early intervention and partnership working. Universal Credit was rolled out 16th March 2015 for</p> | <p>DHP funding for 2015/16, fully spent. £50,000 CBC / £239,924 DWP. CBC DHP budget for 2016/2017 is £50,000 CBC and £292,170 DWP. A Welfare Reform project has been set up at CBC. Specialist team being recruited within the Customer Service Team for 3 year project. This will include proactive work on the impact of the benefit cap. Customer Service – new DHP online form to go live June/July 2016. Successful Joint working with the DWP and the JCP. CENS – assisting clients with welfare benefits. y.e.s. – now based at the Job Centre once a fortnight to offer support to young people who have been sanctioned – to stop rent arrears getting out of control and leading to homelessness. y.e.s. – pre tenancy workshops includes mitigating the forthcoming impact of UC for young people. Beacon House provides food</p> | <p>The provision of the Council's Discretionary Housing Payment (DHP) Fund was used to support residents affected by welfare reform and prevent homelessness. The DHP fund of £342,170 (including £50,000 CBC funding) was Spent in 2016/2017. Colchester Borough Council's specialist team continued to proactively support residents affected by welfare reform and has supported 553 households. An additional officer was recruited in the second year of the project. The team operate from the Library and Community Hub and also offer telephone interviews and home visits for the more vulnerable. The work of the team is promoted through the CBC website which includes useful information regarding welfare reforms. CBH Financial Inclusion Officer provided 67 home visits with CAB debt advice service</p> <p>The Financial Inclusion Team (FIT) helped tenants obtain 142 DHP's totalling £89,674, an additional £223,440 in welfare benefits.</p> <p>Beacon House and CENS both provide budgeting support to clients to help them maintain their tenancies.</p> <p>A representative from the Welfare Reform Team attends the Job Centre, CENS and Beacon House to assist clients with Personal Independence Payments (PIP) assessments.</p> | <p>Discretionary Housing Payment (DHP) was further utilised to support residents affected by the Welfare Reforms and to remove risk of homelessness. The DHP fund of £464,027 (including £50,000 from CBC) was spent in 2017/18.</p> <p>£125,872.50 was used to support residents affected by the Benefit Cap. £115,743.42 was used to support residents affected by the Removal of the Spare Room Subsidy.</p> <p>Customer Support Team – continue to work with families affected by Welfare Reform including the Benefit Cap and LHA freeze as well as provide more generic benefits advice for the residents in the Borough. Face-to-face and telephone appointments are carried out to provide relevant advice and support.</p> <p>Welfare Reform Team contacted 59 households to advise them of their Local Council Tax Support (LCTS) entitlement. The team supported residents to claim £34,150.80 in LCTS.</p> <p>A member from the team carries out a weekly drop in session at the Job Centre Plus every Tuesday 10-2.</p> <p>The Team also went through additional training to support residents with Personal Independence Training (PIP), Disability Living Allowance (DLA), Attendance Allowance (AA) Employment Support Allowance (ESA) claims to ensure residents are maximising their income through correct disability benefits entitlement.</p> <p>CBH Financial Inclusion Officer made 39 joint home visits with CAB.</p> <p>The Financial Inclusion Team (FIT) helped</p> |

| Priority 2: Mitigating the negative impacts of welfare reform | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| | | | | | <p>single people making new 'simple' claims only. Supported Housing is exempt. Colchester council has entered into a delivery partnership agreement with DWP to deliver four key elements of support for claimants inc: support with housing costs; triage with debt and budgeting advice; using PCs; and informing landlords of the changes. Within this agreement Colchester will deliver personal budgeting support (PBS) and digital inclusion support through a dedicated customer support team. Financial Inclusion Officer continues to support tenants to manage budgets including helping 15 tenants with children to secure DHP to clear arrears and avoid eviction and secure DHP awards for 29 tenants living in an adapted property to cover under occupation charges. The Financial Inclusion Strategy is being updated.</p> | <p>parcels for rough sleepers and helping with opening bank accounts for this group. Financial Inclusion Officer continues to support tenants with budgeting: In 2015/16, 152 tenants were visited. DHP awarded to tenants to clear rent arrears to avoid homelessness amounted to £94,051. 50 Tenants had joint debt advice/solution home visits with the CAB. 25 tenants supported to open basic bank accounts. 64 DHP awards were made to CBC tenants who had council tax arrears with some facing court action, total amounted to £6846.81.</p> | | <p>tenants obtain 152 DHP's totally to £98,769 and an additional £204,734 in Welfare Benefits. One Support provide support to customers when the impact of welfare reform affects their ability to maintain their accommodation through loss of benefits, reduced income etc. and provide advice on benefits and welfare reform specifically at the drop-in service particularly where One Support partner with DWP.</p> <p>CENS provides personal and practical support to ensure residents maintain their benefit status and that conditionality's are met.</p> <p>CENS provide facilities to allow residents to job search and suitable volunteering and work placements can be found in order to maintain their benefits.</p> <p>Beacon House facilitates access to banking for those who have no bank account, until the necessary ID is obtained to open bank accounts.</p> |

| Priority 3: Improving the Health and Wellbeing of homeless people | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| Work in partnership with the Public Health Team at Essex County Council (ECC) on the Homelessness Health Needs Audit to gather local information on the health needs of homeless people. | 3.1 Work with ECC and other Local Authorities in North Essex to progress the Health Needs Audit – Project Group set up for Colchester to complete audit - CBC, One Support and Beacon House | Meetings set up and work plan agreed Representatives for Project Group agreed | October 2013 | ECC/CBC/One Support/Beacon House | Health Needs Audit completed and report published. | Action completed | Action completed | |
| Collate the information from the Health Needs Audit to identify services to meet the health needs of homeless people in Colchester. The results will inform ECC's Joint Strategic Needs assessment | 3.2 ECC and Colchester Project Group to work in partnership to collate information from the audit | Information Collated Services to meet the health needs of homeless people identified | April 2014 | ECC/CBC/One Support/Beacon House | Beacon House have been awarded a contract from the CCG for 3 years to provide health provision for street homeless clients and outreach including a mental health drop-in service | The information was collated by ECC and work on this project has ceased. | | |
| Promote the integration between health and housing to meet the actions identified in the Public Health Outcomes Framework Improving the wider determinants of Health for homeless acceptances and households in temporary accommodation | 3.3 Work in partnership with ECC Public Health Team to progress the actions in the framework | Identified outcomes in the framework met | April 2016 | ECC/CBC/CCG | CBC attending meetings set up to improve partnership working between Housing Health and Social Care. | New role in Private Sector Housing - Public Health Improvement Coordinator will help to build links between health and housing. Projects to improve health and wellbeing of homeless household includes: y.e.s – offer a Counselling service for clients up to the age of 25. y.e.s. Teenage Pregnancy Midwife, has a new role as the Vulnerable Women's Midwife so as well as | y.e.s continue to offer a counselling service for clients up to the age of 19. One support provide a drop in service at the Lakes Mental health Unit. | Catch 22 received funding from CBC to deliver the Startwell project for 18 months, to provide intensive support for families that are homeless and/or are in temporary accommodation. One Support continue to provide drop-ins with referral and sign posting activities. They also partner with Community Mental Health services to provide patient drop-ins at the lakes and are working with other health care providers including the walk in centre. Beacon House provides a Registered nurse service, in partnership with the Clinical Commissioning Group (CCG), to provide primary care, screening and diagnostic and treatment for people with no fixed abode who are unable to register with a GP. Beacon House provides showers and laundry services to keep people clean and minimise the chance of infection or disease. |

