

Public Document Pack

Blackpool Council

7 December 2016

To: Councillors Benson, Blackburn, Cain, Campbell, Cross, Jackson, Kirkland, Smith, I Taylor and Mrs Wright

The above members are requested to attend the:

EXECUTIVE

Thursday, 15 December 2016 at 5.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

- 2 **FINANCIAL PERFORMANCE MONITORING AS AT MONTH 6 2016/2017** (Pages 1 - 4)
- 3 **FINANCIAL PERFORMANCE MONITORING AS AT MONTH 7 2016/2017** (Pages 5 - 8)
- 4 **COUNCIL BUDGET 2017/2018 CONSULTATION PROCESS** (Pages 9 - 46)
- 5 **COUNCIL TAX REDUCTION SCHEME 2017/2018** (Pages 47 - 264)
- 6 **PAN-LANCASHIRE HEALTH AND WELLBEING GOVERNANCE ARRANGEMENTS** (Pages 265 - 290)
- 7 **ADULT SOCIAL CARE CHARGING** (Pages 291 - 336)
- 8 **DOMESTIC ABUSE AND INTERPERSONAL VIOLENCE PARTNERSHIP STRATEGY 2016/2020** (Pages 337 - 384)

- | | | |
|-----------|--|-------------------|
| 9 | CENTRAL BUSINESS DISTRICT - DEVELOPMENT OF A FOUR STAR HOTEL AND INTERCONNECTION OF TRANSPORTATION INFRASTRUCTURE | (Pages 385 - 402) |
| 10 | HORSE DRAWN HACKNEY CARRIAGE LICENSING POLICY | (Pages 403 - 440) |
| 11 | REVIEW OF SEX ESTABLISHMENT POLICY | (Pages 441 - 468) |
| 12 | BUILT HERITAGE STRATEGY 2016-2020 | (Pages 469 - 518) |
| 13 | ARTICLE FOUR DIRECTION- RAIKES HALL CONSERVATION AREA | (Pages 519 - 526) |

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: (01253) 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	EXECUTIVE
Relevant Officer:	Steve Thompson, Director of Resources
Relevant Cabinet Member:	Councillor Simon Blackburn, Leader of the Council
Date of Meeting:	15 December 2016

FINANCIAL PERFORMANCE MONITORING AS AT MONTH 6 2016/17

1.0 Purpose of the report:

1.1 The level of spending against the Council's Revenue and Capital budgets for the first 6 months to 30 September 2016.

2.0 Recommendation(s):

2.1 To note the report.

2.2 To require the respective Directors and Director of Resources to continue to closely monitor and manage financial and operational performances, specifically Children's Services, Strategic Leisure Assets, Concessionary Fares and Property Rationalisation.

3.0 Reasons for recommendation(s):

3.1 To ensure financial performance against the Council's Revenue and Capital Budget is kept under review by members.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priority is: "The economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 See reports and appendices circulated to members under separate cover.

5.2 Does the information submitted include any exempt information? No

5.3 List of Appendices:

Report

Appendix 1 - Revenue Summary

Appendix 2 - Schedule of Service forecast overspendings

Appendix 3a - Chief Executive

Appendix 3b - Governance and Partnership Services

Appendices 3b/c - Ward Budgets

Appendix 3d - Resources

Appendix 3e - Places

Appendix 3f - Strategic Leisure Assets

Appendix 3g - Community and Environmental Services

Appendix 3h - Adult Services

Appendix 3i - Children's Services

Appendix 3j - Public Health

Appendix 3k - Budgets Outside the Cash Limit

Appendix 4 - Capital Monitoring

Appendix 5 - Cash Flow Summary

Appendix 6 - General Fund Balance Sheet Summary

All circulated to members under separate cover

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 See reports and appendices circulated to members under separate cover.

8.0 Equalities considerations:

8.1 An Equalities Impact Assessment was produced as a part of the budget setting process and remains relevant.

9.0 Financial considerations:

9.1 See reports and appendices circulated to members under separate cover.

10.0 Risk management considerations:

10.1 Impact of financial performance on Council balances. Financial performance against approved Revenue and Capital budgets.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

14.0 Key decision information:

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? N/A

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: N/A Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members present:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1

Report to:	EXECUTIVE
Relevant Officer:	Steve Thompson, Director of Resources
Relevant Cabinet Member:	Councillor Simon Blackburn, Leader of the Council
Date of Meeting:	15 December 2016

FINANCIAL PERFORMANCE MONITORING AS AT MONTH 7 2016/17

1.0 Purpose of the report:

1.1 The level of spending against the Council's Revenue and Capital budgets for the first 7 months to 31 October 2016.

2.0 Recommendation(s):

2.1 To note the report.

2.2 To require the respective Directors and Director of Resources to continue to closely monitor and manage financial and operational performances, specifically Children's Services, Strategic Leisure Assets and Concessionary Fares.

3.0 Reasons for recommendation(s):

3.1 To ensure financial performance against the Council's Revenue and Capital Budget is kept under review by members.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priority is: "The economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 See reports and appendices circulated to members under separate cover.

5.2 Does the information submitted include any exempt information? No

5.3 List of Appendices:

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Appendix 1 - Revenue Summary

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Appendix 3b - Governance and Partnership Services

Appendices 3b/c - Ward Budgets

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Appendix 3e - Places

Appendix 3f - Strategic Leisure Assets

Appendix 3g - Community and Environmental Services

Appendix 3h - Adult Services

Appendix 3i - Children's Services

Appendix 3j - Public Health

Appendix 3k - Budgets Outside the Cash Limit

Appendix 4 - Capital Monitoring

Appendix 5 - Cash Flow Summary

Appendix 6 - General Fund Balance Sheet Summary

All circulated to members under separate cover

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 See reports and appendices circulated to members under separate cover.

8.0 Equalities considerations:

8.1 An Equalities Impact Assessment was produced as a part of the budget setting process and remains relevant.

9.0 Financial considerations:

9.1 See reports and appendices circulated to members under separate cover.

10.0 Risk management considerations:

10.1 Impact of financial performance on Council balances. Financial performance against approved Revenue and Capital budgets.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

14.0 Key decision information:

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? N/A

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: N/A Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members present:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1

Report to:	EXECUTIVE
Relevant Officer:	Neil Jack, Chief Executive Steve Thompson, Director of Finance / Statutory Finance Officer Arif Rajpura, Director of Public Health
Relevant Cabinet Member:	Councillor Simon Blackburn, Leader of the Council
Date of Meeting:	15 December 2016

COUNCIL BUDGET 2017/2018 CONSULTATION PROCESS

1.0 Purpose of the report:

- 1.1 For the Executive to consider the terms of the consultation process with respect to service changes to be proposed in the Council's 2017/ 2018 budget.

2.0 Recommendation(s):

- 2.1 To approve the outline service changes detailed as the basis on which the consultation and equality analyses will be undertaken with affected parties.
- 2.2 To approve the use of an Enhanced Voluntary Redundancy payment (EVR) incentive at a level of £3,000 (pro-rata for part time employees) for a set period of time determined by the Chief Executive.
- 2.3 To continue to engage through formal consultation mechanisms where budget proposals require appropriate feedback and to ensure that the Council is engaged with all partners as detailed at Appendix 4b. This would include developing a more permanent cycle of strategic engagement with the third sector, through piloting a thematic approach.

3.0 Reasons for recommendation(s):

- 3.1 The Council continues to deal with the effects of substantial reductions in government funding, with cuts to services being unavoidable in achieving a balanced budget. The calculation of the outline savings detailed in this report is based on an estimate of the amount of government revenue funding due to the Council.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes – but the final decision of Council in February 2017 will be to set a new revenue budget.

3.3 Other alternative options to be considered:

None, there is no legal alternative to the Council setting a balanced budget and in so doing it is appropriate to consult with staff and residents on how this can be achieved.

4.0 Council Priority:

4.1 The budget consultation process is relevant to both of the Council priorities: "The economy: Maximising growth and opportunity across Blackpool" and "Communities: Creating stronger communities and increasing resilience".

5.0 Background Information

5.1 It is a legal requirement for the Council to set a balanced budget. Each successive year the scope remaining for savings from efficiency measures becomes less. Indeed savings achieved to date represent over six times the cost of the Council's combined back office services. Delivering savings of this magnitude has had an unavoidable impact on service levels, resident satisfaction ratings, jobs and morale, but by 2022 more radical, fundamental, transformational and sustainable solutions will be necessary. On 12 September 2016, the Executive agreed the Council's Medium-Term Financial Sustainability Strategy (MTFSS) for the six-year period, 2016/17 to 2021/22. Agreement of the MTFSS also complied with the conditions set by the Secretary of State for Communities and Local Government in March 2016, that acceptance of the four-year Funding Settlement Offer 2016/17 - 2019/20, required publication by 14 October 2016 of a four-year efficiency plan that can be combined with medium-term financial strategies.

5.2 Against this backdrop the Strategy summarises the comprehensive review and assessment that has been undertaken, of how the Council can finance its future service delivery and the level of savings needed if these activities are to be facilitated and maintained. It also sets out the risks anticipated throughout what is forecast to be an ongoing harsh economic climate for local government.

5.3 Blackpool Council is committed to protecting vital services, but to remain financially sustainable has had to respond with recurrent savings of £93.4m from its revenue expenditure up to the end of 2015/16. During the term of this Strategy a further £60.1m of savings is forecast to be needed.

5.4 Each successive year the scope remaining for savings from efficiency measures becomes less and over the term of the Strategy achieving savings of the scale demanded, will require concerted action and consideration of a broad range of initiatives, whilst maintaining strong financial management and budgetary control, addressing any areas of overspending in a timely manner, maximising savings and ensuring value for money. The Strategy agreed by the Executive identified a savings programme (the 'Efficiency Plan') which will constitute seven thematic workstreams which have been developed and finessed over the recent months:

- i) Technical savings – these could include debt and PFI restructurings, review of reserves and provisions, use of capital receipts and capital to revenue transfers and review of Council Tax Reduction Scheme.
- ii) Income generation and management – between 2014/15 and 2015/16 fees and charges income increased by £2.8m (or 7.9%) and will continue to be optimised along with returns on business loan investments, Growth and Prosperity initiatives and traded services.
- iii) Procurement and commissioning - maximising best value from the market place through an innovating commissioning regime to reduce third-party spend and deliver targeted social value.
- iv) Demand management and self-help initiatives such as the current Channel Shift project work.
- v) Transformational efficiency measures under the direction of the Chief Executive's Delivery Unit with a focus on 'upstream' prevention.
- vi) Structural reform:
 - internally with Council services being the provider of first choice
 - collaborating and partnering with the Council's own companies (as has already progressed significantly with the adoption of the companies' Governance Framework)
 - across the wider public sector including the local Public Sector Board, Combined Authority, Healthier Lancashire and South Cumbria and One Public Estate with the private and voluntary sectors.
- vii) Service reductions and cuts, which will be considered once i) – vi) have been exhausted.

5.5 The proposals outlined at Appendix 4a have been formulated across the Council's Senior Management Team and in consultation with the Executive. The proposals for savings are as set out in the above workstreams and are presented in that format at Appendix 4a. It is these proposals which the Executive is asked to agree to form the

basis on which the consultation and equality analyses will be undertaken with affected parties.

5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices:

Appendix 4a – Budget Savings Proposals

Appendix 4b – Third Sector Engagement Report

Appendix 4c – Efficiency Plan Findings

6.0 Legal considerations:

6.1 Approval of this report will commence a consultation process on service proposals with residents. The Council is required to and will consider the views offered and to consciously take them into account throughout further meetings and discussions on the proposals.

6.2 Where the proposals have the potential to impact on employees they will be the subject of trade union and employee consultations in line with statutory requirements.

7.0 Human Resources considerations:

7.1 Even though the approach this year is focused around the 'Efficiency Plan', it will not be possible to find the necessary savings without reducing staffing costs and as a result some services will reduce, cease or change.

7.2 More employees have been placed at risk than will receive a formal notice of redundancy. It is not possible to know for certain at this stage how many posts and people will be ultimately impacted, but it is anticipated that there will be 80 redundancies plus a further 70 employees in temporary contracts which will come to an end and up to 50 vacant posts will be deleted.

7.3 Services continue to take every opportunity to mitigate redundancies. Measures include a review of temporary contracts, holding posts vacant, use of temporary agency staff, asking employees to reapply for voluntary unpaid leave and encouraging people to put forward requests for early retirement or voluntary redundancy.

7.4 Over the last three years the Council has offered an enhanced voluntary redundancy to "at risk" staff which has helped to keep the number of compulsory redundancies to a minimum. The enhanced voluntary redundancy package offered last year was an additional payment of £3,000 (pro rata for part time employees) and in order for it to be financially viable employees had to meet the following criteria:

- Minimum 2 years' continuous service
- No pension or an annual pension of £3,000 or less (pro rata for part time employees and based upon figures prior to taking an increased lump sum).
- Agreement to a reduced notice period should this be required.

It is recommended that Executive approves the same enhanced voluntary redundancy offer for 2017/2018.

7.5 The Council recognises that employees in this situation need as much help and support as possible. A dedicated Employment Adviser will offer group sessions to fully explain the range of services available to employees and will coordinate referrals into the National Careers Service (NCS) for the following:

- Skills Health Check: The NCS offers a web-based tool to help staff better understand their own skills, identifying transferable skills and abilities and work objectives
- Information on New Career Options: Help to source information on training or qualifications needed for specific career choices.
- Entitlement Checker: Verifying eligibility for public funding to use towards training costs
- CV Building: Advice on how to tailor a CV towards certain sectors using a bespoke web tool
- Mock Interviews: Help to prepare staff for formal interview scenarios including formulating answers to commonly asked interview questions, and suggested questions to ask employers
- Lifelong Learning Account Guidance: Introduction to the Lifelong Learning Account offered on the National Careers Service website which keeps a record of Skills Health Check reports and CVs built using the NCS tool
- Professional Networking: Introducing staff to the benefits of using social media to search for jobs e.g. LinkedIn.

7.6 In addition employees will be offered access to the following:

- Get Started (Self Employment Advice): Support from within the Council to turn business ideas into reality
- Jobcentre Plus: Benefit entitlement advice
- Chance 2 Shine (Work Placements): A Council-run service delivered by the Positive Steps into Work team which provides a range of structured work placements to enable people to gain valuable new skills and explore different areas of work.
- Access to an Employee Assistance Programme (EAP) which is an independent and completely confidential service providing help and assistance for employees and their immediate families, for any personal or work-related

- problems.
- Priority for Internal Job Vacancies

8.0 Equalities considerations:

- 8.1 The Council has a statutory responsibility under equality law, known as the 'Public Sector Duty', to examine and analyse the impacts on equality issues on any decisions it makes. Furthermore, the Council must have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct, whilst advancing equality of opportunity and fostering good relations between different groups.
- 8.2 The Council adopts a multi-level approach to equality to assess the possible impact of the current budget proposals. This is in recognition of the often complex effect on service users, staff, citizens and visitors of these decisions.
- 8.3 This process involves a number of elements. Key stages undertaken so far include:
- Initial service level assessments of the expected and known impact of service reduction proposals on key equality groups/ protected characteristics
 - Briefings for key decision makers , at both Elected Member (Executive) and Senior Officer levels, on the Public Sector Equality Duty and the implications for decision making
 - Briefing and training for senior departmental equality representatives and HR Advisors to ensure they can support their managers and departments in approaching the equality analysis of budget related proposals
 - Detailed advice and guidance on the paperwork for all key decision makers involved in the budgetary decision process
 - Briefing sessions with all Directorate heads to explore possible scope and impact of proposals on key equality issues.
- 8.4 Concurrently, initial engagement sessions on the Council's medium term financial position have been conducted with the community wide equality engagement groups including the Equalities Forum, Disability Partnership, LGBT and Faith Forums. Further details on this exercise and recommendations are summarised in Appendix 4b of this report.
- 8.5 Once significant equality implications have been identified, these will be flagged up to decision makers prior to commissioning a full impact review involving data analysis and consultation with service users and others affected. This will also assess the effect of budget reduction on staff diversity issues, using a benchmark analysis of the current levels of workforce diversity for each of the key equality strands – Race, Gender, Disability, Age, Religion and Belief, and Sexual Orientation.

9.0 Financial considerations:

9.1 Section 100 of the Local Government Act 2002 requires local authorities to plan each year's revenue at a level sufficient to meet operating expenses and hence achieve a balanced budget.

10.0 Risk management considerations:

10.1 The risk is that the demand for services is so great that the Council is unable to meet needs within current financial constraints. This is mitigated by the content of the proposals in this report.

11.0 Ethical considerations:

11.1 The process of setting and consulting on the budget, with potential impacts on service users, residents and staff, has several ethical implications. These are included in the report at Appendix 4b.

11.2 This budget pre-consultation phase (see section 12.0) ensures that the Council has adequate intelligence on resident and staff opinions on the budget to better inform its deliberations. However, it is recognised that in upholding some of the Council's ethical principles (for example, the promotion of social justice), the Council may need to communicate the reasoning behind some of the decisions where these conflict with residents' opinions. Additionally, the Council will take steps to ensure that the dignity of service users and residents is respected throughout the consultation process and in the formulation of the final budget proposals.

12.0 Internal/ External Consultation undertaken:

12.1 The Executive agreed on 5 September 2016 to initiate a period of consultation on the efficiency plan. In order to ensure that the Council was engaging with as many people as possible on the Medium Term Financial Sustainability Strategy the Council adopted a dual approach which enabled engagement to take place with known groups and representatives of the community, but also residents and communities more likely to have less engagement with the Council on key matters. The engagement sessions consisted of targeted focus groups with third sector partners taking a lead role, on street interviews and an online survey.

12.2 There are some key themes emerging from the engagement activity that has taken place over the past two months.

There is clear feedback from both exercises that stronger partnership working is

encouraged from all sectors and from the residents, which would be seen to enhance and improve relationships across the town and ultimately seek to realise the ambitions for a sustainable and resilient community.

The feedback from the engagement activity also highlighted many service specific areas where residents and service users have given comment on how they think efficiencies can be made. Key themes contained in both reports are in the areas of regeneration, housing and how partnerships across all sectors of Blackpool can work together to decrease demand.

There are high levels of agreement for the Council's seven efficiency workstreams, ranging from 86% agreeing with a focus on how the Council negotiates contracts, to 69% agreeing with a focus on how people access Council services.

A number of the areas of feedback from within the work streams are contained within the proposals at Appendices Two and Three. These include fees and charges, selling of buildings and land and opportunities for more collaboration across all sectors.

Staff have already taken up a voluntary 5 days unpaid leave scheme over recent years; this proposal is included in this year's budget. A premium overtime freeze and a vacancy factor are also included as proposals in this year's budget.

- 12.3 The Council's scrutiny committees also have a key role in the budget consultation process. Each year before the budget is agreed, consultation meetings are held with Trade Unions and Non-Domestic Rate Payers. These will take place as in previous years although in addition, the Tourism, Economy and Resources Scrutiny Committee has agreed the establishment of a budget scrutiny panel to consider proposals earlier in the process, i.e how the savings will be met and the resulting impact on services. A formal response from the scrutiny panel will then be considered by the Executive, along with any representations from the trade unions or Non-Domestic Rate Payers over the course of the Executive meetings prior to Budget Council on the 23 February 2017.

13.0 Background papers:

- 13.1 None

14.0 Key decision information:

- 14.1 Is this a key decision? No
- 14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members present:

20.1

21.0 Call-in:

21.1

22.0 Notes :

22.1

		2017/18 £000	2018/19 £000	2019/20 £000		Comments
A1	TOTAL 2017/18 SAVINGS TARGET	18,700	4,800	6,600	30,100	
B1	TECHNICAL SAVINGS					
B1.1	Staffing - related					
B1.11	Reduce the cost of overtime	132	(132)	-		Analysis and review of overtime usage and costs
B1.12	Use business rates (NNDR) income to fund Enterprise Zone staffing	160	-	-		
B1.13	Re-phase auto-enrolment for pensions over two financial years	560	(510)	-		This was originally planned to take place over one financial year, now spread over 2 financial years
B1.14	Improving employee attendance	300	-	-		Reducing costs of absence including back fill costs
B1.2	Technical					
B1.21	Tactical lending from the Business Loan Fund	1,800	900	-		Supporting economic development in town
B1.22	Maximisation of cash flows / Treasury Management	500	-	-		Reducing loan repayments by taking advantage of temporary low borrowing interest rates
B1.23	Project 30 return on investment	275	-	-		Reduction in insurance claims as a result of the Project 30 investment carried out in previous years
B1.24	Capitalisation of revenue costs, e.g. Senior Capital Accountant, Highways Maintenance and Non-pay rounding down to nearest £000	67	-	-		
B1.25	Cultural Exemption generating VAT recovery	1,232	(952)	-		Council to seek cultural exemption, year 2 credit reflects one-off backdated recovery in year 1
B1.26	Corporate - Pension deficit	300	-	-		2017/18 pay 3-years pension deficit upfront.
B1.27	Highfield School	205	-	-		Transfer of costs as a result of Highfield School becoming an academy
B1.3	Income - related					
B1.31	Improved income in leisure assets to be ring-fenced to allow recharging of appropriate costs	300	-	-		Subject to negotiation
B1.4	Procurement & Commissioning - related					
B1.41	Review of Waste Services contract	-	-	400		Service respecification and retendering
B1.5	Demand - related					
B1.51	Reduce cost of Street Lighting PFI	150	-	-		Continue programme of dimming street lights to reduce energy consumption
		5,981	(694)	400		
B2	INCOME GENERATION AND MANAGEMENT					
B2.1	Increase fees and charges	1,074	860	1,010		To take place across all services at 2.5%
B2.2	New sources of income or increased market share	994	390	-		Service expansion in Trade Waste, Leisure Services, Highways and Traffic, Visitor Economy, School Catering, Car Parking, Libraries, Economic Development, Housing Options, Governance and Partnerships, Vitaline. Development of on-street parking scheme, bids for external funding and social care charges.
		2,068	1,250	1,010		
B3	PROCUREMENT AND COMMISSIONING					
B3.1	Procurement and commissioning	225	(122)	-		Service procurement efficiencies including vehicle efficiencies and one year freeze on book fund.
B3.2	Targeted non-pay inflation @ 50%	850	850	850		Corporate retention of 50% provision
B3.3	Procurement and commissioning	491	175	59		Combination of restructures and seeking alternative service providers including review of building cleaning, Extra Care Housing, contracts and commissioning, Care and Repair, Carers Centre and equipment services.
B3.4	Housing Related Support	900	221	-		A significant and transformational reduction in Housing Related Support, supported by transformation funding.
B3.5	Public Health - contracts	500	500	-		Review of contracts
B3.6	Saving on supplies and services spend	1,500	500	-		Reduce spend across all services via renegotiations and despecifications and managed corporately
		4,466	2,124	909		
B4	DEMAND MANAGEMENT					
B4.1	Channel Shift - Initiatives to enable residents to access more services online	100	150	250		Reduction in calls freeing up resources in processing
B4.2	Introduce charge for concessionary travel on the tramway	250	-	-		Introduction of a charge for discretionary concessions on tramway
B4.3	Children's repayment of £4m 2017/18 investment re LACs	-	1,500	3,500		Bring forward to 2017/18 if and when possible. Also an assumption that LACs numbers reduce to 450 saving an additional £1m in 2019/20
B4.4	Review transport arrangements for children with special educational needs	300	90	-		Review existing arrangements
B4.5	Reduce bus route subsidy	63	-	-		Ceasing subsidy to numbers 3, 4 & 10 bus routes
		713	1,740	3,750		
B5	STRUCTURAL REFORM (including ceasing service / under review / reconfiguration)					
B5.1	Review Families in Need team	200	-	-		
B5.2	Review Pupil Welfare service	100	100	66		
B5.3	Structural Reform	789	47	-		Service reviews including Public Protection and Corporate Services. Ending community-based stroke service funding at end of existing contract. Service reduction in tramway maintenance, discretionary school transport, Children's short breaks funding, carers breaks, Community Engagement and Equality Services. Establish a Community Care company
B5.4	Cease Young Savers scheme	30	-	-		
B5.5	PCSOs funding	99	-	-		Renegotiate PCSO funding
B5.6	Establish a Cultural Company	450	450	400		Move Visitor Services, Arts and Left Coast into a new company
B5.7	Sharing of back office services, support services and front-line services	275	431	1,150		Including the Council's own companies, neighbouring authorities and other public bodies. Establish a Community and Environment company.
B5.8	Residual target to be allocated to services (excluding Social Care and Public Health) to be found via vacancies / turnover/ other efficiencies , service redesign and reorganisation	2,030	-	-		Residual target to be found via vacancies / turnover/ other efficiencies, service redesign and reorganisation
		3,973	1,028	1,616		

		2017/18	2018/19	2019/20		Comments
		£000	£000	£000		
C	USE OF RESERVES					
C1	Use of Reserves					
C1.1	Children's - Use of reserves, e.g. VPE, Highfield (consultation 'after summer recess')	-	500	(500)		Non-recurrent use of reserves, baseline adjusted back in following year
C1.2	Blackpool Coastal Housing dividend to General Fund	500	(500)	-		Non-recurrent use of reserves, baseline adjusted back in following year
		500	-	(500)		
	SUB TOTAL	17,701	5,448	7,185		
D	POTENTIAL SALE OF ASSETS WITH ONE-OFF CAPITAL RECEIPTS					
D1	Capital Receipt	500	(500)	-		Non-recurrent sale of assets, baseline adjusted back in following year
E	CONTINGENCY					
E1	Contingency	500	-	(500)		Unidentified savings gap in year 1 to be met over period of 3-year budget
F1	TOTAL SAVINGS	18,701	4,948	6,685	30,334	
G1	SAVINGS TARGET COMPARED WITH SAVINGS PROPOSALS	(1)	(148)	(85)	(234)	

**Blackpool Council
Report from
Director of Public Health
to
Executive
on
15 December 2016**

Budget and Medium Term Financial Sustainability Strategy Engagement exercise – autumn 2016

1. Introduction

This report summarises and presents the findings of a series of community engagement meetings and focus groups that were held during Sept / Oct 2016 in order to share the Council's overall financial position and seek a consultative dialogue with key community, equality, voluntary and Faith sector representatives over the way forward in the years ahead.

In all, 9 separate events have been held, involving an aggregate of 73 people (the age range was from aged 13 years old to early 80's the gender balance was slightly more females than males approximately 55% to 45%) representing a minimum of 14 hours contact/engaged dialogue ; the time spent with groups on average was 1 hour 45 minutes .

The selection sought to reach out to those who may be 'hard to reach' or underrepresented in surveys or consultation as well as those who represent many of the core groups and organisations across organised civil society in Blackpool. Further details of this are appended to this report

2. Methodology and approach

An approach was developed aiming to encourage an informed, open but focused quality discussion over highly complex issues relating to Local Government finance and the pressures facing the Council's Budget over the next three years. The process sought to use creative participatory engagement methods (these were based on Ballin 2011/ Local Government Assoc Listening to Communities /Ofsted 'listening to young people) and develop a facilitated dialogue to ensure the groups stayed on task but also were allowed to pursue 'themes' and ideas; the initial objectives were

- To enable a 'space' where 3rd Sector Organisations can feel comfortable to talk and discuss their views and suggest potential initiatives and options for appraisal or 'solutions'.
- Capture their thoughts on the priorities for them on the budget priority areas.
- Allow the opportunity to make suggestions on how to make reductions or increase income or develop collective responses to the issues facing the communities of Blackpool.

The information on the budget came from the Mid Term Financial Sustainability Strategy and the leaflet that accompanies the Council Tax letter and then interactive elements were used in all groups

from young people to senior residents forums, these helped initiate the debate, however the key was a 'space' to talk, listen and debate in an informed manner with a solution based focus where ever possible.

The 'feedback' at the end of each session was positive to the approach with community members/groups finding it to be well facilitated, though provoking, informative (to a degree), interactive and a dialogue where they could see the challenges and complexities facing the Council.

However all groups would have liked to understand more of how the Council works, it's budget and where it spent and a more in depth process, in essence a participatory budget consultation or workshop/s.

3. Key issues highlighted

Through the 'dialogue sessions' a pattern emerged of key areas of debate; these could be categorised as Budget, Economy and Community. There was clear overlap and inter connectivity between these themes of Tourism and Community but for this report have been separated.

The overall message/s from these sessions can be summarised in a variety of themes:

- a. **General understanding of the Council** – captured within the dialogue was a feeling that the Council was *“doing the best job it can in difficult circumstances”* and that *“we understand that these are tough times”*, as well as a genuine surprise at the level of reductions in core funding since 2011, many residents felt that this was a cause for concern and worry. All groups were worried about how their communities would be affected in the times of change, given the impact to some of the services they have used – Adult Social Care, services/ places to go for young people, Mental Health Services, Substance Misuse and 'Community Hubs'/Centres.
- b. ***“Things can be done differently”*** - there was an incredible sense of Community Groups/residents groups wanting to be involved in being part of the discussion and answer to how Blackpool moves forward to address the complex needs of its residents balanced with an economy based on primarily Tourism. There was a strongly feeling that;
“WE – the Community, residents, Council, NHS, Police and community organisations need to work together to look at different approaches. No one organisation owns Blackpool nor can 'fix it' without working together and seeking different approaches.
- c. **Partnerships/Opportunities** – an emphasis was placed on collaborative working to reduce costs, share resources and improve outcomes. Many of the groups debated what services the Council delivered now in comparison to the past, the Council Core function and what could other partners develop, support and initiate. Given the depth of cuts/reductions in Budget the groups wanted to look at partnerships to deliver services differently or look at how others with the Council could redefine the 'delivery'/services landscape. There was discussion of the 'history' and previous relations with the Council but a strong acknowledgement that was 'history' and the *'we' need to move forward together.* However, there was a view from several groups that the Council did not trust the community sector and needed to improve two way communications.

d. **Communication** - a strong theme focusing on how the Council communicates with its residents informs them and engages in the most appropriate ways. There is a clear issue of digital illiteracy within the communities in Blackpool, with some of the groups wanting everything on social media whilst others wanted paper copies. *Your Blackpool* was praised as a way of reaching out and informing however many groups felt that the Council needed to communicate in plain straightforward English and make more use of Social Media.

There is a desire for Community Groups/Residents to have a more active role in shaping Blackpool's future and to receive more information around budgets, services and the challenges ahead that could help with this process. It was felt that the Council should be listening as well as talking.

e. **Image of Blackpool** - this was raised in all the 'dialogues' as it was felt the image of Blackpool was still 'poor'/'bad' and based on hen and stags. For many residents it remains a tourist town with a 'front of house' and a 'Back of house' with a continued perception that less was spent at the back of house/community. The challenge they felt was to continue to challenge the 'image' as a party town or one that was the most deprived local Authority in England – this fact was seen to be one that caused the most concern for residents. Constantly the image of Central Drive and parts of Blackpool were discussed and how the impact of unkempt or dilapidated houses, hotels and vacant shops could be improved.

f. **Celebration of Blackpool** – many of the groups commented there was lots to celebrate about Blackpool, its residents and people and this is not collected into “*so many good news stories, little things and big things that need to be celebrated to show what the real Blackpool is and where it is going*” – “*it (Blackpool) has so much going for it, challenges yes look at the glass half full, we are not all drug addicts, drinkers, jobs and layabouts but tell people about its good side*”.

g. **Economy** – this was discussed at all sessions and in-depth.

i. **The Challenge of tourism** - all the groups discussed the tension between residents and tourism and the challenge of the Council to balance the demands of a vibrant economy and the needs of the community.

ii. **Employment** – was a major issue for young people and older residents. It was felt that there was not enough good quality, long term job opportunities in Blackpool. Young people felt there was not “*reason or opportunities to stay*” and would seek work in Manchester rather than Blackpool. Those who would like stay wanted more security than tourist based work. For other residents it was about addressing the issue of the cyclical nature of the seasonal job market that on ending would mean they would need to seek other employment or then fall into a gap to try to claim benefit but may lead to problems (debt or arrears being the most frequent). This group wanted to see more employers who had year round industries/employment opportunities (such as warehouse work/semi skilled work) to give some job security and stability. Men over 50 felt that there was little or no job opportunities for them in the labour market.

iii. **Developing the Economy to attract** – more families, overnight stays and move the resort from “*cheap booze and lapdancing clubs*”. The plans for a

new conference centre were seen as positive but understanding that it needs to attract a different clientele to Manchester and Liverpool. Much discussion was held on utilising the vacant shops to encourage business/create creative centres based on low cost rents.

- iv. **Understanding that residents are also business owners** - this was a theme that many in two groups felt the Council overlooked in its priorities, it was not a case of either or but was something that may not be fully understood fully by the Council.

- h. **Community**- there were constant debates and dialogues on this issue and much more than this report can contain, the salient points were;
 - i. **Housing** - this was a constant theme particularly the issue of irresponsible landlords was raised in a number of groups, especially those who live outside of the town and buy property here because it is cheap. Selective licensing and Transience team were highlighted as good practice but residents felt this needed to be expanded and developed.
 - ii. **Safety/ASB** there is a perception that anti social behaviour is a big issue for the town and is linked into irresponsible landlords who do not take action when their tenants are making unreasonable noise, flytipping etc. Young People felt incredibly unsafe in Blackpool especially young women. People did not feel safe in poorly lit areas of the town. Addressing the perception was felt to be the key goal and linked to celebrating Blackpool, acknowledging success in addressing the challenges.
 - iii. **More Spaces to meet as collectives/groups** Residents felt that budget cuts had led to a reduction in Community Centres or spaces where they could meet in local areas at low cost that small residents group could afford . They wanted somewhere to go for support and help and where they could 'get together and organise things' for their community.
 - iv. **Services and "why cannot services talk to each other"**- many commented on the need for services such as Mental Health/Social Care/3rd Sector to work more harmoniously and provide a more 'together plan' with a shared outcomes and collaborative approach. This theme was repeated in terms of large funding coming into the Blackpool area but being seen as parachuted in rather than collaborative or complementary.
 - v. **Capacity building of residents and Community**, a theme of how residents could do more and apply for funding and look for support for across sectors. There was at times felt to be a disconnect from small community groups and the wider larger 3rd Sector Organisations.

Conclusion

The 'dialogues' have provided more in depth discussions and a desire to 'engage' with Council on its priorities, unlike the Council Couch the 'dialogues' allowed a rapport to be developed, a debate and moved the focus from the Couch being as a way to complain about the Council to understanding the complexities that the Council faces.

It is evident that there is a desire to continue with the 'dialogues' and the groups felt an onus was on the Council to develop this, to enhance co-delivery, co-production and look at a 'collective' response to the demands and needs of Blackpool. All acknowledged that a shared history of issues needs to be learnt from and moved beyond, a revised dialogue and development of shared understanding and trust. A shared mutuality in Blackpool was a common theme as was the move from the Council being expected to deliver everything to a potential cusp of residents and community groups/3rd Sector/Social Enterprise to be seen to leading on elements and working to access opportunities the Council could not or was unable to.

Partnership working between the Council and Third Sector can and needed to be enhanced and improved in order to realise the ambitions for a sustainable and resilience community for Blackpool. In the past, relationships were impeded by a disconnect, due to very different cultures and a perceived lack of openness and communication.

More collaborative working needed to be built both within the highly diverse groups that make up the Third sector and between the sector and the Council / other agencies.

Recommendations

1. To encourage the nurturing of genuine dialogue and trust it is vitally important for the Council to feedback on each of the specific proposals, within a reasonable timeframe. It is therefore suggested that this report is shared with relevant Cabinet Members, before recommended responses are taken back to the Council Executive, and then communicated to these groups in the New Year, once the Budget has been approved.