| Priority 3: Improving the Health and Wellbeing of homeless people | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| | | | | | | <p>offering a service to teenage mums also opens up the service to women who are pregnant and considered vulnerable.</p> <p>Beacon House – received a grant from Reaching Communities to provide aspirational activities for their clients including Kayaking, Climbing and Coracle making.</p> <p>Beacon House has 2 barbers and also provides Podiatry services and Occupational therapy support.</p> <p>One Support now has a mental health crisis team.</p> <p>The team also have a weekly drop in at Beacon House.</p> | | <p>y.e.s have received funding for a year to provide a counselling service for young people aged 19-25. This is specifically for young people who have presented with a housing issue as y.e.s' age range for counselling is 6-19.</p> <p>y.e.s has an early intervention family mediator and this service has successfully returned yp to the family home – preventing homelessness</p> |
| Progress work with ECC and North and Mid Essex on the actions from the ECC Mental Health Accommodation Strategy including the hospital discharge process | <p>3.4 Colchester represented at meetings with North and mid Essex Locality Group.</p> <p>3.5 Priorities identified Project groups set up to progress actions.</p> | <p>Actions from strategy implemented</p> <p>Hospital discharge process in place</p> | November 2015 | ECC/CBC/CBH | Mental Health Accommodation Pathway set up in September 2014 which included a MH JRP introduced to improve access to accommodation and support for this group. | | <p>ECC are reviewing the Mental Health Accommodation Pathway and the recommissioning of services is on hold.</p> <p>The hospital discharge process is also under review.</p> <p>ECC are providing an Adult Mental Health Wellbeing Service which provides short term support. Clients are able to self-refer and the service has had positive feedback.</p> | ECC are reviewing the Mental Health Accommodation Pathway and recommissioning Housing Related Support for Mental Health. ECC have met with providers to look at proposals. This work is currently ongoing. |

| Priority 4: Changing the perception and culture of social housing through education – managing expectations | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| Provide wider communication of Colchester Borough Council's Housing and Homelessness services | <p>4.1 Improve communication of services provided by the Council to statutory and voluntary sector organisations through Information days</p> <p>4.2 Identify gaps in information and publish and promote leaflets on the Council's homelessness and housing service for partner organisations and young people, and distribute widely at key Service Locations.</p> <p>New action for 2018 - Provide advice and information about the changes to the Council's Homelessness Service brought about by the introduction of the Homelessness Reduction Act (HRA) and the new Homelessness Code of Guidance</p> | Statutory and Voluntary organisations and Service Users more aware of services provided by Colchester Borough Council | Throughout the lifetime of the strategy | Community Initiatives/Housing Options –Young Persons Housing Forum | <p>2 successful homelessness events held in 2014.</p> <p>Pocket Guide to Homelessness and Young Persons Guide updated and published.</p> <p>COYOHO – a website providing housing and homelessness advice for young people set up and publicised in 2014.</p> | <p>A successful Homelessness Information event was held in March 2016 – 45 people attended excluding organisers – very good feedback.</p> <p>CBC and CBH websites are being updated to improve information provided on housing and homelessness.</p> <p>In May 2016 the Housing Options Team achieved the NPSS Silver Standard award for their housing and homelessness service.</p> | Nothing to report for this year. | <p>Through the drop-in service and partnership working One Support provide advice to partners and the public about current Housing and Homelessness provision and processes.</p> <p>The Pocket Guide to Homelessness is under review to reflect the service changes following the Homelessness Reduction Act (HRA) implementation, and update partner organisation information.</p> <p>CBH held a successful Stakeholder event in February 2018 to introduce partners to the changes being introduced with the implementation of the HRA. Training on the HRA was also carried out to all recognised partner organisations.</p> <p>Upskilling of Housing Solutions staff has taken place to meet the new requirements and additional officers have been recruited to meet the initial assessment process.</p> <p>Systems and processes have been reviewed to assist customers to self-serve</p> |
| New action for 2018: Review the Allocations Policy to meet the requirements of the Homelessness Reduction Act to ensure that it is sufficiently geared | Work in partnership with the Local Authorities who are members of the Gateway to Homechoice Allocations scheme to review | The Allocations Policy meets any new requirements of the Homelessness Reduction Act 2017. | April 2018 | CBC Housing Strategy Team/CBH Housing Solutions Team/Gateway to Homechoice partners | | | | The Allocations Policy was reviewed in 2017/2018 to meet the requirements of the Homelessness Reduction Act and to ensure that it is sufficiently geared towards preventing homelessness. The Policy was adopted in February 2018. |