2. To consider the developing this exercise into a more permanent cycle of strategic engagement with the sector, through piloting a thematic approach to meetings covering the following type of themes:

Arts and culture

Sports/ Leisure

Environment

Health and care

Social enterprise (covered by exciting Social Enterprise network)

Youth

Older people (covered by the Blackpool Gold group)

Faith (covered by the existing Faith Forum, and Blackpool Food Partnership)

Equalities (covered by the exciting groups – including Disability Partnership, Equality Forum, Race Equality Network, LGBT Partnership)

Appendix A – Feedback from the Community Groups and Sessions

Group	Issues	Key Message
LGBT Forum	<p>Safety in Blackpool- too much drug dealing/ASB and limited response from the Police however others felt a good response from Police and Asb team – keep logging calls.</p> <p>Housing a major issue- poor landlords and tenants, selective licensing and Transience team some good outcomes but still long way to go.</p> <p>Communications with the Council, cannot contact via phone and easier to walk down and talk to someone.</p> <p>Council talks down to residents, big brother/parent aspect, Council Officers can be rude and dismissive, the Council not a partner in Blackpool, politics over residents.</p> <p>Need More Community listening sessions – Listening Cafes more informal and laid back – Council needs to reconnect.</p> <p>Communication mediums poor and ineffective especially social media, plain straight forward language not Council Speak or complicated words, Your Blackpool praised- acceptance that different generations need different communications processes. Explain why the Council does things. Young People are missing out on services especially since cutbacks.</p> <p>Services – Mental Health services poor and hard to access, services not working together, mismatch between Vol Sector and Council, lots of gaps and wasted money.</p> <p>Vol Sector and residents – not enough support to the Vol Sector or residents to do the things the Council cannot. What can we do together this key and the future is how we best provide for our communities</p>	<p>Why does the Council not insist on a minimum standard of accommodation before paying benefits/</p> <p>Residents are also Business people but that is not seen by the Council.</p> <p>Access to Services is poor, we need more services joined up, working together and demonstrating equal and positive treatment.</p> <p><i><u>“WE – the Community, residents, Council, NHS, Police and community organisations need to work together to look at different approaches. No one organisation owns Blackpool nor can ‘fix it’ without working together and seeking different approaches.</u></i></p>
U R Potential Young People	<p>Something to do for young people- service that support young people are limited – especially in services that offer a ‘voluntary relationship’ or one with a trusted adult to talk with and engage with, more than a number be like Big Hero 6 Beta Max, listen, empathise, support. More things to do or places to go that are cheap, able to hang out, wider offer to young people.</p> <p>Blackpool unsafe – do not like going into town as unsafe, no difference in gender all unsafe, leads to poor image of the town, dirty, run down all drunks and louts. Tourist town all money spent on tourists not residents.</p>	<p>Listen to young people, do not assume what we need, listen and talk to us. No really listen.</p> <p>Make Blackpool safe for everyone who lives here.</p>

	<p>Employment – more security in employment, better wages for young people, more proper jobs offering security. More apprenticeships, more opportunities to have a business.</p> <p>Looking to leave asap go to Manchester or Liverpool – school does not support aspirations - poor schools.</p> <p>Services - mental health services could be better, what do you do after accessing services where do go next , Social Services need to better, jump to assumptions, did not listen to me.</p> <p>Poverty – affects everyone, health, well-being, living, and opportunities – cannot always afford transport to get around – cannot afford rent and then debt issues.</p>	
Faith Forum	<p>Poverty – concerns over debt. Residents without jobs feel worthless.</p> <p>Mental Health- services are no longer being provided, voluntary groups are taking over where there is a gap</p> <p>Disconnect - there is a disconnect between the decision makers and the people <i>'Public need to know the true facts to make an informed decision'</i>. Power should be devolved to the residents.</p> <p>Partnership Working - Food Partnership is a good example of the Council and community / faith groups working together. The management is supported by the Council. Churches can provide volunteers and buildings but the Council should own the management of these resources.</p>	Faith communities and Council to work together to protect and serve the poor, powerless and vulnerable.
Disability Partnership	<p>Image - Blackpool is better than people give it credit for, should promote the good.</p> <p>Services – People <i>'need to be strong minded to find activities'</i> . There should be better co-ordination of activities for socialisation. People with mental health issues maybe too vulnerable to find them.</p> <p>Voluntary Sector - more could be done to use the voluntary sector, co-ordination, mapping, capacity building. The Council could work with organisations to make the most of the volunteers we have.</p>	We would like to see the Council commit to working with us to build an inclusive and accessible town for all.
Equalities Forum	<p>Social Isolation – no sense of community. More projects like the seed bombing in Bloomfield would increase pride in area.</p> <p>Housing - Rogue landlords from out of town, don't care about the state of the properties</p> <p>Enforcement - enforcing the minor issues, asb etc, would have a huge impact in poor areas. Shops should have to sort themselves out.</p>	Improve the standards for all in the town, landlords, business and residents.
Blackpool	Tourism – Blackpool is good for families but can be	Community Groups want to do

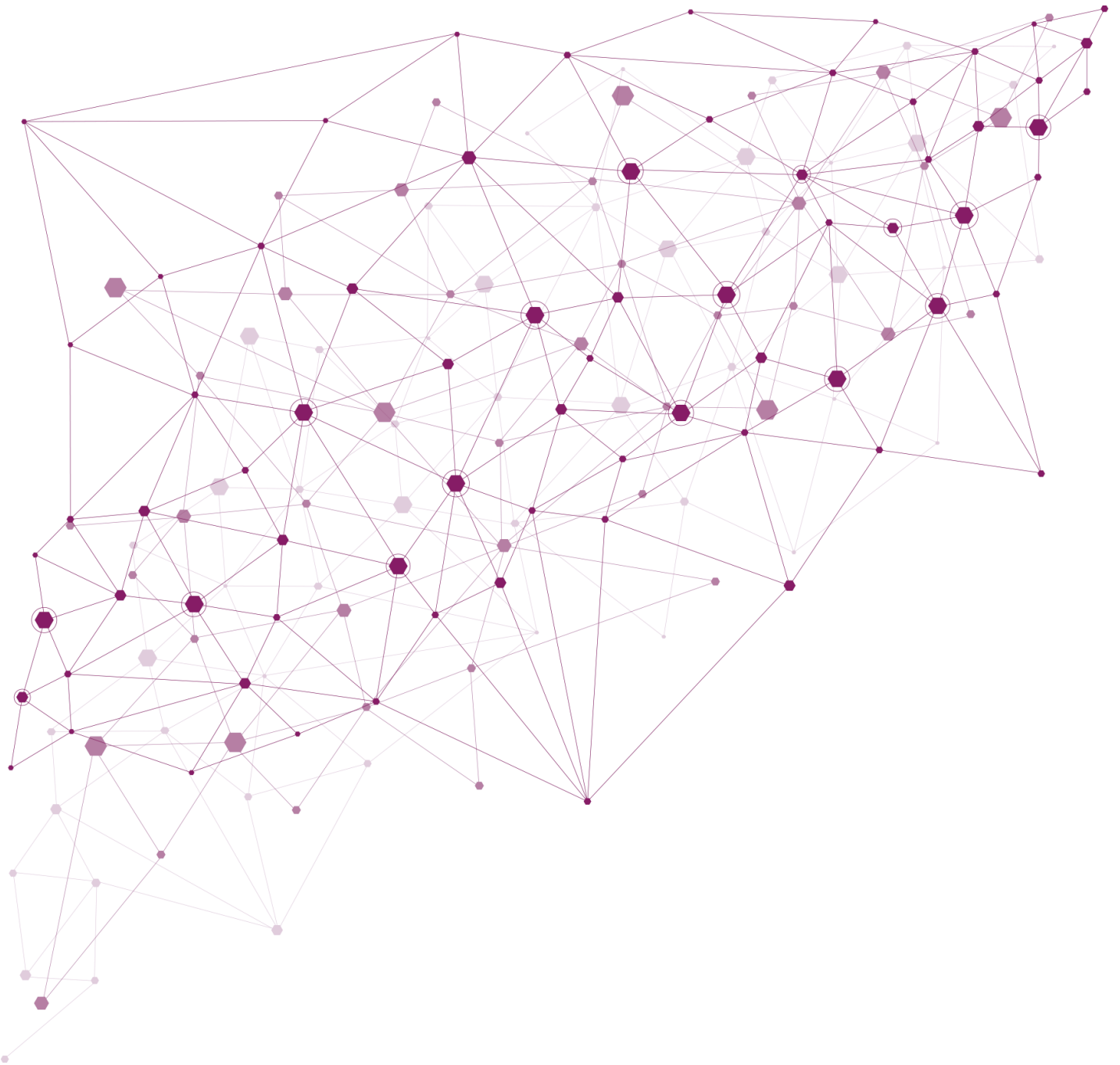
Gold Action Group	<p>expensive. Small B&Bs should be subject to the same checks as the private landlords to raise standards across the board. Business rates and car parks are expensive which leads to shops closing down.</p> <p>Housing – Too many landlords are from out of town. People should respect our town.</p> <p>Communities – <i>‘People want places where people can get together and organise things’</i>. The Council is <i>‘frightened to use your community’</i>.</p> <p>Communication – People from the Council come and talk to the group but they don’t get feedback.</p>	more but need the Council to respond to them.
St Peters Drop In	<p>Employment – There are no big employers in the town that offer year round jobs such as warehouses and distribution centres. If you are over 50yrs then finding a job is impossible. People have multiple jobs as it is expensive to live and travel around in Blackpool. There is a lack of skills in Blackpool to attract big business.</p> <p>Community - Due to cut backs there are very few community centres where people can get together and support each other.</p> <p>Tourism – A lot of money is spent on the front but the side streets are dirty and in poor condition, with asb and bad landlords.</p>	<i>‘People who live here see the real Blackpool’</i>
Third Sector – Economy Group	<p>Council – the Council’s processes are slow and bureaucratic and there is an unwillingness to pilot ideas and learn from them. The Council could work with social enterprises and the VCFs to look at how it could deliver it services different. But looking for best value might mean losing some control. <i>‘Got to do it together’</i>.</p> <p>VCFs - the VCFs brings in millions for the town through benefit maximisation and debt work. There should be some acknowledgment of this.</p> <p>Employment - There should be a focus on all year round, well paid employment.</p>	The interface between the Council and the social enterprise / VCFs isn’t very strong. The message from the top level of the Council should be <i>‘Together Stronger’</i>
Third Sector – Community Resilience	<p>Investment – feels like all the money goes to the front but the streets behind tell a different story, 3 things are needed:</p> <ul style="list-style-type: none"> - Adequate resource - Clear ideas / vision - Skilled people <p>Third Sector – lots of hidden gems in the third sector that are not known. The Council should enter into a dialogue about service deliver and engage with these groups to see if either they could deliver it, or could work in partnership with the Council, or are the Council duplicating work already going on.</p>	Please engage with us now in the fullest sense, don’t wait. How can <i>‘we’</i> work together in the future.

	<p>Commissioning has made the sector more competitive but 12 month contracts mean it is difficult from organisations to retain and motivate staff.</p> <p>Communication – Celebrate the good stuff, including in the local press</p>	
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Blackpool Efficiency Plan

Exploring Resident and Employee Views



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Project Title: Blackpool Council Efficiency Plan Pre-Consultation Exercise

Date: 17 November 2016

Report Status: Final

Approved By: Adam Pearson

Authors: Adam Pearson and James Mulvaney

Comments To: adam.pearson@blackpool.gov.uk

This exercise was undertaken in accordance with the Market Research Society's Code of Conduct and UK Data Protection Law

1. Executive Summary

Between 18 October and 13 November 2016, **539 people completed a public survey** on Blackpool Council's efficiency plan for making savings and increasing income.

There are **relatively high levels of agreement for the Council's seven efficiency workstreams**, ranging from 86% agreeing with a focus on how the Council negotiates contracts to 69% agreeing with a focus on how people access Council services.

The survey included opportunities to comment and make suggestions on each efficiency workstream. The feedback received through these comments is summarised in the table below.

Figure 1.1: Agreement levels and main comments for each efficiency workstream (ranked by highest level of agreement)

Efficiency workstream	% who strongly agree or agree	Main comments and suggestions received
How the Council negotiates contracts	86%	<ul style="list-style-type: none"> Processes and systems should be in place to hold contracts and commissions to account Quality should be considered when assessing value-for-money from contracts (cheapest not always best) General comments about the Council putting more focus on procurement
How the Council manages its money	85%	<ul style="list-style-type: none"> Specific suggestions for savings and income generation Communication and transparency of the Council's finances Salaries, expenses and terms and conditions for Council employees and councillors
How the Council generates income	83%	<ul style="list-style-type: none"> Various ideas for fees and charges for Council services Other income ideas, like funding bids and selling buildings/ land Importance of attracting investment to the area
How the Council delivers its services	81%	<ul style="list-style-type: none"> A range of specific suggestions about the way services are delivered, including the prioritisation of statutory services Services need to be sufficiently staffed and they should receive the necessary training and support to deliver a good service Communication is important, particularly about changes to service offers and the way they are delivered
How the Council works with partners and companies	80%	<ul style="list-style-type: none"> Wide ranging comments about partnership opportunities The value of communication between partners and companies, as well as communicating the benefits to the public General positive comments about a partnership approach in the area
Preventative measures to reduce demand	72%	<ul style="list-style-type: none"> Specific preventative suggestions for Council services, including recycling / waste and early intervention in social care Providing support and information to encourage service users to help themselves Focusing on investment in this area to realise outcomes
How people access Council services	69%	<ul style="list-style-type: none"> Relatively strong support for channel shift and improved access to online services Comments though about ensuring those without access to the internet are considered Some negative feedback on current access to services, such as call waiting times and difficulties finding the right service

2. Background and Methodology

Background

Blackpool Council's Executive has identified seven efficiency workstreams through its Medium Term Financial Sustainable Strategy (MTFSS) which it hopes will help the Council to balance its budget and specifically inform the development of proposals for making savings and increasing income.

The seven efficiency workstreams within the MTFSS are:

- i) Technical savings, including debt and PFI restructuring and a review of reserves and provisions
- ii) Income generation and management
- iii) Procurement and commissioning to maximise best value from the market place
- iv) Demand management and self-help initiatives
- v) Transformational efficiency measures
- vi) Structural reform, including how the council works with its partners and companies
- vii) Service reductions and cuts

To ensure that these are the right efficiency workstreams for Blackpool, a programme of early engagement was undertaken to gather the views of residents, employees and a range of stakeholders in the town.

Infusion, the Council's in-house market research service, was commissioned to deliver a public feedback exercise in the form of an open-access survey. Targeted engagement with stakeholders and third sector organisations was undertaken by other officers at the Council and is therefore not included within this report.

Methodology

A short public survey on the Council's efficiency plan was available to complete from 18 October to 13 November 2016. The seven workstreams were simplified to make it easier for residents and other respondents to understand the language and focus, with broad examples provided in the introduction to the survey.

An online survey was hosted on the Council's website and promoted via social media on both Facebook and Twitter and an article in the residents' Your Blackpool e-newsletter. The online survey was also promoted internally to encourage Council employees to have their say.

Moreover, paper copies were available in every library and children's centre in the borough to raise awareness of the survey and to enable access for those residents who do not use the internet.

Additionally, to ensure a proactive approach during the survey period a series of face-to-face street interviews were undertaken in Blackpool town centre with local residents.

In total, **539 responses were received** to the efficiency plan survey. This consists of 313 online responses, 23 paper returns and 203 street interviews.

It is important to note that as this was an open-access survey which encouraged anyone to have their say, it should not be considered a representative piece of research. The findings are likely to be influenced by factors including self-selection bias and over or under representation amongst some demographic categories. However, the primary purpose of this exercise was to offer an open opportunity to comment and feedback on the efficiency plan to inform the next stages of the budget setting process.

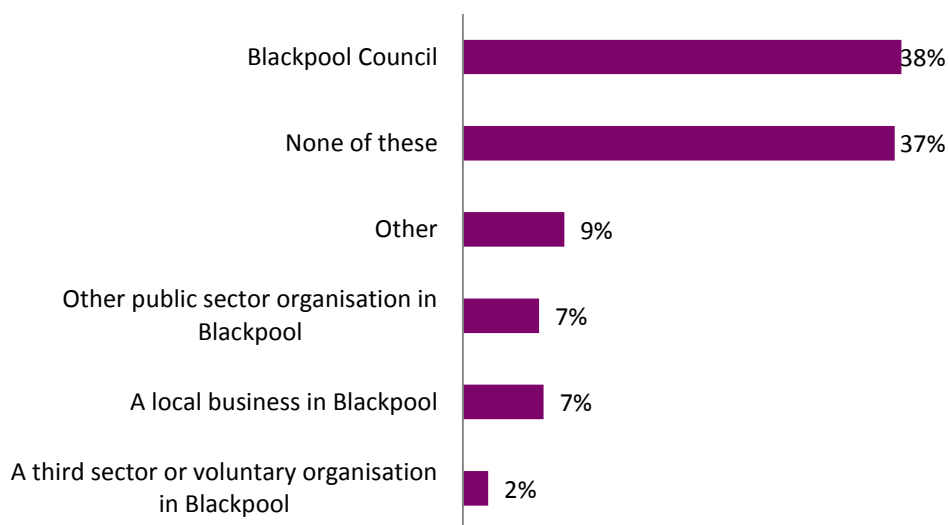
About the people who responded

As employees of Blackpool Council were actively encouraged to have their say on the efficiency plan, this survey captured the respondent's employment status within the town.

Of the 500 respondents who answered the question, 38% are employed by Blackpool Council whilst 16% are either employed by another public sector organisation, local business or third sector organisation in Blackpool.

37% indicated 'none of these'. Of the 'other' respondents, the majority are either retired, volunteer in the town or do not work for a variety of reasons.

Figure 2.1: Are you an employee of...? (base – 500)

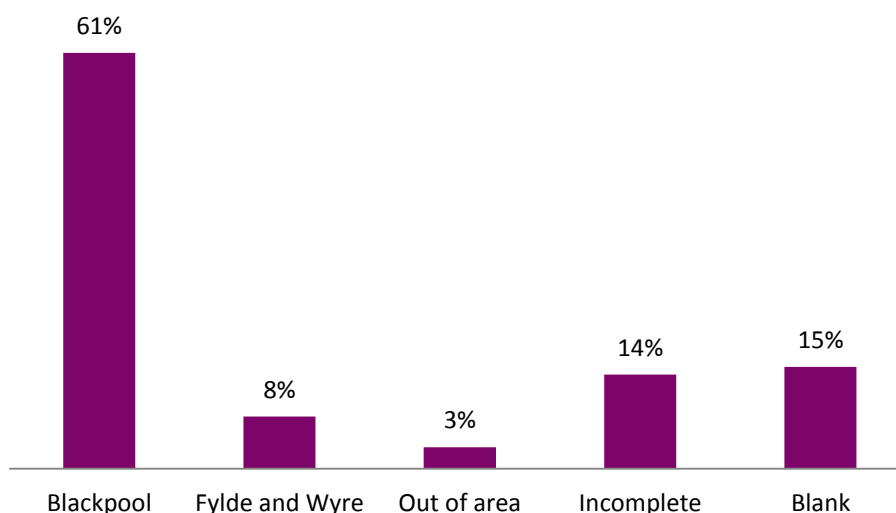


Three in five (61%) respondents to the survey provided a full Blackpool unitary authority postcode. Moreover, 14% of survey completions included a partial FY postcode.

The majority of Fylde and Wyre (28 of 40 submissions) and out of area (15 of 17 submissions) postcodes came from respondents who are employed by Blackpool Council.

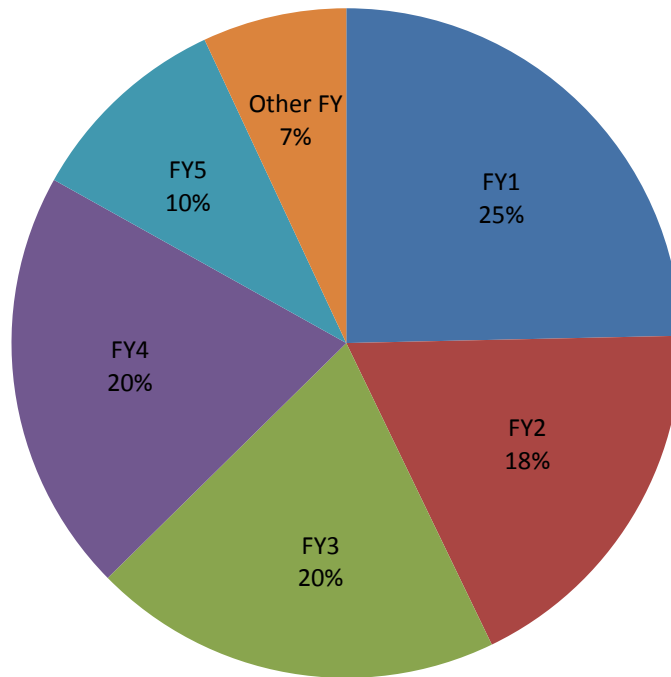
15% of respondents did not provide a postcode.

Figure 2.2: What is your home postcode? (base – 539)



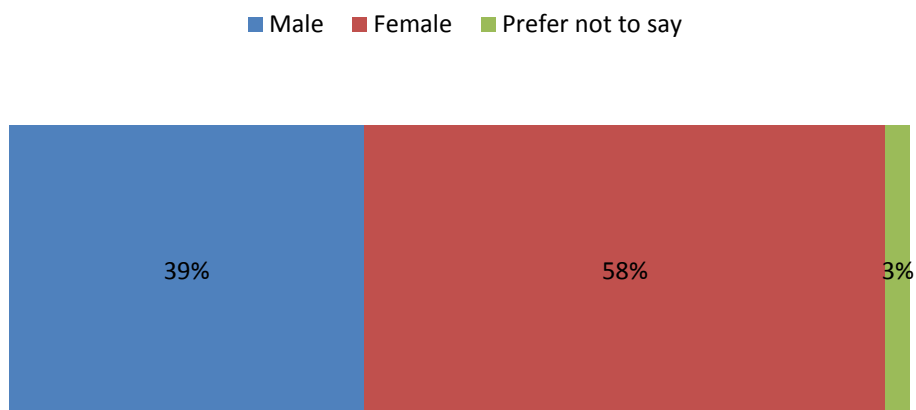
One in four of the FY postcode responses fall in the FY1 area of Blackpool. There is a fairly even split of postcodes across FY2, FY3 and FY4.

Figure 2.3: Breakdown of FY postcodes submitted (base – 432)



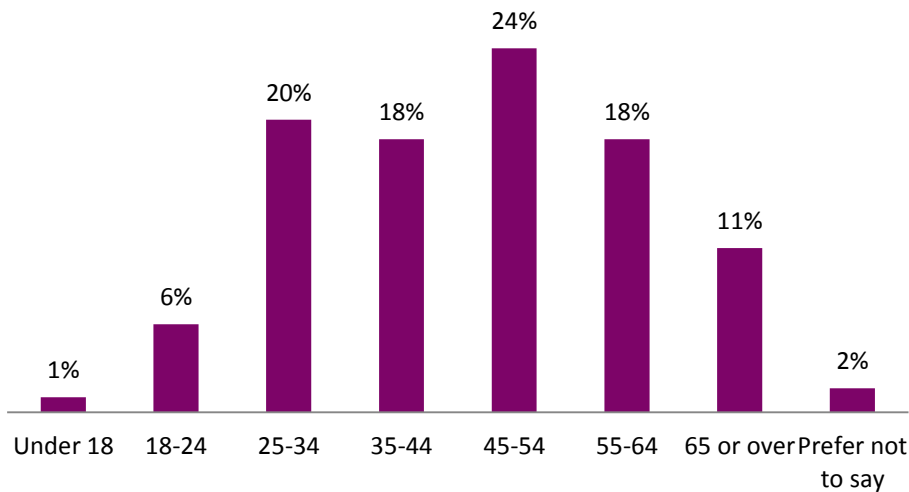
More women than men completed the survey, with two thirds (66%) of Blackpool Council employee respondents being female.

Figure 2.4: What is your gender? (base – 510)



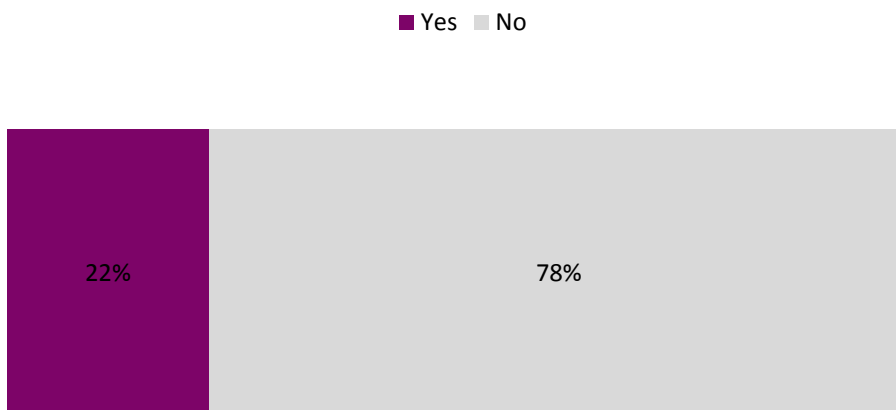
A broad range of age groups responded to the survey, although like many consultations and research projects, younger people in the borough are underrepresented. The highest level of response came from people aged 45 to 54, followed by the 25 to 34 age group.

Figure 2.5: Of the following age groups, which do you fall into? (base – 509)



22% of respondents have a long standing illness or disability. Of these, 71% indicated that it limits their daily activities in some way.

Figure 2.6: Do you have a long standing illness or disability? (base – 500)



The majority of respondents to the survey were White British or Irish (95%).

82% of respondents indicated that they are heterosexual whilst 13% preferred not to say. 4% are gay, lesbian or bisexual.

Of the 488 respondents who indicated their religion, 51% are Christian and 45% have no religion.

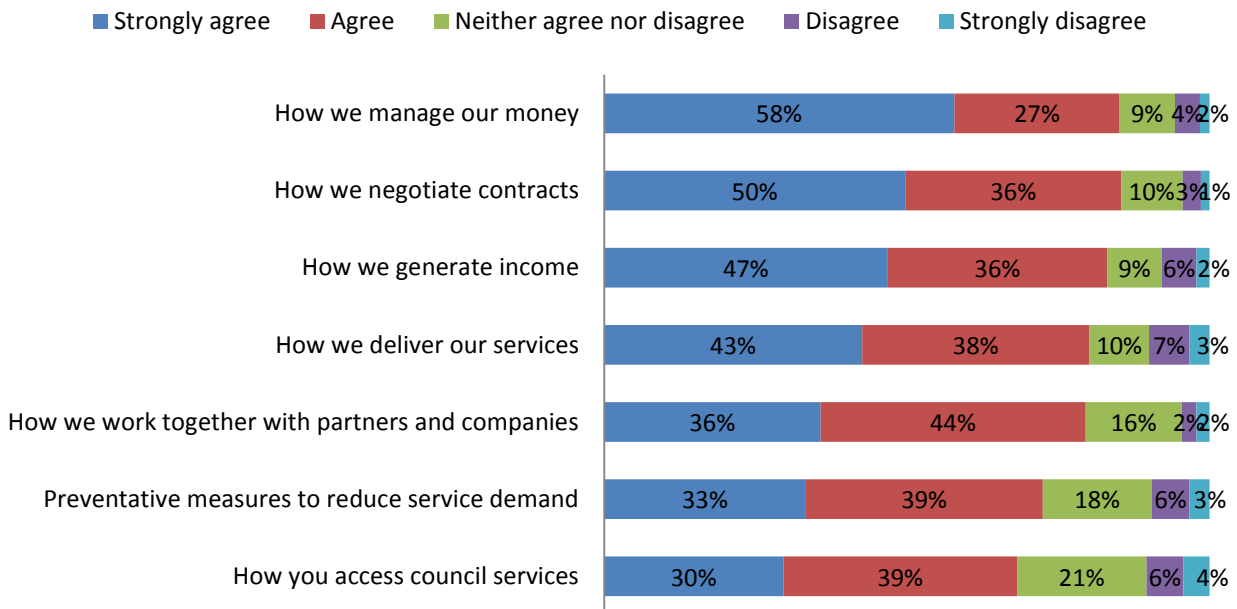
3. Level of agreement with efficiency workstreams

The survey asked respondents to what extent they agree or disagree that each efficiency workstream is the right area to be focusing on as the Council looks to balance its budget. For all analysis within this report the ‘don’t know’ selections have been stripped out.

The highest level of agreement is for looking at how the Council manages its money (including debt management and reserves) and how it negotiates contracts (procurement and commissioning), with 85% strongly agreeing or agreeing with these workstreams.

Agreement, relatively speaking, is lower for the workstreams which focus on how people access council services (demand management) and preventative measures to reduce demand (transformation).

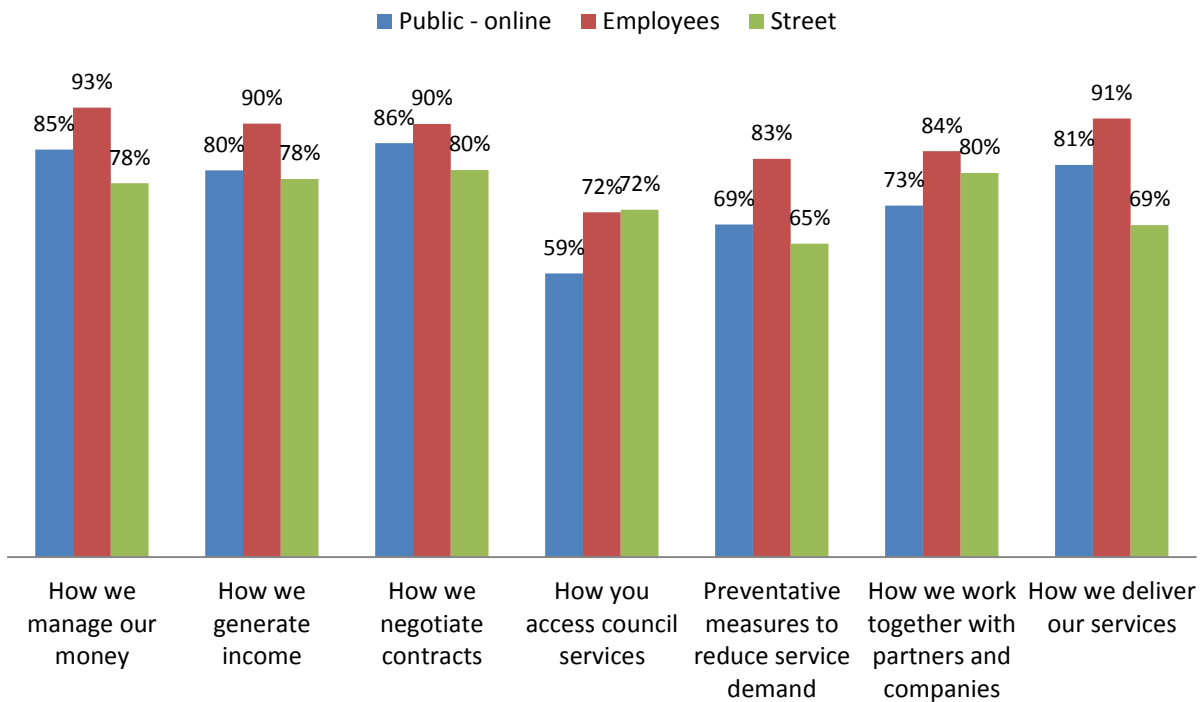
Figure 3.1: Level of agreement with the focus of each efficiency workstream (base – 509)



Blackpool Council employees who completed the online survey generally had a higher level of agreement with each workstream focus within the efficiency plan.

Those residents interviewed on the street generally had lower levels of agreement with the efficiency workstreams than online respondents. However, the exceptions were the focus on how people access council services and how the council works together with its partners and companies.

Figure 3.2: % who strongly agree or agree with the efficiency workstreams by type of respondent (base – online public: 143, council employees: 180, street interviews: 190)



Other findings of note when analysis by different demographic groups is undertaken include:

- 9 of 52 (17%) residents aged 65 or over strongly disagree or disagree that the Council should be focusing on how it manages its money, compared to 6% overall
- 89% of respondents aged 45 to 54 strongly agree or agree with the focus on how the Council generates incomes, compared to 83% overall
- 74% of women strongly agree or agree with the efficiency focus on how people access Council services, compared to 60% of men
- 67% of respondents with a long standing illness or disability strongly agree or agree with the focus on preventative measures to reduce service demand, compared to 74% of people with no long standing illness or disability

4. Ideas and suggestions for each workstream

This section looks at all the qualitative comments received through the survey. The subsequent analysis is based on a coding process undertaken to identify the main types of comments and suggestions made for each question. The aim of this is to give the reader an indication of the themes emerging from the comments, but some caution should be applied, both due to the number of comments received to each question and the open-access nature of the survey. As anyone could respond there will be an element of self-selection bias and should not necessarily be considered representative of the Blackpool population.

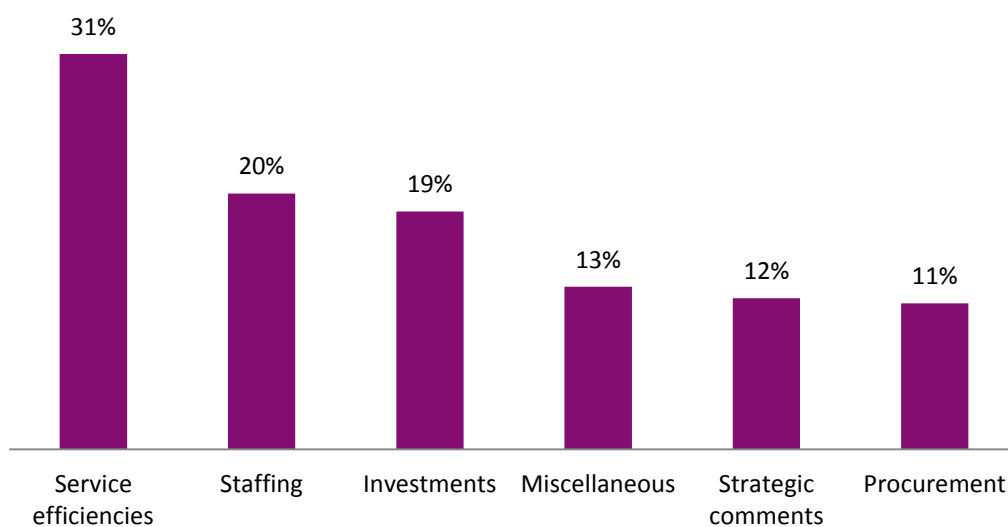
Other areas the Council should be looking at

After being asked to what extent they agree or disagree with each statement, respondents were given the opportunity to suggest other areas that the Council's efficiency plan should be focusing on. Nearly a third of the comments related to specific service efficiencies at the Council. These included a focus on children's services, tourism and waste/ recycling. One in five referred to staffing efficiencies.

A further one in five comments focused on investments in Blackpool, including Blackpool Airport, Central Drive and more deprived areas of the town. Although a few comments suggested "money isn't spent in a cost effective manner". 12% referred to strategic opportunities for the Council such as devolution, the Combined Authority, shared services and lobbying the Government. Comments included "Blackpool's strategic options and requirements in respect of opportunities for devolution and decentralisation" and "look at governance like the Combined Authority".

11% reaffirmed the efficiency workstream relating to procurement. 13% of comments were on a range of topics which could not be categorised into groupings of substance. These ranged from negative remarks about Council services and the area to comments about communication and listening to residents.

Figure 4.1: Are there any other areas you think we should be looking at? (base – 220)



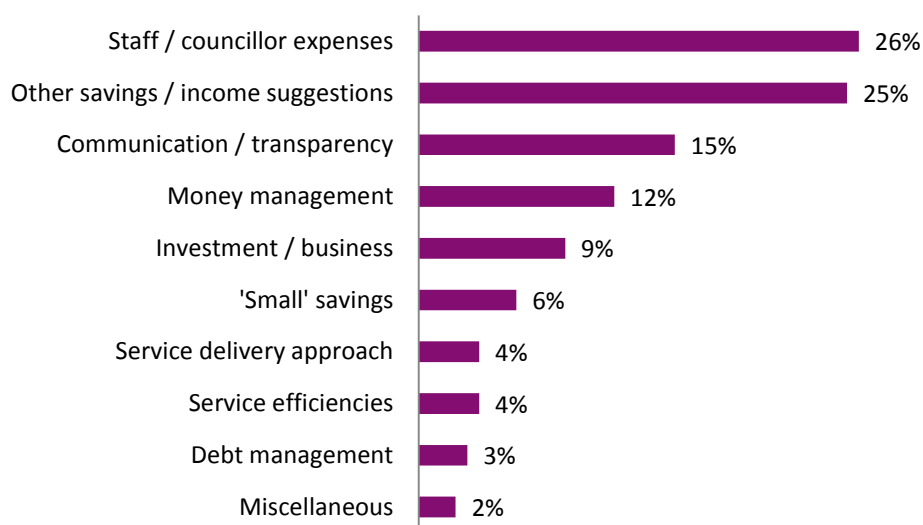
How the Council manages its money

The most common comments made about how the Council manages its money related to either staff and councillor expenses or specific savings/ income suggestions.

15% of comments related to communication and transparency about how the Council manages its money with specific comments including “maybe more transparency and consultation groups” and “increased public scrutiny”.

There were a number of general comments about money management such as “tighter controls on what is being spent”, whilst several respondents emphasised the importance of “looking at the small savings too”.

Figure 4.2: Coding of comments about how the Council manages its money (base – 138)



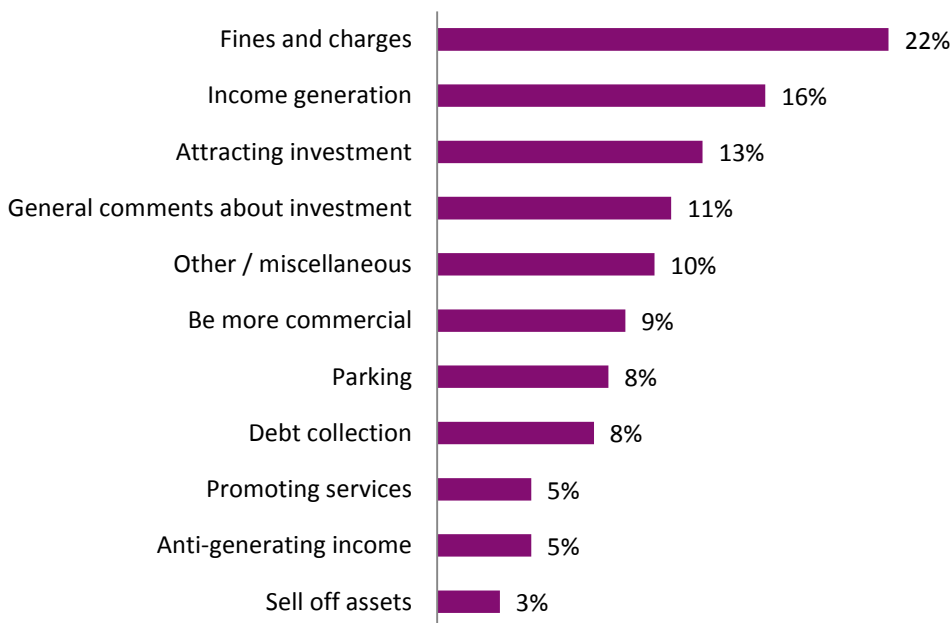
How the Council generates income

Fines and charges were the most common suggestions when it came to how the Council generates income, with comments including “charge for services that could be seen as discretionary / 'nice to have'” and “look at the charges already in place”.

A further theme emerging from this section was around other forms of income generation but not relating to fees and charges. Suggestions included “maximise opportunities to generate/ bid for funding opportunities” and “selling off buildings”.

Moreover, some people feel the Council should be focusing on attracting investment to the area and generally adopt a more commercial approach.

Figure 4.3: Coding of comments about how the Council generates income (base – 134)



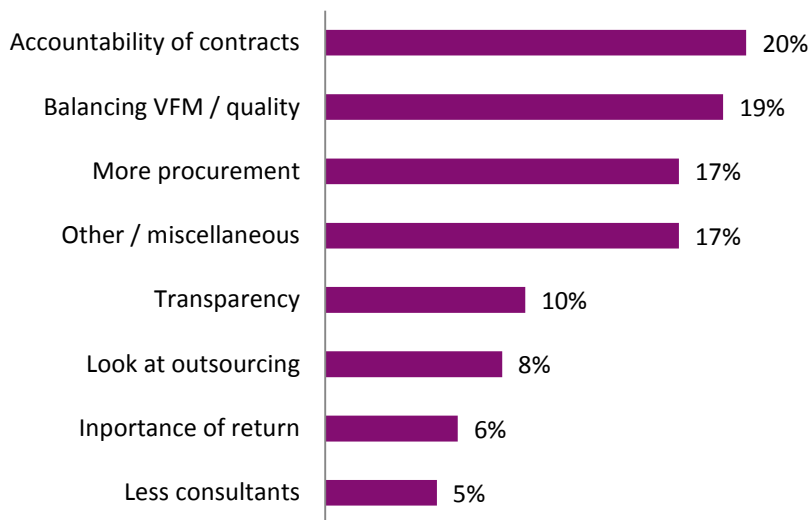
How the Council negotiates contracts

One in five comments about how the Council negotiates contracts focused on accountability with examples including “ensure that the contracts are water tight and have clauses to apply costs if not completed in line with agreement or agreed date” and “ensure contracts clearly set out standards and measures of performance required”.

Moreover, some people who responded to the survey feel the Council should be mindful of the quality of the service and contracts when assessing value for money with comments such as “best value for money not necessarily the cheapest” and “tend for cheapest but not the best long term”.

Other comments made included the need for more procurement and contracts, more transparency and more focus on outsourcing.

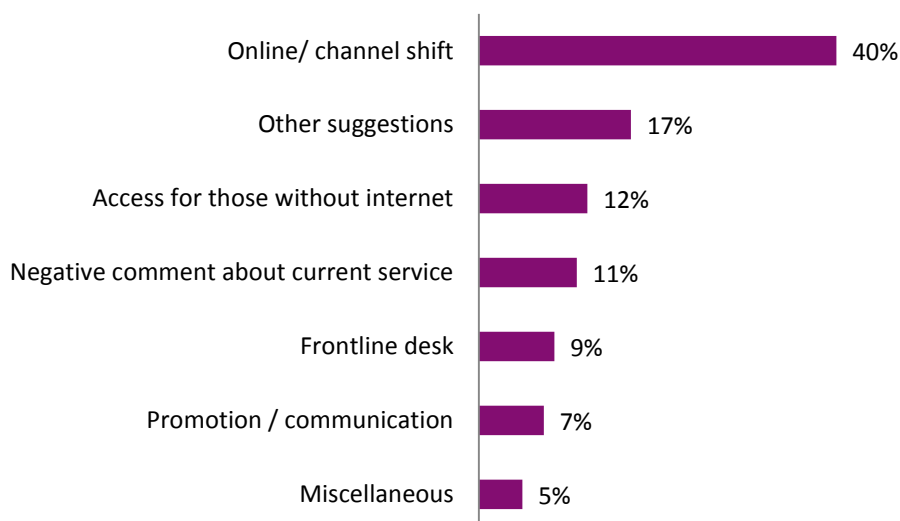
Figure 4.4: Coding of comments for how the Council negotiates contracts (base – 95)



How people access Council services

The main comments made about how people access Council services related to online services and channel shift. The majority were supportive of this approach with comments including “look at more services that can be moved online” and “increase online and reduce the need for front service”, but some people did stress the need to cater for those people who do not use the internet. Other suggestions about accessing services included more weekend access, incentivising online services and using community services and the third sector to improve access to services in different localities.