| Priority 4: Changing the perception and culture of social housing through education – managing expectations | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| towards preventing homelessness. | the Allocations Policy. | | | | | | | |
| Develop early intervention and prevention options for Young People at risk of becoming homeless in the Borough through the Young Persons Housing Forum | 4.3 Work with the Homeless Response Team to raise awareness of family breakdown and provide basic strategies and signposting to support families to resolve conflict 4.4 Continue to work in partnership with Schools in the Borough to educate young people and their parents of the risks of leaving home in an unplanned way. | An increase in homelessness prevention for young people A decrease in homeless applications for young people | Throughout the lifetime of the strategy | Community Initiatives/Housing Options – Young Persons Housing Forum | Feasibility study for a Peer Educator programme for schools has been carried out. Project being developed. COYOHO – a website providing housing and homelessness advice for young people set up in 2014 | y.e.s. – working in partnership with Social Care to prevent homelessness for 16/17 year olds. | The Young Peoples' Housing Forum has now merged with the Supported Housing Network which meets quarterly and continues to develop early intervention and prevention options for young people. | y.e.s continue to work with social care to prevent homelessness for 16/17 year olds. y.e.s are monitoring the impact of the Essex Young Person's Partnership (EYPP) that was implemented in June 2017. |
| New action for 2018: Identify people at risk of homelessness at an earlier stage, and interventions that need to be put in place to prevent them being threatened with or becoming homeless. | Develop local protocols and referral arrangements with public bodies and other appropriate agencies to assist with early identification of people at risk of homelessness. | Referral process in place. An Increase in Homelessness prevention at an earlier stage – 'Duty to refer' fulfilled. | 2019 | Housing Solutions Team/Service partners | | | | A Matrix has been developed to highlight those at risk of Rough sleeping A Duty to refer form has been designed and shared amongst Essex local authorities. A Protocol with the local Mental health hospital is being produced to assist with the discharge process The Colchester Homelessness Prevention Charter is being developed, aimed at encouraging the Community of Colchester to make a pledge towards preventing homelessness and supporting vulnerable households |
| Increase and support housing options for single people and vulnerable groups including Move-on options from | 4.5 Identify, support and promote alternative housing options including Solo | Increase in alternative housing options and planned move on routes | Throughout the lifetime of the strategy | Young Persons Housing Forum/Supported Housing Network | Improvement in culture for young people in Supported Housing with less reliance on social housing as a move | y.e.s. – exploring private rented options with young people to promote the idea that social housing is not the | ECC recommissioned young peoples' supported housing services in Essex. In Colchester the contract for providing this service was awarded to Nacro and Family | CBH are introducing a Lodging scheme following a review of previous provision. |

| Priority 4: Changing the perception and culture of social housing through education – managing expectations | | | | | | | | |
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| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| supported Housing | Housing Scheme, YMCA Supported Lodgings Scheme and Genesis Leasing Scheme | | | | on option. | only housing route available to them. | Mosaic. The cohort of young people eligible for the service has changed with priority given to young people aged 16-20, Teenage parents and Care Leavers. This has resulted in single people who do not fall into this group being excluded from these housing schemes. | |


| Priority 5: Rough Sleepers | | | | | | | | |
|--|--|--------------------------------|---------------|---|---|--|--|--|
| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| Establish a multi-agency group of support services for single homeless and rough sleepers | 5.1 Re-establish the Co-ordinated Welfare Meeting with organisations that support single homeless and rough sleepers – will help to identify duplication in services | Multi Agency Group established | April 2014 | Beacon House/Night Shelter/CBC | CHASUP set up for organisations to work collaboratively with entrenched rough sleepers to help them access accommodation and support. Meetings held monthly. Currently have 22 active cases and a watching brief. | Since July 2015 CHASUP has worked with 65 clients of which 25 have been rehoused. | The number of clients that have been referred to CHASUP (Colchester Homeless Service Users Panel) during 2016-17 was 46. The multi-agency panel uses a person centred approach to support vulnerable homeless clients often with mental health and/or chaotic lifestyles into accommodation. During 2016-17 the number of clients housed was 20. | CHASUP is now being Chaired by the Early Response Rough Sleeper Coordinator. A matrix has been developed to provide an accommodation and support pathway. CHASUP is currently working with 18 clients. A Community of Practice has been set up in partnership with Homeless link. Every quarter a forum is held to look at innovation and ideas and provide training for all services in Colchester to help address single homelessness and rough sleeping. Two events have been held so far and have been well attended. |
| Set up a protocol between voluntary sector organisations to enable data on rough sleepers to be shared | 5.2 Set up protocol through the CHASUP meeting | Protocol established | November 2014 | CHASUP | Joint working agreement set up through CHASUP | Action Completed | | |
| Identify the support needs of different types of rough sleepers including entrenched rough sleepers, young people that are 'new' to the streets and people suffering from mental health to help engage with different groups | 5.3 Work to be progressed through the Street Outreach Service set up for 2 years from November 2013 with funding from the DCLG and provided by the April Centre | Support needs identified | November 2015 | Beacon House/Night Shelter/CBC/Rough Sleeper Co-ordinator | Support needs being identified through Outreach and CHASUP. | One Support now has a mental health crisis team. The team also have a weekly drop in at Beacon House. Due to the closure of the April Centre the street outreach project (grant funding provided | In December 2016 CBC and Tendring District Council successfully secured DCLG funding of £239,000 for 2 years to provide a co-ordinated response to rough sleeping across both local authority areas to support and prevent homelessness for this group. 2 Rough Sleeper co-ordinators (one for Colchester and one for Tendring) will start | The Early Response Rough Sleeper Co-ordinators were in post by November 2017 and are based in each Local Authority (in the case of CBC this is with the Housing Solutions Team within CBH) but work together across the two local authorities. Since the project begun, the Co-ordinators have been working with local partner organisations who have the skills and expertise in this field to provide an assertive outreach service |

| Priority 5: Rough Sleepers | | | | | | | | |
|--|---|---|---------------|----------------------------|-------------|--|---|--|
| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| | | | | | | <p>by CBH for the project) is now being run by Beacon House – the project signposts rough sleepers to services and is ‘catching’ people that are new to the streets. The project also helps to move people on from a street lifestyle once they are housed and feeds into CHASUP.</p> <p>Foundation 66 – Support and Mentoring Services programme – Provides a peer mentoring service for people over 18 recovering from drug and alcohol addiction across Essex.</p> <p>Open Road are providing a street based worker to support rough sleepers and street drinkers and drop in activities for those with alcohol or drug issues</p> <p>CENS – Meaningful use of time – programme offering volunteering opportunities and Mersea conservation – weekly.</p> | work on this project in 2017/2018. | <p>to support and help secure accommodation for people living on the street.</p> <p>The outcomes for the project from 30th Oct 2017- end of July 2018:</p> <p>20 rough sleepers/vulnerably housed people have been housed or supported to remain in their homes:</p> <p>The Co-ordinator in Colchester is currently working with 32 people.</p> |
| Explore the possibility of extending the opening times of agencies to reduce | 5.4 To be progressed through the Co-ordinated Welfare | Opening times extended – more places for rough sleepers to go | November 2014 | Beacon House/Night Shelter | | CENS – now provide longer daytime opening hours to ensure | From 15 th December 2016 until 28 th February 2017, St Peter’s Guest House in conjunction with Beacon House, provided | From mid December 2017 until the end of February 2018, St Peters Guest House in conjunction with Beacon House provided 12 bed |