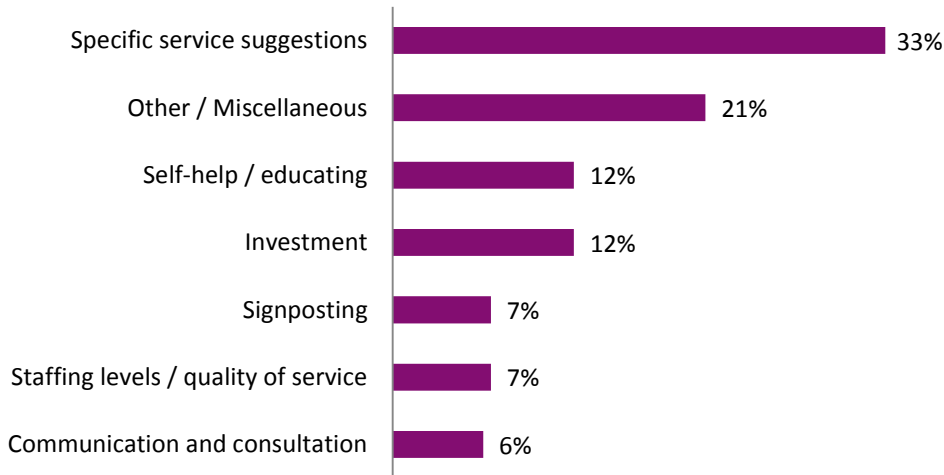
Figure 4.5: Coding of comments for how people access Council services (base – 82)



Preventative measures to reduce demand

A third of the comments made about preventative measures to reduce demand were specific suggestions about different Council services. These included ideas about recycling and fly tipping and suggestions relating to social care and families. More than one in five (21%) of comments could not be easily categorised into a specific theme and so were coded as 'other'. These ranged from general comments about the importance of a preventative approach to the challenges of achieving such an approach in reality.

Figure 4.6: Coding of comments for preventative measures to reduce demand (base – 92)



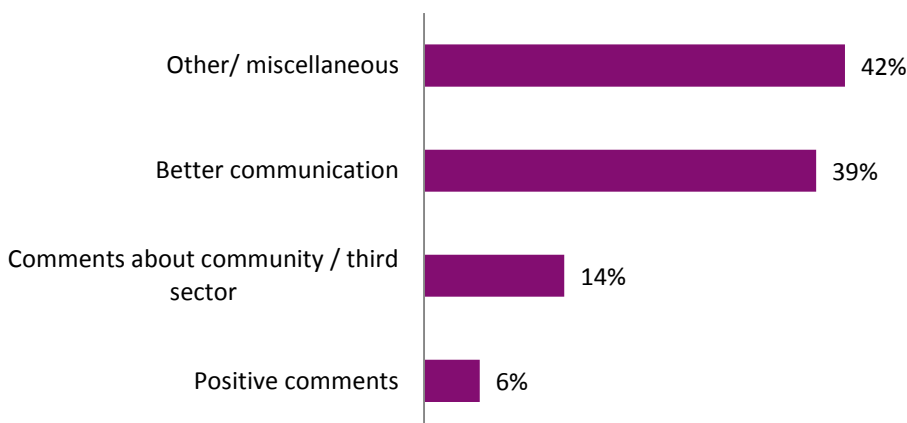
How the Council works together with partners and companies

Relative to other efficiency workstreams, the comments received about how the Council works together with partners and companies were more varied and therefore more difficult to categorise.

Better communication emerged as the most significant theme, both in terms of communication between the Council and other organisations but also communication of the benefits and value to local people and the local area. Specific comments include “better communication and relationships so information can be shared more easily” and “joined up plans and practice”.

A range of other comments and suggestions were made, from focusing on bringing more services in-house to the importance of monitoring and streamlining processes where possible.

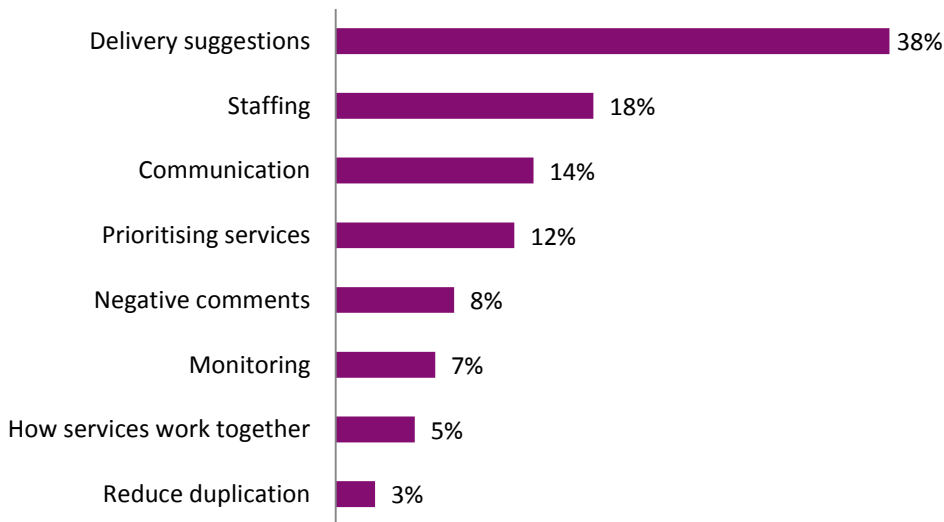
Figure 4.7: Coding of comments for how the Council works together with partners and companies (base – 71)



How the Council delivers its services

Nearly two in five (38%) of comments made were specific suggestions relating to how services are delivered, including “give residents and visitors an option to pay for services instead of reducing them” and “stop some services that are not statutory”. 18% of comments focused on staffing of Council services, including the “necessity to ensure that [the Council] maintains sufficient staffing to be able to deliver a quality service” and “ensure frontline staff are valued and well trained”.

Figure 4.8: Coding of comments for how the Council delivers its services (base – 74)



Other areas of focus

Of the final suggestions made about any other areas of focus, many were very specific and so it has not been possible to categorise. However, some examples of the suggestions made include:

- Reviewing the number of councillors in Blackpool
- More comments about salaries, expenses and terms and conditions
- Various examples of spend considered to be excessive or unnecessary
- General comments about the ambition and focus of the Council and the town

Final comments on the efficiency plan

The survey gave respondents a final opportunity to make comments relating to anything else not covered in previous questions. A number of comments repeated those already made earlier in the survey, such as reviewing the number of “middle managers”, charging for services and a range of views of existing projects and regeneration in the borough.

Other comments made in this final section not already covered include:

- Queries about what happens now and how the efficiency plan will be used in practice
- Some doubt that there are much more savings which can be made without having an impact on service delivery and outcomes
- Other specific comments about further efficiencies and tackling “wastage within the council”
- Some positive comments about the approach and the services that the Council delivers during difficult times

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Report to:	EXECUTIVE
Relevant Officer:	Steve Thompson, Director of Resources
Relevant Cabinet Member:	Councillor Simon Blackburn, Leader of the Council
Date of Meeting:	15 December 2016

COUNCIL TAX REDUCTION SCHEME 2017/2018

1.0 Purpose of the report:

1.1 To seek approval for the proposals for the Council Tax Reduction Scheme 2017/18.

2.0 Recommendations:

2.1 To recommend Council to agree the Council Tax Reduction Scheme 2017/18 as set out in Appendix 5d.

2.2 That the Executive recommends to Council that the reduction applied to Working Age claimants remains at 27.11% for the 2017/18 scheme and that the main elements and method of calculating awards previously agreed by Council on 20th January 2016 will be the same with the exception of:

- Minor amendments to continue to align the scheme to Housing Benefit.
- The provision of additional support for vulnerable groups of claimants by amending the percentage applied to their award from 27.11% to 13.56%.

2.3 To recommend that the Council agrees to continue to operate a Discretionary Discount Policy to be awarded in cases of exceptional hardship as set out at Appendix 5a.

2.4 To note at this point in time the Department for Communities and Local Government may still issue changes to the known position for the Pensioner National Scheme. Required changes would be incorporated into the final scheme presented for adoption at Council on 25 January 2017.

3.0 Reasons for recommendation(s):

3.1 To ensure a Local Council Tax Reduction Scheme is approved by 31 January 2016 and in place by 1 April 2017 avoiding the financial risks associated with the Government imposed default scheme.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, a Council Tax Reduction scheme must be approved by the Council every year.

4.0 Council Priority:

4.1 The relevant Council Priority is: "Communities: Creating stronger communities and increasing resilience"

5.0 Background Information

5.1 The Welfare Reform Act 2012 abolished Council Tax Benefits (CTB); billing authorities were required to adopt a local Council Tax Reduction Scheme (CTRS) to take effect from 1st April 2013.

5.2 The Government grant for Council Tax Reduction Scheme was less than 90% of the Government forecast funding levels had Council Tax Benefits continued. The ongoing level of Government support meant the Council adopted a self-funding Scheme under which all working age claimants had to pay at least 27.11% of their Council Tax in 2013/14. This has remained the case in subsequent years.

5.3 The Blackpool Scheme incorporates the national pensioner scheme decided by Government. This ensures that support continues at the same level of support as existed under Council Tax Benefit. In Blackpool pensioners currently account for 37% of the caseload.

5.4 For working-age claims there is a means-tested assessment, predominantly based upon the former Council Tax Benefit rules, to establish entitlement. A percentage reduction of 27.11% is then applied to the award at the end of the assessment.

5.5 Although the 2017/18 scheme will, as far as is possible, have the same design principles as that currently in operation a small number of changes are proposed to align the scheme with Housing Benefit amendments in order that eligibility criteria are consistent for both schemes. The Housing Benefit changes are:

- Reducing the time period a person can be absent from their home and continue to claim Housing Benefit from 13 weeks (or 52 weeks in certain cases) to 4 weeks.
- Applicants to Employment and Support Allowance (ESA) who fall within the Work Related Activity Group will no longer receive the work related activity component

in the calculation of their Housing Benefit on or after 1 April 2017.

- Limiting the number of dependent allowances within the Housing Benefit calculation to a maximum of two children, which will affect new households who have a third or subsequent child on or after 1st April 2017.
- Treating people who have someone in receipt of Universal Credit (Carer's Element) for them in the same way as those in receipt of Carer's Allowance.

These changes will only apply to working age claimants and the impact will mean a nil award of Council Tax Reduction after 4 weeks for the first change listed above and a lower award than under the current scheme for the other changes listed above.

5.6 In addition, the Council is proposing to give additional support to certain vulnerable groups:

- Where someone in the household receives Disability Living Allowance or Personal Independence Payments.
- Where the applicant is a lone parent and who is responsible and resides with a child under 5 years old.
- Where the applicant or their partner receives Carer's Allowance.
- Where the applicant or their partner is in receipt of a war pension, war widows pension, war disablement pension or equivalent.

5.7 It is proposed that the percentage reduction applied to vulnerable households is reduced from 27.11% to 13.56%. The estimated cost of providing additional support to these vulnerable groups is £0.8m per annum. In order to meet this cost there will be a review of bad debt provision and a review of the Council Tax base for 2017/18.

5.8 The value of the percentage reduction must be established each year. The percentage is determined by reference to available funding, caseload, growth / reduction in caseload. It is proposed that for 2017/18 the value of the percentage reduction for working age customers, who do not fall into the categories shown at 5.6, should remain at 27.11%.

5.9 Does the information submitted include any exempt information? No

5.10 **List of Appendices:**

Appendix 5a: Discretionary Discount Policy

Appendix 5b: Equality Impact Analysis

Appendix 5c: Consultation Report

Appendix 5d: Draft Council Tax Reduction Scheme Scheme 2017/18

6.0 **Legal considerations:**

6.1 A resolution by the full Council to adopt a Council Tax Reduction Scheme is required

by 31 January 2017. The Scheme will take effect from 1 April 2017.

- 6.2 The Council Tax and Business Rates Discretionary Discount Policy has been updated and is attached at Appendix 5a.

7.0 Human Resources considerations:

- 7.1 Existing staffing resources within the Benefits service are used to administer the Council Tax Reduction Scheme; however, it is apparent that there has been a considerable increase in face-to-face and telephone contact, particularly when Council Tax bills are issued. The administrative and legal processes required to collect and recover substantial numbers of small amounts place an additional burden on available resources.

8.0 Equalities considerations:

- 8.1 The Equality Analysis that has previously been carried out for the Council Tax Reduction Scheme has been revisited and updated. This aims to mitigate the impact on protected groups and includes the continued availability of a discretionary hardship fund which has been made available through the adoption of a Discretionary Discount Policy. As part of their consideration of the Council Tax Reduction Scheme for 2017/18 Members should read the updated Equality Analysis, which is attached at Appendix 5b.

9.0 Financial considerations:

- 9.1 For 2017/18 it is proposed that the percentage reduction made at the end of the assessment for working age claimants shall be 27.11%.
- 9.2 A review of the Scheme must be carried out annually to ensure it remains fit for purpose taking account of ongoing changes in legislation, caseload and financial requirements. The Council will be required to approve the Scheme each year.
- 9.3 The Welfare Reform Act 2012 provides for a major overhaul of the benefits system. The Council Tax Reduction Scheme was implemented ahead of the commencement of Universal Credit. The new scheme of Council Tax Reduction will run alongside Housing Benefit during the transition to Universal Credit. Housing Benefit administration will then gradually diminish. Wider changes to existing benefits during the next few years will mean customers on benefits will have less money available to pay their Council Tax liability. Whilst there is still an ambition to achieve full collection, this is likely to take longer.
- 9.4 Providing additional support to the vulnerable groups listed in Section 5.6 will increase the cost of the scheme by £0.8m per year. In order to meet this cost there

will be a review of bad debt provision and a review of the Council Tax base for 2017/18. Removing vulnerable households from the requirement to pay 27.11% would allow existing resources to be used for collection from the remaining Council Tax payers.

10.0 Risk management considerations:

10.1 As part of the overall project management leading to the 2013/14 Scheme, a risk workshop identified a number of risks. Actions required to mitigate those risks have been identified and implemented where possible.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Extensive public consultation was undertaken during 2012 to develop the 2013/14 Blackpool Scheme. The overall response concluded that, whilst most people did not agree with the changes, the options proposed by the Council were, in the main, supported.

12.2 Although the main elements and method of calculating awards will remain the same for 2017/18, further public consultation has taken place in respect of the proposed changes to Housing Benefit and to provide additional support to certain vulnerable groups. A summary of the public consultation response is below with the full consultation response attached at Appendix 5c. The Council’s response to each comment has been considered and is included within the Equality Impact Analysis, which is attached at Appendix 5b.

12.3 A consultation exercise was undertaken for the proposed changes to the Blackpool scheme from 22 August 2016 to 16 October 2016. The overall response concluded that the majority of the respondents agreed with the proposed changes.

	Strongly agree or agree	Strongly disagree or disagree	Don't know
To reduce the period for which a person can be absent from Great Britain and still receive Council Tax Reduction to four weeks	56	17	3
To give additional support to vulnerable groups in the Council Tax Reduction Scheme	54	14	6

Overall agreement with proposed approach to align with Housing Benefit	45	16	12
To limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two	45	24	7
To reduce the element of a Work Related Activity Component in the calculation of the current scheme for new ESA applicants	41	21	14
To remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) to look after them	40	25	9

12.4 Consultation has also taken place with the major preceptors as required by Department for Communities and Local Government guidelines. The Lancashire Fire and Rescue service did not support the additional support to vulnerable groups due to the increased cost to them should all Lancashire authorities choose to do a similar scheme.

13.0 Background papers:

13.1 None

14.0 Key decision information:

14.1 Is this a key decision? Yes

14.2 If so, Forward Plan reference number: 26/2016

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?

No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 7 December 2016 Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

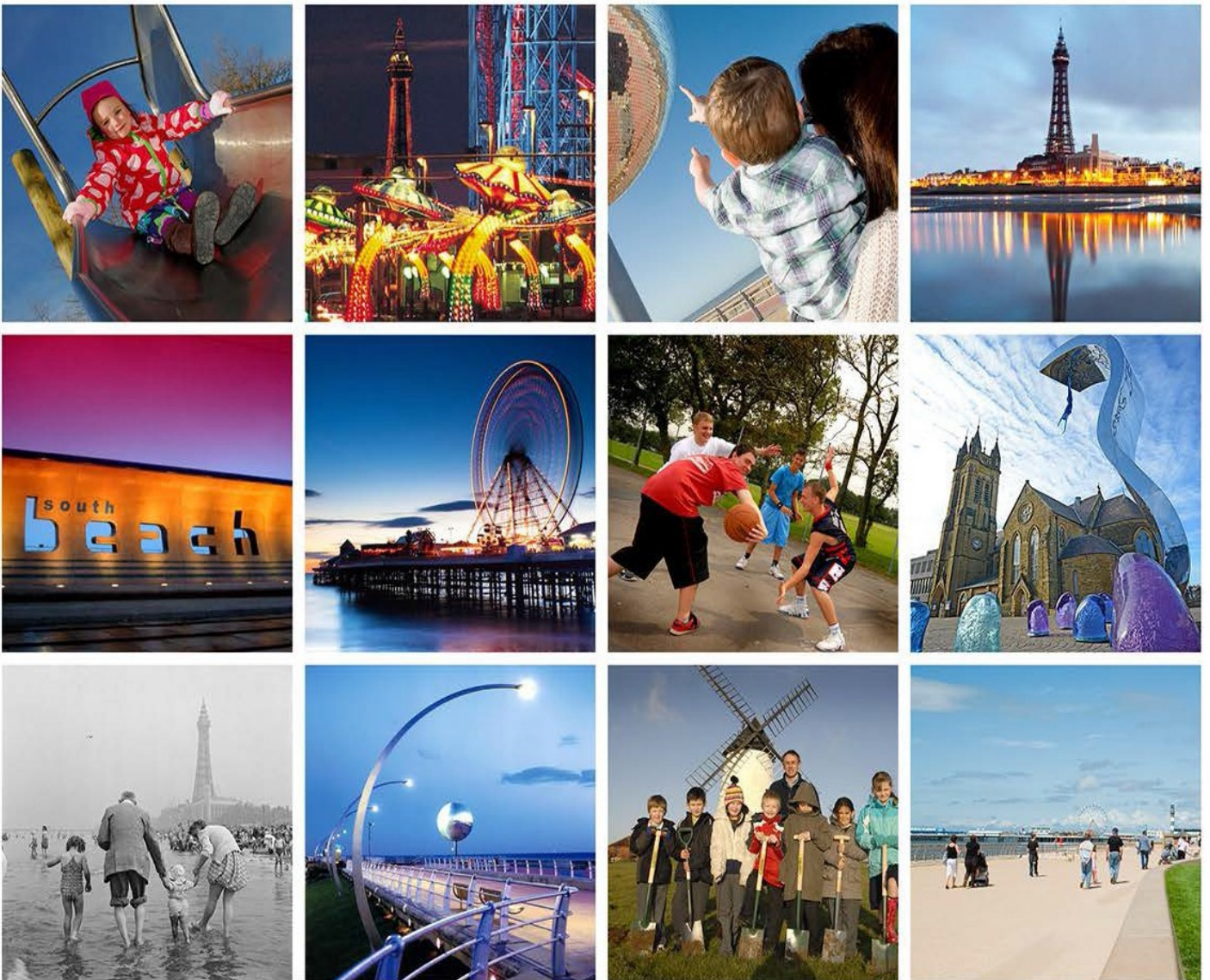
22.0 Notes:

22.1

Council Tax and Business Rates

Discretionary Discount Policy

Blackpool Council



Council Tax and Business Rates Discretionary Discount Policy

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Council Tax and Business Rates Discretionary Discount Policy

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Date	Version	Amended by	Description of changes
19/02/2014	1.1	Graeme Ruse	
08/10/2014	1.2	Andrew Turpin	Add Retail, New Build & Temp Reocc. Relief
19/12/2014	1.3	Andrew Turpin	Add Retail Relief
20/10/2015	1.4	Graeme Ruse	Add Part Occupation Relief
24/10/2016	1.5	Graeme Ruse	Removal of new build, retail and Re-occupation relief

Approved By:

Name	Title	Signature	Date
Andrew Turpin	Head of Revenues and Exchequer Services		24/10/2016

Council Tax and Business Rates Discretionary Discount Policy

1. Introduction

Section 13A of the Local Government Finance Act 1992 (as amended) and sections 47, 48 and 49 of the Local Government Finance Act 1988 (as amended) empowers a billing authority to reduce the amount of tax payable.

Blackpool has adopted a local Council Tax Reduction Scheme from 1st April 2013, which replaced Council Tax Benefit. However it is likely that other circumstances will arise where the Council could consider a further discretionary reduction in exceptional circumstances. In addition local Businesses who are experiencing severe financial difficulties may request assistance in meeting the burden of local taxation.

Funding for such reductions must be provided by the Council. This policy sets out how the Council will use these powers and the criteria that must be satisfied.

The Council is committed to ensuring that the local taxpayers are aware of the policy and are able to quickly and easily apply for assistance.

Aims of the Discretionary Discount Policy

- Provide a mechanism for the Council to assist members of the community who are unable to meet the financial burden of local taxation
- Helping residents in receipt of Council Tax Support who are unable to increase their income
- Alleviating poverty
- Helping those who are trying to help themselves
- Supporting people who are starting work
- Supporting the most vulnerable in the local community
- Helping customers through difficult personal events
- Assisting customers in accordance with the Council's Child Poverty Strategy

Council Tax and Business Rates Discretionary Discount Policy

2. Policy Objectives and Action Plan

Objective 1: To ensure that assistance is available and accessible to members of the community most in need

- Issue regular bulletins to staff reminding them of the policy and qualifying criteria
- Regular refresher training for assessment staff to promote proactive identification of potential cases
- Provide effective overview training to non-benefits staff on the policy and qualifying criteria to promote take-up and awareness in appropriate circumstances.
- Promote access to the scheme through:
 - Leaflets and posters in areas accessed by customers.
 - Continued development of the Blackpool Council website to ensure that up to date information is provided and that relevant forms and information can be downloaded.
- Ensure third sector advice agencies are aware of the policy and qualifying criteria.
- Promoting awareness to Members
- Identifying target client groups who will be unlikely to be able increase their income. This may include :
 - Council Tax Reduction recipients in receipt of Employment Support Allowance (Support Component) and Long Term Incapacity Benefit
 - Council Tax Reduction recipients, in receipt of Carer's Premium, who are full time carers
 - Council Tax Reduction recipients with disabled children
 - Council Tax Reduction recipients with children under 5
 - Council Tax Reduction recipients who are starting employment
 - Council Tax Reduction recipients who do not have English as a first language
 - Council Tax Reduction recipients with learning difficulties
- Identify target groups from records held by other Council Services:
 - Social and Private Sector Housing Tenants with significant arrears who may qualify for a Discretionary Housing Payment (DHP).
 - Council Tax payers who have been issued with a summons.
 - Customers who are eligible for but have not claimed a disabled parking badge.

Council Tax and Business Rates Discretionary Discount Policy

- People requiring assistance from the Emergency Planning response team.
- Providing a facility to visit customers to assist them in making an application and provide supporting documents.
- Working closely with existing and new service partners and stakeholders to promote awareness of the policy.

Objective 2: To ensure discretionary discounts are only awarded when no other means of assistance is available.

- Ensure assessments of applications for local Council Tax Reduction incorporate a benefits maximization check.
- Ensure the applicant does not have income or capital which should be used to meet the liability.
- Signpost customers who do not meet the criteria to appropriate alternative advice services
- Conduct a regular review of the policy and outcomes of applications in order to review qualifying criteria and improve targeting procedures and processes.
- Provide guidance for Decision Makers which is regularly reviewed and updated.
- Implement a quality monitoring regime to ensure decisions are independent, fair and consistent.
- Ensure publicity is available to encourage customers to claim other benefits they are entitled to and where to access debt advice and money management tools.
- Ensure other sums owed to the Council (e.g. sundry debts, Housing Benefit overpayments) are reviewed and reduced repayments agreed where appropriate
- Ensure a Discretionary Housing Payment for Housing Benefit is awarded if appropriate
- Ensure recovery action is delayed where appropriate
- Awards will be tailored to match need. The period and amount of an award will be determined based upon the circumstances in each case.
- Awards will only be made for a period relating to the financial year in which the application is made.
- Awards may be reviewed at any time and may be revised, reduced or withdrawn if it is found that the circumstances of the applicant have changed and the award is no longer appropriate.

Council Tax and Business Rates Discretionary Discount Policy

Objective 3: To monitor and evaluate the administration of the policy to ensure that the service reflects the needs of the community

- Monitoring of fund spending:
 - Monthly reporting of expenditure to be provided to Divisional Management Team meetings.
 - Quarterly reporting to the Director of Resources.
 - Analysis of applications received and outcomes in order to review policy, methodology and improve targeting.
- Conduct a regular review of income and expenditure forms used.
- Conduct a regular review of the policy, criteria and guidance for decision makers.
- Review the outcome of requests for reconsideration to improve guidance and methodology.
- Conduct an annual review and analysis of applications received to identify and learn from:
 - Reasons for the award
 - Reasons for the refusal of an award
 - Origin of the application
- Invite and action feedback on processes and procedures from partners and stakeholders.

Council Tax and Business Rates Discretionary Discount Policy

3. Discretionary Discount - Customers in receipt of local Council Tax Reduction

Blackpool Council adopted a local Council Tax Reduction Scheme effective from 1st April 2013. During the development of the scheme the Councils' Equality Analysis identified that certain groups affected by the reduction in support would be unlikely to be able to increase their income. The Discretionary Discount Policy will prioritise these customers.

For an award of this type of discretionary discount to be made, the applicant must be:

- In receipt of Council Tax Reduction; and
- Have a shortfall between the level of Council Tax Reduction and their council tax liability; and
- In the opinion of the Council, be in need of further assistance with Council Tax in accordance with the qualifying criteria.

Requests for further reductions in Council Tax liability will be required in writing from the customer, their advocate / appointee or a recognised third party acting on their behalf.

Each case will be considered on 'its merits' however all of the following criteria should be met:

- There must be evidence of hardship or personal circumstance that justifies a further reduction in Council Tax liability.
- The Council must be satisfied that the customer has taken reasonable steps to resolve their situation prior to application.
- The customer does not have access to other assets that could be realised and used to pay the Council Tax.
- All other eligible discounts/reliefs have been awarded to the customer.

Responsible officer

The responsibility for making discretionary decisions will rest with the Director of Resources.

Decision making process

Stage 1: The initial request will be dealt with by a Decision Maker (Senior Benefits Assistant, Senior Benefit Specialist or Team Manager) who will consider the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

Stage 2: A Senior Benefits Manager will authorise the decision.

Notification of decision

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

Council Tax and Business Rates Discretionary Discount Policy

Review of decision/re-determination requests

The Council will accept an applicant's written request for a redetermination of its decision.

Stage 1: The original decision and any additional information provided will be reviewed by a different Decision Maker who will recommend either to confirm or amend the original decision.

Stage 2: The Head of Benefits and Customer Services, or The Head of Revenues and Exchequer Services, will consider the application for review and the recommendation and determine whether to award a discretionary discount.

Notification of review/re-determination decision

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination.

A discretionary reduction made under section 13A(1)(a) or (c) of the Local Government Finance Act (LGFA) 1992 can be the subject of an appeal to the Valuation Tribunal under section 16 of the LGFA 1992.

Council Tax and Business Rates Discretionary Discount Policy

4. Discretionary Discounts – Customers not in receipt of local Council Tax Reduction

Requests for reductions in Council Tax liability will be required in writing from the customer, their advocate / appointee or a recognised third party acting on their behalf

Each case will be considered on 'its merits' however all of the following criteria should be met:

- There must be evidence of hardship or personal circumstance that justifies a reduction in Council Tax Liability.
- The Council must be satisfied that the customer has taken reasonable steps to resolve their situation prior to application.
- The customer does not have access to other assets that could be realised and used to pay the Council Tax.
- The customer is not entitled to an award under the local Council Tax Reduction Scheme.
- All other eligible discounts/reliefs have been awarded to the customer.

Responsible officer

The responsibility for making discretionary decisions will rest with the Director of Resources.

The Decision Maker (Revenues Team Manager) will liaise with the applicant in each case to request sufficient information in order that a decision can be made.

Decision making process

Stage 1: The initial request will be dealt with by a Decision Maker (Revenues Team Manager) who will consider the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

Stage 2: A Senior Revenues Manager will authorise the decision.

Notification of decision

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

Review of decision/re-determination requests

The Council will accept an applicant's written request for a redetermination of its decision.

Stage 1: The original decision and any additional information provided will be reviewed by a different Decision Maker who will recommend either to confirm or amend the original decision.

Stage 2: The Head of Revenues and Exchequer Services, or The Head of Benefits and Customer Services will consider the application for review and the recommendation and determine whether to award a discretionary discount.

Council Tax and Business Rates Discretionary Discount Policy

Notification of review/re-determination decision

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination.

A discretionary reduction made under section 13A(1)(a) or (c) of the Local Government Finance Act (LGFA) 1992 can be the subject of an appeal to the Valuation Tribunal under section 16 of the LGFA 1992.

Council Tax and Business Rates Discretionary Discount Policy

5. Discretionary Discounts - Business Rates

Requests for reductions in Business Rates will be required in writing from the ratepayer or a recognised third party acting on their behalf

Each case will be considered on its merits however all of the following criteria should be met:

- It must be in the interest of the Council and community for the local authority to grant a reduction.
- All other eligible discounts/reliefs have been awarded to the ratepayer.

Responsible officer

The responsibility for making discretionary decisions will rest with the Director of Resources.

A Revenues Team Manager will liaise with the applicant in each case to request sufficient information in order that a decision can be made.

Decision making process

Stage 1: The Decision Maker (Principal Income and Recovery Manager or Head of Revenues and Exchequer Services) will make a recommendation to the Director of Resources, considering the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

Stage 2: The Director of Resources will consider the application and the recommendation to determine whether to award a discretionary discount.

Notification of decision

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

Review of decision/re-determination requests

The Council will accept an applicant's written request for a redetermination of its decision if there is new information available on which to reconsider the original decision.

Notification of review/re-determination decision

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination.

Council Tax and Business Rates Discretionary Discount Policy

6. Temporary Part Occupation Relief

The Ratepayer is liable for the full non-domestic rate whether a property is wholly occupied or only partly occupied. Under s44A of the Local Government Finance Act 1988, where a property is partly occupied for a short time the Council has discretion to request that the Valuation Office apportion the rateable value of a property between the occupied and unoccupied parts; thereby reducing the amount payable.

Applications must be made in writing and supported by: -

- Detailed maps which outline the whole property and indicate the partly occupied section.
- Details of the planned period of time for the part occupation.
- Details of future intentions.
- Details of the cause for the part occupation.

A site visit will normally be undertaken.

Where necessary the ratepayer may be required to provide additional information to support their application.

Responsible officer

The responsibility for making discretionary decisions will rest with the Director of Resources.

A Revenues Team Manager will liaise with the applicant in each case to request sufficient information in order that a decision can be made.

Decision making process

Stage 1: The Decision Maker (Principal Income and Recovery Manager or The Head of Revenues and Exchequer Services) will make a recommendation to the Director of Resources, considering the application against the criteria set

out in this policy, based upon the information provided by the applicant and known to the Council.

Stage 2: The Director of Resources will consider the application and the recommendation to determine whether to award a discretionary discount.

Notification of decision

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

Review of decision/re-determination requests

The Council will accept an applicant's written request for a redetermination of its decision if there is new information available on which to reconsider the original decision.

Council Tax and Business Rates Discretionary Discount Policy

Notification of review/re-determination decision

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination. Following the re-determination of a request for a discretionary award there is no further right of appeal.

Appendix 5b: Equality Analysis (EA) (formally Equality Impact Assessment) Record Form 2017/18

Department: Benefits and Customer Services

Team or Service Area Leading Assessment: Council Tax Project Team

Title of Policy/ Service or Function: Working Age Council Tax Reduction Scheme Equality Assessment

Lead Officer: Louise Jones

STEP 1 - IDENTIFYING THE PURPOSE OR AIMS

1. What type of policy, service or function is this?

New/ proposed policy

2. What is the aim and purpose of the policy, service or function?

From April 2013, as part of the government's Welfare Reform agenda, Council Tax Benefit was abolished and replaced with a locally determined Council Tax Reduction (CTR) Scheme. Pensioners continue to be protected at their existing levels of benefit under a national scheme whilst new schemes will be set up for Working Age customers at a Local Authority level. Under this system, it is billing authorities who will decide who is eligible to get support and the support will be awarded by way of a Section 13A Council Tax discount. The grant provided by the Government continues to be reduced; Local Authorities will therefore have to manage the reduction in funding in developing local Council Tax Reduction Schemes and will have to ensure that their scheme also covers the impact of any future increase in Council Tax Support recipients.

Blackpool Council continues to operate under three major constraints:

1. The cut in funding (which may in practice be higher if demand for support increases in the future).
2. The desire to protect vulnerable groups and the exhortation to do this by the Government (as set out in "Localising Support for Council Tax: Vulnerable people – key local authority duties" published by the Department of Communities and Local Government in May 2012).
3. The desire to incentivise work and not contradict the incentives to work in the forthcoming Universal Credit (as set out in "Localising Support for Council Tax: Taking work incentives into account" published by the Department of Communities and Local Government in May 2012).

The Government has stated (in the above document on vulnerable people) that they do not intend to prescribe the protection that local authorities should provide for vulnerable groups other than pensioners. Rather the guidance reminds local authorities to have due regard to how their local scheme may impact on people based on the following:

- Age
- Disability
- Sex and sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Race

- Religion or belief

The above guidance refers to specific legislation that local authorities should have due regard to when designing their local scheme. This includes:

- The Equality Act 2010 (particularly the Public Sector Equality Duty)
- The Child Poverty Act 2010 (duty to mitigate the effects of child poverty)
- The Housing Act 1996 (duty to prevent homelessness)

In addition, it advises that local authorities consider the impact under The Armed Forces covenant published in May 2011.

The local scheme will set out:

- the classes of person who are entitled to a reduction
- the reductions which are to apply to those classes
- the procedure by which a person may apply for a reduction.

The timetable for development of the original 2013/14 Equality Analysis is shown below and this document is reviewed and updated annually to consider the impact of the Scheme and any changes to it.

Action	Timescale
Set up Working Group	May 2012
Assign Officers to EA	May 2012
Develop first draft of the proposed schemes	Jun 2012 -Jul 2012
Start Equality Analysis based on proposed scheme	Jul 2012 – Oct 2012
Consultation with Affected Groups/Stakeholders	Aug 12 – Oct 2012
Post Consultation Review of EA taking consultation into account	Oct 2012 – Nov 2012
Develop EA Action Plan to mitigate impact of the changes	Oct 2012
Review EA with Equalities team	Oct 2012
Send EA with Council Report to decide the scheme	Nov 2012
Ensure Monitoring arrangements are in place	Dec 2012 – Jun 2013
Consultation exercise on removal of the family premium in CTRS claims	Sep 2015 – Oct 2015
Post Consultation Review of EA taking consultation into account	Oct 2015 – Nov 2015
Develop EA Action Plan to mitigate impact of the changes	Oct 2015 – Nov 2015
Send EA with Council Report to decide the scheme	Nov 2015
Consultation exercise on removal of the family premium in CTRS claims	Aug 2016 – Oct 2016
Post Consultation Review of EA taking consultation into account	Oct 2016 – Nov 2016
Develop EA Action Plan to mitigate impact of the changes	Oct 2016 – Nov 2016
Send EA with Council Report to decide the scheme	Nov 2016
Consultation exercise on removal of the family premium in CTRS claims	Aug 2016 – Oct 2016
Post Consultation Review of EA taking consultation into account	Oct 2016 – Nov 2016
Develop EA Action Plan to mitigate impact of the changes	Oct 2016 – Nov 2016
Send EA with Council Report to decide the scheme	Nov 2016

3. Please outline any proposals being considered.

1. Continue with the existing 2016/17 scheme, ensuring the scheme is cost neutral to the Council with continued reduced support for working age claimants of 27.11%.
2. In addition, mirror the proposed changes to the Housing Benefit scheme with effect from April 2017 in the following areas:
 - Reducing the time period a person can be absent from Great Britain and continue to claim housing benefit from 13 weeks (or 52 weeks in certain cases) to 4 weeks.
 - Applicants of Employment and Support Allowance (ESA) who fall within the Work Related Activity Group will no longer receive the work related activity component in the calculation of their housing benefit.
 - Limiting the dependent allowances within the housing benefit calculation to a maximum of two children, which will affect new households who have a third or subsequent child on or after 1st April 2017.
 - Treating people in receipt of Universal Credit (carers element) in the same way as those on Carer's Allowance. whereby no family premium (an extra needs allowance) will be awarded for new CTR claims or existing claims where there are new births.

4. What outcomes do we want to achieve?

A framework to provide Council Tax Reduction with the following objectives:

- Continue with a scheme similar to the current scheme in terms of eligibility criteria to determine who will receive support.
- Introduce a scheme to support work incentives and in particular, avoid disincentives to move into work.
- Introduce a scheme which achieves the required savings and allows room for future take-up of the discount.
- Introduce a scheme which is cost effective to administer.
- Introduce a scheme where the impact can be assessed and future adjustments can be made.

5. Who is the policy, service or function intended to help/ benefit?

Each billing authority in England must design a scheme specifying the reductions which are to apply to amounts of council tax support payable in respect of dwellings situated in its area by:

- Persons of working age whom the authority considers to be in financial need; or
- Persons of working age in classes consisting of persons whom the authority considers to be, in general, in financial need

The scheme is to be developed to take into account cuts in funding from Central Government.

6. Who are the main stakeholders/ customers/ communities of interest?

The main stakeholders are:

- The Preceptors e.g. Lancashire Fire & Rescue Service, Lancashire Police Authority

- Any resident who is liable to pay Council Tax
- Any current Working Age Council Tax Benefit customers
- A range of 3rd party organisations providing support and advice to a wide range of customers

7. Does the policy, service or function have any existing aims in relation to Equality/ Diversity or community cohesion?

The main scheme will continue with the aims as set out in previous years Equality Analysis but will also consider the impact on protected groups of the proposed changes:

- Reducing the time period a person can be absent from Great Britain and continue to claim housing benefit from 13 weeks (or 52 weeks in certain cases) to 4 weeks.
- Applicants of Employment and Support Allowance (ESA) who fall within the Work Related Activity Group will no longer receive the work related activity component in the calculation of their housing benefit.
- Limiting the dependent allowances within the housing benefit calculation to a maximum of two children, which will affect new households who have a third or subsequent child on or after 1st April 2017.
- Treating people in receipt of Universal Credit (carers element) in the same way as those on Carer's Allowance. whereby no family premium (an extra needs allowance) will be awarded for new CTR claims or existing claims where there are new births.