| Priority 5: Rough Sleepers | | | | | | | | |
|---|---|--|--|--|--|--|---|--|
| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| the amount of time that rough sleepers spend on the street | meeting | during the day | | | | that their service users are engaging with support. Clients who have been rehoused but were previously at the Night Shelter can benefit from the service. (50+ a week use the service) During the winter months, St Peters Guest House in conjunction with Beacon House provided shelter and food. The service was run by a paid Co-ordinator and volunteers. Between 14 th December 2015 – end of February 2016 (Over 66 nights) the centre provided for 26 guests and received donations from local businesses. Beacon House looking to increase capacity at the centre by refurbishing the ground floor. | 12 temporary bed spaces for people sleeping rough within the town. The service also included an evening meal, breakfast, washing facilities and opportunities to socialise in the evening. Over the three month period 30 different individuals stayed between 3 and 66 nights. CBC and CBH contributed funding to the service. | spaces for rough sleepers in Colchester. The service provided as detailed previously for 2016-17. During the period 22 different individuals used the service. Daytime activities at CENS remain well attended by residents and ex residents. This in itself has created a mentoring and peer support environment which allows residents to see that positive outcomes can be made if engagement is continued. Emergency bed spaces at CENS increased during the cold period in 2018 and 24 hour opening introduced during extreme bad weather. CENS actively looking for day premises to allow for increased opening, additional move on to free up bed spaces in-house and to open up to other cohorts in the town if required. |
| Identify move-on opportunities for rough sleepers to help with transition from living on the street | 5.5 To be progressed through the Street Outreach Service 5.6 Monitor and promote the Solo Lodgings Scheme set up in July 2013 with funding from the DCLG | Move-on options identified Increase in number of Landlords signing up to the scheme Decrease in number of rough sleepers | November 2015 Monitored quarterly | Beacon House/Rough Sleeper Co-ordinator/CENS | Solo housing scheme no longer exists. The April Centre was funded by the Greater Haven Gateway to provide an Outreach response to rough sleepers across the sub region. The April Centre were able to | Due to the closure of the April Centre the street outreach project (grant funding provided by CBH for the project) is now being run by Beacon House – the project links service users to services that provide support | Beacon House have now expanded and provide accommodation for homeless single people – currently they have 2 houses providing 8 bed spaces. | CENS are still working with landlords to provide move on for residents and part of this process is ensuring engagement with external groups. |

| Priority 5: Rough Sleepers | | | | | | | | |
|------------------------------------|-------------|--------------|---------|---------|--|---|--|--|
| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| | | | | | <p>provide a fast response to rough sleepers identified by members of the public as well as partner agencies and help them to access accommodation and support.</p> <p>Action being progressed through Help for single homeless bid - Breaking the cycle of rough sleeping through Intensive Brokerage and Increasing the range of accommodation with support.</p> | <p>and accommodation and is 'catching' people that are new to the streets. The project also helps to move people on from a street lifestyle once they are housed and feeds into CHASUP.</p> <p>Anglia Care Trust (ACT) was successful in bidding for the Help for Single Homeless funding. 70 referrals have been made to ACT since the service began from CBH, Open road, One Support, Beacon House, CRC and the National Prison Service (NPS). Open Road are working with Dimensions to help Support single homeless people with Drug & alcohol issues into settled accommodation. CBH, CBC and partner agencies conducted a rough sleepers count in November 2015 and 9 rough sleepers were identified. 5 were referred to supported accommodation or Anglian Care Trust for assistance into private rented accommodation.</p> | <p>An estimated figure of 20 Rough Sleepers was submitted to the DCLG in November 2016. This figure was based on information from local intelligence. A Rough Sleepers count will be completed in 2017/2018.</p> | <p>A Rough Sleeper count was conducted in November 2017 and Colchester was found to have 20 rough sleepers on that particular night. Out of this 16 were UK nationals (4 preferred not to disclose) 5 were women and 11 were over 25 (out of those who disclosed their age).</p> |

| Priority 5: Rough Sleepers | | | | | | | | |
|--|---|--|-----------------------------------|--|--|--|---|---|
| How this priority will be achieved | Key Actions | Smart target | By When | By Whom | Update 2015 | Update 2016 | Update 2017 | Update 2018 |
| | | | | | | The remaining 5 were referred to CHASUP and the Outreach Worker at Beacon House to help them engage with services. | | |
| <p>Set up an 'Alternative Giving Campaign' to discourage members of the public from giving money to beggars.</p> <p>To educate the public so that their donations get spent on charitable work to help those in need to reduce street begging in Colchester.</p> | <p>To produce leaflets and media publicity to raise awareness of perpetuating street begging.</p> <p>To encourage residents to give donations to charities for homeless clients instead of street beggars.</p> <p>Signpost street beggars that need support to organisations that provide the service required.</p> | <p>A reduction in the number of street beggars.</p> <p>Increase in funds for local charities for those who really need it.</p> <p>Increase in street beggars accessing services.</p> | Estimated start date August 2015. | Essex Police, CBC, CBH, Beacon House and the Safer Colchester Partnership. | Initial funding identified for leaflets/media publicity through Police Crime Commissioner for Essex. | Action completed. Anecdotal evidence suggests that the campaign has reduced the amount of begging in the town. | CBC Community Safety Team have set up a Task and Finish Group to address the issue of street begging in Colchester. The group meets quarterly and is looking at another campaign to discourage residents from giving money to street beggars. | CENS actively encourage the public/schools etc through social media and talks to various groups to only give to registered charities and providers to educate the public on the dangers of giving on the streets. Voiced concerns where necessary on groups working to enable and facilitate behaviours which stops vulnerable people from accessing the services that can assist them in change. |

| | | | |
|-----------------------|--|---------------|---|
| Report of | Assistant Director - Customer | Author | Jason Granger  508824 |
| Title | Local Council Tax Support 2019 - 2020 | | |
| Wards affected | All Wards | | |

1. Executive Summary

- 1.1 Colchester Borough Council's Local Council Tax Support scheme provides a reduction in Council Tax Liability for eligible residents.
- 1.2 Each year the scheme is reviewed and proposals are formulated to potentially update the scheme or to maintain the scheme in its existing form.
- 1.3 This report provides details of the proposal for the scheme effective from 1 April 2019.

2. Action Required

- 2.1 The panel is invited to review and comment on the proposed Local Council Tax Support scheme commencing 1 April 2019.
- 2.2 Such review and comment will be considered ahead of the Cabinet meeting of 21 November 2018 and Full Council meeting of 6 December 2018 where approval of the scheme will be requested.

3. Reason for Scrutiny

- 3.1 It is recommended that current working age entitlement is maintained for the fiscal year effective 1 April 2019. The only amendments from the current scheme being the prescribed regulations and mandated national legislative amendments.
- 3.2 It is also recommended that a review is carried out of banded income schemes, and other alternatives, due consideration is given to the impacts of Universal Credit on Local Council Tax Support and options are presented ahead of the fiscal year 2020/2021.

4. Background Information

- 4.1 Local Council Tax Support currently helps 10,000 residents reduce their Council Tax bill. The value of Local Council Tax Support being granted in 2018/19 is estimated to be £8.4 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 Universal Credit full service was introduced to Colchester from 4 July 2018. As Universal Credit expands working age claims for Housing Benefit will begin to fall. However the administration of Local Council Tax Support will still rest with Colchester Borough Council and the level of Local Council Tax Support claims will not necessarily reduce.
- 4.4 In line with take up of Universal Credit and the fall in Housing Benefit claims it is expected the Department for Work and Pensions grants covering in part the administrative cost of awarding Housing Benefit will also decrease. Therefore eroding a cost share principle and effectively increasing cost of administration within Local Council Tax Support. The grants provided to administer Local Council Tax Support will be more exposed and provide greater incentive for efficiencies to be driven in process.
- 4.5 Local Council Tax Support entitlement, for those of working age, is fundamentally consistent across all Local Authorities. Most schemes currently follow a means test principle based broadly on Housing Benefit legislation. However greater focus is now being placed on developing alternatives which calculate entitlement based on broad income bands/grids. Such schemes can allow for greater alignment with the Universal Credit model and mitigate administration costs. In 2018/19 a small number of Local Authorities moved to an 'income banded' system. It is expected that this will increase in from 2019 and beyond as full service Universal Credit is fully rolled out.
- 4.6 Moving to a banded scheme ready for 2019/2020 would be a fundamental change. Our late transition to Universal Credit would align to a more measured approach and provides time for an in depth review of options, learning from other sites and our own review of the impacts of Universal Credit over the next fiscal year.
- 4.7 Universal Credit is also a significant shift in the welfare benefit landscape that provides a completely new model of entitlement to those claiming working age benefits. A fundamental change to entitlement within the Local Council Tax Support Scheme could further impact residents already managing a significant transition in financial support.

5. Equality, Diversity and Human Rights implications

- 5.1 No changes are being proposed to the current scheme other than prescribed/mandated national legislative amendments. Therefore the Equality Impact Assessment has not been revised.

6. Strategic Plan References

- 6.1 The Council's Strategic Plan sets out four themes one of which being: 'Wellbeing - Making Colchester an even better place to live and supporting those who need most help'.

One of the five priorities under the Wellbeing theme is to:

'Target support to the most disadvantaged residents and communities'

- 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
- 6.3 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.

7. Consultation

- 7.1 It is recommended that the current scheme is maintained therefore a consultation is not required.

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.
- 9.2 The Settlement Funding Allocation has reduced each year and therefore in effect the funding for Local Council Tax Support has also reduced. The cost of the scheme is influenced by both caseload and the Council Tax rate set. The cost of the scheme has therefore increased in recent years with further increases anticipated in 2019/2020. The 2019/2020 Council budget forecast will assume:
- The assumed 3% reduction in Government funding
 - The cost of the existing Local Council Tax Support caseload (less anticipated caseload reductions)
 - Council Tax income based on the existing caseload and anticipated increase in Council Tax.
- 9.3 As such the overall impact will be factored into the budget gap. However, any changes to the scheme which increase or reduce how much customers have to pay do have a budgetary impact as will any change in caseload. It should

though be noted that the cost of Local Council Tax Support and its funding is shared with the major preceptors. The table below shows how the cost of Local Council Tax Support compares to the assumed Government grant:

| Grant | Settlement Funding Allocation Reduction | Total LCTS Costs (£'000) | CBC LCTS Costs (£'000) | CBC Assumed Grant (£'000) | Estimated Cost of Scheme (£'000) |
|--------------------|--|---------------------------------|-------------------------------|----------------------------------|---|
| 2013/14 | N/A | 9,085 | 1,081 | 1,321 | -24 |
| 2014/15 | 13% | 8,497 | 1,011 | 1,149 | -138 |
| 2015/16 | 15% | 8,047 | 958 | 977 | -19 |
| 2016/17 | 17% | 8,113 | 933 | 811 | 122 |
| 2017/18 | 17% | 8,121 | 934 | 673 | 261 |
| 2018/19 (estimate) | 11% | 8,458 | 935 | 599 | 336 |
| 2019/20 (estimate) | 3% | 8,511 | 936 | 579 | 357 |

10. Health, Wellbeing and Community Safety Implications

- 10.1 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.

11. Health and Safety Implications

- 11.1 There are no health and safety implications.

12. Risk Management Implications

- 12.1 Fundamental changes to the current criteria could potentially affect the collection fund position especially in consideration of the introduction of Universal Credit from 4 July 2018.
- 12.2 The absence of an adopted Local Council Tax Support Scheme for 2019/2020 by 11 March 2019 could lead to introduction of a prescribed default scheme which broadly represents the former Council Tax Benefit scheme with an additional funding requirement.

Background Papers

- Current Local Council Tax Support policy document.

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

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1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2018 until 31st March 2019.
- 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 2017 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;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 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 2018/19

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), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

‘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;

'Scottish basic rate' means the rate of income tax of that name calculated in

accordance with section 6A of the Income Tax Act 2007;

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

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

'self-employed earner' is to be construed in accordance with section 2(1)(b) of the 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) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- b. the carer of a person consulted as described in sub-paragraph (a) 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, the Welfare Benefits Up-rating Order 2014 and the Welfare Benefits Up-rating Order 2015;

‘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

¹³ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- 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 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.

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

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 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

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

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, 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
 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 within Great Britain not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and

- iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- b. 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 within Great Britain 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.

8.3A A person who is temporarily absent from a dwelling he occupies as his home and is absent outside Great Britain shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence is unlikely to exceed 4 weeks.

8.3B A person who is temporarily absent from a dwelling he occupies as his home and is absent outside of Great Britain as a member of the armed forces away on operations, a mariner or a continental shelf worker shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 26 weeks beginning with the first day of that absence from Great Britain, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence is unlikely to exceed 26 weeks.

8.3C This paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the temporary absence from Great Britain is in connection with the death of the—
 - (i) person's partner or a child or young person for whom he or his partner is responsible;
 - (ii) person's close relative;
 - (iii) close relative of the person's partner; or
 - (iv) close relative of a child or young person for whom the person or their partner is responsible;
- (c) the person intends to return to occupy the dwelling as his home; and
- (d) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let.