STEP 2 - CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU

8. Please summarise the main data/ research and performance management information in the box below.

Data/ information

The main performance information to assist in the design of the Council Tax Reduction scheme will be databases and statistics held for the following purposes:

- Billing and Recovery of Council Tax
- Awarding Council Tax Reduction
- Census data including index of deprivation
- Benefits caseload data to establish trends
- Information held by the Office of National Statistics

Research or comparative information

Local authorities have clearly defined responsibilities in relation to, and awareness of, the most vulnerable groups and individuals other than pensioners in their areas. This includes responsibilities under:

- The **Child Poverty Act 2010**, which imposes a duty on local authorities to have regard to and address child poverty and their partners, to reduce and mitigate the effects of child poverty in their local areas.
- The **Disabled Persons Act 1986**, and **Chronically Sick and Disabled Persons Act 1970**, which include a range of duties relating to the welfare needs of disabled people.

- The **Housing Act 1996**, which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups.

Local evidence:

Population

Blackpool has a resident population of 140,500, some 28,500 (20.3%) of which are aged over 60. 64,000 households. It is a dense urban area with high levels of deprivation, unemployment, and poor health in the resident population.

Deprivation

Blackpool ranks as the most deprived local authority in England in terms of average deprivation scores. It has 94 LSOAs of which 35 (38%) rank in the most deprived nationally. Blackpool has no areas in the least deprived 20% nationally. Health deprivation is much higher than average and over half of areas are in the most deprived 10% for Health nationally.

Housing

The number of households in Blackpool was just over 64,000, with a high percentage of private rented dwellings, and slightly lower owner occupation:

- 62% - owner occupied (England: 63%)
- 26% - privately rented (England: 17%)
- 11% - social rented (England: 18%)

Household Composition

The households in Blackpool have a slightly higher proportion of lone parent families and lone adults (both over 65 and under 65) than England.

Household types:

- 15% - lone adults over 65 years (England: 12%)
- 23% - lone adults under 65 years (England: 18%)
- 13% - lone parent families (England: 11%)
- 8% - single families with all adults over 65 (England: 8%)
- 35% - single families cohabiting/married with all adults under 65 (England: 43%)

Disability

11,870 (12.8%) of working age residents claim employment support allowance/incapacity benefit and a further 1,480 claim disability living allowance (1.7%). The ESA proportion is nearly double that for England as a whole.

Child Poverty

28.1% of children in Blackpool live in low income families, around 8,730 children in total.

Pension Credit

Blackpool has 6,740 claimants in receipt of Pension Credit Guarantee Credit only, or both Guarantee Credit and Savings Credit, equivalent to 81% of claimants (Nationally 80%)

Means-tested claimants in receipt of Pension Credit 'Savings Credit' Only is much lower at 1540 claimants compared, equivalent to 19% of claimants (Nationally 20%)

As a proportion of the population, 29% of the 65+ age group claim pension credit, much higher than England at 19%.

Blackpool Child Poverty Needs Assessment

The child poverty framework 2011-2014 set out a series of potential indicators on poverty and surrounding issues. Information below presents a summary of all available indicators and some additional context.

The local area child poverty measure is the Children in Low-Income Families Local Measure produced by HMRC and is "children living in families in receipt of out-of-work benefits or in receipt of tax credits with a reported income which is less than 60 per cent of national median income."

Data is released annually but covers a time period 2 years prior to that date e.g. the most recent data is for 2013. The reason for this delay is that the measure is based on actual reported family income rather than surveys or estimates and is available down to small areas including wards.

2013 Position

The chart right, shows the % of children in low income families in 2013, compared to all authorities in England and to the English average. It highlights

- **8,730 children** in Blackpool live in low income families
- This accounts for **28.1% of all children**
- Blackpool ranks **12th highest in England**.

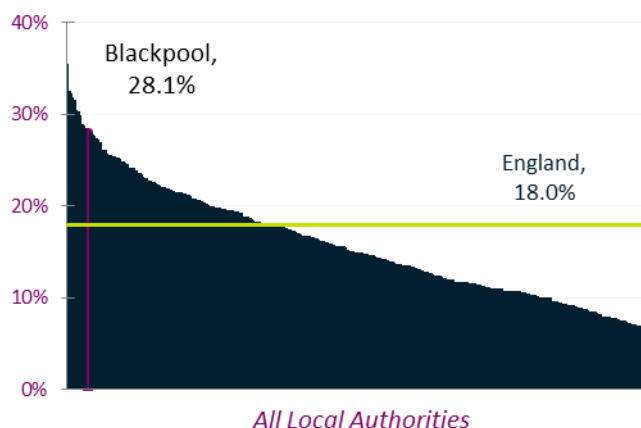
Changes since 2011

- Overall, in percentage terms Blackpool has seen a small reduction in the proportion of children in poverty between 2012 and 2013. Reducing from 9,145 (29.3%) in 2012 to 8,730 (28.1%) in 2013. This ends a trend of decline from 2008-2011.
- Despite this improvement, Blackpool ranked more poorly nationally. From 21st highest in 2011 to 14th in 2012 and most recently 12th highest in 2013. This is because while Blackpool rates have reduced by -1.1%pp the average reduction across all Local Authorities is slightly better and other areas improved at a faster rate.
- A further factor is that in 2012 the income distribution changed nationally with generally lower incomes. The low income threshold, which is 60 per cent of the median income, fell from £218 in 2011 to £204 in 2012. Other measures of welfare reform were also introduced. This might mean families previously considered to have poor incomes are no longer counted, but their circumstance may remain the same.

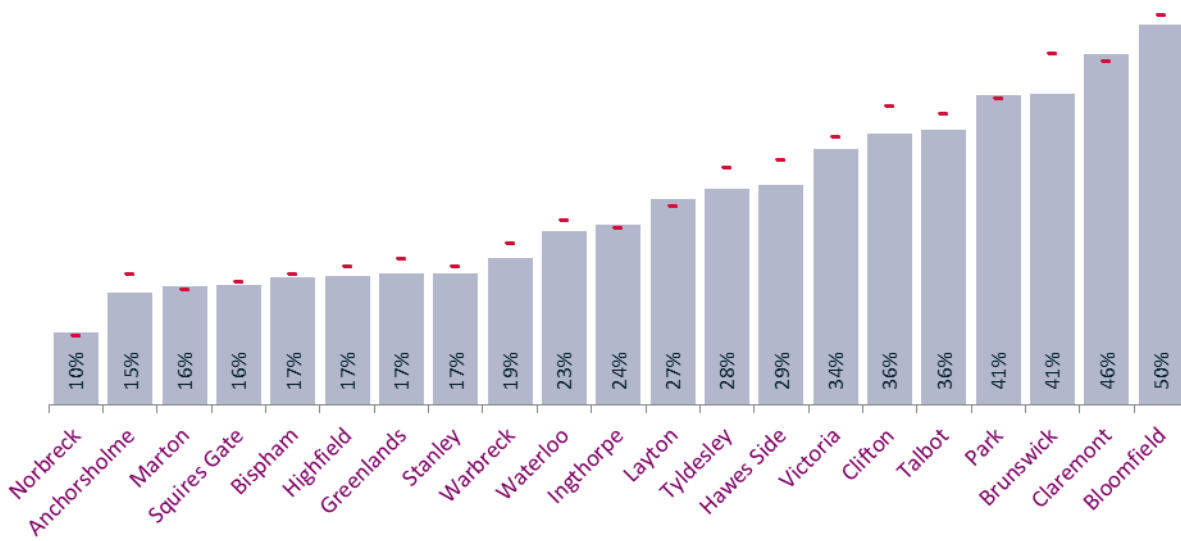
Ward Distribution

- **All wards** have some children living in poverty.
- **Bloomfield, Claremont, Brunswick, and Park** wards each have more than 40% of children in poverty.
- Bloomfield ward ranks as the 4th highest level of poverty in England

Children in Low-Income Families 2013

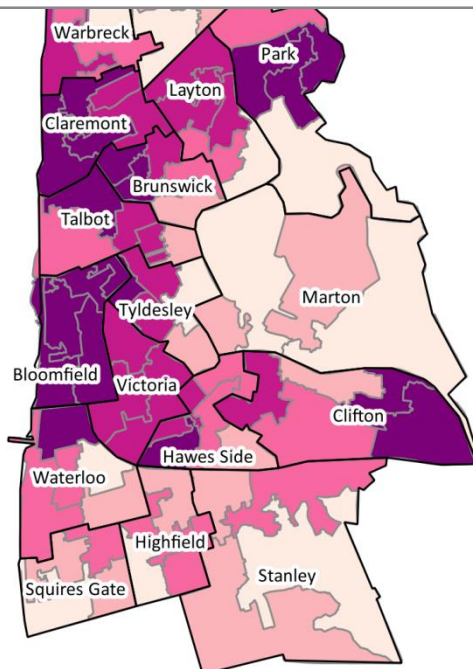


Children in low income families by ward 2013



Family demographics

- 83% of children in poverty live in **families claiming Income Support or Job Seekers Allowance**
- 65% of children in poverty live in **lone parent families**
- 26% are young children aged 0-4, **52% are school aged 5-15**, and 22% are dependents aged 16-19
- 56% live in 1-2 child families, 44% live in families with 3 or more children
- In total there are around **4,700 families with low incomes** in Blackpool.



Data Source: HMRC, 2015

Detailed map of Child Poverty

The map above shows the distribution of children in low income households in Blackpool for small areas.

- The largest percentages of children in low income households are in the central areas of Blackpool.
- Bloomfield, Brunswick, Claremont, Park and Clifton have several pockets of children in poverty above 42% of all children in those areas.

The map of poverty shares many similarities with maps for:

- Child Protection Plans

- Indices of Deprivation 2010
- Free School Meals Recipients
- Out-of-work Benefit claimants

The Blackpool Child Poverty Needs Assessment also highlighted potential links (not cause and effect) between child poverty and:

- Employment
- Education & Skills
- Health outcomes
- Areas with higher Crime levels
- Areas with high Fuel poverty
- Teenage pregnancy

National Data

As Council Tax Reduction is a locally administered scheme, no national statistics are collated so reference must be made to old Council Tax Benefit statistics.

According to the Single Housing Benefit Extract, as at January 2011 there were 3.1 million Council Tax Benefit claimants under 65 in the United Kingdom.

According to the Family Resources 2009/10 Survey data, of these:

- 48% of households have at least 1 adult or child who is disabled
- 18% of households have at least 1 adult with caring responsibilities
- 17% of households have at least 1 adult requiring informal care

Information from administrative sources can also provide more limited information on carers and disabled people and shows the number of Council Tax Benefit claimants who are carers or households in receipt of a disability premium and not pass ported onto full Council Tax Benefit. At January 2011:

- 34,790 non-passported under 65 Council Tax Benefit claimants were carers
- 219,580 non-passported under 65 Council Tax Benefit claimants were in receipt of a disability premium

Since some of the passported claimants are also likely to be carers or receiving a disability premium this underestimates the total number that could be affected.

9. What are the impacts or effects for Key Protected Characteristics?

Age

Older People of pension age

Potential Impact

The Department for Communities and Local Government has stated that pensioners must receive the same level of support under the new scheme as they currently receive under the current Council Tax Benefit scheme. They will therefore be treated more favourably than other groups under the proposed changes.

In Blackpool we currently have 21473 Council Tax Reduction recipients of whom 5911 are single and of pension age. In addition we have 1921 couples over 60 in receipt of Council Tax benefit. Of those 62 have child dependents.

Eligible 'pensioners' can be divided into the three groups below:

PASSPORTED CLAIMANTS

Those in receipt of Pension Credit Guarantee Credit

Pension Credit 'Guarantee Credit' acts as a passport to maximum Council Tax Benefit support. Pensioners apply to the Pension Service and if successful are prompted to apply for Council Tax Benefit. The Pension Service can take the claim on behalf of the local authority and will send an assessment direct to the relevant local authority.

MEANS-TESTED CLAIMANTS

Means-tested claimants in receipt of Pension Credit 'Savings Credit' Only

Pension Credit applicants may be awarded 'Savings Credit' only. This group are also prompted to apply for Council Tax Benefit, and if they do the Pension Service will send appropriate data to the relevant local authority that complete the means-testing applying nationally set rules.

Other means-tested claimants

Customers can also apply directly. Claimants who have attained the qualifying age for State Pension Credit are means-tested by the Local Authority on application, to determine eligibility for support. The exact amount of support needed will depend on a range of factors, such as age, income, capital, the personal circumstances of the individual and the Council Tax band their home falls into.

We currently do not have data that would allow us to break the Blackpool figures down into the categories above.

People of Working Age (over 25)

Potential Impact

People under pension age will be treated less favourably under the new support scheme than pensioners. In addition it is possible that some people in this group will be affected more because of the greater difficulties they may face in finding paid employment e.g. over the age of 55.

People of Working Age (under 25)

Potential Impact

Under the current Council Tax Benefit scheme the system of applicable amounts differentiate between those under and over 25. Claimants who are under 25 have a lower applicable amount and are treated as having lower living costs than those aged 25 and over. In addition, young single people may be more at risk of becoming homeless and/or there will be pressure on these people to return or remain in the family home.

Current Welfare Reforms in Housing Benefit will affect the same group of Working Age customers.

The proposed reduction in the time period that someone can be absent from Great Britain and continue to claim Council Tax Reduction, to mirror the changes proposed in Housing Benefit, could impact Working Age customers adversely when compared to someone who is absent from the home now. It is possible that the change could lead to homelessness for non-payment of rent or arrears of Council Tax if they leave Great Britain for over 4 weeks. It must be noted that existing temporary absence rules will still apply for

vulnerable customers who leave their home but remain in Great Britain so vulnerable residents would still be protected e.g. in people in hospital or fleeing domestic violence.

The proposed removal of the work related activity component only applies to new claimants in receipt of Employment Support Allowance (ESA). This change will not adversely impact on Working Age customers when compared to now as they have previously been in receipt of work related activity component in the ESA. There will be a two tier system in operation when comparing current recipients of ESA to new ones with discrepancies between the incomes they will be receiving.

The proposed limit on the dependent's allowance to a maximum of two children will only affect households who have a third or subsequent child on or after 1st April 2017. It will not impact Working Age customers adversely when compared to now but there will be no increase in the amount the law says you need to live on, which is the basis for the means test in CTR, after 1st April 2017. There will be a two tier system in operation when comparing the CTR awards of customers who have more than two children now to those who have more than two children after 1st April 2017, who will not see an increase in their CTR award.

The proposed change to treat anyone in receipt of the Universal Credit (Carers Element) in the same way as anyone receiving Carers Allowance would ensure that persons receiving Universal Credit (Carers Element) would be treated in the same way as those receiving Carers Allowance who look after any person who claims CTR; this would ensure everyone was being treated equitably where a carer's allowance and carer's element of UC were in payment.

Disability

Potential Impact

The definition of disability used is based on entitlement to certain state benefits or to entitlement to a Council Tax disabled band reduction. This can reflect the circumstances of any member of the claimant's household.

The relevant benefits/additions to benefit include:

- Disability Living Allowance
- Employment Support Allowance
- Personal Independence Payments
- Universal Credit
- Disability Premium
- Severe Disability Premium
- Enhanced Disability Premium
- Disabled Child Premium
- Disabled Earnings Disregard
- Carers Allowance
- War Disablement Pension
- War Widows Pension
- Council Tax Disability Reduction

It is possible that some people in this group will be affected less favourably because of the greater difficulties they may face in coping with the changes, for example by finding paid employment. This may result from their reduced capacity to work due to the nature of their disability and/or discrimination based on the perceptions of employers or the fact that the place of work has not been adapted to meet the needs of disabled people.

Other welfare reforms may further impact on some members of this group and also some of the services

that members of this group receive are being reduced under austerity measures. It should also be noted that in some cases (depending on the nature of the disability) there may be potential communication issues where information available in standard formats is not the best method of communicating with benefit recipients. This may cause greater difficulty in understanding their changed liability, particularly if they are being asked to pay some Council Tax for the first time. This may lead some to fall into arrears more easily with all the associated problems this can cause.

The proposed reduction in the time period that someone can be absent from Great Britain and continue to claim Council Tax Reduction, would not have an adverse impact on disabled people when compared to other customers.

The proposed removal of the work related activity component only applies to new claimants in receipt of Employment Support Allowance (ESA) and the proposed change will not adversely impact on disabled people when compared to other customers. The Work Related Activity component within ESA is awarded where customers are deemed capable of work by the Department for Work and Pensions at some time in the future and are considered capable of taking steps immediately towards moving into work (work-related activities). It is more likely that disabled customer would be in the Support Group category of ESA and therefore not affected by the changes at all.

The proposed limit on the dependent's allowance to a maximum of two children will only affect households who have a third or subsequent child on or after 1st April 2017. It is not expected to have an adverse impact on the disabled characteristics group when compared to other customers.

The proposed change to treat anyone in receipt of the Universal Credit (Carers Element) in the same way as anyone receiving Carers Allowance would ensure that persons receiving Universal Credit (Carers Element) would be treated in the same way as those receiving Carers Allowance who look after any person who claims Council Tax Reduction. Whilst this would impact carers of disabled customers it would not directly impact the disabled characteristic group itself when compared to other customers.

Some individuals in this group who also receive Social Care support from Blackpool Council may be able to have the extra Council Tax they pay deducted from their income for charging purposes (unless they pay the full cost because they have capital over the current threshold). It is acknowledged that this will not help disabled people who do not receive chargeable support from Blackpool Council. However, the most severely disabled are likely to receive this support.

Extensive consultation was carried out prior to the introduction of the 2013/14 scheme with specific disabled stakeholder groups i.e. the Disability Partnership Forum, the Learning Disabilities Self Advocacy Forum and the Disability First open day in order to make them aware of the changes, help them to understand the potential impact and to discuss any support mechanisms that can be built in for affected groups. As the main basis of the 2017/18 scheme is the same as 2016/17 scheme, no further specific consultation has been carried out with these groups.

It is recognised that the level of a customer's disability could mean they are more disadvantaged over another disabled customer. There may be the opportunity for a less disabled person to increase their income in order to pay for the increase in Council Tax whereas this may not be an option for a more severely disabled person. Because of this issue, the action plan will contain potential areas that could be considered to mitigate the impact of the scheme.

The examples shown below are taken from the 2012/13 Equality Analysis and illustrate the potential impact.

Example 1

Single person aged 45, unable to work because of his disabilities; lives alone in a Housing Association flat costing £100 per week and with Council Tax of £17 per week (Band B property in Blackpool with the 25% Single Person Discount); no savings.

Current weekly income

£157.35 Employment Support Allowance (Income-related)
 £51.85 DLA (middle rate care component)
 £54.05 DLA (higher rate mobility component)
 £100.00 Housing Benefit so has no rent to pay**
 £17.00 Council Tax Benefit so has no Council Tax to pay

Impact of proposed changes

A 20% reduction in Council Tax Support would mean he would have to pay **£3.40** per week towards his Council Tax rather than nothing as at present.

A 25% reduction in Council Tax Support would mean he would have to pay **£4.25** per week towards his Council Tax rather than nothing as at present.

Example 2

Couple with no children, both disabled, she works for 25 hours per week at the minimum wage, he doesn't work. Living in a 2 bedroom rented property costing £150 per week and with Council Tax of £29.14 per week (Band D property in Blackpool); no savings.

Current weekly income

£105.05 His Employment Support Allowance (contributory) Support Group**
 £51.85 His DLA (middle rate care component)
 £20.55 His DLA (lower rate mobility component)
 £20.55 Her DLA (lower rate care component)
 £151.29 Her net income from wages
 £70.32 Her Working Tax Credit
 £62.35 Housing Benefit so has to pay £87.65 towards the rent.
 £3.03 Council Tax Benefit so has to pay £26.11 per week towards the Council Tax.

Impact of proposed changes

A 20% reduction in Council Tax Support would mean they would have to pay an extra **£0.61** per week towards their Council Tax, i.e. £26.72 per week in total.

A 25% reduction in Council Tax Support would mean they would have to pay an extra **£0.76** per week towards their Council Tax, i.e. £26.87 per week in total.

The examples above show the impact of a 20% and 25% reduction in Council Tax Reduction and are based on benefit rates that applied during 2012/13 and estimated Council Tax Bands. They show what the difference would be if the proposals were applied now. These examples are only indicative; the effect on each individual will vary according to their particular personal circumstance and the impact of other proposed changes in benefits and allowances (see note 1 below).

Gender Reassignment**Potential Impact**

The proposed scheme could have a negative impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of their gender identity. No information is collected on the gender reassignment status of Council Tax Reduction claimants. However, it is acknowledged that transgender people experience higher levels of disadvantage and social/financial exclusion and therefore may face greater difficulties in responding to the changes, for example by finding work.

Marriage and Civil Partnership**Potential Impact**

The latest figures show that there are 4824 couples in receipt of Council Tax Reduction. Of these: 1959 (41%) had child dependents, and 2865 (59%) had no child dependents.

There are 2947 couples in receipt of Council Tax Reduction who are of working age, with 1908 (65%) had child dependents and 1039 (35%) had no child dependents.

The main scheme will have an impact on working age families/couples whether they are living together/married or in civil partnerships but will not treat marriage or civil partnership any differently. Married couple and civil partnerships are recognised equally in the current Council Tax Reduction scheme as are people living together as if they are in such legal partnerships.

Families with a large number of children are more likely to live in a bigger property and therefore one with a higher Council Tax Band. Our proposed scheme would ensure that these customers would not be disadvantaged over smaller families as the Council Tax Reduction would be based on the actual Council Tax band for the property and the percentage reduction would be the same across all groups of claimants.

The proposed reduction in the time period that someone can be absent from Great Britain and continue to claim Council Tax Reduction, to mirror the changes proposed in Housing Benefit, is not expected to adversely impact this protected group when compared to now. It is possible that the change could lead to homelessness for non-payment of rent or arrears of Council Tax if they leave Great Britain for over 4 weeks but this could happen to anyone of Working Age who claims CTR.

It must be noted that existing temporary absence rules will still apply for vulnerable customers who leave their home but remain in Great Britain so vulnerable residents e.g. in care homes, hospital or fleeing domestic violence.

The proposed removal of the work related activity component only applies to new claimants in receipt of Employment Support Allowance (ESA). This change is not expected to adversely impact on this protected group when compared to now or to other claimants in receipt of CTR.

The proposed limit on the dependent's allowance to a maximum of two children will only affect households who have a third or subsequent child on or after 1st April 2017. It is likely that this change will have a greater effect on this protected group as they are more likely to have dependent children. There will be a two tier system in operation when comparing the CTR awards of customers who have more than two children now to those who have more than two children after 1st April 2017, who will be claiming less CTR.

The proposed change to treat anyone in receipt of the Universal Credit (Carers Element) in the same way as anyone receiving Carers Allowance would ensure that persons receiving Universal Credit (Carers Element) would be treated in the same way as those receiving Carers Allowance who look after any person who claims Council Tax Reduction. It is not expected that this protected group would be impacted more than anyone outside this group.

The examples shown below are taken from the 2012/13 Equality Analysis and illustrate the potential impact.

Example 1

Couple in their 40s with 2 children (aged 9 and 13); man works 40 hours per week at the minimum wage with a net income after tax and national insurance of £214. Living in a 3 bedroom rented property costing £170 per week and with Council Tax of £29.14 per week (Band D property in Blackpool); no savings.

Current weekly income

£214.00 Net earnings
£ 40.57 Working Tax Credit
£113.68 Child Tax Credit
£33.70 Child Benefit
£116.49 Housing Benefit so has to pay £53.51 towards the rent.
£12.54 Council Tax Benefit so has to pay £16.60 per week towards the Council Tax.

Impact of proposed changes

A 20% reduction in Council Tax Support would mean they would have to pay an extra **£2.51** per week towards their Council Tax, i.e. £19.11 per week in total.

A 25% reduction in Council Tax Support would mean they would have to pay an extra **£3.14** per week towards their Council Tax, i.e. £19.74 per week in total.

Example 2

Couple in their late 20s with 2 children (aged 3 and 6); man works 37 hours per week at the minimum wage with a net income after tax and national insurance of £201.62. Living in a 2 bedroom rented property costing £150 per week and with Council Tax of £25.90 per week (Band C property in Blackpool); no savings.

Current weekly income

£201.62 Net earnings
£ 47.76 Working Tax Credit
£113.68 Child Tax Credit
£ 33.70 Child Benefit
£ 99.88 Housing Benefit so has to pay £50.12 towards the rent.
£ 10.58 Council Tax Benefit so has to pay £15.32 per week towards the Council Tax.

Impact of proposed changes

A 20% reduction in Council Tax Support would mean they would have to pay an extra **£2.17** per week towards their Council Tax, i.e. £17.49 per week in total

A 25% reduction in Council Tax Support would mean they would have to pay an extra **£2.65** per week towards their Council Tax, i.e. £17.97 per week in total

The examples above show the impact of a 20% and 25% reduction in Council Tax Reduction and are based on benefit rates that applied during 2012/13 and estimated Council Tax Bands. They show what the difference would be if the proposals were applied now. These examples are only indicative; the effect on each individual will vary according to their particular personal circumstance and the impact of other proposed changes in benefits and allowances (see note 1 below).

Pregnancy and Maternity

The proposed main scheme will have a negative impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of whether they are pregnant/recently given birth or not.

Whilst at this moment we consider that this impact is unlikely to be disproportionately greater on households where a member is pregnant or recently given birth, we acknowledge that they may face greater difficulties in responding to the changes, for example by finding work.

In addition, women on maternity leave may find that they now have to pay an increased amount of Council

Tax Support on a reduced income with little prospect of increasing their income in the short term.

The proposed reduction in the time period that someone can be absent from Great Britain and continue to claim Council Tax Reduction, to mirror the changes proposed in Housing Benefit, is not expected to have an adverse impact on this group when compared to other Working Age recipients of CTR. It is possible that the change could lead to homelessness for non-payment of rent if they leave Great Britain for over 4 weeks but this would be across all groups. It must be noted that existing temporary absence rules will still apply for vulnerable customers who leave their home but remain in Great Britain so vulnerable residents e.g. in care homes, hospital or fleeing domestic violence.

The proposed removal of the work related activity component only applies to new claimants in receipt of Employment Support Allowance (ESA). This change will therefore not adversely impact on Working Age customers when compared to now.

Customers in receipt of CTR are unlikely to be placed within the ESA work related category also, further reducing the possibility of a negative impact on this client group.

The proposed limit on the dependent's allowance to a maximum of two children will only affect households who have a third or subsequent child on or after 1st April 2017. It is recognised that this protected group is more likely to be affected when compared to other CTR recipients. There will be a two tier system in operation when comparing the CTR awards of customers who have more than two children now to those who have more than two children after 1st April 2017, who will be claiming less CTR. The effects of this change will be able to be mitigated by the existence of the Council Tax Discretionary Discount policy where customers can make an application for a discretionary award if they are struggling to pay their Council Tax.

The proposed change to treat anyone in receipt of the Universal Credit (Carers Element) in the same way as anyone receiving Carers Allowance would ensure that persons receiving Universal Credit (Carers Element) would be treated in the same way as those receiving Carers Allowance who look after any person who claims Council Tax Reduction. It is not expected that this protected group would be adversely affected by these changes.

Race

Potential Impact

The proposed main scheme will have a negative impact on all working age single people and couples who are recipients of Council Tax Benefit regardless of race or ethnicity. We do not have any data regarding the ethnicity of Council Tax benefit recipients in Blackpool. However, national data shows that 90% of households receiving Council Tax Benefit are white, and 10% are ethnic minorities. This compares to a total population of 91% white and 9% ethnic minorities.

At the moment we consider that the impact is unlikely to be disproportionately greater on households of different ethnicity within the working age group. There will be no difference in the way ethnic groups are treated under any new Council Tax Reduction scheme. However, some ethnic groups experience different levels of disadvantage and therefore they may find it more difficult to cope with the changes. This may be because they face unofficial discrimination in the job market and possibly because of access to skills including language skills are limited in some cases.

There may also be potential communication issues where English is not the benefit recipient's first language and where documents printed in Standard English is not the optimum method of communicating.

Claimants whose first language is not English may have greater difficulty in understanding their changed level of Support, particularly if they are being asked to pay some Council Tax for the first time. This may lead some to fall into arrears more easily leading to the associated problems this can cause.

A road show was held for the 2012/13 consultation with the Blackpool Equality Forum to further highlight the potential impact of this change and further work could be carried out to contact groups who have traditionally failed to engage with the community to make them aware of the changes e.g. Polish and Chinese communities and Romanies.

Contact could be made specifically with the following groups if required:

Blackpool Polish Community Association
c/o Council for Voluntary Services
Abingdon Street
Blackpool

Blackpool Chinese Community Association
64 Cookson Street
Blackpool
Bcca.vicechairman@googlemail.com

African Caribbean Friends & Relatives Association

Romanies via the Council's Diversity Learning Manager

This targeted approach could be face to face, by telephone or by utilising translation services, if appropriate.

Religion and Belief

Potential Impact

The proposed scheme will have a negative impact on all working age single people and couples who are recipients of Council Tax Benefit regardless of religion or belief. We do not have any data regarding the religion or beliefs Council Tax benefit recipients in Blackpool. We do not envisage this impact to be greater for people with particular religions or beliefs.

Sex

Potential Impact

The latest figures show that in Blackpool there are 16,643 single people in receipt of Council Tax Reduction. Of these: 10,049 (60%) are female, and 6,594 (40%) are male.

Of the 10,049 female recipients, 3,475 (35%) are lone parents and of the 6,594 male recipients, 304 (5%) are lone parents.

If we look only at those of working age, 58% of all single working age female recipients are lone parents. Of the male recipients 7% of all single working age male recipients are lone parents.

Of all lone parents in Blackpool in receipt of Council Tax Reduction, 92% are female and 8% are male.

On the face of it we will continue to treat both men and women equally in the proposed Council Tax Reduction scheme from 1st April 2017. However, given the higher number of female recipients (60%) in Blackpool, changes to the current Council Tax Reduction scheme will impact on more women than men. National data does confirm that more women than men experience financial deprivation. In addition, because many more female claimants will be lone parents, they may be treated less favourably indirectly because lone parents may face greater difficulties in responding to the changes, including by finding work.

The proposed reduction in the time period that someone can be absent from Great Britain and continue to claim Council Tax Reduction, to mirror the changes proposed in Housing Benefit, will impact all Working Age customers adversely when compared to now. It is possible that the change could lead to homelessness for non-payment of rent or arrears of Council Tax if they leave Great Britain for over 4 weeks; it is not expected that this proposed change will impact any protected group on the basis of sex. It must be noted that existing temporary absence rules will still apply for vulnerable customers who leave their home but remain in Great Britain so vulnerable residents e.g. in care homes, hospital or fleeing domestic violence.

The proposed removal of the work related activity component only applies to new claimants in receipt of Employment Support Allowance (ESA). This change will not adversely impact people in this protected group over other Working Age customers.

The proposed limit on the dependent's allowance to a maximum of two children will only affect households who have a third or subsequent child on or after 1st April 2017. It is likely that the proposed changes would have an adverse impact when compared to men as there are a higher number of female lone parents in this group. There will be a two tier system in operation when comparing the CTR awards of customers who have more than two children now to those who have more than two children after 1st April 2017, who will be receiving less CTR.

It is not envisaged that the proposed change to treat anyone in receipt of the Universal Credit (Carers Element) in the same way as anyone receiving Carers Allowance would ensure that persons receiving Universal Credit (Carers Element) would have an adverse effect on this protected characteristic.

The examples shown below are taken from the 2012/13 Equality Analysis and illustrate the potential impact in individual cases on the change in benefits. The financial impact in each case will be the same regardless of the gender of the individual.

Example 1

Single person aged 28, not working and claiming Income-based Jobseekers Allowance (JSA). Living in a 1 bedroom rented flat costing £80 per week and with Council Tax of £17 per week (Band B property in Blackpool with the 25% Single Person Discount); no savings.

Current weekly income

£71.00 JSA

£65.00 Housing Benefit so has £15 to pay towards their rent**

£17.00 Council Tax Benefit so has no Council Tax to pay.

Impact of proposed changes

A 20% reduction in Council Tax Support would mean they would have to pay **£3.40** per week towards his Council Tax rather than nothing as at present.

A 25% reduction in Council Tax Support would mean they would have to pay **£4.25** per week towards his Council Tax rather than nothing as at present.

**As s/he is a single claimant under 35, the maximum he can claim for Housing Benefit is restricted to the shared accommodation rate which in Blackpool is £58.50 per week.

Example 2

Lone parent with 1 child aged 3, not working and claiming Income Support. Living in a 2 bedroom rented property costing £110 per week and with Council Tax of £19.43 per week (Band C property in Blackpool with the 25% Single Person Discount)* no savings.

Current weekly income

£71.00 Income Support
 £62.00 Child Tax Credit
 £20.30 Child Benefit
 £110.00 Housing Benefit so have no rent to pay
 £19.43 Council Tax Benefit so have no Council Tax to pay.

Impact of proposed changes

A 20% reduction in Council Tax Benefit would mean that they would have to pay **£3.89** per week towards their Council Tax rather than nothing as at present.

A 25% reduction in Council Tax Benefit would mean that they would have to pay **£4.86** per week towards their Council Tax rather than nothing as at present.

The Single Person Discount of 25% is applied when there is only one adult living in the property; it is not means-tested

The examples above show the impact of a 20% and 25% reduction in Council Tax Reduction and are based on benefit rates that applied during 2012/13 and estimated Council Tax Bands. They show what the difference would be if the proposals were applied now. These examples are only indicative; the effect on each individual will vary according to their particular personal circumstance and the impact of other proposed changes in benefits and allowances (see note 1 below).

Sexual Orientation**Potential Impact**

The proposed scheme will have the same level of impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of their sexual orientation. We have no data on the sexual orientation of Council Tax Reduction claimants locally and at this moment we consider that the impact is unlikely to be disproportionately greater on recipients with different sexual orientations. However, national data demonstrates that some Lesbian, Gay or Bisexual people experience higher levels of disadvantage and financial exclusion than other groups and therefore may face greater difficulties in responding to the changes, for example by finding work. There will also be specific consultation with the Blackpool, Wyre and Fylde LGBT Forum.

Other Relevant Groups**Potential Impact**Carers

The proposed changes to the scheme with regard to the treatment of Universal Credit (carer's element) will ensure that all carer's are treated in an equitable way as at present those in receipt of Universal Credit (carer's element) are being given an extra needs allowance in their Council Tax Reduction calculation.

Troubled Family Programme

The 'Troubled Families' programme is a national program where families with specific circumstances are provided intensive support and advice. Further consideration of targeted communication to the Troubled Families service will be undertaken following consultation.

Child Poverty

The impact of the proposed scheme on the Council's Child Poverty Strategy has been considered and it is believed that by continuing to disregard Child Benefit and Child Maintenance consideration of this area has been sufficiently taken into account.

Homelessness

The impact of the proposed scheme on the Council's Homelessness Strategy has been considered and by continuing to work with financial inclusion officers within the Council and Housing Options Support workers, sufficient promotion of how the scheme will work will be available. Targeted communication to other Council Services to promote the final scheme will also be undertaken and will form part of the Council's EA action plan.

Armed Forces Covenant

The impact of the proposed scheme on the Armed Forces has been considered and it is believed that by continuing to disregard War Disablement Pension, War Widow's Pension and War Widower's Pension consideration of this area has been sufficiently taken into account.

Note 1

Other relevant benefit changes that apply from April 2017

The changes to the Council Tax Reduction scheme will come in from April 2017. At the same time other changes to the benefit and tax systems will continue to affect people in receipt of/potentially eligible for Council Tax Reduction. The other changes include the following:

- 1. A reduction in the total benefit cap for people of working age. The cap is £257 for single people and £384 for couples and lone parents. The cap will not be applied to households eligible for Working Tax Credit (i.e. working over 16 hours per week) or who get certain disability benefits or War Widows/Widowers Pension.*
- 2. Working age benefit rates (Tax Credits, applicable amounts) will be frozen for four years.*

10. What do you know about how the proposals could affect community cohesion?

- There may be an effect on community cohesion as pensioners are not being affected by the new Local Council Tax Reduction scheme and will continue to receive their current levels of support whilst Working Age customers will have reduced levels of help. Whilst we recognise the inequalities of the two schemes (Working Age and Elderly), we are unable to do anything about them but will monitor the impact of the scheme between age groups during consultation to ensure any comments are recorded.
- If any other protections are made within the working age group, some groups may feel they are "shouldering the burden" of the scheme more than others.
- There may be an increase in transience, as people move to more affordable accommodation in order to be able to afford to pay for their increased contribution to Council Tax.
- There could be an increase in the number of people leaving Blackpool to move to a neighbouring authority with a more generous Council Tax Reduction scheme.

STEP 3 - ANALYSING THE IMPACT

13. Is there any evidence of higher or lower take-up by any group or community, and if so, how is this explained?

- There was traditionally a lower take up of Council Tax Benefit from pensioners, however, as pensioner support will be delivered through a national framework of criteria & allowances and will be a discount rather than a benefit, take up is likely to increase.
- Within some other community groups there is traditionally a low take up because individuals either do not need support or do not like to claim benefit. To mitigate this, there will be a programme of marketing and communication which will include liaison to target hard to reach groups. Within Blackpool these groups are seen to be:
 - Polish Community
 - Chinese Community
 - African Caribbean Friends & Relatives Association
 - Romanies

14. Do any rules or requirements prevent any groups or communities from using or accessing the service?

There will be an initial eligibility criteria for the Blackpool Council Tax Reduction scheme (in line with the Council Tax Benefit scheme), which will exclude the following:

- Any person who is not a Council Tax payer as they do not need to pay Council Tax
- Anyone who is not able to claim state benefits in accordance with the Central Government regulations in the Local Government Finance Bill
- If the property is a second home

Once the eligibility criteria have been established, there will be a means tested assessment of entitlement to Council Tax Support, which could mean that some people are not entitled but this is the case now also.

15. Does the way a service is delivered/ or the policy create any additional barriers for any groups of disabled people?

Access

The new scheme will offer the same level of access to the service as there is within the current system of Council Tax Reduction, as follows:

- Face to face access
- Telephone access
- Online access
- Home visit if required

Policy

Disabled people may not be exempt for the purposes of calculating Council Tax Reduction. The rationale behind this is:

- The scheme will support people on a low income and is means tested. Disabled people receive

additional income for disabilities and Blackpool's preferred option allows for the continued disregard of disability incomes in the calculation.

- Disability relief, which is a reduction in the amount of Council Tax payable, applies where adaptations have been made to a property to accommodate a disabled person. Exempting disability benefits in the calculation of Council Tax Reduction would put those people at a financial advantage.
- The new Council Tax Reduction Scheme must cost 10% less than the current system of Council Tax Benefit. The 10% saving would be unachievable if disabled applicants were disregarded.
- Disability Benefits are disregarded in DWP assessment therefore issues of vulnerability have been addressed prior to our calculation

However, we recognise that even within the category of disability, some people will be more affected than others in that they will be unlikely to be able to increase their income and therefore policies need to be established to mitigate the impact of the scheme.

STEP 4 - DEALING WITH ADVERSE OR UNLAWFUL IMPACT

16. What can be done to improve the policy, service, function or any proposals in order to reduce or remove any adverse impact or effects identified?

See Action Plan

17. What would be needed to be able to do this? Are the resources likely to be available?

See Action Plan

18. What other support or changes would be necessary to carry out these actions?

See Action Plan

STEP 5 - CONSULTING THOSE AFFECTED FOR THEIR VIEWS

19. What feedback or responses have you received to the findings and possible courses of action? Please give details below.