- 8.3D person to whom paragraph (8.3C) applies shall be treated as occupying a dwelling he is absent from as his home whilst he is temporarily absent for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain.
- 8.3E The period of absence in paragraph (8.3D) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks
- 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, 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 Great Britain or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - d. following, in Great Britain or elsewhere, a training course;
 - e. undertaking medically approved care of a person residing in Great Britain 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 Great Britain, 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;
 - ‘continental shelf worker’ means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998

- ‘designated area’ means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where:

- a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
 - b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage
- ‘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;
- prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998
- ‘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).
 - i) Sub paragraph (c) shall not apply to a person who, on 31st March 2017, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
 - (ii) (i) above does not apply if—
 - (a) sub-paragraph 12.1 c (i) (a) or (b) of that paragraph ceases to apply; or
 - (b) the person makes a new claim for Council Tax Reduction.
 - (iii) For the purpose of this section "child", "polygamous marriage" and "young person" have the same meaning as in section 2 of this scheme;
- 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 amount within paragraph 1 (3) (c) 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) 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 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)
 - i) Sub paragraph (d) shall not apply to a person who, on 31st March 2017, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a

member of the same household.

(i) above does not apply if—

- (a) sub-paragraph 13.1 d (i) (a) or (b) of that paragraph ceases to apply; or
- (b) the person makes a new claim for Council Tax Reduction.

(ii) For the purpose of this section “child”, “polygamous marriage” and “young person” have the same meaning as in section 2 of this scheme;

- 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 may 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)

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 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 may if it feels appropriate, 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 may 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 16 (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 16 (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 may 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 profits threshold in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the 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 or in the case of a Scottish taxpayer, the Scottish 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 or in the case of a Scottish taxpayer, the Scottish 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 or in the case of a Scottish taxpayer, the Scottish 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 or in the case of a Scottish taxpayer, the Scottish 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 profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year 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.

29A.0 Minimum Income Floor

29 A.1 Where no start up period applies to the applicant and the income from self-employment of the applicant or partner as calculated by reference to parts 27 to 29 of this scheme is less than 16 x the hourly national living / minimum wage¹⁷ for an ordinary employed worker, the Council will use that amount in the calculation of income for reduction purposes. From that

¹⁷ Depending on age

the Council will deduct only an estimate for tax, national insurance and half a pension contribution (where a pension contribution is being made), as if estimating the income of an ordinarily employed worker.

29 A.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the claimant or partner. This will normally be one year from the date of claim, or one year from the date of commencement of the employment activity, whichever is sooner. During this period no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

29 A.3 Where a claimant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the Minimum Income Floor where appropriate.

29 A.4 Ordinarily, no start-up period may be applied in relation to a claimant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Relief or where one would have been applied, if not for the operation of Council Tax Benefit. The Council may allow a subsequent employment to qualify for a start up period based on the previous history of the claimant and an assessment of such evidence that would support a decision to allow for a subsequent start up period.

29 A.5 In order to establish whether to award a start up period, or at its discretion a subsequent start up period, the claimant must satisfy the Council that the employment is

- Genuine and effective. The Council must be satisfied that the employment activity is being conducted.
- Taking up a total work commitment of 16 hours per week (including any employed work)
- Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.

29 A.6 For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions for a start up-period, the Council will require the claimant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start up period are met.

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—
 - the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - 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 or in the case of a Scottish taxpayer, the Scottish 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 purposes¹⁸

¹⁸ 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 aboard).

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 **lower** of either;
- 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; or
 - the amount set by the appropriate authority as the council tax for the relevant financial year in respect of a dwelling within Band D subject to any discount which may be appropriate to the person's circumstances; and; and
- (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

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

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

57.3 Subject to paragraph 57.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom paragraph 45.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

57.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case

58.0 Non-dependant deductions

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax support) shall be; in respect of a non-dependant aged 18 or over, £12.00 x 1/7 unless paragraphs 58.6,58.7,58.8 apply

58.2 Not used

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

58.4 Not used

58.5 Where in respect of a day–

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and

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

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

- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
- (b) receiving in respect of himself
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

58.7 No deduction shall be made in respect of a non-dependant if:

- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- c. he is a full time student within the meaning of section 44.0 (Students); or
- d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
- e. 'patient' has the meaning given within this scheme, and
- f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
- g. he is not residing with the claimant because he is a member of the armed forces away on operations

58.8 No deduction shall be made in respect of a non-dependant;

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers;
- (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.”;
For the purposes of sub-paragraph (c), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013

58.9 Not used

59.0 Council tax support taper (applies to persons defined within Class D)

59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be $2\frac{6}{7}$ per cent. Where an applicant's income exceeds their applicable amount, their council tax support shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax support as defined within section 57 of this scheme

59A.0 Minimum Council Tax Support

59A.1 Where any entitlement to Council Tax Support is less than £2 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 Generally ¹⁹

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.

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

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 application²⁰

- 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.

²⁰ 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 scheme²¹

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

²¹ 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 1 month before the date the claim was made;
- (c) the day 1 month 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 evidence²²

- 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.

²² 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 claim²³**
- 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 circumstances²⁴**
- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf)

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁴ 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 authority²⁵

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 decision²⁶

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

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

77.0 Time and manner of granting council tax support²⁷

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 paid²⁸

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.

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

79.0 Shortfall in support / reduction²⁹

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 entitled³⁰

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 liability³¹

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

²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³¹ 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 requirements³².

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.

³² 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 authority³³

- 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.

³³ 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 Act³⁴

- 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).

³⁴ 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 – 106A³⁵
Electronic Communication

³⁵ 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:
- a. authenticating the identity of the sender of the communication;
 - b. electronic communication;
 - c. authenticating any application or notice delivered by means of an electronic communication; and
 - d. subject to sub-paragraph (7), submitting to the authority any information.
- 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;
- a. the delivery of any information by means of an electronic communication; and
 - b. the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

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:
- a. by this section; and
 - b. 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 Amounts³⁶

³⁶ 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 | £33.55 |
| 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 | £47.80 |
| Severe Disability Premium | £64.30 |
| 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 | £64.30 |
| 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 | £128.60 |
| Disabled Child Premium | £62.86 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 | £36.00 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) £25.48 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) £16.40 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) £23.55 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 £37.65.

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 earnings³⁷

³⁷ 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), (j) 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), (j) 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 earnings³⁸

³⁸ 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)
65. Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.
66. Any payments disregarded for Housing Benefits under the Social Security (Emergency Funds) Amendment) Regulations 2017

Schedule 5

Capital to be disregarded³⁹

³⁹ 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)

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|----------------|--|--------|----------------------------|
| Report of | Assistant Director of Policy and Corporate | Author | Jonathan Baker ☎ 282207 |
| Title | Work Programme 2018-19 | | |
| Wards affected | Not applicable | | |

1. Executive Summary

- 1.1 This report sets out the current Work Programme 2018-2019 for the Scrutiny Panel. This provides details of the reports that are scheduled for each meeting during the municipal year.

2. Action Required

- 2.1 The Panel is asked to consider and note the contents of Work Programme for 2018-19.

3. Background Information

- 3.1 The Panel's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded. At each meeting the opportunity is taken for the work programme to be reviewed and, if necessary, amended according to current circumstances.
- 3.2 The ICT Strategy for 2019-22 has been added to the work programme for the December meeting of the Scrutiny Panel. In addition, whilst it is a separate meeting, an additional Crime and Disorder Committee will be scheduled in March, following a request at the last meeting. With regards to the March Scrutiny Panel meeting, this currently has the Arts Organisations provisionally scheduled.
- 3.3 The Chairman of the Scrutiny Panel requested the inclusion of the Forward Plan of Key Decisions as part of the work programme for the Scrutiny Panel, and this is included in **Appendix A**.

4. Standard References

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

5. Strategic Plan References

- 5.1 Governance is integral to the delivery of the Strategic Plan's priorities and direction for the Borough as set out under the four themes of growth, responsibility, opportunity and wellbeing.

- 5.2 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council's work.

Appendices

Appendix A – Forward Plan of Key Decisions – 1 November 2018 – 28 February 2019

Work Programme for 2018/19

| |
|---|
| |
| Scrutiny Panel meeting - 12 June 2018 |
| Scrutiny Panel Chairman's briefing – 7 June 2018 |
| <ol style="list-style-type: none"> 1. Financial Monitoring Report End of Year – 2017/18 2. Capital Expenditure Monitor 2017/18 |
| Scrutiny Panel meeting - 17 July 2018 |
| Scrutiny Panel Chairman's briefing – 12 July 2018 |
| <ol style="list-style-type: none"> 1. 2019/20 Budget Strategy, Medium Term Financial Forecast and Budget Timetable 2. Treasury Management – Annual Report 3. Environment and Communities Futures Business Case 4. Implementation Plan to Plastic Recycling Collection from Flats 5. Annual Scrutiny Report |
| Scrutiny Panel meeting -21 August 2018 |
| Scrutiny Panel Chairman's briefing – 13 August 2018 |
| <ol style="list-style-type: none"> 1. Update on Implementation of Plastic Recycling Collections to Flats 2. Locality Budgets 3. Year End 2017/18 Performance Report including the Strategic Plan Action Plan 2018-21 4. Strategic Plan Spending Priorities 5. Bus Review Letter – Further Questions to Bus Companies |
| Scrutiny Panel (Crime and Disorder Committee) - 11 September 2018 |
| Scrutiny Panel Chairman's briefing – 10 September 2018 |
| <ol style="list-style-type: none"> 1. Safer Colchester Partnership (Crime and Disorder Committee) |
| Scrutiny Panel – 16 October 2018 |
| Scrutiny Panel Chairman's Briefing – 9 October 2018 |
| <ol style="list-style-type: none"> 1. Colchester Borough Homes Performance 2017-18 2. Homelessness and Rough Sleepers 3. Local Council Tax Support – Year 18/19 |

| |
|---|
| Scrutiny Panel meeting - 27 November 2018 |
| Scrutiny Panel Chairman's briefing – 20 November 2018 |
| <ol style="list-style-type: none"> 4. 2018-19 Revenue Monitor, period April – September 5. 2018-19 Capital Monitor, period April – September |
| Scrutiny Panel meeting - 11 December 2018 |
| Scrutiny Panel Chairman's briefing – 5 December 2018 |
| <ol style="list-style-type: none"> 1. Half Year 2018 - 2019 Performance Report including progress on Strategic Plan Action Plan 2. ICT Strategy 2019-2022 |
| Scrutiny Panel meeting - 29 January 2019 |
| Scrutiny Panel Chairman's briefing – 24 January 2019 |
| <ol style="list-style-type: none"> 1. 2019-20 Revenue Budget, Capital Programme, Medium Term Financial Forecast, Housing Revenue Accounts Estimate and Housing Investment Programme (Pre-scrutiny of Cabinet Decision) 2. Treasury Management Investment Strategy |
| Scrutiny Panel meeting - 19 March 2019 |
| Scrutiny Panel Chairman's briefing – 18 March 2019 |
| <ol style="list-style-type: none"> 1. Arts Organisations (Provisional) |

COLCHESTER BOROUGH COUNCIL

FORWARD PLAN OF KEY DECISIONS 1 November 2018 – 28 February 2019

During the period from 1 November 2018 – 28 February 2019* Colchester Borough Council intends to take 'Key Decisions' on the issues set out in the following pages. Key Decisions relate to those executive decisions which are likely to either:

- result in the Council spending or saving money in excess of £500,000; or
- have a significant impact on communities living or working in an area comprising two or more wards within the Borough of Colchester.

This Forward Plan should be seen as an outline of the proposed decisions and it will be updated on a monthly basis. Any questions on specific issues included on the Plan should be addressed to the contact name specified in the Plan. General queries about the Plan itself should be made to Democratic Services (01206) 507832 or email democratic.services@colchester.gov.uk

The Council invites members of the public to attend any of the meetings at which these decisions will be discussed and the documents listed on the Plan and any other documents relevant to each decision which may be submitted to the decision taker can be viewed free of charge although there will be a postage and photocopying charge for any copies made. *All decisions will be available for inspection at the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester and they are also published on the Council's website, www.colchester.gov.uk*

If you wish to request details of documents regarding the 'Key Decisions' outlined in this Plan please contact the individual officer identified.

If you wish to make comments or representations regarding the 'Key Decisions' outlined in this Plan please submit them, in writing, to the Contact Officer highlighted two working days before the date of the decision (as indicated in the brackets in the date of decision column). This will enable your views to be considered by the decision taker.

Contact details for the Council's various service departments are incorporated at the end of this plan.