2013/14 Scheme

Removal of Backdates

Comments have been received from a Councillor as follows:

"What's being proposed is that no council tax benefit claim can be backdated however good the reason is. Claimants asking for their claims to be backdated are frequently those who lack knowledge of how the system works, they are often vulnerable, some of them have experienced trauma. If this proposal is put into practice it would lead to some claimants having housing benefit claims backdated while their simultaneous council tax benefit claims are refused. This would send out a message that Blackpool Council believed in unfairness."

Response:

11/12 numbers of people on CTB backdates (WA and Elderly): 1488

Value of backdates in CTB: £53,145 total

Maximum backdate period: 6 months WA

Average value of CTB backdate: £35.71

Genuine cases of hardship could have a Section 13A discretionary award made to cover the Council Tax.

Liaison with the Lancashire Deaf Service

“Andie Vowles, a Community Development Officer for the Lancashire Deaf Service, attended the Council Tax Support road show held at Fylde Town Hall on the 27th Sept 2012. He has been approached by numerous clients who have received a copy of the survey in the post and were struggling to understand the documentation and how it would affect them. He works and supports deaf people across the Blackpool, Fylde and Wyre area. With the help of an interpreter he asked if I could run through each of the questions on the survey in fine detail so that he could clearly understand what was being asked. Due to the complex subject matter it was necessary to run through the questions more than once and in some cases detailed examples and calculations were required in order to illustrate the outcome of an option more clearly, particularly when explaining options A and B. Andie made notes throughout and in order to clarify he had understood the options correctly and he summarised each question for me in his own words before moving on to the next. Andie felt it was vital that he felt confident that he had grasped each question sufficiently before moving on so that he could successfully cascade the information to his clients. Once we had dealt with the questions Andie asked me about the potential answers. For each question he wanted me to clarify and summarise what customers would actually be suggesting they think should happen if they were to choose either agree or disagree. This helped put the possible answers in context with each specific question and helped rule out any misinterpretation. The appointment took around two hours however by the end Andie felt he was more equipped to help his clients complete the survey and was going to be able to advise them of how each option was likely to impact them if it were to be of part of the final scheme. I gave him my name as a contact should any future issues arise and the Blackpool council tax support email box should he have any further comments he would like to make. I explained that other boroughs in the Lancashire area that he may have contact with could quite feasibly introduce a different scheme to Blackpool and Fylde which he fully understood. He is going to work on a newsletter for his clients featuring the Council Tax Support scheme and information about the survey which will be posted on their website www.elds.org.uk.”

Additional Suggestions

- Progressive council tax rates

Comment: This comment will be included in the report to be sent to Full Council for formal adoption of the scheme.

- All money coming in should be counted as income

Comment: Some income is provided for specific purposes e.g. disability income is provided to help meet the additional costs incurred by being disabled. The current Council Tax Benefit system already has a series of incomes that are disregarded in the interests of taking account of vulnerability and various statutory requirements e.g. the Armed Forces Covenant.

- Means test for people struggling to pay

Comment: The preferred option for Blackpool would ensure that the means test would continue.

- Three customers have contacted us upon receipt of the survey to highlight that they already do not have enough money to live on even before being expected to pay more Council Tax under the scheme.

Comment: All of these customers have been visited to ensure they have maximised the potential benefits they are receiving and that they are signposted for additional support or debt advice if applicable.

- Reduce the rate of Single Person Discount from 25% to 20%

Comment: Central Government have resisted Local Authority requests for the discretion to reduce the Single Person Discount. It therefore remains set by Regulations at 25% and is unable to be changed.

- Can people who claim Single Person Discount falsely be penalised. Any fine money could then be put into the fund to reduce the impact of the scheme.

Comment: There is legislation in place to issue a penalty for providing false information for Council Tax . The administration and collection costs for the penalties would mean that it is unlikely to produce a surplus that would be a useful amount.

- How are people expected to cope with the loss of money?

Comment: We will ensure that the most vulnerable people who do not have the opportunity to increase their incomes will be able to apply to the Council's Discretionary Discount Scheme and we will also ensure that Benefits maximisation is carried out.

- Is this something that just Blackpool Council is doing or are other Council's doing it?

Comment: All Council's who will not be operating the Government's default scheme i.e. where the Council will be finding the 10% cut, are consulting on their schemes. The schemes could all have different elements in them.

- How is the consultation being carried out and how will people be informed about it?

Comment: The following consultation methods have been used:

- *All Working Age recipients of Council Tax Benefit (the people who will be affected) have been sent a survey for an opportunity for them to have their say*
- *Press release and several articles have been placed in the Gazette*
- *Several public road show events have been held and these have been advertised in the Gazette and on the Council's website*
- *Area forum events have been attended*
- *Online survey on the Council's website*
- *A number of presentations have been given to special interest groups*
- *An article was placed in Your Blackpool to ensure all Council Tax payers had the opportunity to respond to the survey*
- *Large print surveys are available on request*
- If people cannot access the internet, how will they be consulted and how can their input be recorded?

Comment: See above for how the Council have advertised the consultation. All consultation methods have also included a phone number should someone wish to ask for a paper copy of the survey.

- Request from the Royal British Legion (letter dated 1st Nov 2012) to disregard War Widow's Pension, War Disablement Pension and payments from the Armed Forces Compensation Scheme.

Comment: Response sent back:

Blackpool Council have always disregarded customers income in respect of War Disablement Pension and War Widows Pension. The value of a personal injury payment from the Armed Forces Compensation Scheme, or any payment of income from that trust, has also always been disregarded in full in accordance with the Housing and Council Tax Benefit Regulations 2006, unless that payment is in respect of a deceased relative.

Two elements of Blackpool Council's consultation on the proposed Council Tax Support Scheme were:

- that an award of Support would be based on a means tested assessment broadly similar to the existing Council Tax Benefit Regulations
- that the income from War Disablement Pension and War Widow's Pension should continue to be disregarded in full.

Consultation supported both these options and will be put forward to full Council for adoption shortly. Should the scheme be approved with both these elements, the concerns raised in your letter would be addressed in full.

2014/15 Scheme

No scheme changes therefore no consultation undertaken and no comments

2015/16 Scheme

No scheme changes therefore no consultation undertaken and no comments

2016/17 Scheme

- Go after those who don't pay any council tax. Enforce it rather than putting everyone's up. Families are already struggling and this government making things worse with cuts to in work tax credits

Comment: The Council uses all available powers and resources to collect Council Tax from those who are able to pay. Customers can apply to the Council Tax Discretionary Hardship Scheme where they find themselves in financial hardship. Suitable payment arrangements can be made for those who need to spread the cost of payments and Debt Advice, Budgeting Advice and Income Maximisation assistance is also available to customers.

- Nothing comes to mind at this present time as my children have grown up left home and have children of their own, with these changes it will make families struggle more with their finances after 2016, depending on the shortfall and their circumstances, I know the council have to make cuts, I guess this is 1 of those cut –backs

Comment: None

- I work hard on minimum wage as a single parent and I raise 2 children and am not entitled to discount other than single person supplement so why should people keep having kids therefore get further reductions

Comment: None

- Stop wasting it on daft car park schemes for a start. Cut the wages of the top 20% of council employee earners by say 3% for a 3yr period. Anyone on over £40 or £50K in Blackpool is a near millionaire and lower grades could keep their jobs and front line services for the poor and vulnerable maintained, all in it together after all. Council do a great job in general but cutting help to the poorest and most vulnerable is to be avoided at all costs, it's a hard job and just do your best, best of luck from a proud borough resident.

Comment: Priorities of the Council are determined by elected members. The Council uses all available powers and resources to collect Council tax from those who are able to pay. Customers can apply to the Council Tax Discretionary Hardship Scheme where they find themselves in financial hardship. Suitable payment arrangements can be made for those who need to spread the cost of payments and Debt Advice, Budgeting Advice and Income Maximisation assistance is also available to customers.

It all well and good removing the family premium to increase the amount certain people will be liable for BUT you then have to collect that money, arrears in Blackpool are already far too high. The lack of action Blackpool Council takes non-payers is shameful. Not sending reminders or summonses because there's too many or you wouldn't be able to cope with the phone calls or visits is grossly unfair on the residents who do pay on time. Once someone has fallen into arrears and you've literally done nothing do you think that is going to inspire them to pay the following years liability? I would suggest that is a huge disincentive to pay up on time. Check out the level of un-summonsed debt you have!

Comment: The Council uses all available powers and resources to collect Council Tax from those who are able to pay. Customers can apply to the Council Tax Discretionary Hardship Scheme where they find themselves in financial hardship. Suitable payment arrangements can be made for those who need to spread the cost of payments and Debt Advice, Budgeting Advice and Income Maximisation assistance is also available to customers.

- Stop taking in families from other areas unless they are working, structure a sponsor scheme, so that if unemployment happens sponsors pays council tax and rent so that a claim is unnecessary, this will free up money to renovate and improve areas within the town which are in desperate need. This could be widened to lowering business rates and allowing instalment plans for licensing for encouragement of new business ventures, as competition with lower prices from China significantly impacts business locally and slows down economic growth for the area, investment this way would encourage small businesses to employ people and further lighten the burden on the local authority. I believe investment in people born here is needed, as keep allowing families to move here while on benefit is further causing long term financial burden to the local authority

Comment: None

- There is insufficient information given in the question to form an opinion on. For example, how many individuals/families will be impacted within the Council's jurisdiction by the changes? What is the total headline saving? What is the 'real' cost of the proposed change - i.e. what additional council/gov't funded support is likely to be required as a result of current beneficiaries losing the money - e.g. will it lead to real financial hardship, will it tip the balance of whether a job is sustainable, etc. etc. In terms of other ways the council could save money, it would seem sensible for the council to re-negotiate commercial agreements, such as those with suppliers, partners or other bodies which are in receipt of council spending or subsidies to aggressively get better deals rather than automatically thinking that saving money can only easily be obtained through cuts to services or benefits.

Comment: It is impossible to determine how many families would be affected by the change as it relates to new claims for CTR or existing claims where another child is born into the household. It is therefore impossible to determine any savings too. Customers can already apply to the Council Tax Discretionary Hardship Scheme where they find themselves in financial hardship. The Council has a robust procurement process in place award and review contracts with partners and suppliers to ensure value for money is achieved.

2017/18 Scheme

Comments in support of reducing the amount of time a person can be absent from Great Britain and still receive Council Tax reduction to four weeks

4 weeks is a long holiday
Anyone who is on benefits but can afford to be out of the country clearly doesn't need the benefit.
Because if you're getting a reduction you should be in the country
Because people are entitled to holidays and may have family over sea
Because people shouldn't be able to claim ctax reduction whilst not being in the country which effects people in the UK
Council spend tax payers money 365 days a year on permanent services

I agree due to not being able to have this myself
I don't agree with migrants entering the country. Getting everything homes etc, payed for then take the money home when English citizens struggle
If out the county they are not paying tax so they shouldn't receive benifit support
If you can afford to be out of Great Britain for a long period you should not expect other taxpayers to subsidise you.
If you can afford to stay out of the country for more than 4 weeks they can afford to pay up
Only fair to local CTax payers
Shouldn't have to pay when out of country especially armed forces
Someone could own another home and receive financial help in the way of CTR to reduce their CT bill. If they aren't living in the home they shouldn't receive the discount
Unacceptable to receive benefit whilst not resident in the country
Uniformity and cost effective
Unless there are exceptional circumstances, people should not be given a council tax reduction. I believe it could cut down on fraud and abuse
Why get reduction when not in the country
Why should the tax payer pay the council tax and housing benefit for that matter when they are out of the country by choice?
Agree to an extent providing where somebody may find themselves unable to return to the country after 4 weeks due to know fault of their own ill abroad in hospital, unable to return due to border disputes, lockdown on travel etc... are able to easily apply for the discretionary council tax discount with the minimum of inconvenience and a hold is put on recovery.
Any form of reduction is good
I agree
I agree if you can go abroad for that long you can pay full council tax
I think there needs to be some boundaries and aligning this benefit to those of housing benefit seems right
I think this is a fair amount of time, even for a long haul holiday eg; to visit relatives in Australia Canada etc.
If you are able to leave the country for this period of time you must have nore money than you have declared
if you can afford to leave the country you can afford not to have the benefit
It makes sense for council tax reduction to be in line with Housing Benefit regulations in this regard and it seems unlikely to be a change that would only impact a small minority of council tax reduction claimants.
It seems a fair policy
Shouldn't get paid for being out of the country
So you can't just leave for weeks on end
The person is not using the services provided by council
They aren't in there home for that time so it should not be paid for
They should still be responsible for paying their Council Tax.
To save the government / council money some people I've seen out about do not need disability allowance or mobility car
why are we paying of they out of uk for more that 4 weeks etc , benefits do this now (dwp)

Comment: No comment

Comments against reducing the amount of time a person can be absent from Great Britain and still receive Council Tax reduction to four weeks

Because if they are absent they are not using the services
Other circumstances need to be taken into account

Probably impacts on people who have been assessed as not being able to afford to pay, which defeats the point of the Council Tax reduction scheme to an extent
Not clear enough to know how this would affect people.
another way of making people pay extra when there not here disaster debt ect
Blackpool council is taking away benefits that people are entitled to.
If they are not here. They should not be receiving money. Unless they are in the armed forces. Benefits are to help people in the UK so they should be in the UK to recieved them
People worked all their lives should reap benefits
They might have genuine reason to be absent, family business etc, i think that 12 weeks would be a better figure.

Comment: The majority of comments where people disagreed with the proposal thought there should be the provision of support in extenuating circumstances e.g. if a person fell ill abroad whilst on holiday. In these circumstances the Council has a Discretionary Discount Policy so extenuating circumstances can be dealt with using discretion.

Comments about removing the Work Related Activity component to align with Housing Benefit

work at the dwp
Do not agree with agree with people who need that help to be reduced
Families on ESA get little enough money as it is - I think this would be an added hardship for many.
I don't know enough about this scheme
I think people who needs it should get it and people who don't shouldn't
They should not be made worse off there still ill
I am retired I haven't heard of ESA
I haven't understood the proposal
At the end of the day it will decrease benefit and increase tax, poor is poor
Because it will affect many people who are struggling to pay bills
cost cutting exerxise that affects the most vulnerable people in society why to save money
I totally disagree people on people on ESA should get reduction
If I understand correctly. From April 2017, new claimants will pay more and for that reason I say it wrong to penalise those that are sick. It's a disgrace.
It's not fair or just to penalise people who are sick enough to need to claim ESA whether they expect to return to work at some point in the future or not
People who are entitled to ESA are obviously unable to work it's hard and expensive to live. Cut foreigners benefits and treat English citizens properly

Comment: The ESA work-related activity group is awarded for claimants who the DWP consider will be capable of work at some time in the future and who they consider are capable of taking steps immediately towards moving into work (work-related activities). Customers who are considered ill and unable to work are placed in the Support Group category and no changes are proposed to people receiving this type of ESA. Where people are struggling to pay a shortfall in Council Tax the Council has a Discretionary Discount Policy and people can apply for additional assistance. The Council will also provide Debt Advice or Benefits maximisation assistance to customers who are struggling to pay their Council Tax where appropriate.

Comments about restricting the dependents allowance in the Council Tax Reduction calculation to two to align with Housing Benefit regulations

Don't know
Torn on this one, as it can be said that some make a living out of producing off-spring but some are hard working parents who could do with the support.
Again it's about treating people fairly and equal, one family shouldn't get more than another
Agree that if this is introduced (and would prefer it not to be) then the current status should be protected, however for households expecting a third child at the moment there should also be an exemption rather than an absolute 1st April cut-off date
It's within the Government's plans. It's a form of social engineering.
Larger families need as much help as we can give them.
so now people cant have more kids and if they do they are neglected ect
This will make it harder for people to have bigger families, to think carefully about finances
Yes because we are slowly becoming a communist state we should limit the peasants multiplying
You are penalising those that are worst off. The more money taken off those that have families will push these people into further poverty and how hypocritical of the labour council to condemn the government for the same actions they are taking themselves

Comment: The proposal is only designed to align the Council Tax Reduction calculation with that of Housing Benefit in order to ensure there is consistency in the notification letters and they will be easier to understand. Where people are struggling to pay a shortfall in Council Tax the Council has a Discretionary Discount Policy and people can apply for additional assistance. The Council will also provide Debt Advice or Benefits maximisation assistance to customers who are struggling to pay their Council Tax where appropriate.

Comments about removing entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carer's Element) to look after them to align the system with Housing Benefit regulations

I'm reassuring the fairness
It simplifies matters
Seems logical
They should be treated the same
work at dwp !
because when people who genuinely need help , should not lose their benefit.
Disabled people should not be punished in this way
From recollection the two payments are not strictly speaking duplication and are meant to cover some different costs, although there is a significant overlap, so this seems unfair.
I am a carer and do not receive any help however people who need it should
If person given up a job to look after a disabled person
They still need financial support
They work hard for what they do
I haven't understood who would be effected by this
again the most vulnerable suffer
My mum relies on this to get the care she needs
Not through choice disabled
Stop inbreeding helps increase education, reducing the care allowance you do not see as its taxed
They need all the help they can get as a disabled man myself we are already the target for cuts
Those people in needs should be entitled to help without impact of partners income
Universal Credit (Carers Element) is not a problem solver and so I think it wrong to link Severe Disability Premium to it

Comment: The proposal is intended to align the rules for the treatment of Universal Credit (carer's element) to those that already exist within Housing Benefit for Carer's Allowance in order to make the treatment of these two benefits equitable and fair for everyone. Currently there are 17 households receiving Council Tax Reduction who are in receipt of Universal Credit (carers element) so they would see a reduction in CTR initially but after that everyone would be being treated fairly. For those affected by this change and are struggling to pay a shortfall in Council Tax the Council has a Discretionary Discount Policy and people can apply for additional assistance. The Council will also provide Debt Advice or Benefits maximisation assistance to customers who are struggling to pay their Council Tax where appropriate.

Overall comments about aligning Council Tax Reduction rules with Housing Benefit

As long as the hardworking population are treated fairly
Great idea then help to those working full time that get no support might get some
I believe it will make the system more efficient, therefore making it easier and more cost effective.
If the central government advises local government to conform in order to make efficiency savings then it makes sense to follow the proposals.
Uniformity
...
A lot of people who can work who don't
Common sense
CTR should run alongside HB
Cuts paperwork and administration and the need for so many useless public sector jobs.
Ease of administration could save money and ensure benefit is paid correctly rather than operating different rules which could result in mistakes
Good
I agree
Increase fairness
It keeps things in things prospective
It makes sense for the schemes to be aligned in order to be more efficient and hopefully reduce the costs that would arise from managing two completely different schemes. My only concern would be if these changes would impact those who are already struggling or are in vulnerable situations - should the CTR scheme be brought in line with the Housing Benefit scheme if the HB scheme is unfair?
It should work as it does now
it simplifies matters
It will help people get on track with own finances
It will make it consistent
Overall the two thigns seem similar and I see logic in linking them
You've got to make some changes if you are the government
Always reducing things causes more problems for these people who really need it.
I don't think the government's changes to the HB scheme are a good thing. I do however understand that aligning the two would make processes more streamlined and easier to understand.
Just think the government wrong
Loose money with increased costs in the household, and care responsibilities too much and common law will be demanded
Haven't a glue what your asking.
It needs to be fair.
NA
Because anything the tories propose, I disagree with, they are not a party i would vote for and they only have policies to help the wealthy, all these zero hour contracts, which i have at the moment seem to come about when they are i power, and lots of other bad things too.

If effects too many people who already are struggling
If the council I'd trying to do what the government has done the poor people will be even poorer
just because the tories are doing it nationally doesn't mean you have to do it locally - please stop this persecution of the poor.
will be terrible for vulnerable people make blackpool more of a poor place than it is already

Comments about providing additional assistance to vulnerable groups

good on you help the needy
Helping the not so fortunate is a good thing no one should have to struggle if they are trying
I agree that additional support should be offered as even a rather minimal council tax liability can be a significant problem for someone who is on a basic benefit income, or is dealing with additional disability costs etc. Although this would increase the costs of the scheme, if it would help to prevent vulnerable people from falling into debt with council tax (especially as the council tax may ultimately go unpaid anyway e.g. following insolvency) I believe this is worth the extra costs.
I am disabled and it would be great to get a bit extra help it would mean I could heat my flat more in the winter
I believe this would target money, to where it is most needed, I am particular pleased at the the council's acknowledgement to the armed forces covenant
If someone is vulnerable and on benefits they should be helped and not penalised for being vulnerable
It is needs based and compensates for certain other elements of the proposals.
The vulnerable should not be punished in this way
They don't get enough support
They should have all the help
This is one thing that is good for the vulnerable
To help those most in need is important.
Vulnerable people need more help
We should be taking extra care of all those are vulnerable within our society.
Again strong should support weak
Agree especially for the armed forces
Agree in some uses where the help is needed
Can't argue with that
Helps people
I agree but it shouldn't be to the cost of other council tax payers in the borough
If they need it they should get it
It makes sense
It's because people with severe disabilities need the help
We need to keep a focus on the needs of local residents
With no support they remain very vulnerable
I agree in principle, but disagree with the benefit being given to lone parents or those who are carer's.
I agree these groups deserve some help but where do you get your .8 million from?
see previous comments
The vulnerable groups mentioned already receive payments from the state far exceeding that of someone on Jobseekers or ESA and if any group needs additional support then it its these groups
Don't know
War widows, war pensioners, etc are not especially vulnerable.
Applications should be made on individual basis via the Discretionary Discount Scheme for a full assessment of their situation rather than a one size fits all policy.
Burden on other taxpayers

It's always the working class that are penalised for the rest. I get no reduction on my council tax so why should I increase what I pay to assist others AGAIN.

These vulnerable people may have sufficient benefit income already and the burden may fall on people who don't have sufficient income. Having a child under 5 does not necessarily make you a vulnerable person and incapable of managing your finances or working. If these groups are unable to manage based on their income they may benefit from advice on how to budget their income

Comments: The majority of respondents agreed with the proposals. For those who do not fall within the categories where additional support is being considered but are struggling to pay a shortfall in Council Tax the Council has a Discretionary Discount Policy and people can apply for additional assistance. The Council will also provide Debt Advice or Benefits maximisation assistance to customers who are struggling to pay their Council Tax where appropriate. Proposals will be considered next year to assist people who receive Job Seekers Allowance or Employment Support Allowance. Whilst protecting these vulnerable groups will incur an additional cost, the Council will not have to recover small amounts of Council Tax from these groups of people, which will save on administration costs.

Comments on other vulnerable groups the Council may wish to consider protecting

All
Any groups with low incomes
Building a new gypsy site
Disabled people
Don't know
Esa support group
Healthy working class ???
homeless
Homeless, closed shops they could change them to hostels to help the homeless, like the old post office and other closed buildings
i think hostels were offenders are being looked after to help them back in to society also need good support
Me
military veterans
No, although I would be less inclined to automatically include the services element
none that come to mind
Pensioners whose income is below the poverty line
People claiming ESA.
People getting back into work as an incentive to help them start again.
People including people with mental disabilities
People who work hard.... I work as does my partner... not enough to say we are comfortable but too much for any help off anyone.... you need to help those who are willing to help themselves
People with severe disabilities
Unemployed
Yes the elderly should get help
Young children and the elderly should be protected under the new proposals.

Comments:

- 1) Homeless and those living in hostels are not liable to pay Council Tax.

- 2) *Military veterans would not pay any Council Tax under the proposal to provide additional protection to vulnerable groups.*
- 3) *Claimants of pension age will continue to receive 100% support as they did under the old Council Tax Benefit rules and therefore do not need to pay a percentage after the means test calculation as Working Age customers do.*
- 4) *The proposals to assist customers in receipt of Disability Living Allowance would mean they did not have to pay any Council Tax.*
- 5) *For those who do not fall within the categories where additional support is being considered but are struggling to pay a shortfall in Council Tax the Council has a Discretionary Discount Policy and people can apply for additional assistance. The Council will also provide Debt Advice or Benefits maximisation assistance to customers who are struggling to pay their Council Tax where appropriate. Proposals will be considered next year to assist people who receive Job Seekers Allowance or Employment Support Allowance.*

20. If you have not been able to carry out any consultation, please indicate below how you intend to test out your findings and recommended actions.

N/A

STEP 6 - ACTION PLANNING

Please outline your proposed action plan below.

2013/14

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Lack of awareness of proposed scheme by protected groups	Consultation plan to include a number of groups representing people with protected characteristics	1. Set up consultation events with the following groups to ensure they have a better understanding of the scheme and it's impact on customers: <ul style="list-style-type: none"> ○ Faith Open Forum ○ Disability Partnership ○ Blackpool & Fylde LGBT Forum ○ Equalities Open Forum ○ Homelessness Group ○ Third Sector Groups 	Aug – Oct 2012	Policy / CTS Project Team	Completed

Issues/ adverse impact identified	Proposed action/objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Disabled people categorised by being currently in receipt of Employment Support Allowance (Support Component) or Long Term Incapacity Benefit	This group of people are unlikely to be able to increase their income being too ill to work. It is therefore recognised that they will require additional support	1. Identify affected customers 2. Develop a leaflet for disabled people who have received a bill showing the options for help and assistance. 3. Joint marketing campaign with Andy Reid to tell customers that they will be affected and what assistance we can provide e.g. debt advice, support into work programme etc 4. Monitor results of publicity and support on collection rates.	Dec 2012	CTS Project Team	Completed
			Dec 2012		Completed
			Dec 2012 Apr 2013 – Sep 2013		Completed
Disabled people in receipt of low rate Disability Living Allowance (Mobility and Care)	There is the potential for this group to be able to work, as is the Government's proposal. Provide assistance to target these people and try to support them in the move back to work	1. Identify affected customers 2. Develop a leaflet for disabled people who have received a bill showing the options for help and assistance. 3. Joint marketing campaign with Andy Reid to tell customers that they will be affected and what assistance we can provide e.g. debt advice, support into work programme etc 4. Monitor results of publicity and support on collection rates.	Dec 2012	CTS Project Team	Completed
			Dec 2012		Completed
			Dec 2012 Apr 2013 – Sep 2013		Completed
Full time Carers	This group of people are unlikely to be able to increase their income as they are	1. Identify affected customers 2. Develop a leaflet for people who have received a bill showing the options for help and assistance. 3. Joint marketing campaign with the carer's	Dec 2012	CTS Project Team	Completed
			Dec 2012		Completed

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
	unlikely to be able to go out to work. It is therefore recognised that they will require additional support	organisation to tell customers that they will be affected and what assistance we can provide e.g. debt advice etc 4. Monitor results of publicity and support on collection rates.	Dec 2012 Apr 2013 – Sep 2013		Completed
Take Up Campaign	There will be a number of customers who are not claiming the other Benefits they should be doing therefore a take-up campaign is proposed to help them increase their income.	1. Establish a joint campaign with Advice Link to promote the take-up of other unclaimed benefits.	Jan 2013 – Mar 2014	CTS Project Team	No specific work carried out with Advice Link but referrals to Fylde CAB for Benefits Maximisation are being made when people apply for CTRS Hardship Fund.
Benefits Maximisation	Ensure existing Benefit claimants are maximising all the benefits they should be receiving	1. Establish referral systems to ensure income maximisation e.g. to Advice Link, debt advice etc	Jan 2013 – Mar 2014	CTS Project Team	Completed, referral mechanisms in place for CTR customers who are struggling to pay
Customers with children under 5	There is the possibility that some of these customers will be unable to increase	1. Identify affected customers 2. Develop a leaflet for customers who have received a bill showing the options for help and assistance. 3. Joint marketing campaign with to tell	Dec 2012 Dec 2012	CTS Project Team	Completed Completed

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
	their income	customers that they will be affected and what assistance we can provide e.g. debt advice etc 4. Monitor results of publicity and support on collection rates.	Dec 2012 Apr 2013 – Sep 2013		Completed Completed
Customers with disabled children	There is the possibility that some of these customers will be unable to increase their income	1. Identify affected customers 2. Develop a leaflet for customers who have received a bill showing the options for help and assistance. 3. Joint marketing campaign with to tell customers that they will be affected and what assistance we can provide e.g. debt advice, etc 4. Monitor results of publicity and support on collection rates.	Dec 2012 Dec 2012 Dec 2012 Apr 2013 – Sep 2013	CTS Project Team	Completed Completed Completed Completed
Customers who are pregnant or are on maternity leave	There is the possibility that some of these customers will be unable to increase their income	1. Identify affected customers 2. Develop a leaflet for customers who have received a bill showing the options for help and assistance. 3. Joint marketing campaign with to tell customers that they will be affected and what assistance we can provide e.g. debt advice etc 4. Monitor results of publicity and support on collection rates.	Dec 2012 Dec 2012 Dec 2012 Apr 2013 – Sep 2013	CTS Project Team	Completed Completed Completed Completed
Customers who have learning difficulties	There is the possibility that some of these customers will be unable to increase their income	1. Establish referral systems to ensure income maximisation e.g. to Advice Link, debt advice etc	Apr 2013 – Sep 2013	CTS Project Team	Completed

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Customers may struggle to make monthly payments of Council Tax over the usual 10 month period	Review Collection Policy to ensure more flexibility is built in for payment plans and recovery action	1. Ensure payment periods are more flexible e.g. pay weekly, over 12 months	Apr 2013	CTS Project Team	Completed
		2. Ensure debt referral scheme is in operation for Council Tax arrears	Apr 2013		Completed
		3. Ensure there is a clear distinction between those who can't pay and those who won't pay	Apr 2013		Completed
Customers may end up suffering severe financial hardship	Develop Discretionary Discount Guidance for staff and provide training to staff to identify cases where there is an issue	1. Establish if a hardship scheme can be made available	Nov/Dec 2012	CTS Project Team	Completed
		2. Establish criteria to apply to the fund for Owner Occupiers	Dec 2012		Completed
		3. Establish criteria to apply to the fund for tenants	Dec 2012		Completed
		4. Ensure debt advice and benefit maximisation is available	Apr 2013		Completed
		5. Review and possibly reduce recovery of other Council bills e.g. Sundry Debts, Housing Benefit overpayment	Apr 2013		Completed
		6. Review any cases in receipt of Social Care in order to ensure Council Tax is disregarded in the financial assessment process	Apr 2013		Completed
		7. Ensure Disabled Parking Blue Badges have been claimed	Apr 2013 – Mar 2014		Completed
		8. Ensure Advice Link Problem Noticer training is delivered to all staff	Apr 2013 – Mar 2014		Completed
		9. Ensure a DHP award cannot be made	Apr 2013 – Mar 2014		Completed

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
		10. Ensure all available help from Housing Options has been explored	Apr 2013 – Mar 2014		Completed
Some groups may still not be aware of the changes to the scheme if we have not been able to target them	Consider additional targeted publicity to certain groups	1. Identify contact points for potential groups including: Polish Community Chinese Community African Caribbean Friends & Relatives Association Romanies Visually Impaired Hearing Impaired 2. Ensure there is access to Language Line to assist customers who do not have English as a first language Discuss access to leaflets in other languages with other Local Authorities	Jan 13 – Apr 13	CTS Project Team	No contact points established but still have close working relationship with Disability First group should referrals be required

2014/15

No change to the scheme

2015/16

No change to the scheme

2016/17

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Customers may end up suffering severe financial hardship	Review Discretionary Discount Guidance for staff and provide training to staff to identify cases where there is an issue	<ol style="list-style-type: none"> 1.Ensure the Council’s hardship scheme is still available 2.Review criteria to apply to the fund for Owner Occupiers 3. Review criteria to apply to the fund for tenants 4. Ensure debt advice and benefit maximisation is available 5.Review and possibly reduce recovery of other Council bills e.g. Sundry Debts, Housing Benefit overpayment 6.Ensure a DHP award cannot be made 7. Ensure all available help from Housing team has been explored 	<p>Jan 16</p> <p>Jan 16</p> <p>Jan 16</p> <p>Apr 16 – Mar 17</p> <p>Apr 16 – Mar 17</p> <p>Apr 16 – Mar 17</p> <p>Apr 16 – Mar 17</p>	CTS Project Team	Ongoing
Monitor legislation progress in case changes to the family premium affect existing CTRS customers	If this client group are impacted by the changes, contingency plans will be required	<ol style="list-style-type: none"> 1.Review Equality Analysis in light of any legislation changes 2.Ensure the Council’s discretionary hardship fund criteria is reviewed to consider additional support for affected customers 	<p>Apr 16 – Mar 17</p> <p>Apr 16 – Mar 17</p>	CTS Project Team	Ongoing

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Take Up Campaign	There will be a number of customers who are not claiming the other Benefits they should be doing therefore a take-up campaign is proposed to help them increase their income.	1.All frontline staff are aware of the potential that customers are not claiming all the benefits they are entitled to and where to signpost customers to. 2.	Jan 2016 – Mar 2017	CTS Project Team	Ongoing

2017/18

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Customers may end up suffering severe financial hardship	Review Discretionary Discount Guidance for staff and provide training to staff to identify cases where there	1.Ensure the Council's hardship scheme is still available 2.Review criteria to apply the fund for Owner Occupiers 3. Review criteria to apply the fund for tenants 4.Ensure debt advice and benefit maximisation	Jan 17 Jan 17 Jan 17 Apr 17 – Mar 18	CTS Project Team	

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
	is an issue	assistance is available 5. Review and possibly reduce recovery of other Council bills e.g. Sundry Debts, Housing Benefit overpayment 6. Ensure a DHP award cannot be made 7. Ensure all available help from Housing team has been explored	Apr 17 – Mar 18 Apr 17 – Mar 18 Apr 17 – Mar 18		
Monitor legislation progress in case there are changes to the proposed amendments to Housing Benefit, in which case alignment to HB rules may not apply	If this client group is no longer impacted by the changes the EA will need to be revisited	1. Review Equality Analysis in light of any legislation changes	Apr 17 – Mar 18	CTS Project Team	
Take Up Campaign	There will be a number of customers who are not claiming the other Benefits they should be doing therefore a take-up	1. All frontline staff are aware of the potential that customers are not claiming all the benefits they are entitled to and where to signpost customers to.	Jan 2017 – Mar 2018	CTS Project Team	

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
	campaign is proposed to help them increase their income.				

STEP 7 - ARRANGEMENTS FOR MONITORING AND REVIEW

Please outline your arrangements for future monitoring and review below.

Agreed action	Monitoring arrangements	Timeframe	Responsibility	Added to Service Plan etc.
Review of scheme and it's impact	Establish baseline position for review Review impact of scheme on protected characteristic groups Review collection rates amongst affected customers Consider whether discretionary policy is sufficiently robust	Apr 2017 - Mar 2018	CTS Project Team	
Potentially propose changes to the scheme as a result of the review	Consider consultation requirements Report to Full Council to formally adopt any recommended changes to the scheme	May 2017 – Jul 2017 Nov 2017	CTS Project Team	

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Date completed: 24th October 2016

Signed:



Name: Louise Jones

Position: Head of Benefits and Customer Services

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Council Tax Reduction Scheme Consultation 2016

Blackpool Council

In:fusion

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October 2016

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1 Executive Summary

78 people responded to the consultation on proposed changes to the Council Tax Reduction Scheme, including a mix of claimants, non-claimants and pensioners in the borough.

More respondents agreed than disagreed with all proposed changes to the Council Tax Reduction Scheme. The highest level of agreement was for reducing the period for which a person can be absent from Great Britain and still receive Reduction to four weeks, whilst the lowest level of agreement, relatively, was for the proposal to remove entitlement to the Severe Disability Premium where another person is paid Universal Credit.

Comments suggest agreement is generally driven by a view that the changes would make the scheme fairer and equal for all residents, whilst any disagreement tended to relate to the impact that the proposals might have on some residents, particularly those who are most vulnerable.

Figure 1.1: Summary of agreement levels for each proposal (actual numbers)

	Strongly agree or agree	Strongly disagree or disagree	Don't know
To reduce the period for which a person can be absent from Great Britain and still receive Council Tax Reduction to four weeks	56	17	3
To give additional support to vulnerable groups in the Council Tax Reduction Scheme	54	14	6
Overall agreement with proposed approach to align with Housing Benefit	45	16	12
To limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two	45	24	7
To reduce the element of a Work Related Activity Component in the calculation of the current scheme for new ESA applicants	41	21	14
To remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) to look after them	40	25	9

2 Background and Methodology

2.1 Background

The Council's local Council Tax Reduction Scheme replaced Council Tax Benefits from April 2013. The Council's scheme is based on the previous Housing/Council Tax Benefit Scheme, approved by Full Council in December 2012 after consultation was undertaken with residents of Blackpool, the Police, Fire Authority and other interested parties. The old Council Tax Benefit scheme was retained within the local reduction scheme and it has continued to protect pensioners, as prescribed by Central Government.

Central Government announced a number of welfare changes in its 2015 Summer Budget, some of these changes apply to the Housing Benefit Scheme. Blackpool Council is proposing that its Council Tax Reduction Scheme continues to align with the Housing Benefit Scheme and that the maximum % reduction does not change, but remains at 72.89%. This will aid an efficient/streamlined scheme and will mean that the Council would not have to consider changing the level of reduction or find savings from other Council services to cover additional administration costs.

2.2 Methodology

The Council agreed to undertake a consultation with residents and stakeholders in Blackpool to understand what impact, if any, the proposed changes would have on local people and to consider any alternative suggestions. The consultation comprised of an online survey which was made available on the Council website and supported by a range of communication, including an article in the Your Blackpool newsletter which is delivered to every household in the borough, social media updates and press releases. In addition, paper copies were made available in public buildings to ensure those residents who do not use the internet could access the consultation and independent research fieldworkers undertook face-to-face interviews in the Customer First centre in the final week of the consultation. The consultation went live on 22 August and closed on 16 October 2016, a period of 8 weeks.

78 responses were received to the consultation survey. Tables and charts within this report refer to actual number of respondents to ensure reliable interpretation of the findings.

In addition, the council consulted with its Council Tax preceptors and received a response from the Lancashire Fire and Rescue Service. This supported proposals which would align the Reduction Scheme with Housing Benefit, but expressed concern for the proposal to provide additional support to some vulnerable groups based on their potential loss of income as a result. In particular they expressed particular concern about the potential impact on them if all Lancashire authorities chose to adopt a similar scheme.

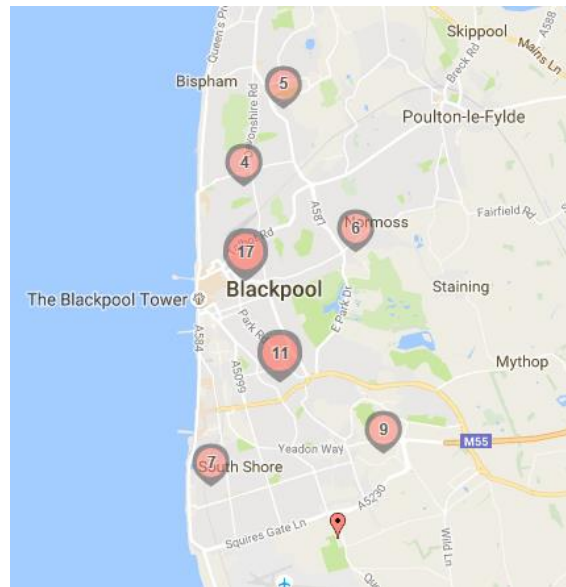
2.3 Who responded?