If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone users dial 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

*The Forward Plan also shows decisions which fall before the period covered by the Plan but which have not been taken at the time of the publication of the Plan.

| KEY DECISION REQUIRED | DOES DECISION INCLUDE EXEMPT INFORMATION (or information defined by the Government as Confidential) | DATE OF DECISION or PERIOD DECISION TO BE TAKEN | DECISION MAKER (title and name, including Cabinet, portfolio holders and officers) | DOCUMENTS SUBMITTED OR TO BE SUBMITTED TO DECISION TAKER TO CONSIDER (and from where they are available) | CONTACT DETAILS FROM WHICH DOCUMENTS CAN BE OBTAINED (name of the authors of the reports) |
|---|---|---|---|--|--|
| Appointment of contractor for the redevelopment of the Mercury Theatre | Yes | October 2018 | Chief Operating Officer Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Officer report | Andrew Weavers Strategic Governance Manager Andrew.weavers@colchester.gov.uk 282213 |
| To approve the disposal of 4 sites to Colchester Amphora Homes Ltd and resulting financial arrangements for the company and Council | Yes | 10 October 2018 | Cabinet (Cllrs Barlow, Bourne, Cory, Goss, King, Lilley, B Oxford, T Young) Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Cabinet report | Andrew Tyrrell Client and Business Manager Andrew.Tyrrell@colchester.gov.uk 01206 282390 |

| KEY DECISION REQUIRED | DOES DECISION INCLUDE EXEMPT INFORMATION (or information defined by the Government as Confidential) | DATE OF DECISION or PERIOD DECISION TO BE TAKEN | DECISION MAKER (title and name, including Cabinet, portfolio holders and officers) | DOCUMENTS SUBMITTED OR TO BE SUBMITTED TO DECISION TAKER TO CONSIDER (and from where they are available) | CONTACT DETAILS FROM WHICH DOCUMENTS CAN BE OBTAINED (name of the authors of the reports) |
|--|---|---|--|--|---|
| Disposal of Colchester Northern Gateway Commercial North Site | Yes | 17 October 2018 | Revolving Investment Fund Committee (Cllrs Barlow, Cory, King, T. Young) Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Committee report and supporting documentation | Elizabeth Simpson Head of Estates, Colchester Amphora Trading Ltd Elizabeth.simpson@colchesteramphora.com 01206 508792 |
| Appointment of contractor for refurbishment of bathrooms, showers and toilets in Colchester Borough Council housing stock | Yes | November 2018 | Portfolio Holder for Housing and Communities, Councillor Tina Bourne Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Portfolio Holder report | Andrew Tyrrell Client and Business Manager Andrew.tyrrell@colchester.gov.uk 01206 282390 |

| KEY DECISION REQUIRED | DOES DECISION INCLUDE EXEMPT INFORMATION (or information defined by the Government as Confidential) | DATE OF DECISION or PERIOD DECISION TO BE TAKEN | DECISION MAKER (title and name, including Cabinet, portfolio holders and officers) | DOCUMENTS SUBMITTED OR TO BE SUBMITTED TO DECISION TAKER TO CONSIDER (and from where they are available) | CONTACT DETAILS FROM WHICH DOCUMENTS CAN BE OBTAINED (name of the authors of the reports) |
|--|---|---|---|--|---|
| Appointment of the Supplier(s) for the purchase of pedestrian and road sweepers | Yes | November 2018 | Chief Operating officer, in consultation with the Portfolio Holder for Waste, Environment and Transportation, Councillor Goss Please contact via Democratic Services (01206) 507832 email: democratic.services | Officer report | Richard Block Assistant Director Environment richard.block@colchester.gov.uk 01206 282632 |
| Housing Revenue Account Fees and Charges 2019-2020 To agree the Housing Revenue Account fees and charges for 2019-2020 | No | November 2018 | Portfolio Holder for Housing and Communities, Councillor Tina Bourne Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Portfolio Holder report | Geoff Beales Client Co-Ordinator Geoff.beales@colchester.gov.uk 01206 506514 |

| KEY DECISION REQUIRED | DOES DECISION INCLUDE EXEMPT INFORMATION (or information defined by the Government as Confidential) | DATE OF DECISION or PERIOD DECISION BE TAKEN TO | DECISION MAKER (title and name, including Cabinet, portfolio holders and officers) | DOCUMENTS SUBMITTED OR TO BE SUBMITTED TO DECISION TAKER TO CONSIDER (and from where they are available) | CONTACT DETAILS FROM WHICH DOCUMENTS CAN BE OBTAINED (name of the authors of the reports) |
|--|---|---|---|--|--|
| Garden Communities – Approval of interim business plan and financial procedure rules for North Essex Garden Communities Limited | No | 21 November 2018 | Cabinet (Cllrs Barlow, Bourne, Cory, Goss, King, Lilley, B. Oxford, T. Young) Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Cabinet report | Andrew Weavers Strategic Governance Manager Andrew.weavers@colchester.gov.uk 01206 282213 |
| Contract award for repairs to unadopted highways | Yes | 21 November 2018 | Cabinet (Cllrs Barlow, Bourne, Cory, Goss, King, Lilley, B. Oxford, T. Young) Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Cabinet report | Andrew Tyrrell Client and Business Manager Andrew.tyrrell@colchester.gov.uk 01206 282390 |

| KEY DECISION REQUIRED | DOES DECISION INCLUDE EXEMPT INFORMATION (or information defined by the Government as Confidential) | DATE OF DECISION or PERIOD DECISION BE TAKEN TO | DECISION MAKER (title and name, including Cabinet, portfolio holders and officers) | DOCUMENTS SUBMITTED OR TO BE SUBMITTED TO DECISION TAKER TO CONSIDER (and from where they are available) | CONTACT DETAILS FROM WHICH DOCUMENTS CAN BE OBTAINED (name of the authors of the reports) |
|--|---|---|---|--|---|
| Appointment of contractor for Sports Hub at Northern Gateway | Yes | 21 November 2018 | Cabinet (Cllrs Barlow, Bourne, Cory, Goss, King, Lilley, B. Oxford, T. Young) Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Cabinet report | Andrew Tyrrell Client and Business Manager Andrew.tyrrell@colchester.gov.uk 01206 282390 |
| Budget Update, Capital Programme, Financial Reserves and Approval of Fees and Charges | No | 21 November 2018 | Cabinet (Cllrs Barlow, Bourne, Cory, Goss, King, Lilley, B. Oxford, T. Young) Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk | Cabinet report; schedule of proposed fees and charges | Sean Plummer Strategic Finance Manager Sean.plummer@colchester.gov.uk 01206 282347 |

| KEY DECISION REQUIRED | DOES DECISION INCLUDE EXEMPT INFORMATION (or information defined by the Government as Confidential) | DATE OF DECISION or PERIOD DECISION TO BE TAKEN | DECISION MAKER (title and name, including Cabinet, portfolio holders and officers) | DOCUMENTS SUBMITTED OR TO BE SUBMITTED TO DECISION TAKER TO CONSIDER (and from where they are available) | CONTACT DETAILS FROM WHICH DOCUMENTS CAN BE OBTAINED (name of the authors of the reports) |
|---|---|---|--|--|---|
| Increasing the supply of affordable housing | No | 21 November 2018 | <p>Cabinet (Cllrs Barlow, Bourne, Cory, Goss, King, Lilley, B. Oxford, T. Young)</p> <p>Please contact via Democratic Services (01206) 507832 email: democratic.services@colchester.gov.uk</p> | Cabinet report | <p>Tina Hinson Housing Strategy Manager tina.hinson@colchester.gov.uk 01206 506903</p> |

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