Figure 2.1: Respondent demographic information

Question options	Number of responses
Does your household receive Council Tax Support?	
Yes	23
No	44
Don't know	2
Are you...?	
Male	32
Female	37
Prefer not to say	1
Which age group do you belong to?	
18 to 24	4
25 to 34	8
35 to 44	12
45 to 54	25
55 to 64	11
65 to 74	9
75 or over	0
Prefer not to say	1
Do you have any children in the following age groups? (MULTIPLE RESPONSE)	
Under 5	11
5 to 10	10
11 to 16	8
Over 16	25
Don't have any children	20
Prefer not to say	4
Do you consider yourself to have a disability?	
Yes	17
No	52
Prefer not to say	0
What best describes your ethnic background?	
White	69
BME/ prefer not to say	0
Which of these best describes your current situation? (MULTIPLE RESPONSE)	
Full/ part time work or self-employed	40
Unable to work due to illness/ disability	12
Retired	12
Other	10
Prefer not to say	1

The map below illustrates the spread of responses received across the borough.

Figure 2.2: Map of valid postcodes received from respondents (base – 60)



Map accessed from BatchGeo on 19 October 2016

3 Main Findings

3.1 Views on Specific Proposals

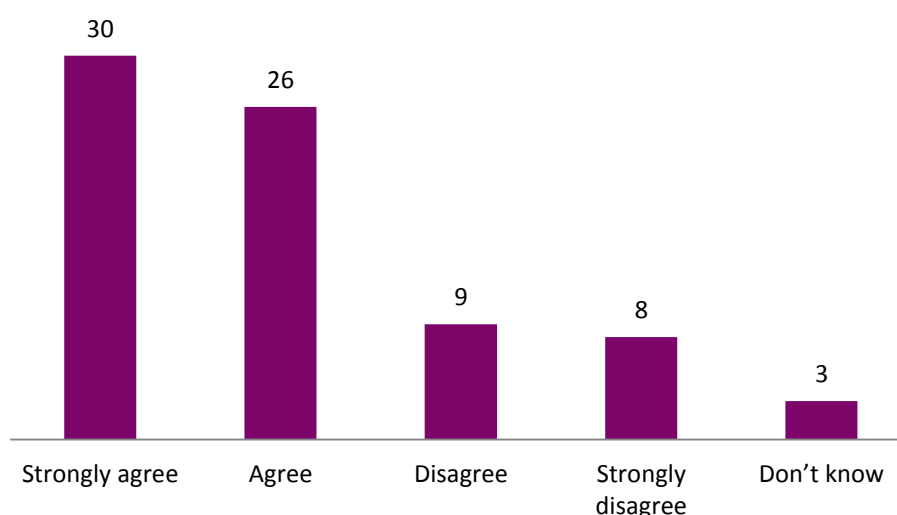
The consultation included six proposals relating to the Council Tax Reduction Scheme. For each proposal people were asked to what extent they agree or disagree and were also given the opportunity to explain their response.

56 of 76 people strongly agree or agree with the proposal to reduce the period for which a person can be absent from Great Britain and still receive Council Tax Reduction to four weeks.

45 comments were made on this proposal. The main comments in support of the proposal centred around the premise that people should not be claiming reductions and benefits if they are able to leave the country for such a period of time and they should not be receiving reductions if they are not in the country.

The main reason for people disagreeing is that they feel the proposal should consider extenuating circumstances when there might be a legitimate reason for someone being away from Great Britain for longer than four weeks, such as falling ill whilst abroad.

Figure 3.1: To what extent respondents agree or disagree with the proposal to reduce the period for which a person can be absent from Great Britain and still receive Council Tax Reduction to four weeks (base – 76)

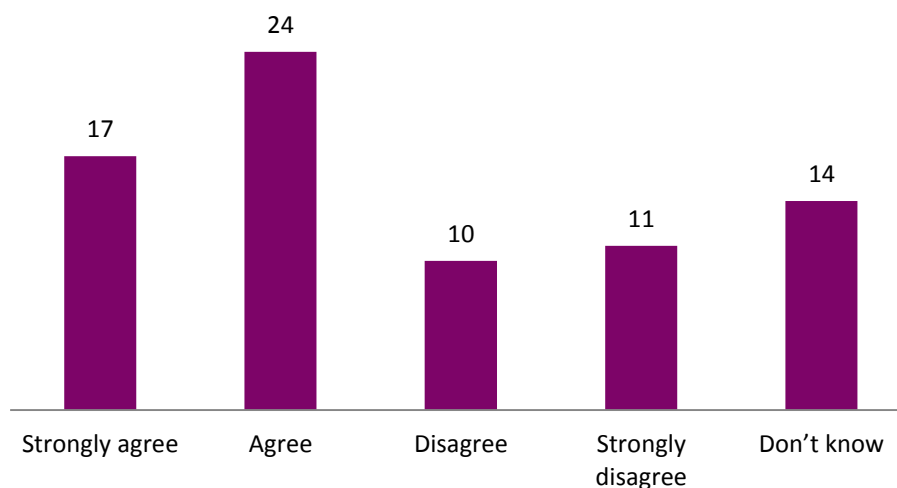


41 of 76 people strongly agree or agree with the proposal to reduce the element of a Work Related Activity Component in calculations for new ESA applicants. 21 people disagree or strongly disagree and 14 did not know whether they agree or not.

Of the comments made, the main reason for agreeing was that those people felt it was “fair” and “logical” to bring it in line, although some did agree with the caveat that those people it affects should not “see a difference” and “should be given as much help as possible”.

Of those who disagree with the proposal, reasons given included a perception that it would be “an added hardship” for those people who “get little enough money as it is”. Moreover, several comments suggested this would be unfair on people who are sick and vulnerable.

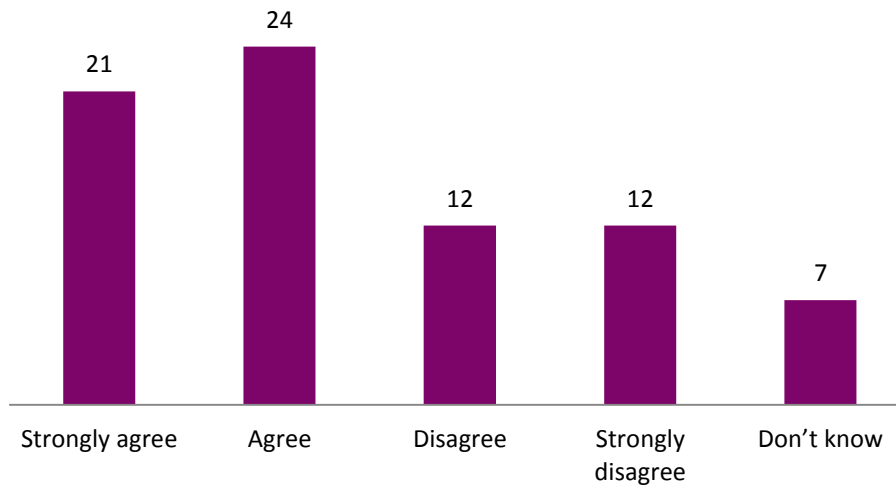
Figure 3.2: To what extent respondents agree or disagree with the proposal to reduce the element of a Work Related Activity Component in the calculation of the current scheme for new ESA applicants (base – 76)



45 of 76 people strongly agree or agree with the proposal to limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two. 24 people disagree or strongly disagree with this proposal and 7 do not know.

Of the comments received, those who agree tend to feel that children “should not be seen as a source of income” and that it should be the family’s responsibility to financially support additional children in a household. However, disagreement tended to relate to a view that the proposal would effectively penalise larger families and could have an impact on larger families and the children themselves.

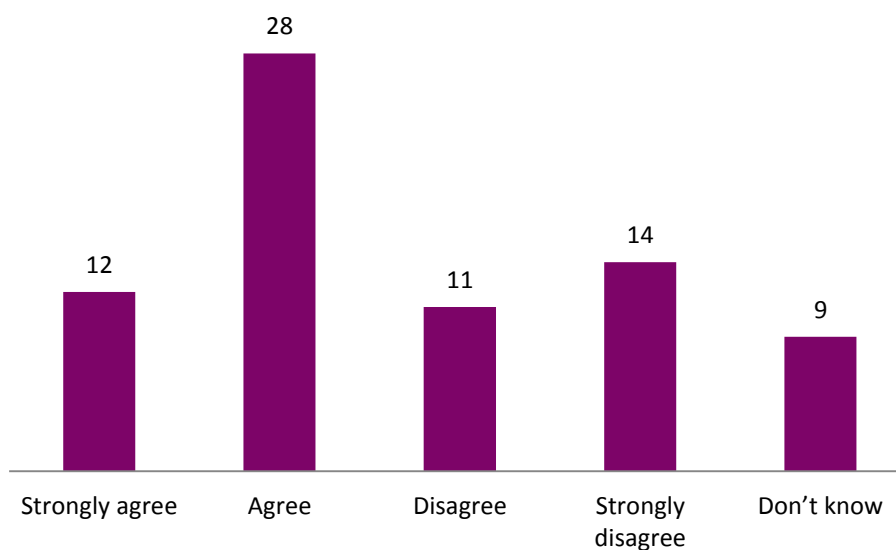
Figure 3.3: To what extent respondents agree or disagree with the proposal to limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two (base – 76)



40 of 74 people strongly agree or agree with the proposal to remove entitlement to the Severe Disability Premium where another person is paid the Carers Element of Universal Credit. 25 people disagree or strongly disagree with the proposal and 9 do not know.

Of the comments received, people generally agreed because they see the proposal as fair, consistent and simplified. However, those who disagree feel it could leave some of the most vulnerable residents worse off.

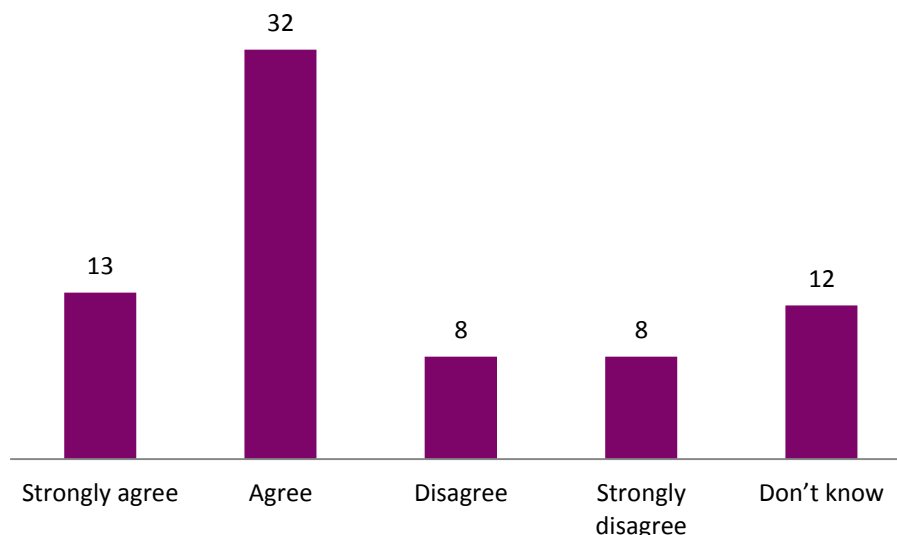
Figure 3.4: To what extent respondents agree or disagree with the proposal to remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) to look after them (base – 74)



45 of 73 people strongly agree or agree with the overall approach to align Council Tax Reduction with Housing Benefit. 16 people disagree or strongly disagree and 12 do not know.

Of the comments received, people generally agree with the approach because it is seen to make sense and will ensure the council can run an efficient scheme which is fair and consistent. Some of the people who agree with the approach did note some concern though that any changes might impact on residents who are vulnerable or struggling. Of those who disagree with the approach, some are in disagreement with the central government changes that the proposals align to and again feel that some specific proposals would adversely impact on residents.

Figure 3.5: To what extent respondents agree or disagree with the overall approach to align Council Tax Reduction with Housing Benefit (base – 73)

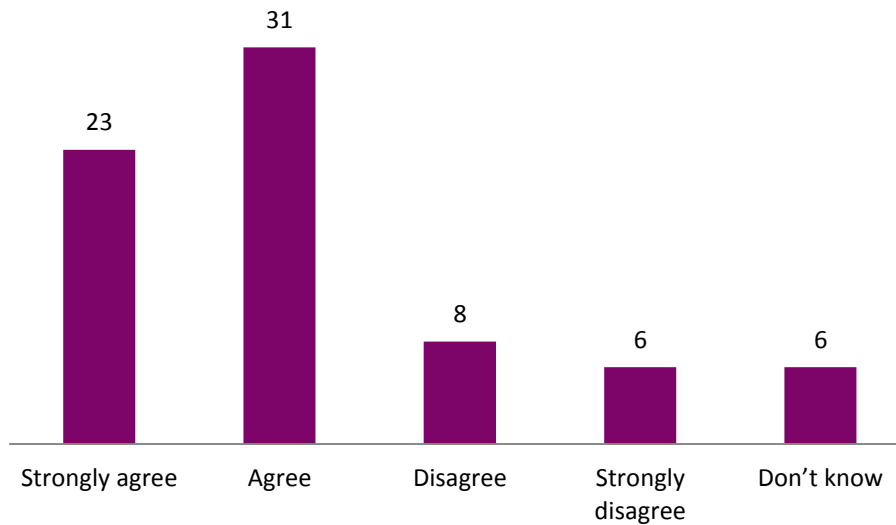


The final proposal, not related to alignment with central government changes to Housing Benefit, received strong support from respondents. 54 of 74 people strongly agree or agree with the proposal to give additional support to vulnerable groups in the Council Tax Reduction Scheme. 14 people disagree or strongly disagree and 6 do not know.

Of the comments received, people who agree with the proposal do so because they feel it is a good thing to support those who are most vulnerable. Those who disagree generally feel that that the additional cost to support vulnerable people would ultimately come at the expense of working people.

The consultation also asked if there are any particular vulnerable groups the proposal should focus on. Suggestions included people with disabilities, homeless people and low income working people.

Figure 3.6: To what extent respondents agree or disagree with the proposal to give additional support to vulnerable groups in the Council Tax Reduction Scheme (base – 74)

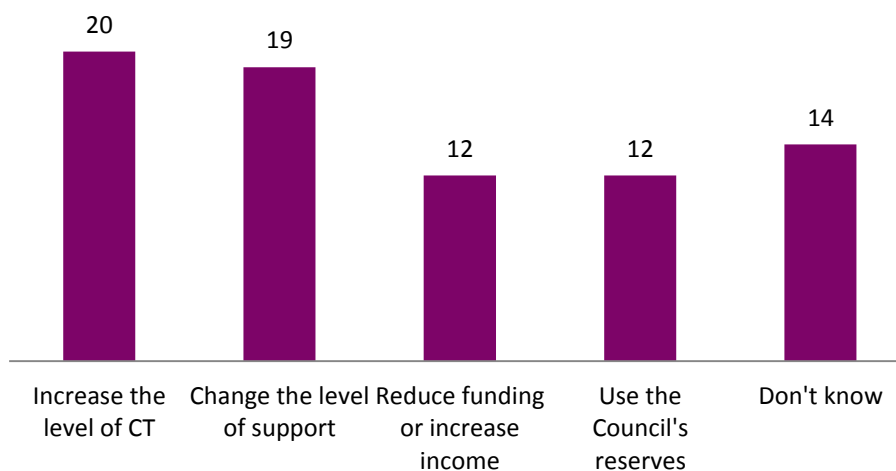


3.2 Other Suggestions and Comments

If the council does not align the Council Tax Reduction Scheme with Housing Benefit or provides additional support to vulnerable groups, 20 of the 78 people who responded indicated that the council should increase the level of Council Tax. Additionally, 19 people think the council should look at changing the overall level of support.

A range of alternative suggestions for making savings were also put forward by respondents including selling land and properties which are no longer profitable and reviewing staff salaries and expenses.

Figure 3.7: How any additional costs could be found if the Council Tax Reduction Scheme is not aligned to Housing Benefit (base – 78)



Finally, the consultation asked people what impact, if any, the proposed changes might have on them. More than half of the comments suggested that the proposals would not have any impact on them, including those of pensionable age who are protected. The main impact highlighted was that some people will be poorer as a result of the proposals.

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

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Council Tax Reduction Scheme138

DRAFT

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 from 1st April 2017.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 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 and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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 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

¹ Section 5 of this scheme

- calculated;
- g. not have capital savings above £16,000³;
 - 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 £16,000⁹;
- 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

The Standard Deduction

- The standard deduction shall apply to the council tax support calculated for all working age claimants. The percentage deduction can be found in Schedule 6.

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 claimants**

DRAFT

Sections 2- 8
Definitions and interpretation

DRAFT

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

2.1 In this scheme–

- '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;
- 'applicable amounts'** means the weekly amount set by the Council which represents basic day to day living expenses;
- 'appropriate DWP office'** means an office of the Department for Work and Pensions dealing with state pension credit or claim 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 and the, the Jobseekers Act and the Welfare Reform Act;
- 'care home'** in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;
- '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;
- 'child tax credit'** means a child tax credit under section 8 of the Tax Credits Act;
- 'the Children Order'** means the Children (Northern Ireland) Order 1995;
- 'claim'** means a claim for council tax support;
- 'claimant'** means a person who the authority designates as able to claim Council Tax Support – for the purposes of this scheme all references are in the masculine gender but apply equally to male and female
- '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;

'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' means the date on which the claim is made, or treated as made, for the purposes of this scheme

'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 2000 Act;

'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). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **'Back to Work Schemes'**;

'employment zone' means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and 2014 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 scheme;

'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;

'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 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b);

'he, him, his' also refers to the feminine within this scheme

'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 same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

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

'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 in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

'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;

'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 claimant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007;

'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 claimants 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 a claimant who changes the dwelling in which the claimant is resident and in respect of which the claimant 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 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, 61C, 96 and 97, the dwelling to which a claimant has moved, or is about to move, in which the claimant 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;

'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;

'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' means—

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

- (b) where a claimant is polygamously married to two or more members of his household, any such member to whom he is married;
- 'paternity leave'** means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;
- 'payment'** includes part of a payment;
- '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;
- '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;
- 'person affected'** shall be construed as a person to whom the authority decides is affected by any decision on for council tax support
- '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;
- '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 of the Finance Act 2004¹³;
- '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;
- 'public authority'** includes any person certain of whose functions are functions of a public nature;
- 'qualifying age for state pension credit'** means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act)—
- (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 or support week'** means a period of 7 consecutive days commencing upon a Monday and ending on 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;

¹³ As amended by the Finance Act 2014

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

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

'second adult' has the meaning given to it in Schedule 2;

'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.);
- 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 claimant' means a claimant 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;

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

'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 amended¹⁴; and **'young person'** has the meaning prescribed in section 9(1).

- 2.2 In this scheme, references to a claimant 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 scheme, 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 scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's

¹⁴ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- 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 scheme, 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 scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, 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 scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with a claimant or with whom a claimant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the claimant's family;
 - b. if the claimant 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 claimant 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 claimant, 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 claimant or the claimant's partner in respect of the occupation of the dwelling;
 - f. a person who lives with the claimant 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 claimant 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 claimant 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 Number¹⁵

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

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 as defined in section 2.2; and
 - iv. has not previously been allocated a national insurance number.

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

5.1 This scheme applies to a person if:

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

6.0 Remunerative work

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

¹⁵ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

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.

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 1971¹⁶ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
 - (f) a person who has humanitarian protection granted under those rules;
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
 - (h) in receipt of income support or on an income-related employment and support allowance;
 - (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4) or
 - (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an "accession State national subject to worker authorisation")
- 7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- 7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, 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;

¹⁶ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

“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.

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Sections 9 - 11

The family for Council Tax Support purposes

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9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
 - b. 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;
 - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
 - 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 (with or without children),
 - e. 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;
 - f. 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;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
 - c. 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;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or

- ii. in any other case the person who has the primary responsibility for him.

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 claimant and any partner and, where the claimant 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 claimant's household where he is—

- a. placed with the claimant 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 claimant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the claimant or his partner prior to adoption; or
- c. placed for adoption with the claimant or his partner in accordance with the Adoption and Children Act 2002¹⁷ 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 claimant 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 claimant 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 An authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the claimant's household in any reduction week where;

- a. that child or young person lives with the claimant 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 and the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

¹⁷ The Adoption and Children Act 2002 (Commencement No. 12) Order 2014

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Sections 12 – 14 & Schedule 1

Applicable Amounts for Council Tax Support purposes

- 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). **No family premium will be awarded where an application for reduction is received on or after 1st May 2016 or where the applicant would have become entitled to the family premium on or after 1st May 2016.**
 - i) Sub paragraph (c) shall not apply to a person who, on 30th April 2016, 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). **No family premium will be awarded where an application for reduction is received on or after 1st May 2016 or where the applicant would have become entitled to the family premium on or after 1st May 2016.**
 - i) Sub paragraph (d) shall not apply to a person who, on 30th April 2016, 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) whose partner has, or
- (c) who (jointly with his partner) has,

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

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

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

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

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

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

is to be calculated in accordance with the following provisions.

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

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

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

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

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

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

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

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the

Secretary of State for the purpose of determining that award

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

16.1 Where it appears to the authority that a non-dependant and the claimant 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 claimant, that authority shall, except where the claimant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the claimant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the claimant does possess.'

16.2 Where a claimant 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 claimant and any reference to the 'claimant' 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 a claimant 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 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 14.2 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 claimant'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 claimant'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 claimant or, if he is a member of a couple either the claimant 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 claimant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the claimant's family includes more than one child in respect of whom
- c. 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 a claimant is treated as possessing under section 32 (notional income) of this scheme.

18.0 Treatment of child care charges

18.1 This section applies where a claimant 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; 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 c) or d) 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 claimant for care, which is provided
- a. in the case of any child of the claimant'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 claimant'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 a claimant to a partner to a claimant 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 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 section 59(1) of the Public Services Reform Scotland Act 2010 Act 2001, or
 - ii. local authorities registered under section 33(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 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 2013 as appropriate;

- 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 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 (v) above;
 - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) 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 claimant, 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 claimant, 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 claimant 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 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; 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).

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 a claimant'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 19.1 a i) or ii) applies, where a claimant'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 claimant 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 claimant's employer to furnish an estimate of the claimant's likely weekly earnings over such period as the authority may require and the claimant's average weekly earnings shall be estimated by reference to that estimate.

19.3 Where the amount of a claimant'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 claimant's earnings shall be calculated in accordance with sections 25 and 26

20.0 Average weekly earnings of self-employed earners

20.1 Where a claimant'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 claimant'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 A claimant'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 a claimant received 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 quotient by 7.

23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of a claimant 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 quotient 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 a claimant 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 claimant'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 claimant's employer in respect of—
- g. travelling expenses incurred by the claimant under arrangements made for the case of a

- member of his family owing to the claimant's absence from home;
 - h. 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);
 - i. 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);
 - j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
 - k. 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;
 - l. any remuneration paid by or on behalf of an employer to the claimant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
 - m. 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 amended¹⁸.
- 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 a claimant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.
- 26.2 There shall be disregarded from a claimant'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 claimant 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 claimant 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 claimant; 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.

¹⁸ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

- 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 a claimant are estimated under sub-paragraph (b) of paragraph 2) of section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the claimant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the claimant 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 any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the claimant 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 accommodate with the claimant under arrangements made by a local authority or voluntary organisation and payments made to the claimant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the claimant'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 claimant 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 claimant'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 shall 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 claimant'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 a claimant'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 28.1a) the net profit of the employment shall be calculated;

- a. by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment (where self-employed accounts can be provided); or
- b. as an amount determined by multiplying the national minimum wage by 16 hours per week or the number of hours shown on any Tax Credit letter.

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 a claimant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined

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

28.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the claimant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

29.2 The amount to be deducted in respect of national insurance contributions under paragraphs 28.1 1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of—

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the

applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small 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.

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 a claimant which does not consist of earnings to be taken into account shall, subject to paragraphs 27.2 to 27.8, be his gross income and any capital treated as income under section 31 (capital treated as income).

30.2 There shall be disregarded from the calculation of a claimant's gross income under paragraph 30.2, 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 claimant 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, 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 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 27.1 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—

$$\frac{A - (B \times C)}{D}$$

D

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until he 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—

a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—

i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

‘whichever of those dates’ is earlier

‘quarter’ in relation to an assessment period means a period in that year beginning on;

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 a claimant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 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 claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.

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 claimant’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 1973 Act shall be treated as income
- 31.5 Where an agreement or court order provides that payments shall be made to the claimant in consequence of any personal injury to the claimant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the claimant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

- 32.1 A claimant 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 claimant 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 claimant upon application being made, but which has not been acquired by him, shall be treated as possessed by the claimant 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 claimant 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 claimant or, as the case may be, by that member;
 - b. to a third party in respect of a single claimant 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 claimant 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 claimant 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 claimant or member is liable;
 - c. to a single claimant 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 claimant 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 previous participation in the Mandatory Work Activity Scheme;
 - e. 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 a claimant 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 claimant 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. claimant 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 claimant as possessing such earnings (if any) as is reasonable for that employment unless the claimant 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 a claimant 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 claimant'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 claimant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the claimant's or the claimant'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 a claimant 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 a claimant 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 a claimant 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 (32.3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the claimant 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 claimant 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

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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 section 134(1) of the Act as it applies to council tax support (no entitlement to support if capital exceeds prescribed amount), the prescribed amount is £16,000.

34.0 Calculation of capital

34.1 For the purposes of this scheme, the capital of a claimant 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 a claimant'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 claimant's family shall not be treated as capital of the claimant.

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 claimant's account.

36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the claimant'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 a claimant 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 a claimant 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 a claimant 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 A claimant 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 claimant 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 claimant 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 claimant or, as the case may be, by that member;
 - (b) to a third party in respect of a single claimant 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 claimant 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 claimant 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 claimant or member is liable;
 - (c) to a single claimant 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 claimant 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 a claimant 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 claimant 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 a claimant 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 a claimant 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 claimant 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 claimant 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 (notional capital);
 - (c) where the claimant 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 claimant 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 (notional capital) and
 - (e) where the claimant 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 (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 the last ceased to be entitled to council tax support, whichever last occurred; and
- (b) the claimant would have been entitled to council tax support 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 claimant 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 risk' 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 a claimant possesses capital which is disregarded under paragraph 39(5) (notional capital) where a claimant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated 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 claimant is treated as possessing as if it were actual capital which the claimant does possess

42.0 Calculation of tariff income from capital

- 42.1 Where the claimant's capital calculated in accordance with this scheme exceeds £6,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 of in excess of £6,000 but not exceeding £16,000
- 42.2 Notwithstanding paragraph 42.1 where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly tariff income of £1.
- 42.3 For the purposes of paragraph 42.1, capital includes any income treated as capital under section 36 (income treated as capital).

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Sections 43 - 56

Definition and the treatment of students for Council Tax Support purposes

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 Young People's Learning Agency for England under sections 61 and 62 of the Apprenticeships, Skills, Children and Learning Act 2009 or the Chief Executive of Skills Funding under section 100 and 101 of that Act; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

'college of further education' means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

'contribution' means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
 - b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority 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 education authority as defined in section 12 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 Island, 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 Young People’s Learning Agency for England or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those bodies for the delivery of that course; or
- (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves;
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
- (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

‘full-time student’ means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

‘grant’ (except in the definition of ‘access funds’) means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds 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) 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

'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;

- (ea) 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.

- (f) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

- (g) who is a single claimant 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;

- (h) who is;

- (i) aged under 21 and whose course of study is not a course of higher education, or

- (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);

- (i) 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 For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

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.
- 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 50.0 (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 of 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 sub-paragraphs (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 the course;

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.

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 52.3 (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 claimant 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 claimant 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.

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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 100 per cent, of the amount A/B where;
- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
 - (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).
- 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 a claimant 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 claimant 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 a claimant 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 deductions¹⁹

- 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 reduction) shall be;
- (a) in respect of a non-dependant aged 18 or over in remunerative work, $\text{£}11.45 \times 1/7$;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\text{£}3.77 \times 1/7$.
- 58.2 In the case of a non-dependant aged 18 or over to whom paragraph 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—
- (a) less than $\text{£}195.00$, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
 - (b) not less than $\text{£}195.00$, but less than $\text{£}338.00$, the deduction to be made under this section shall be $\text{£}7.58 \times 1/7$
 - (c) not less than $\text{£}338.00$, but less than $\text{£}420.00$, the deduction to be made under this section shall be $\text{£}9.56 \times 1/7$;
- 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 In applying the provisions of paragraph 58.2 in the case of a couple or, as the case may be a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 58.5 Where in respect of a day—

¹⁹ The amounts shown within this section shall be updated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- 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:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - c. 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);
 - d. 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 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income:
- a. any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
 - b. any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation 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).

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

59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be 2 6/7 per cent. Where a claimant'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 Reduction of entitlement (Classes A & B)

59A.1 Any entitlement calculated in accordance with this scheme shall be reduced by a percentage as shown in Schedule 6. The standard deduction shall apply to the council tax support calculated for all working age claimants.

59A.2 Paragraph 59A.1 shall **not** apply in the following circumstances:

- Where the applicant or their partner receive Disability Living Allowance or a Personal Independence Payment; or
- An applicant who is a lone parent and who is responsible and resides with a child under 5 years old ; o r
- Where the applicant or their partners receives carers allowance; or
- Where the applicant or their partner is in receipt of a war pension, war widows pension, war disablement pension or equivalent

60.0 Extended reductions

60.1 A claimant 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 claimant or the claimant's partner was entitled to a qualifying income- related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the claimant or the claimant'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 claimant or the claimant'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), a claimant or a claimant'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 claimant or the claimant's partner was not entitled to any of those benefits because the claimant or the claimant'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 a claimant or a claimant'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 A claimant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to council tax support because the claimant vacated the dwelling in which the claimant was resident;
- (b) the day on which the claimant 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 a claimant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that claimant.

60A.0 Duration of extended reduction period

60A.1 Where a claimant 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 claimant, or the claimant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), a claimant or a claimant'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 claimant to whom the extended reduction is payable has no liability for council tax, 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 a claimant shall be the higher of—

- (a) the amount of council tax support to which the claimant was entitled under the general conditions of entitlement in the last reduction week before the claimant or the claimant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the claimant 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 claimant; or
- (c) the amount of council tax support to which the claimant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the claimant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.3 Where a claimant is in receipt of an extended reduction under this section and the claimant'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.

60C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

60C.4 Where—

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction until the end of the extended reduction period.

60D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement

60D.1 Where a claimant's council tax support award would have ended when the claimant 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 A claimant 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 claimant or the claimant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant'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 claimant or the claimant'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 claimant or the claimant's partner was not entitled to and not in receipt of a

qualifying income-related benefit in the last reduction week in which the claimant, or the claimant's partner, was entitled to a qualifying contributory benefit.

61.2 A claimant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where;

- (a) the claimant ceased to be entitled to council tax support because the claimant vacated the dwelling in which the claimant was resident;
- (b) the day on which the claimant 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 a claimant 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 claimant, or the claimant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, a claimant or a claimant'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 claimant to whom the extended reduction (qualifying contributory benefits) is payable has no liability for council tax, 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 a claimant shall be the higher of;

- (a) the amount of council tax support to which the claimant was entitled under the general conditions of entitlement in the last reduction week before the claimant or the claimant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax support to which the claimant 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 claimant; or
- (c) the amount of council tax support to which the claimant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the claimant.

61B.2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where a claimant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the claimant'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.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

61C.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction (qualifying contributory benefits) until the end of the extended reduction period.

61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

61D.1 Where a claimant's council tax support award would have ended when the claimant 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 Generally²⁰

61E.1 Where;

- a. an application is made to a billing authority ("the current authority") for a reduction under this scheme, and
- b. the applicant, or the partner of the applicant, is in receipt of an extended reduction from
- c. (i) another billing authority in England;
(ii) a billing authority in Wales;
(iii) a local authority in Scotland, or
(iv) a local authority in Northern Ireland,

the current billing authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

²⁰ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 64 – 67
Changes of circumstances within Council Tax Support

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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 entitled from the reduction week following the date on which that application is made or 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 that reduction week.

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

67.1 For working age claimants, the effective date of change for any change in circumstances will be as follows;

- a. where the change increases the amount of support payable to the claimant **and where** the change has been notified to the authority in writing (or by any other method approved by the authority) within 21 days of the happening of the event, the Monday following the date of the change;
- b. where the change increases the amount of support payable to the claimant **and where** the change has been notified to the authority in writing (or by any other method approved by the authority) more than 21 days of the happening of the event, the Monday following the date notified of the change;
- c. In any other event, other than that specified in 67.2, the actual date of the change..

67.2 Subject to paragraph 67.3, 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 Any overpayment of Council Tax Support will be recoverable in full including any errors made by the claimant, their partner, family members, appointees, errors by the Council or its agent or any other areas of Government.

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Sections 68– 74

Claiming and the treatment of claims for Council Tax Support purposes

68.0 Who may claim²¹

- 68.1 In the case of a couple or members of a polygamous marriage an application shall 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 apply, 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 paragraph (2) does not apply to him, an 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 the authority has made an appointment under paragraph (3) or treated a person as an appointee under paragraph (5);
- (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 shall terminate when the authority is notified of the appointment of a person mentioned in paragraph (2).
- 68.5 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 paragraph (3).
- 68.6 Anything required by an 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 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.

69.0 Procedure by which a person may apply for a reduction under an authority's scheme²²

- 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 Part 4 of Schedule 7

²¹ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

²² Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

- Council Tax Reductions (Prescribed requirements) Regulations 2012 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 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. Any letter received from the Secretary of State for Work & Pensions in respect of any claim for another benefit shall be treated as a claim for Council Tax Reduction.
- 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 (c) 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

- (d) 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 Evidence and information²³

72.1 Subject to paragraph (2), a person who makes an application, or a person to whom a reduction under an authority's scheme has been awarded, shall 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 the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and shall do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.2 Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (4) applies.

72.3 Where a request is made under sub-paragraph (1), the authority shall;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty to notify the authority of any change of circumstances; and

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

- (b) without prejudice to the extent of the duty owed, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

72.4 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 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);

- (c) a payment which is disregarded under paragraph 29(9)(b) or (c) (non-dependant deductions) or paragraph 2(b) or (c) of Schedule 4 (second adult's gross income) other than a payment under the Independent Living Fund (2006).

72.5 Where an applicant or a person to whom a reduction under this 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 claim²⁴

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 paragraph (4) or (5) shall have effect when it is received.

74.0 Duty to notify changes of circumstances²⁵

74.1 Subject to paragraph (2), if at any time between the making of an application to an authority and a decision being made on it there is a change of circumstances which the applicant (or any person acting on his behalf) might reasonably be expected to know might affect his

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

entitlement to, or the amount of, a reduction under that authority's scheme, that person is under a duty to notify that 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.

74.2 The duty imposed on a person by sub-paragraph (1) does not extend to notifying changes in;

- (a) the amount of a council tax payable to the authority;
- (b) the age of the applicant or that of any member of his family;
- (c) in the case of an applicant on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, or who has an award of universal credit, in circumstances which affect the amount of income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit.

74.3 Notwithstanding paragraph (2)(b) or (c) an applicant is required by 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 ceases to be a child or young person.

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Sections 75- 90

Decisions, decision notices and awards of Council Tax Support

75.0 Decisions by the authority²⁶

75.1 An authority must make a decision on an application for a reduction under its scheme within 14 days or as soon as reasonably practicable thereafter.

76.0 Notification of decision²⁷

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 74.1;
- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

76.4 The written statement referred to in paragraph 76.3 must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

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 68.3

77.0 Time and manner of granting council tax support²⁸

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

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

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

- 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 paid²⁹

- 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 an 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.

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

79.0 Shortfall in support / reduction³⁰

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 entitled³¹

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 – 90.0 Not used

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

³¹ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

Sections 91 – 94

Collection, holding and forwarding of information for Council Tax Support purposes

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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) make a record of such information; and
- (b) 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 and Checking 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.

94.2 By law, we may check the information you have provided, or information provided about you by someone else, against other information we already have. We may also ask other agencies, organisations, local authorities or government departments to give us information they have about you. This is to make sure the information you have given us is accurate, and to prevent or detect crime and to protect public funds.

³² Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

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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 where that person is;
- a. a claimant;
 - 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 request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Support.

98.0 Terminations

- 98.1 The authority may terminate, in whole or in part the Council Tax Support where it appears to the authority that an issue arises;
- a. whether the conditions for entitlement to Council Tax Support are or were fulfilled; or
 - b. whether a decision as to an award of such a support should be revised or superseded.
 - c. where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

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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 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 Act³⁴.

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³³ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

³⁴ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

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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) (a) section 13A(1)(c) of the 1992 Act³⁵

100.1 Full details of how of to apply for a discretionary reduction can be found in the Council's Council Tax and Business Rates Discretionary Discount Scheme.

100.2 The Council may make an additional discretionary award, which could be granted in accordance with either S13A (1)(a) or S13A (1)(c) of the Local Government Finance Act 2012

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³⁵ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

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Section 101 – 106A³⁶

Electronic Communication

³⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) 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.

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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 fulfil 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.

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Schedule 1
Applicable Amounts³⁷

³⁷ The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006

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;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. 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
(c) third or subsequent dependent child or young person whose date of birth falls on or after 1 st April 2017	NIL

(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

- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;

- b. in any other case, £17.45;
- c. **No family premium will be awarded where an application for reduction is received on or after 1st May 2016 or where the applicant would have become entitled to the family premium on or after 1st May 2016.**
 - i) Sub paragraph (c) shall not apply to a person who, on 30th April 2016, 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.
 - (c) (i) above does not apply if—
 - (a) sub-paragraph 3 c (i) (a) or (b) of that paragraph ceases to apply; or
 - (b) the person makes a new claim for Council Tax Reduction;
- d.

Premiums

- 4. Except as provided in paragraph 5, the premiums specified in 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 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
 - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
- 7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

- 8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

- 9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£32.25
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£45.95
Severe Disability Premium	£61.85
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
i. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£61.85
ii. in a case where there is someone in receipt of carer's allowance or universal credit carers element or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
iii. in a case where there is no one in receipt of such an allowance	£123.70
Disabled Child Premium	£60.06 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£34.60 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006

Enhanced Disability Premium

(a) £24.43 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied;

(b) £15.75 in respect of each person who is neither–

(i) a child or young person; nor

(ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied;

(c) £22.60 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £29.05. The amount of the support component is £36.20. The component **will not** apply where the applicant has been awarded Employment and Support Allowance on or after 1st April 2017 **and** been placed in the Work Related Activity Group.

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
Not Used

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Schedule 3

Sums to be disregarded in the calculation of earnings

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1. In the case of a claimant 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 claimant 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), or (j).
2. In the case of a claimant who, before first day of entitlement to council tax support;
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated, any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of a claimant 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, £20; but notwithstanding section 15 (calculation of income and capital of members of a claimant's family and of a polygamous marriage) if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the claimant'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 claimant is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) he 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 claimant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the claimant and, subject to sub-paragraph (2), where the claimant's applicable amount includes an amount by way of the carer premium, £20 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 claimant 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 £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of a claimant who is a member of a couple and whose earnings are less than £20, 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 £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the claimant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the claimant, £20 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 claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except to the extent specified in sub-paragraph (2).
 - (2) If the claimant'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 claimant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the claimant's earnings disregarded under this paragraph exceed £20.
9. Where the claimant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single claimant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.
10. In a case to which none of the paragraphs 3 to 9 applies, £5.
- 10A. (1) Where;
 - (a) the claimant (or if the claimant 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 claimant 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 claimant'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 £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.
- (5) This sub-paragraph applies to a person who is;
 - (a) in receipt of a contributory employment and support allowance;
 - (b) in receipt of incapacity benefit;
 - (c) in receipt of severe disablement allowance; 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 a claimant 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 claimant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
12. Where a claimant 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 claimant 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 claimant, or if he is a member of a couple, either the claimant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
 - (b) the claimant—
 - (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 claimant'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 claimant 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 claimant'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.

17. In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

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Schedule 4

Sums to be disregarded in the calculation of income other than earnings

DRAFT

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 claimant 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 a claimant 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 paragraph 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 a claimant 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 claimant 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 claimant's income.
6. Where the claimant, or the person who was the partner of the claimant 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 or personal independence payment
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 claimant 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 (d) (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 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 claimant 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 a claimant 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 claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant 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 claimant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the claimant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the claimant; 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 claimant in consequence of any personal injury to the claimant.
 - (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 claimant, or a former partner of any member of the

- claimant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant's family.
16. 100% of a) and b) and £10 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant by a child or young person or a non-dependant.
- 22. Where the claimant 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 claimant 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 claimant 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 claimant which is used by the third party to provide benefits in kind to the claimant.
- 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 claimant 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 claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the claimant 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 claimant or his partner for a person ('the person concerned'), who is not normally a member of the claimant'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 claimant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the claimant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the claimant.

- 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 claimant 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 claimant 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 a claimant'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 claimant'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 claimant'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 claimant'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 claimant'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 claimant'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.

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. (1) Where a claimant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the claimant's former partner, or the claimant's partner's former partner.
(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.
(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A. (1) 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.
(2) In paragraph (1) 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
(a) the Child Support Act 1991;
(b) the Child Support (Northern Ireland) Order 1991;
(c) a court order;
(d) a consent order;
(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.
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 claimant 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 claimant's family.
- (2) If the claimant 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 claimant'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 claimant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the claimant 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
- 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 claimant or where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant 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 a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, 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 claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant 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. Not used
65. 65. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
66. Any payment of child benefit.

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Schedule 5
Capital to be disregarded

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1. The dwelling together with any garage, garden and outbuildings, normally occupied by the claimant 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 claimant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the claimant 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 claimant, 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 claimant 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 claimant 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 claimant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single claimant 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 claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where a claimant 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 claimant 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 claimant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the claimant 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 claimant 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 claimant 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 claimant 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 claimant;
 - (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 claimant 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 claimant (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 claimant to complete the purchase.

12. Any personal possessions except those which have been acquired by the claimant 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 claimant or claimant'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 claimant or the claimant's partner in consequence of any personal injury to the claimant or, as the case may be, the claimant's partner.
(2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the claimant 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 claimant 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 claimant.(3) For the purposes of sub-paragraph (2)(c), the circumstances in which a claimant no longer possesses a payment or a part of it include where the claimant has used a payment or part of it to purchase an asset.
(4) References in sub-paragraphs (2) and (3) to the claimant 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 claimant.
(2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the claimant's care, and
- (b) is aged 18 or over, and (c) continues to live with the claimant.

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 claimant'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 claimant'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 claimant'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 claimant'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 a claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 claimant 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 a claimant 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 claimant 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 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 claimant 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 claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that

claimant 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 a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, 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 interment of—
- (a) the claimant;
 - (b) the claimant's partner;
 - (c) the claimant's deceased spouse or deceased civil partner; or
 - (d) the claimant'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 a claimant or a member of a claimant'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 a claimant or a member of a claimant'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 claimant, the claimant's partner, the claimant's deceased spouse or deceased civil partner or the claimant'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.
- 59** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the claimant or his partner relating to a service, which is provided to develop or sustain the capacity of the claimant 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 claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the claimant 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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Schedule 6
Council Tax Reduction Scheme

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For working age claimants, at the end of the assessment, a percentage reduction of 27.11% will be made.

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Report to:	EXECUTIVE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Relevant Cabinet Member:	Councillor Graham Cain, Cabinet Secretary (Resilient Communities)
Date of Meeting:	15 December 2016

PAN-LANCASHIRE HEALTH AND WELLBEING GOVERNANCE ARRANGEMENTS

1.0 Purpose of the report:

- 1.1 Earlier in the year Lancashire Leaders Group agreed that work should be undertaken to move to a new model of Health and Wellbeing Board governance, in the form of a single Health and Wellbeing Board for Lancashire, with five local area health and wellbeing partnerships, reflecting the local area health economies across Lancashire.

A Summit was held on 26 July 2016, which allowed existing Health and Wellbeing Board members from across Lancashire, to explore how their statutory responsibilities could be jointly delivered in line with the proposed model. Subsequently, joint proposals and terms of reference have been drafted for approval by each of the upper tier authorities in Lancashire. These are set out for approval in this report.

2.0 Recommendation(s):

- 2.1 To support the proposals for a new pan-Lancashire model for Health and Wellbeing Board governance set out in this report
- 2.2 To agree the draft terms of reference for the proposed Pan Lancashire Health and Wellbeing Board and Local Health and Wellbeing Partnerships, (Appendices 6a and 6b), which will be finalised during the shadow operation period and presented to the annual meeting of the Council for formal adoption
- 2.3 To note that the new pan-Lancashire model will operate in shadow form between January and March 2017 in accordance with the draft terms of reference
- 2.4 To support the principles for the new pan-Lancashire model for Health and Wellbeing Board governance arrangements for adoption and implementation from May 2017.

3.0 Reasons for recommendation(s):

3.1 The recommendations will allow the further development of the model of Health and Wellbeing Board governance across Lancashire.

It will further implement and embed the joint working proposals.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

To continue with the current arrangements for Health and Wellbeing Boards.

4.0 Council Priority:

4.1 The relevant Council Priority is: "Communities: Creating stronger communities and increasing resilience"

5.0 Background Information

5.1 Health and Wellbeing Boards are a key element of the Health and Social Care Act 2012 as a means to deliver improved strategic co-ordination across the NHS, social care, children's services and public health. Health and Wellbeing Boards are required to assess the needs and assets of the local population through joint strategic needs assessment, produce a joint health and wellbeing strategy that addresses these needs and builds on any assets, influence commissioning plans of organisations and promote joint commissioning and integrated provision.

5.2 Statutory responsibility for the provision of Health and Wellbeing Boards sits with upper tier authorities; which for Lancashire are Blackburn with Darwen Borough Council, Blackpool Council and Lancashire County Council.

5.3 The health and wellbeing system is changing at both pan-Lancashire level and at a local delivery level, in line with the Five Year Forward View for the NHS, national Sustainability and Transformation Plan (STP) agenda and the Combined Authority approach for Lancashire.

5.4 In light of these changes, the Leaders and Chief Executives from each of the Lancashire local authorities have worked together to design a new model for Health and Wellbeing Boards governance for the pan-Lancashire footprint.

- 5.5 The model reflects a need to ensure robust accountability of system changes linked to the Lancashire and South Cumbria Sustainability and Transformation Plan delivery and service reconfigurations and as such aligns itself to the delivery footprints for the Sustainability and Transformation Plan. The agreed model, outlined both Appendices 6b and 6c, takes the form of a single Health and Wellbeing Boards for the pan-Lancashire footprint, with five local area health and wellbeing partnerships (LHWBPs), reflecting the local health economies across Lancashire (Pennine, Central, West, Morecambe Bay and Fylde Coast)
- 5.6 The model has been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.
- 5.7 The first step to implementing the new governance model is for the upper tier authorities, who currently hold the statutory Health and Wellbeing Board duties, to develop a joint framework for delivering these responsibilities.
- 5.8 A summit was held on 26 July 2016, with 64 delegates attending from across the Health and Wellbeing Boards. Delegates were given an overview of the changing landscape for health and wellbeing and the future governance model that had been agreed through Lancashire Leaders. Participants considered the statutory role and responsibilities of Health and Wellbeing Boards and how these duties could be delivered through the new model, in particular;
- Governance and democratic influence
 - Promoting integration
 - Joint strategic needs assessments and health and wellbeing strategies
 - Membership
- 5.9 Senior representatives from the three upper-tier authorities developed the recommendations from the Summit into a proposal for consideration by Lancashire Leaders. This included draft terms of reference for a Pan Lancashire Health and Wellbeing Board and for the local area health and wellbeing partnerships (See Appendices 6b and 6c).
- 5.10 The proposals have been subject to legal appraisal, to ensure their lawfulness and were reported back to Lancashire Leaders on 18 November 2016. The key points for consideration are highlighted overleaf.

5.11 **Key Issues and Risks**

The key issues relating to the new model of Health and Wellbeing Board governance are as follows;

5.12 **Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategies (JHWS):**

Under the new model it is proposed that a pan-Lancashire Joint Strategic Needs Assessment/Joint Health and Wellbeing Strategy be introduced with the inclusion of chapters for each of the five local areas, to highlight local priorities and assets.

This will require the statutory duty for developing a Joint Strategic Needs Assessment/Joint Health and Wellbeing Strategy be delegated to the pan-Lancashire Health and Wellbeing Board, by the upper tier authorities, but in doing so there will be clear stipulations that local area needs and priorities be adequately reflected through appendices or chapters.

The rationale for this is:

- This work is already developed through the Lancashire and South Cumbria public health intelligence network, which includes representatives from Lancashire, Blackburn with Darwen and Blackpool
- The Lancashire and South Cumbria intelligence group can jointly agree what Joint Strategic Needs Assessment programme would be, they could lead across patch, with key topics/areas of focus being planned with engagement from all three statutory bodies
- This will allow the identification of key pan-Lancashire issues, that would benefit from a coordinated approach, whilst recognising there are local distinctions which can be identified for delivery at the local footprint level

5.13 **Promoting Integration (including Better Care Fund):**

Feedback from the Summit recommended that:

- There should be a common set of goals and ambitions for integration
- There is a need for a pan-Lancashire strategic framework but local influence for local delivery
- The Health and Wellbeing Board could “rise above” organisation boundaries and encourage what is right for people and the area - outcome focused, rather than organisational focus

It is therefore, recommended that the statutory duty for promoting integration should sit with the pan-Lancashire Health and Wellbeing Board on the proviso that the pan-Lancashire Health and Wellbeing Board set out ambitions and principles for integration, which are implemented across all levels of delivery, including at locality and neighbourhood level where relevant– this would be developed through full engagement with all areas.

5.14 Better Care Fund:

Arrangements in relation to the development and approval of Better Care Fund (BCF) plans will be defined during 2017, when the future direction of travel of the Fund both from a national Government point of view and a Lancashire and South Cumbria Sustainability and Transformation Plan point of view is known and understood. In considering this and feedback from the Summit the following recommendations are made:

- That the development and sign off for Better Care Fund plans for 2017/18 be conducted under the current statutory Health and Wellbeing Board arrangements
- That the framework for signing off Better Care Fund plans for 2018 onwards is reviewed, when agreement has been reached with regards to the operation of Better Care Fund within the Lancashire and South Cumbria Change Programme and the national direction of travel is confirmed

5.15 **Membership:**

Feedback from the Summit suggested that:

- Core Membership for the pan-Lancashire Health and Wellbeing Board should be as small as possible to enable productive discussions to take place
- A core membership should be prescribed for the local health and wellbeing partnerships, with the flexibility to co-opt other members as locally relevant
- A balance of elected member, public sector, and voluntary and community sector representation was needed
- Providers should be represented at the local area partnership level, rather than pan-Lancs.

These views are reflected in the initial draft membership proposals included in the Appendices, although these are subject to further consideration.

5.16 **Governance and Democratic Influence (including terms of reference):**

In order to ensure that both the pan-Lancashire Health and Wellbeing Boards and the local health and wellbeing partnerships operate effectively, take meaningful decisions and have productive discussions, that decision making processes are robust and transparent and that public and community engagement is key.

- Terms of reference have been developed for the pan-Lancashire Health and Wellbeing Board and the five local health and wellbeing partnerships, in conjunction with legal representatives, to formalise the recommendations of the Health and Wellbeing Board Summit held in July 2016. The draft terms of reference are shown at Appendices 6b and 6c. These will be finalised during the shadow phase and brought to each authority for decision as appropriate
- Ways of working between the pan-Lancashire Health and Wellbeing Board and the five local health and wellbeing partnerships will be considered during the shadow phase and reflected in the final terms of reference.
- Chairmen/vice chairmen from the local health and wellbeing partnerships would give updates on behalf of their group to the pan-Lancashire Health and Wellbeing Board, and will be expected to report back to their groups on key issues emerging from the pan-Lancashire Board
- The Board and partnerships operate a named deputy system, to ensure decisions can be taken in the absence of formal members

5.17 **Timescales for implementation:**

It is recommended that the new model be implemented from the start of the new municipal year. As such the following path to implementation is recommended.

5.18 **Review:**

Once enacted, the approach will be reviewed after twelve months, with any proposals for change being brought back to the Lancashire Leaders for consideration, with any changes to be agreed by the three partner authorities.

5.19 Does the information submitted include any exempt information? No

5.20 **List of Appendices:**

Appendix 6a: Proposed Timescales

Appendix 6b: Draft Pan-Lancashire Health and Wellbeing Board Terms of Reference

Appendix 6c: Draft local health and wellbeing partnerships Terms of Reference

6.0 Legal considerations:

- 6.1 There is a requirement under section 194 of the Health and Social Care Act 2012 (“the Act”) for local authorities to establish Health and Wellbeing Boards. Health and Wellbeing Boards are governed under local government legislation and are regarded as ‘committees of the Council’ (section 102 Local Government Act 1972).
- 6.2 Although Health and Wellbeing Boards are ‘committees of the Council’ they may, if delegated, exercise Executive functions. There is a duty on Health and Wellbeing Boards under the Act to encourage integrated working and gives responsibility for developing the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy. There are also other specific powers and responsibilities of Health and Wellbeing Boards in the Act and the in Local Government and Public Involvement in Health Act 2007.
- 6.3 Section 101 of the Local Government Act 1972 allows for two or more Local Authorities to exercise functions jointly through a joint committee and Section 198 of the Act allows two or more Health and Wellbeing Boards to make arrangements for any of their functions to be exercised jointly or by a sub-committee of the Boards.
- 6.4 The pan-Lancashire Health and Wellbeing Board will be required to comply with the above requirements under the Acts and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Each upper tier authority with statutory health and wellbeing functions must formally delegate specific functions to the newly established pan-Lancashire Health and Wellbeing Boards. The establishment and membership of the pan-Lancashire Health and Wellbeing Board will be under section 194 of the Act. The members of the Board will be required to comply with duties and restrictions relating to Disclosable Pecuniary Interests under the Localism Act 2011.
- 6.5 The arrangements and relationships between the pan-Lancashire Health and Wellbeing Board and the five local health and wellbeing partnerships relating to the exercise of the functions will need to be adequately reflected in the Terms of References of the Board and the Partnerships.

7.0 Human Resources considerations:

- 7.1 Administrative support arrangements for the pan Lancashire Health and Wellbeing Board will be agreed between the upper tier authorities
- 7.2 To date there has been input into the development of these proposals from legal, finance and public health departments within the three Councils. It is anticipated that there will be a continued requirement for officer support from these

departments for this programme of work.

8.0 Equalities considerations:

8.1 None directly, although the work of the Health and Wellbeing Board in whatever arrangements will continue to be focussed on reducing health inequalities.

9.0 Financial considerations:

9.1 There are no specific financial requirements associated with this report. Any future implications associated with these arrangements will be presented to the Board along with detailed plans in respect of the Better Care Fund.

10.0 Risk management considerations:

10.1 As outlined in the Background Information section above.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 As outlined in Background Information section above.

13.0 Background papers:

13.1 None

14.0 Key decision information:

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to

be exempt from the call-in process?

No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1

Appendix 6a: Timescales for implementation:

It is recommended that the new model be implemented from the start of the new municipal year. As such the following path to implementation is recommended.

November to January 2016	<ul style="list-style-type: none">• Draft Terms of reference endorsed by Lancashire Chief Executives and Lancashire Leaders• Council (upper tier) approval through Cabinet/Executive and Full Council• Continue engagement with statutory HWBs on the new proposals• Statutory boards build relationships with local area partnerships, potentially through joint meetings/workshops to begin to identify membership; ways of working; key priorities etc.
January to March 2017	<ul style="list-style-type: none">• Operate in shadow form with members agreed and in place• Finalising of terms of reference for each group, taking feedback from Cabinets/Executives and Full Councils• Communications on ways of working from May 2017• Existing statutory HWBs will meet, including signing off Better Care Fund Plans for 2017/18, in March 2017 (subject to national timescales)
1st April 2017 – June 2017	<ul style="list-style-type: none">• Final terms of reference for pan-Lancashire HWB and LHWBPs agreed by the three partner authorities in May 2017 and formally transfer statutory powers from existing three HWBs• Inaugural meetings of new HWB and LHWBPs• Formal agreement of chair and vice-chair

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Appendix 6b: LOCAL AREA HEALTH AND WELLBEING PARTNERSHIP

TERMS OF REFERENCE

Introduction

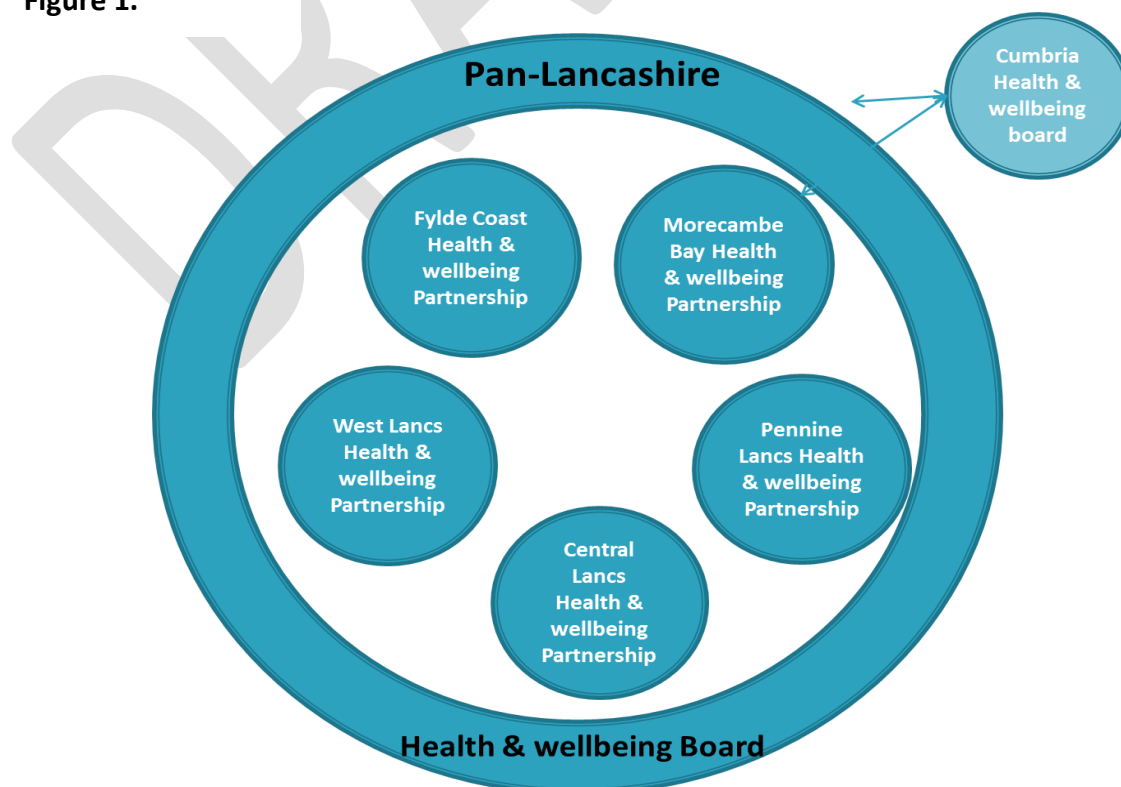
Health and Wellbeing Boards are a key element of the Health and Social Care Act 2012 and they are a means to deliver improved strategic co-ordination across the NHS, social care, children's services and public health. The Boards must assess the needs and assets of the local population, producing a strategy that addresses these needs and builds on any assets, influences commissioning plans of organisations and promotes joint commissioning and integrated provision. Statutory responsibility for the provision of health and wellbeing boards sit with upper tier authorities, which for Lancashire is Blackburn with Darwen Borough Council, Blackpool Borough Council and Lancashire County Council. For the purposes of this terms of reference the three upper tier authorities with statutory responsibility for health and wellbeing will be referred to as the three statutory health and wellbeing authorities.

The health and wellbeing "system" is changing at both a pan-Lancashire level and at a local delivery level, in line with the Five Year Forward View for the NHS, national Sustainability and Transformation Plan (STP) agenda and the Combined Authority approach for Lancashire.

In light of these changes, the Leaders and Chief Executives from each of the Lancashire local authorities have worked together to design a new model for health and wellbeing board governance for the pan-Lancashire footprint. The model reflects a need to ensure robust accountability of system changes linked to the Lancashire and South Cumbria STP delivery and service reconfigurations and as such aligns itself to the delivery footprints for the STP. The agreed model, presented in Figure 1 below, takes the form of a single Health and Wellbeing Board for the pan-Lancashire footprint, with five local area health and wellbeing partnerships (LHWBPs), reflecting the local health economies.

The model has been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.

Figure 1.



Local Area Health and Wellbeing Partnership
Terms of Reference

1. Aims

- 1.1 To improve life chances for the residents of <INSERT AREA> by improving health and wellbeing, creating healthy places and reducing health inequalities, giving all people the opportunity to Start Well, Live Well and Age Well;
- 1.2 To provide local accountability for improved health and wellbeing (morbidity, mortality, quality of life) and health equity outcomes for the population of Lancashire;
- 1.3 To promote integration and partnership working between the NHS, social care, public health and other local services.

2. Purpose

- 2.1 To support the pan-Lancashire Health and Wellbeing Board in its preparation of a Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS);
- 2.2 To ensure the implementation of the pan-Lancashire Joint Health and Wellbeing Strategy within their local delivery area and the achievement of associated outcomes;
- 2.3 To approve plans for joint commissioning and pooled budget arrangements relevant to their local delivery area, so people are provided with better integrated care and support;
- 2.4 To make recommendations to the pan-Lancashire Health and Wellbeing Board in respect of the local area CCG commissioning intentions and plans for joint commissioning and pooled budget arrangements relevant to their local delivery area;
- 2.5 To oversee the implementation of plans for joint commissioning and pooled budget arrangements, within their local delivery area
- 2.6 To lead close working between commissioners and providers of health and social care services and other health related services within <INSERT AREA>, such as housing and other local government services, across Lancashire and other relevant footprints;
- 2.7 To influence the development of major plans and service redesigns of health and wellbeing related services both within their local delivery area and at the pan-Lancashire level, to ensure that local needs are understood and reflected within proposals.

NB arrangements in relation to the development and approval of Better Care Fund plans will be defined during 2017, when the future direction of travel of the Fund

both from a national Government point of view and a Lancashire and South Cumbria STP point of view is known and understood.

3. Accountability

3.1 The Partnership will be accountable to the pan-Lancashire Health and Wellbeing Board; the relevant local Council and Clinical Commissioning Group governing bodies, by ensuring access to meeting minutes and presenting papers as required;

3.2 The local area Clinical Commissioning Groups will report to the Partnership on a regular basis, by ensuring access to meeting minutes and presenting papers as required;

4. Leadership

4.1 Leadership of the Partnership is as follows:

- Chair – a councillor
- Vice-chair – a CCG representative

5. Membership

5.1 Core membership:

- A representative from each district level council relevant to the area
- A representative from each CCG relevant to the area
- A representative from Lancashire County Council
- The relevant Divisional Commander of Lancashire Constabulary
- The relevant Chief Officer of Lancashire Fire and Rescue Service
- One or more VCFS representatives
- A Healthwatch representative
- Children's services; adult services and public health departmental representatives
- <For the Morecambe Bay area only - A representative from the relevant HWBB for Cumbria>

5.2 Provider representatives relevant to the local area will also be invited to form part of the Partnership, however, these members will not have voting rights;

5.3 The co-option of other members, including any lay members, will be at the discretion of the Partnership;

5.4 Named deputies for Partnership members are as follows;

- To be agreed

5.5 The Chair and Vice Chair will keep under review the membership of the Board and if appropriate will make recommendations on any changes to the core membership as required, to continue to respond to changes in the system.

6. Voting members

- 6.1 The core members outlined above, or their nominated deputies, will be the only individuals with voting rights.

7. Invited members

- 7.1 Additional members may be invited *at the discretion* of the Partnership to specific meetings. These are *likely* to include:

- Representatives from the NHS Commissioning Board
- Local authority directors or heads of service
- Other officers of the local authorities, NHS and other local health and wellbeing stakeholders
- Other councillors of the local authorities.

- 7.2 Invited members will not have voting rights.

8. Decision making

- 8.1 The Partnership will need at least a third of its membership <INSERT EXACT NUMBER RELEVANT TO AREA> to be quorate – this must include one member from each of the relevant local authorities and one Clinical Commissioning Group member. Voting members will appoint deputies with the agreement of the Chair;

- 8.2 Where consensus cannot be reached the matter will be decided by a simple majority of those voting members present in the room at the time the question was put. The Chair will take the vote by a show of hands. If there are an equal number of votes for and against, the Chair will have a second or casting vote.

9. Roles and responsibilities of Partnership members

- 9.1 To work together effectively to support the production and delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy;

- 9.2 To work within the Partnership to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership;

- 9.3 To participate in Partnership discussions to reflect the views of their organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery;

- 9.4 To champion the work of the Partnership in their wider work and networks and in all individual community engagement activities;

- 9.5 To share any changes to strategy, system configuration and performance pertinent to their own partner organisations, with the Partnership, outlining the consequences of such on budgets and service delivery, to allow the Partnership to consider the wider system implications;

9.6 To ensure that there are communication mechanisms in place within their organisations to enable information about the Partnership's priorities and recommendations to be effectively disseminated;

10 Agenda setting and notice of meetings

10.1 The agenda will be developed by partnership representation at agenda setting meetings and membership of this group is, as a minimum, Chair and Vice-chair.

10.2 Any agenda items or reports to be considered at the meeting should be submitted to the nominated Council's Democratic Services no later than seven working days in advance of the next meeting. No business will be conducted that is not on the agenda, unless agreed with the Chair prior to commencement of the meeting.

11 Procedure at meetings

11.1 Meetings of the Board are not required to be open to the public

11.2 The Partnership may also hold development / informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.

12 Conflict of interest

12.1 In accordance with the Combined Authority's Committee Procedure Rules, at the commencement of all meetings all Board members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest;

12.2 In the case of non-pecuniary matters members may remain for all or part of the meeting, participate and vote at the meeting on the item in question;

12.3 In the case of pecuniary matters members must leave the meeting during consideration of that item.

13 Code of conduct

13.1 All Councillors and co-opted members of Council committees are required to comply with the Code of Conduct of the Combined Authority <insert relevant section when finalised> Therefore, all voting members of the Board will be required to comply with the Code of Conduct.

13.2 Sections of the Combined Authority Code of Conduct, relevant to declarations of interest to be inserted once finalised.

13.3 The NHS Commissioning Board (NHS England) is under a duty to issue guidance to CCGs on the exercise of their functions in relation to conflicts of interest and CCGs must have regards to such guidance. This list is not exhaustive – as non-Councillor members of Board may also be bound by other codes of conduct and professional standards. It should also be noted that the public law notions of predetermination and bias will also apply.

13.4 As a matter of process, each agenda of the Health and Wellbeing Board will have "Declarations of Interest" as a standing item.

14 Governance

- 14.1 The Health and Wellbeing Partnership is a sub-committee of the pan-Lancashire Health and Wellbeing Board, which in-turn is a committee of the statutory HWB councils established in accordance with section 102 LGA 1972. Reports before the Board requiring decision will have gone through necessary governance of the author / owner as applicable. Reports will also be clear what and to whom the recommendations apply. A full copy of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) is available on request.

DRAFT

Appendix 6c: PAN LANCASHIRE - HEALTH AND WELLBEING BOARD

TERMS OF REFERENCE

Introduction

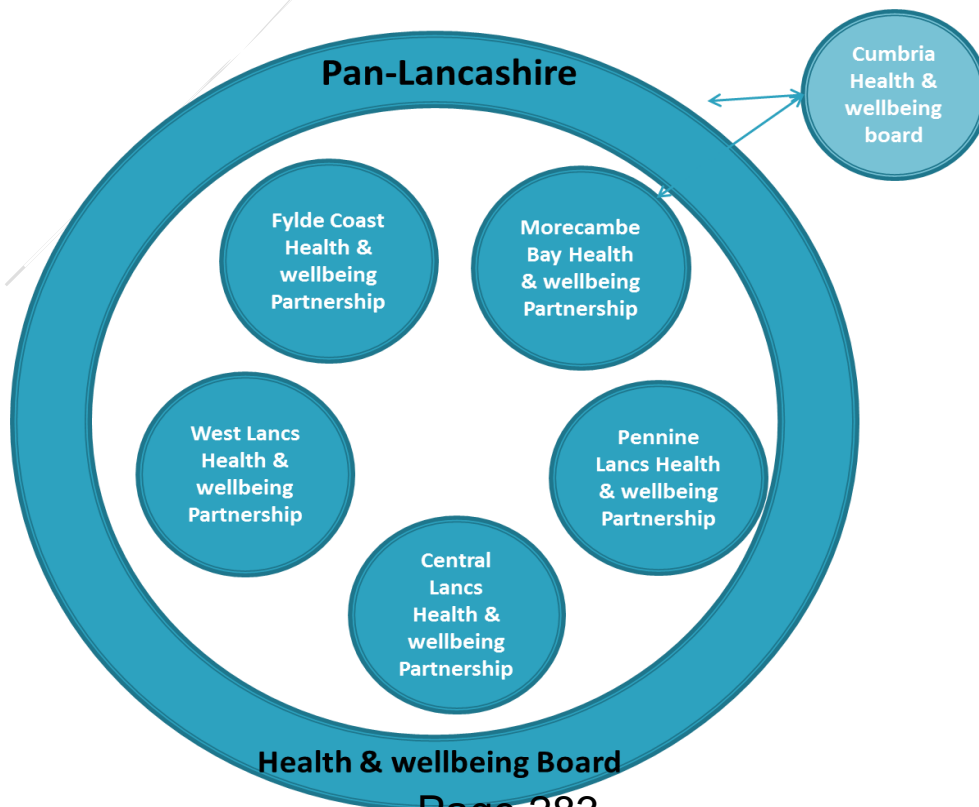
Health and Wellbeing Boards are a key element of the Health and Social Care Act 2012 and they are a means to deliver improved strategic co-ordination across the NHS, social care, children’s services and public health. The Boards must assess the needs and assets of the local population, producing a strategy that addresses these needs and builds on any assets, influences commissioning plans of organisations and promotes joint commissioning and integrated provision. Statutory responsibility for the provision of health and wellbeing boards sit with upper tier authorities, which for Lancashire is Blackburn with Darwen Borough Council, Blackpool Borough Council and Lancashire County Council. For the purposes of this terms of reference the three upper tier authorities with statutory responsibility for health and wellbeing will be referred to as the three statutory health and wellbeing authorities.

The health and wellbeing “system” is changing at both a pan-Lancashire level and at a local delivery level, in line with the Five Year Forward View for the NHS, national Sustainability and Transformation Plan (STP) agenda and the Combined Authority approach for Lancashire.

In light of these changes, the Leaders and Chief Executives from each of the Lancashire local authorities have worked together to design a new model for health and wellbeing board governance for the pan-Lancashire footprint. The model reflects a need to ensure robust accountability of system changes linked to the Lancashire and South Cumbria STP delivery and service reconfigurations and as such aligns itself to the delivery footprints for the STP. The agreed model, presented in Figure 1 below, takes the form of a single Health and Wellbeing Board for the pan-Lancashire footprint, with five local area health and wellbeing partnerships (LHWBPs), reflecting the local health economies.

The model has been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.

Figure 1.



Pan-Lancashire Health and Wellbeing Board
Terms of Reference

1. Aims

- 1.1 To improve life chances for the residents of Lancashire, by improving health and wellbeing; creating healthy places and reducing health inequalities, giving all people the opportunity to Start Well, Live Well and Age Well;
- 1.2 To provide local accountability for improved health and wellbeing (morbidity, mortality, quality of life) and health equity outcomes for the population of Lancashire;
- 1.3 To promote integration and partnership working between the NHS, social care, public health and other local services.

2. Purpose

- 2.1 To prepare a Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS), which is a duty of the statutory HWB authorities and Clinical Commissioning Groups (CCGs);
- 2.2 To oversee the delivery of the agreed Joint Health and Wellbeing Strategy and associated outcomes through the five local area health and wellbeing partnerships;
- 2.3 To receive recommendations from the five local area health and wellbeing partnerships in relation to CCG commissioning intentions and plans for joint commissioning and pooled budget arrangements;
- 2.4 To approve plans for joint commissioning and pooled budget arrangements, particularly the Better Care Fund, so people are provided with better integrated care and support;
- 2.5 To oversee the implementation of plans for joint commissioning and pooled budget arrangements, through the five local area health and wellbeing partnerships;
- 2.6 To lead close working between commissioners and providers of health and social care services and other health related services, such as housing and other local government services, across Lancashire and other relevant footprints;
- 2.7 To influence the development of major plans and service redesigns of health and wellbeing related services, to ensure that local needs are understood and reflected within proposals.

NB arrangements in relation to the development and approval of Better Care Fund plans will be defined during 2017, when the future direction of travel of the Fund both from a national Government point of view and a Lancashire and South Cumbria STP point of view is known and understood.

3. Accountability

- 3.1 The Board will report to the Cabinet/Executive Board of Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council and the relevant Clinical Commissioning Group Governing bodies, by ensuring access to meeting minutes and presenting papers as required;
- 3.2 The Joint Committee of Clinical Commissioning Groups (JCCCGs) for Lancashire and South Cumbria will report into the pan-Lancashire Health and Wellbeing Board on a regular basis, by ensuring access to meeting minutes and presenting papers as required;
- 3.3 The Overview and Scrutiny Committees¹ have powers in relation to the discharge of functions by the Health and Wellbeing Board. Updates on the work of the pan-Lancashire Health and Wellbeing Board will be provided to the relevant Overview and Scrutiny Committees² as required;
- 3.4 The Directors of Public Health will provide Annual Reports to their Council detailing the Health and Wellbeing Board's work during the past year.

4. Leadership:

- 4.1 Leadership for the Board will be as follows:
 - Chair – a councillor from one of the statutory HWB authorities
 - Vice-chair – a CCG representative.
- 4.2 The Leadership will be rotated annually between the statutory HWB authorities and administration of the Board will be agreed by the upper tier authorities.

5. Membership

- 5.1 The pan-Lancashire HWBB reflects the statutory prescribed membership for health and wellbeing boards and local good practice;
- 5.2 Statutory members:
 - Three councillors – one from each of the statutory HWB authorities (one of whom will chair the Board)
 - Five councillors – one from each of the Local Area Health and Wellbeing Partnerships
 - Five CCG representatives - one of whom would be vice-chair
 - One director of adult services – as nominated by the three Directors of Adult Social Services (Blackpool; Blackburn with Darwen and Lancashire)
 - One director of children's services - as nominated by the three Directors of Children's Services (Blackpool; Blackburn with Darwen and Lancashire)
 - One director of public health - as nominated by the three Directors of Public Health (Blackpool; Blackburn and Lancashire)

¹&² Wording to be finalised when the overview and scrutiny arrangements for health and wellbeing have been confirmed.

- One representative of the Local Healthwatch organisation.

5.3 Non-statutory members:

- One representative from NHS England
- One representative from Public Health England
- The Police and Crime Commissioner for Lancashire
- Chief officer Lancashire Constabulary
- Chair or Chief officer Lancashire Fire and Rescue Authority
- Chair of Combined Authority
- Voluntary, Community and Faith Sector representative from the pan-Lancashire infrastructure.

5.4 Named deputies for Board members are as follows:

- To be agreed

5.5 The statutory members will keep under review the membership of the Board and if appropriate will make recommendations on any changes to the core membership as required, to continue to respond to changes in the system.

6. Voting members

6.1 The statutory members outlined above, or their nominated deputies, will be the only individuals with voting rights.

7. Non-voting members

7.1 The members identified above as non-statutory members have been invited to form part of the pan-Lancashire HWWB to ensure an adequate breadth of service delivery and activity is represented and considered by the Board in their discussions.

7.2 The non-statutory members will not have voting rights.

8. Invited members

8.1 Additional members may be invited *at the discretion* of the Board to specific meetings. These are *likely* to include:

- Representatives from the NHS Commissioning Board
- Local authority directors or heads of service
- Other officers of the local authorities, NHS and other local health and wellbeing stakeholders
- Other Executive/Cabinet Members of the local authorities.

8.2 Invited members will not have voting rights.

9. Decision making

9.1 The Board will need at least six voting members to be quorate – this must include each of the three elected members from statutory HWB authorities, one Clinical

Commissioning Group member and two other Board members. Voting members will appoint deputies with the agreement of the Chair;

- 9.2 Decisions will be made by way of a simple majority vote members present in the room at the time the question was put. The Chair will take the vote by a show of hands. If there are an equal number of votes for and against, the Chair will have a second or casting vote;
- 9.3 For a decision on statutory HWBB functions members of the Board will need assure themselves that the relevant Local Area Health and Wellbeing Partnership (s) have given their endorsement to the decision.
- 9.4 The statutory HWBB functions are:
- Joint strategic needs assessment
 - Joint health and wellbeing strategy
 - Encouraging the integrated working of health and care providers for the purposes of improving health and wellbeing in their local area

10. Roles and responsibilities of Board members

- 10.1 To work together effectively to ensure the production and delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy;
- 10.2 To work within the Board to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership;
- 10.3 To participate in Board discussions to reflect the views of their organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery;
- 10.4 To champion the work of the Board in their wider work and networks and in all individual community engagement activities;
- 10.5 To share any changes to strategy, system configuration and performance pertinent to their own partner organisations, with the Board, outlining the consequences of such on budgets and service delivery, to allow the Board to consider the wider system implications;
- 10.6 To ensure that there are communication mechanisms in place within their organisations to enable information about the Health and Wellbeing Board's priorities and recommendations to be effectively disseminated.

11. Agenda setting and notice of meetings

- 11.1 The agenda will be developed by partnership representation at agenda setting meetings and membership of this group is Chair, Vice-chair, the five Chairs of the Local Health and Wellbeing Partnerships and the three Directors of Public Health.

11.2 Any agenda items or reports to be considered at the meeting should be submitted to the nominated Council's Democratic Services no later than seven working days in advance of the next meeting. No business will be conducted that is not on the agenda, unless agreed with the Chair prior to commencement of the meeting.

11.3 In accordance with the Access of Information Legislation, the nominated Council's Democratic Services will circulate and publish the agenda and reports prior to each meeting. Exempt or Confidential Information shall only be circulated to core members.

12. Procedure at meetings

12.1 General meetings of the Board are open to the public and in accordance with the Combined Authority's Committee Procedure Rules will include a Public Question Time session. Papers, agendas and minutes will be published on the relevant section of each of the statutory HWB authorities' webpages.

12.2 The Board will also hold development / informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests;

13. Conflict of interest

13.1 In accordance with the Combined Authority's Committee Procedure Rules, at the commencement of all meetings all Board members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest;

13.2 In the case of non-pecuniary matters members may remain for all or part of the meeting, participate and vote at the meeting on the item in question;

13.3 In the case of pecuniary matters members must leave the meeting during consideration of that item.

14. Code of conduct

14.1 All Councillors and co-opted members of Council committees are required to comply with the Code of Conduct of the Combined Authority <insert relevant section when finalised> Therefore, all voting members of the Board will be required to comply with the Code of Conduct.

14.2 Sections of the Combined Authority Code of Conduct, relevant to declarations of interest to be inserted once finalised.

14.3 The NHS Commissioning Board (NHS England) is under a duty to issue guidance to CCGs on the exercise of their functions in relation to conflicts of interest and CCGs must have regards to such guidance. This list is not exhaustive – as non-Councillor members of Board may also be bound by other codes of conduct and professional standards. It should also be noted that the public law notions of predetermination and bias will also apply.

14.4 As a matter of process, each agenda of the Health and Wellbeing Board will have "Declarations of Interest" as a standing item.

15. Governance, decision making, transparency and accountability

- 15.1 The Health and Wellbeing Board is a Committee of the statutory HWB councils established in accordance with section 102 LGA 1972. Reports before the Board requiring decision will have gone through necessary governance of the author / owner as applicable. Reports will also be clear what and to whom the recommendations apply. A full copy of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) is available on request.
- 15.2 Health and Wellbeing Board meetings will be subject to the same openness and transparency rules as other Council committees established under section 102 of the Local Government Act 1972. The law requires all agendas and reports to be made available to the public five clear working days in advance of the meeting. Meetings should be held in public and the public should also be able to access any additional information that is discussed in a meeting. If a decision needs to be made in private, information associated with that decision can be exempt from these rules only in the circumstances prescribed in the Council's Access to Information rules in the Council Constitution. The Board has taken the decision not to formally broadcast their meetings, due to financial constraints, however members of the public and press are welcome to broadcast proceedings using any media available to them, should they wish to.
- 15.3 Decisions made by the Health and Wellbeing Board under their core functions do not need to go on the Council's 'Register of Key Decisions' and they are not subject to the requirement to provide 28 days' notice of intention to take a decision. The only exception to this will apply if the Council delegates additional specific functions to the Board. In these circumstances, the Board will need to adhere to the relevant requirements of all the applicable legal frameworks. As Health and Wellbeing Boards are non-Executive Committees (they are a committee of the Council), their core functions are not subject to the Council's "Call in" procedure.

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Report to:	EXECUTIVE
Relevant Officer:	Karen Smith, Deputy Director of People (Adult Services)
Relevant Cabinet Member	Councillor Amy Cross, Cabinet Member for Adult Services and Health
Date of Meeting	15 December 2016

ADULT SOCIAL CARE CHARGING

1.0 Purpose of the report:

- 1.1 To consider the proposed Adult Social Care Charging Policy which will replace the current Fairer Contributions Policy and set out a framework for charging for non-residential and residential care and support services provided by the Council to adults aged 18 and over. The Adult Social Care Charging Policy is attached at Appendix 7a.

2.0 Recommendation(s):

- 2.1 To approve the Adult Social Care Charging Policy, set out at Appendix 7a, and agree that it will be effective from 1 January 2017.

3.0 Reasons for recommendation(s):

- 3.1 To provide an established and Care Act compliant framework for calculating a person's contribution towards the cost of adult social care and support when charges for services apply.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

The alternative option is to continue with the existing Fairer Contributions Policy which refers to outdated Department of Health Guidance now superseded by the Care Act 2014 and its accompanying statutory guidance.

4.0 Council Priority:

4.1 The relevant Council Priority is: “Communities: Creating stronger communities and increasing resilience”

5.0 Background Information

5.1 The Care Act 2014 and its accompanying guidance replaced previous rules and advice on how the local authority can charge for the care and support services it provides. A single legal framework for charging for care and support now exists which means that the guidance provided by the Department of Health’s publications ‘Charging for Residential Accommodation Guidance’ (CRAG) 2014 and ‘Fairer Charging Policies for Home Care and other non-residential Social Services’ (2013) ceased to apply.

5.2 The Care Act enables a local authority to decide whether or not to charge a person when arranging to meet their care and support needs or a carer’s support needs. There are some types of support where the local authority is required to arrange care and support free of charge. Changes introduced by the Care Act include the power rather than a duty to charge for residential care. Prior to the introduction of the Care Act, the local authority had a duty to charge people when they received residential care arranged by the Council. Now the Council can decide not to charge for the provision of this service. The proposed new Charging Policy assumes that the Council will continue to charge people for the provision of residential care services due to the significant financial implications if the Council decided not to charge.

5.3 Where a local authority decides to charge it must follow the published regulations and have regard to the statutory guidance, which determine the maximum amount an authority can charge a person. The detail of how to charge is different depending on whether someone is receiving care in a care home or another setting, such as at home or in supported accommodation.

5.4 The purpose of this policy is therefore to establish how Blackpool Council will calculate a person’s contribution towards the cost of their care and support when charges do apply. The Policy sets out the principles of the financial assessment process which is used to determine how much a person is able to pay towards the cost of their care and support, taking into account their income and capital/ savings.

5.5 The Care Act introduces a major change to the law for carers. Many more carers can be offered an assessment of their own needs and they may qualify for support regardless of whether the person they care for is receiving care and support. Under the new legislation, where a local authority is meeting the needs of the carer, it is allowed to ask for a contribution towards the cost of the care and support to be provided. The proposed new Policy assumes that carers will not be asked to make a contribution to the cost of their support because it is recognised that carers have a

very important role in providing assistance to enable people to stay in their own homes for longer.

- 5.6 Many of the principles described in the proposed Charging Policy have been discussed and agreed on previous occasions and the new Policy has been drafted in order to provide a comprehensive and up-to-date document for reference. The main points to note are described in the following paragraphs.
- 5.7 The new Policy includes details of flat rate changes which have been introduced in line with the Care Act 2014 :
- a. Where a person has eligible needs to be met through the provision of non-residential care and has assets above the upper capital limit of £23,250, an annual administration charge will be applied based on the costs to the Council of arranging their care.
 - b. Where a person enters into a Deferred Payment Agreement with the Council, there will be an administration charge for setting up the agreement and its ongoing maintenance.
 - c. Where a person lacks the capacity to manage their own finances and the Council provides support then a charge will be applied based on affordability.
- 5.8 The main changes compared to the previous Fairer Contributions Policy include:
- i. The introduction of the concept of the provisional financial assessment, which is a fixed charge applied from the date that services are put in place if a full financial assessment has not been completed by this time. In this way, charging for non-residential care now starts from the date that services commence as opposed to when the full financial assessment has been completed.
 - ii. The full amount (as opposed to only the first £10) of a person's war disablement pension (or war widows/ widowers pension payments) is now disregarded in the financial assessment process in line with the Council's commitment to the War Veterans Charter.
 - iii. In line with the Care Act, only the income of the cared-for person will be taken into account in the financial assessment, where the person receives income as part of a couple it will be assumed that a person has an equal share of the income and assets held jointly will be shared equally. Joint financial assessments will no longer be applied.
 - iv. The financial assessment process when a person lacks the capacity to manage their own finances is explained and the requirement to work with someone who has the appropriate authority ie an appointee, Power of Attorney or Deputy, is highlighted.
 - v. The charging process for people in residential care is set out for the first time in the Policy as this is no longer a duty but a power of the Council and it could therefore decide not to apply charges. People can choose accommodation

which costs more than their personal budget allows for on the basis that a third party is willing and able to pay the additional cost. Third party arrangements to pay care home top-up fees must be the subject of a formal agreement with the Council with the implications of a failure to make the required payments clearly documented.

- vi. The Policy sets out the minimum levels (or minimum income guarantee) below which charges cannot reduce a person's income. These levels are now set with reference to the Care and Support (Charging and Assessment of Resources) Regulations 2014 as updated by Local Authority Circulars and are defined amounts rather than a calculation based on benefit entitlements.
- vii. The Policy allows for certain household expenses to be taken into account as part of the financial assessment process. However, insurance premiums and board, as allowed for in the previous Fairer Contributions Policy are now considered alongside food and utility costs as expenses which a person is expected to meet with their basic income retained after charging (minimum income guarantee).
- viii. There is no change to the banded assessments of disability related expenditure which are applied in the first instance unless the individual can demonstrate that this expenditure is exceeded. However the guideline amounts which are referred to when an individual wishes to claim more than the banded amounts have been reviewed with a view to introducing more clarity and consistency. Ultimately there is discretion on the amount allowed in each assessment but there is more emphasis on providing evidence and checking with the social worker if the expenditure is disability related. Please see separate paper "Appendix 2" for more details.
- ix. There is also a new section on the deprivation of assets where it is believed that a person has deliberately transferred or deprived themselves of their assets with the intention of avoiding or reducing care charges. As with other debt the Council's usual debt management procedures will be followed.

5.9 Does the information submitted include any exempt information? No

5.10 **List of Appendices:**

Appendix 7a: The draft Adult Social Care Charging Policy
Appendix 7b: Proposed Disability Related Expenditure 2016/17
Appendix 7c: Equality Analysis

6.0 **Legal considerations:**

6.1 The Care Act 2014 and its accompanying statutory guidance replaced the Department of Health's 'Charging for Residential Accommodation Guide' and 'Fairer Charging Policies for Home Care and other non-residential Social Services'. The Fairer Contributions Policy was based on and referred to these guidance documents. The proposed new Charging Policy ensures that the Council maintains compliance with

the latest legislation and statutory guidance.

7.0 Human Resources considerations:

7.1 Not applicable

8.0 Equalities considerations:

8.1 An Equalities Analysis has been completed (attached at Appendix 7c) and this concluded that there would be a differential impact on older people including older women and people with disabilities due to the nature of the services being provided exclusively to people with eligible care and support needs.

9.0 Financial considerations:

9.1 The draft Policy sets out the process for undertaking a financial assessment when charges for services are applied. The additional income anticipated from the introduction of new charges and increases in existing charges has already been included in the Adult Social Care Budget 2016/17. There are no other associated financial implications from the implementation of the new Charging Policy.

10.0 Risk management considerations:

10.1 There is a risk that people may decide not to go ahead with the provision of services or cancel services as a result of charges which may be applied. However, the application of the Policy will ensure that charges are calculated consistently and in a way that does not result in people being charged more than it is reasonably practicable for them to pay.

11.0 Ethical considerations:

11.1 Not applicable

12.0 Internal/ External Consultation undertaken:

12.1 The introduction of new charges for services or increases to existing charges from 1 April 2016 was considered as part of the budget setting process for 2016/17.

12.2 Letters were sent out to service users as soon as the new charges were approved and well in advance of implementation.

13.0 Background papers:

- 13.1 Care Act 2014
The Care and Support (Charging and Assessment of Resources)
Regulations 2014
Care and Support Statutory Guidance

14.0 Key decision information:

- 14.1 Is this a key decision? Yes
- 14.2 If so, Forward Plan reference number: 12/2015
- 14.3 If a key decision, is the decision required in less than five days? No
- 14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

- 15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No
- 15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 7 December 2016 Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 **Date of Decision:**

19.0 **Reason(s) for decision:**

19.1 **Date Decision published:**

20.0 **Executive Members in attendance:**

20.1

21.0 **Call-in:**

21.1

22.0 **Notes:**

22.1

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Blackpool Adult Services

Charging Policy

draft

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Document Control

Charging Policy

Issue Date		June 2016
Version Number		V1.3
Effective From Date		1 January 2017
Scope of Document	The policy applies to Adult Services residential and non-residential care and support. It covers all services provided through a personal budget.	
Objective	To provide a point of reference for staff and service users which sets out how the Council will calculate a person's contribution towards the cost of adult residential and non-residential social care and support.	
Responsibility	All management and social care staff.	
Documentation	Care Act 2014 Care and Support (Charging and Assessment of Resources) Regulations 2014 Care and Support and Aftercare (Choice of Accommodation) Regulations 2014 Care and Support Statutory Guidance	
Document Status	Draft/Final	Draft
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Document Control

Charging Policy

Record of Amendments:

Date	Version	Amended by	Description of changes

Approved By:

Name	Title	Signature	Date

Definitions

CAPITAL

In general this refers to financial resources and assets available for use, excluding income, for example property, bank accounts, post office savings, stocks and shares.

CHARGEABLE PERSONAL BUDGET

The value of the personal budget after adjustment to reflect services which are provided at less than full cost, for example respite services.

CONTRIBUTION

This is the amount a service user has to pay towards the cost of their care and support as set out in their personal budget.

DIRECT PAYMENTS

Payments made directly to an individual to allow them to purchase services to meet their care and support needs rather than services being provided through the Council.

THE GUIDANCE

Refers to the Care and Support Statutory Guidance issued under the Care Act 2014.

GUARANTEE CREDIT OF PENSION CREDIT

If income is below a certain level the guarantee credit makes up the difference for people who have reached the minimum qualifying age.

INCOME SUPPORT/UNIVERSAL CREDIT

A means tested benefit for people with a low income.

NET DISPOSABLE INCOME

This is calculated by obtaining the difference between assessed eligible income and eligible expenditure.

PERSONAL BUDGET

The amount of money the local authority has agreed it will cost to fund the support to meet the needs identified in the approved care and support plan. The personal budget is made up of money from the Council and the amount that a person is financially assessed as able to contribute towards their support.

PERSONAL EXPENSES ALLOWANCE

This is the weekly amount that people in residential care receiving local authority financial support will be allowed to keep for personal use.

THE REGULATIONS

Refers to the Care and Support (Charging and Assessment of Resources) Regulations 2014.

MINIMUM INCOME GUARANTEE

The non-residential financial assessment process will ensure that individuals retain a minimum level of income to cover their living costs. The residential financial assessment process will ensure that individuals retain an amount of income equivalent to the Personal Expenses Allowance.

SAVINGS CREDIT

This is intended to reward those people aged 65 and over who have made provisions for retirement above the basic state pension. Those people reaching state pension age on or after 6 April 2016 may not be eligible.

Definitions

TARIFF INCOME

Where individuals have capital over £14,250 and up to and including £23,250 (based on 2016-17 rates)¹ an assumed level of income (£1 per week for every £250 or part thereof) will be included in the financial assessment. This is called tariff income.

UPPER AND LOWER CAPITAL LIMITS²

The capital limits set out at what point a person is able to access local authority financial support and how much support they receive. The capital limits 2016/17 are:

Upper capital limit: £23,250

Lower capital limit: £14,250

Capital below the lower limit will be disregarded from the assessment.

If a person has assets above £23,250 they will be expected to meet the full cost of their care and support (subject to the maximum weekly charge for non-residential care).

¹ Please note that the upper and lower capital limits are set and reviewed each year by the Department of Health and may be subject to amendment. This Policy will be updated to reflect any changes in the upper and lower capital limits.

² See above.

1. Introduction

- 1.1. The Care Act 2014 provides a single legal framework for charging for care and support. This means that with effect from 1 April 2015, the guidance provided by the Department of Health's publications 'Charging for Residential Accommodation Guidance' (CRAG) 2014 and 'Fairer Charging Policies for Home Care and other non-residential Social Services' (2013) ceased to apply.
- 1.2. The Care Act enables a local authority to decide whether or not to charge a person when arranging to meet their care and support needs or a carer's support needs. There are some types of support where the local authority is required to arrange care and support free of charge. The purpose of this policy is to establish how Blackpool Council will calculate a person's contribution towards the cost of their care and support when charges do apply.
- 1.3. Where a local authority decides to charge it must follow the published regulations and have regard to the statutory guidance, which determine the maximum amount an authority can charge a person. The detail of how to charge is different depending on whether someone is receiving care in a care home or another setting, such as at home or in supported accommodation.

2. Principles of the Charging Policy

National Policy and Regulatory Framework

- 2.1. The Council has a duty to arrange care and support for those with eligible unmet needs. Where the Council arranges care and support to meet a person's needs, it has discretion whether or not to charge under section 14 of the Care Act. Where it decides to charge, it must follow the Care and Support (Charging and Assessment of Resources) Regulations and have regard to the statutory guidance. The Act provides that the Council may apply charges based on the costs to the authority of meeting the assessed needs of the person.
- 2.2. The Council provides a range of social care services to support people with eligible care needs. Services include the provision of placements in care homes and services designed to help people to stay as independent as possible in their own homes. The key to the overall affordability of these services is the income that the Council receives from people towards the cost of their care and support. On this basis, the Council has decided to apply charges where the regulations allow but in accordance with guidelines which ensure that no-one is asked to contribute more than they can afford.

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Key Principles

- 2.3.** The overarching principles of the Council's charging policy are to:
- Ensure that people are not charged more than it is reasonably practical for them to pay;
 - Be comprehensive, to reduce variation in the way people are assessed and charged;
 - Be clear and transparent, so people know what they will be charged;
 - Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
 - Support carers to look after their own health and wellbeing and to care effectively and safely;
 - Be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet needs;
 - Apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings;
 - Encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so; and
 - Be sustainable for local authorities in the long term.

3. Scope and Exclusions

3.1. Exemptions – circumstances when people will not be required to make a contribution

- People who have been diagnosed as having any form of Creutzfeldt Jacob Disease will be automatically exempt from charges.
- People receiving 'after-care' services will not be charged for support services provided under Section 117 of the Mental Health Act 1983.
- Any service or part of a service which the NHS is under a duty to provide will be free to the user. This includes 'Continuing NHS Health Care' and the NHS contribution to registered nursing care.

3.2. Services provided free of charge

- Advice and information and guidance provided by the Council about the availability of support will be available without a contribution.
- Independent advocacy services provided to facilitate the involvement of a person in their care assessment, in the preparation and review of their care and support plan as well as in safeguarding enquiries where this is deemed to be necessary.

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- Assessments, including assessment of care and support needs and financial assessments will be available without a contribution.
- The Council will not require any contribution towards community equipment and minor adaptations up the value of £1,000 e.g. grab rails where an assessed need has been identified.
- Where the Council provides intermediate care including reablement, this will be provided free of charge for a period of up to six weeks, in accordance with the Regulations. If intermediate care is provided at home, and it is in addition to an established (albeit in some cases interrupted) package of support, contributions will continue against the established package. The individual's assessment will identify those services provided under intermediate care arrangements. Subject to the Council's discretion, these services may be provided free of charge for longer than six weeks where continuation of the intermediate care would have clear preventative benefits to the person as assessed by their social worker.
- The Council has chosen to provide free of charge, services directly provided to carers to meet carers' identified support needs.

3.3. Services subject to flat rate charges

- Where transport is provided and the cost is not included in a personal budget, the service will be subject to a flat rate charge.
- Where a person has eligible needs to be met through the provision of non-residential care and has assets above the upper capital limit, the Council will charge an annual administration fee for arranging services to meet their needs. The fee will be reviewed annually and will be applied at the point that services commence and annually thereafter on this anniversary.
- An administration fee will be applicable under the Care Act 2014 for setting up and maintaining a Deferred Payment Agreement. The set-up fee will be payable when the legal agreement is complete; the maintenance fee will be due annually in advance on this date each year.
- Where a person lacks the capacity to manage their own finances and the Council provides a money management service or acts as a court appointed Deputy, the Council will charge a fee subject to affordability.
- Where residential respite services are provided there will be a flat rate charge, to cover ordinary living expenses, for a maximum of 8 continuous weeks or for 12 separate weeks cumulatively over a year. After this period, contributions will be calculated in accordance with this Policy, however if a service user feels that they cannot afford the flat rate charge they can request a full financial assessment.

- Where a person requires a temporary or short stay in residential care there will be a flat rate charge to cover ordinary living expenses, for the first two weeks of the stay, or a full financial assessment can be requested.

4. Provisional Financial Assessments

4.1. Provisional or Interim Charges

If a full financial assessment has not been completed at the time a person's care and support commences, a provisional contribution will be applied from the date the services are put in place. Adjustments in respect of any under- or overpayments from the date the contributions commenced will be made when the financial assessment has been completed.

4.2. Non-Residential Care

Where information is not available to allow a financial assessment to be completed in advance of the services commencing, a request will be made to the service user for the relevant information. This information will need to be provided within 14 days. During this time a fixed (provisional) charge or the full cost of the service if this is less than the fixed charge may be applied from the point at which services commenced. When the information has been received the correct figure will be calculated and backdated to the point at which services commenced. If the information is not provided within the required timescale, the full cost of the service will be applied from the point at which services commenced until the necessary information is provided.

4.3. Residential Care (Short stay)

Contributions towards the cost of short stay residential care are paid by the resident or their representative directly to the care home. For the first two weeks of any short stay a flat rate charge will be applied. The service user can however request that a financial assessment be undertaken to establish an assessed charge. After the first two weeks a financially assessed charge will be established in any case if the information is available to allow this. This information will need to be provided within the first 14 days of the stay to enable a financially assessed charge to be established and applied from the beginning of the third week. If the information is not available to allow a financially assessed charge to be applied after the first two weeks, a provisional charge will be applied for a further two weeks. When the required information has been received any adjustments to contributions paid from the start of week three will be calculated. This may mean that an additional payment is due to the care home if the financially assessed figure is higher than the provisional charge. If after the further two week period, the required information has not been provided, then it will be assumed that the resident can afford to meet the full cost of their placement and this will be applied from the

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beginning of the third week of the stay. The full amount of the charge should be paid directly to the care home.

4.4. Residential Care (Long stay)

Contributions towards the cost of residential care are paid by the resident or their representative directly to the care home. Where information is not available to allow a long stay financial assessment to be completed in advance of the placement commencing, a request will be made to the resident or their representative for the relevant information. This information will need to be provided within 14 days during which time a fixed provisional charge will be applied from the point at which the placement began. When the required information has been received the correct figure will be calculated and backdated to the date the permanent placement commenced. This may mean that an additional payment is due to the care home if the financially assessed figure is higher than the provisional charge. If the information to complete the financial assessment is not provided within the required timescale, the interim charge will continue to apply for a further 14 days. After this time, if the required information is not provided, then it will be assumed that the resident can afford to meet the full cost of their placement from the date of their admission and this must be paid directly to the care home.

5. The Financial Assessment

- 5.1.** The Council will positively seek to complete a financial assessment to determine how much a person should contribute towards the cost of providing their care and support unless they:
- are exempt as described under section 3.1 of this policy;
 - choose not to be financially assessed.
- 5.2.** People who refuse to be financially assessed or refuse to co-operate with the assessment to the extent that a full financial assessment cannot be completed, will be required to pay the maximum charge for their care and support. This will be equivalent to the full cost of their care (subject to the maximum weekly charge if receiving non-residential services, see 7.10).
- 5.3.** A financial assessment will be undertaken at the earliest opportunity to assist with decision making as part of the care and support planning process. The assessment will be subject to regular review to take account of any changes to a person's finances. People are required to notify the Council as soon as possible if there is a change in circumstance which may affect the assessment.
- 5.4.** The amount that a person is asked to contribute towards the cost of their care and support will depend upon whether the person is in residential care or living at home. This is discussed in more detail in later sections.

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- 5.5.** The financial assessment will take into account income and capital. Individuals will be asked to confirm that the information being used is correct. Where appropriate or as requested a Finance Visiting Officer will arrange to meet people in a suitable place to gather information and provide advice on benefits maximisation.
- 5.6.** Income will always be taken into account unless it must be disregarded in accordance with the Regulations. In all cases, employed or self-employed earnings are fully disregarded.
- 5.7.** Most of the benefits people receive will be taken into account unless they are disregarded as below. However if people are living at home they will always be left with enough income to cover daily living costs or to meet needs not being met by the Council. If they receive care and support in a residential care home they will be left with a personal expenses allowance to spend as they wish.
- 5.8.** Income from the following sources will be fully disregarded:
- Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme;
 - War Disablement Pension, War Widows and War Widowers Pension Payments;
 - Survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme;
 - The mobility component of Disability Living Allowance or Personal Independence Payments
 - Savings credit income will be fully or partially disregarded based on qualifying criteria.
- The above list is not exhaustive and for further details of income that is either fully or partially disregarded see Annex C: Treatment of Income, Care and Support Statutory Guidance.
- 5.9.** The main examples of capital are assets such as property and savings. A person with assets above the upper capital limit will need to meet the full cost of their care (subject to the maximum weekly charge for non-residential care see 7.10). Where a person has capital at or below the upper capital limit, but more than the lower capital limit they will be charged £1 per week for every £250 in capital between the two amounts. This is called 'tariff income'. Any capital below the lower capital limit will be disregarded from the assessment.
- 5.10.** In certain circumstances capital will be disregarded³. The value of a person's main or only home will be disregarded in the following circumstances:

³ For further details see Annex B : Treatment of Capital, Care and Support Statutory Guidance.

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1. Where the person is receiving care and support at home;
2. If the person's stay in a care home is temporary and they intend to return to that property or they are taking reasonable steps to dispose of the property and acquire something more suitable.
3. Where the person no longer occupies the property but it continues to be occupied by a spouse or qualifying relative aged over 60 or incapacitated relative as defined in the Regulations and Guidance and the intent is not considered to be the avoidance of paying care charges.

Only a person's sole or main residence will be disregarded if any of the above circumstances apply. The value of any other land or property that is owned will be taken into account in the assessment.

There may be some circumstances in addition those listed above, when the Council considers it appropriate to disregard the value of a person's main residence in an assessment. This is called a discretionary disregard but must be balanced with the need to ensure that residents with assets are not maintained at public expense.

- 5.11.** Only the income of the cared-for person will be taken into account in the financial assessment of what they can afford to pay for their care and support. Where this person receives income as part of a couple, the starting presumption is that the cared-for person has an equal share of the income. If any assets are held jointly, for example, a joint bank account, unless there is evidence to demonstrate otherwise, it will be assumed that the total amount is shared equally and the person will be treated as owning an equal share.
- 5.12.** People are expected to take advantage of all income available to them and assistance to maximise this will be available where needed. Following benefit maximisation advice, people who elect not to claim entitlement to allowances and benefits will be treated as receiving such income for the purpose of the financial assessment.
- 5.13.** Where the Council considers that a person has deliberately tried to avoid care and support costs through depriving themselves of assets, either capital or income, it will charge the person as if they still possessed the asset or, if the asset has been transferred to someone else, it will seek to recover the lost income from that person. See Section 12.
- 5.14.** Following the financial assessment people will be sent a letter informing them of the amount that they have been assessed as needing to contribute towards the cost of their care and support and how this figure has been calculated. Contributions will apply from the date that services commenced. If it has not been possible to complete a full financial assessment by the time services have been put in place, a provisional charge will apply in the short term, until the

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outcome of the full assessment is known. This may require adjustments to contributions in later periods. See Section 4.

- 5.15.** Where a person lacks the mental capacity to manage their finances, they may still be assessed as able to contribute towards the cost of their care. The Council will need to work with someone who has the appropriate authority (e.g. Power of Attorney or appointee for benefits) to make financial decisions on behalf of the person. People who lack the mental capacity to give consent to a financial assessment and who do not have an authorised representative will require the appointment of a deputy for property and financial affairs. Family members can apply for this to the Court of Protection or the Council will consider applying if there is no-one else suitable. The application process can take several months to complete but contributions towards the cost of care will still apply from the date the support commenced. Debt collection procedures will be suspended during this period until such time as a deputy has been appointed. The Council will then expect payment of any outstanding charges in full and if necessary take steps to recover any arrears of charges.

6. Charging for Care and Support in a Care Home

- 6.1.** People receiving care and support in a care home will be expected to make a contribution towards the cost of their care, unless they are considered to be exempt under the criteria outlined in Section 3.1, subject to a financial assessment in line with the Regulations and Guidance. The Council will take into account income and capital when carrying out the financial assessment.
- 6.2.** However, a person will always be left with a minimum amount of income, known as the Personal Expenses Allowance. This is a figure set by the government. Any income above this amount may be taken into account when determining charges with the exception of the income amounts detailed in section 5.8 which will be disregarded. The personal expenses allowance is intended for people to spend as they wish and may be varied by the Council subject to specific and individual circumstances.
- 6.3.** The financial assessment will take into account the value of any property that is owned, including the person's main or only home. If a person is considered to have assets, including a property, valued at more than £23,250⁴, they will be expected to meet the full cost of their care.

⁴ This figure is set by the Department of Health and is reviewed on an annual basis. This Policy will be updated to reflect any change in the figure.

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Where this is the case, subject to meeting the eligibility criteria⁵, a person will be offered the option of delaying the payment of some of their care costs and entering into a deferred payment agreement with the Council. In these circumstances a person will still be expected to contribute towards the cost of their care from their income but can defer the rest of the payment until such as time as their assets are realised. If a deferred payment is not agreed, a person will be expected to meet the full cost of their care if they have assets valued at more than £23,250.

6.4. When the value of a person's assets, excluding their property, is below the upper capital limit, the value of their main or only home will be disregarded for 12 weeks in the following circumstances:

- When they first enter a care home as a permanent resident; or
- When a property disregard other than for the 12 week period (see 5.10.3) unexpectedly ends because the qualifying relative has died or moved into a care home.

6.5. The Council has the discretion to disregard property for other reasons and each case will be considered on an individual basis but this must be balanced against the duty to ensure that the value of a person's assets are not maintained at the expense of the wider public.

6.6. Where the care planning process has determined that a person's needs are best met in a care home, the Council will provide for the person's preferred choice of accommodation subject to certain conditions. The type of accommodation must be appropriate to the person's needs and the cost must not exceed the amount included in their personal budget. There should always be at least one option which is affordable within the individual's personal budget. However, a person will also be able to choose alternative options, including a more expensive care home, where a third party or in certain circumstances⁶ the individual themselves is willing and able to pay the additional cost i.e. the difference between the actual cost and the amount in the personal budget or 'top-up' fee. Any third party arrangements to pay top-up fees will be

⁵ The person has care needs to be met by the provision of residential accommodation; the person has less than (or equal to) the upper capital limit in assets excluding the value of their home (i.e. in savings and other non- housing assets); and anyone whose home is not disregarded because, for example, it continues to be occupied by a spouse or dependent relative.

⁶ The person whose needs are to be met by the accommodation may choose to pay a 'top-up' only in the following circumstances:

- Where they are subject to a 12 week property disregard
- Where they have a deferred payment agreement in place
- Where they are receiving accommodation provided under s117 of the Mental Health Act 1983

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subject to a formal agreement between the Council and the third party which clearly documents the implications of a failure to make the required payments.

- 6.7.** Where a person is resident in a care home for the purposes of receiving respite care, the Council will request a flat rate contribution towards daily living costs (up to the first 8 weeks of continuous care or 12 separate weeks on a cumulative basis per year) in addition to any established contributions to non-residential care. If a person feels that they cannot afford to pay the flat rate contribution they can request a financial assessment as if they were a short stay resident (see 6.8 below). The contribution a person is asked to make will need to be paid direct to the care home.
- 6.8.** If a person is assessed to need a temporary or short stay in a care home, for any purposes other than respite, then a flat rate contribution towards daily living costs will be applied for the first two weeks. If a person feels that they cannot afford to pay the flat rate contribution they can request a full financial assessment to be applied from the start of their stay. In any case after the first two weeks, a full financial assessment of what they can afford to contribute to the cost of their care will be undertaken. The financial assessment will be based on the individual resources of the person but with regard to any spouse or partner remaining at home. The person's main or only home will be disregarded where the person intends to return home or is taking steps to dispose of the property in order to acquire something more suitable. Other factors, such as ongoing home commitments, will also be taken into account in accordance with the Guidance.
- 6.9.** If the person subsequently becomes a long stay resident, a further financial assessment will be undertaken to take account of the change in circumstances; however the new charge will only be applied from the date that the care plan was amended to reflect the need for long term support and as agreed with the individual or their representative.
- 6.10.** If necessary, a provisional financial assessment will apply from the date of permanent admission or two weeks after a short stay admission, until the full financial assessment has been completed. It may be necessary to refund or collect any over- or underpayment. The contribution a person is asked to make will need to be paid direct to the care home.

7. Charging for Care and Support at Home

- 7.1.** People receiving care and support in their own home or in the community will be expected to make a contribution towards the cost of their care (as set out in their personal budget), unless they are considered to be exempt under the criteria outlined in Section 3.1, subject to a financial assessment in line with the Regulations and Guidance. The Council will take into account income and capital when carrying out the financial assessment.

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- 7.2.** People receiving care and support arranged by the Council other than in a care home need to retain a certain level of income to cover their living costs. Under the Care Act 2014, charges must not reduce a person's income below a certain amount but local authorities can allow people to keep more of their income if they wish. This is known as the Minimum Income Guarantee and its purpose is to promote independence and ensure that people have sufficient funds to meet basic needs such as buying food, paying for utilities and purchasing insurance. The Minimum Income Guarantee figures are set by the government.
- 7.3.** The following household expenses will also be considered and may be taken into account in the financial assessment process depending on the individual's circumstances:
- Rent net of housing benefit/universal credit
 - Mortgage repayments
 - Council Tax net of Council Tax Reduction Scheme
 - Water rates
 - Ground rent/maintenance charges
- 7.4.** Where disability related benefits are taken into account as part of the financial assessment process, the Council will allow a person to keep enough benefit to pay for necessary disability related expenditure to meet agreed needs which are not being met by the authority. The Council applies a notional level of banded disability related expenditure (DRE) based upon the level of a person's disability benefits. However, the maximum level of banded DRE can be exceeded in cases where the expense is justified and can be verified through evidence of expenditure such as receipts.
- 7.5.** The night care element of Disability Living Allowance and Attendance Allowance will also be disregarded if there are agreed day and/or night care needs and costs, which are not being met by the Council. Where a person is in receipt of a Personal Independence Payment, the care component will be treated as income in full, but an allowance will be made where any disability related expense can be identified in relation to agreed day and night care not being arranged by the local authority.
- 7.6.** People will retain the right to have their assessment reviewed (or to appeal) when the whole or part of their impairment or disability related expense has not been taken into account.
- 7.7.** The Council will consider within the assessment, the financial implications for service users who have children up to 19 years of age, who are financially dependent on them. Young people will continue to be considered as dependants until their 19th birthday on receipt of proof that they remain in full time education.
- 7.8.** Where a carer has eligible support needs of their own, the Authority has a duty, or in some cases a power, to arrange support to meet their needs. Where the Authority arranges to meet

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the needs of the carer by arranging for the direct provision of services to the carer themselves, charges will not be applied. However, where services are provided to the “cared for” person, such as respite care, then charges will be applied to the cared for person in line with this Policy.

7.9. The non-residential assessment calculation is summarised as follows:

Assessable Income
Less: Minimum Income Guarantee
Less: Housing Costs
Less: Disability Related Expenditure
Equals: Assessed Contribution or Net Disposable Income

The full amount of the assessed contribution or net disposable income is then compared to the amount of the personal budget and the amount due will be the lower of the two figures.

7.10. The Council will set an upper limit on the amount that any person will be asked to contribute towards their care at home costs regardless of their level of income or capital. This is called the ‘cap’ or maximum weekly charge and will be reviewed on an annual basis.

7.11. When an individual’s contribution to their personal budget has been established, this is the amount that they will be required to contribute unless the following circumstances apply:

- A person is admitted to hospital or there is another absence from home for a period of more than 2 continuous weeks. The authority must be notified and the contribution and the personal budget will be reviewed.
- A person dies in which case a refund or any balance outstanding will be calculated from the date of death.

7.12. People with eligible needs and financial assets above the upper capital limit may ask the Council to meet their needs. If their needs are to be met by care and support in the home, then the Council must provide assistance, but this will be subject to the payment of an annual administration fee to cover costs in addition to the costs of providing the care and support. In these circumstances there is no entitlement to financial support with the payment of charges, with the exception of the cap on care costs which will limit the amount payable each week to a maximum amount.

8. Light-touch Financial Assessments

- 8.1. In some circumstances, the Authority may choose to treat a person as if a financial assessment has been carried out. In order to do so, it must be satisfied on the basis of evidence provided by the person that they can afford, and will continue to be able to afford any charges due. This is known as 'light-touch' financial assessment.
- 8.2. The main circumstances in which the Council will carry out a light-touch financial assessment are:
- Where a person has significant financial resources, and does not wish to undergo a full financial assessment for personal reasons, but wishes to access local authority support in meeting their needs;
 - Where there is a small or nominal amount charged for a particular services which a person is clearly able to meet and would clearly have the relevant minimum income left and carrying out a full financial assessment would be disproportionate;
 - When an individual is in receipt of benefits which demonstrate that they would not be able to contribute towards their care and support costs.
- 8.3. The Council will inform people when it intends to carry out a light-touch financial assessment and a full financial assessment can be requested as an alternative.

9. Direct Payments and Personal Budgets

- 9.1. Direct payments are an option for people who would like to arrange their own care and support at home instead of receiving services through the Council. A personal budget or a portion of a personal budget may be paid on a cash basis as a Direct Payment. Direct Payments are not available to people in residential care.
- 9.2. Where a person opts to receive a Direct Payment their financial contribution will be determined through a financial assessment in accordance with this Policy. Where a person is assessed as being liable to pay a financial contribution towards their care and support, the relevant contribution will be deducted before each Direct Payment is paid to them. People receiving Direct Payments will be expected to regularly pay their assessed financial contribution or 'charge' into their Direct Payment account and this will be monitored through regular account audits.
- 9.3. Where a person chooses to access a combination of support arranged by the Council and a Direct Payment and is assessed to make a financial contribution, the contribution will be deducted before the Direct Payment is paid. If the assessed contribution exceeds the amount of the Direct Payment then an invoice will be sent for the remaining amount due.

10. Effective Point of Charging

- 10.1. People will be informed at the earliest appropriate time that there may be a contribution required towards the cost of their care and support.
- 10.2. People will be sent a letter notifying them of the outcome of their financial assessment, the frequency and amount of their payment and the date from which contributions will be due.
- 10.3. The Council will expect contributions to commence from the date at which it starts to meet a person's care and support needs. If the financial assessment has not been completed to determine how much the person can afford to pay at the outset, it may be necessary to apply a provisional charge. Adjustments in respect of any under- or overpayments will be processed when the financial assessment has been completed.

11. Non Payment of Contributions

- 11.1. Failure to make payment will result in action being taken to recover the debt in accordance with the Council's corporate debt management procedures. If a person has been assessed as needing services these will not be withdrawn because a person refuses to pay the contribution. The overall approach will be to obtain co-operation while at the same time working with any individuals experiencing difficulty in making payment to agree a payment plan etc. Individual circumstances will be handled with sensitivity, however in fairness to those people who pay their assessed contribution; non-payment will be handled in line with the Council's policy on unpaid invoices. Ultimately the Council may institute County Court proceedings to recover the debt after exploring other options such as offering a deferred payment agreement.

12. Deprivation

- 12.1. Deprivation of assets is considered to mean that a person has intentionally deprived or decreased their overall assets (income or capital) in order to reduce the amount they are expected to contribute towards their care. This means that people knowing that they need care and support have deliberately tried to avoid or reduce the amount of charges they will be expected to pay, for example, by transferring their assets to a third party. Before deciding whether deprivation has occurred, the Council will consider:
 - Whether avoiding charges was a significant motivation;
 - The timing of the disposal of the asset e.g. at the point the capital was disposed of could the person have a reasonable expectation of the need for care and support; and
 - Did the person have a reasonable expectation of needing to contribute to the cost of their eligible care needs?

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- 12.2.** It is up to the person to prove that they no longer have the asset otherwise they will be assessed as if they still had ownership. Where the person has transferred the asset to a third party to avoid or reduce charges, the third party will be treated as liable for the difference between what would have been charged and what is actually charged. As with any other debt the Council will consider using County Court proceedings to recover any debt owing.

13. Reviews and Appeals

- 13.1.** If a person believes that there has been a mistake in the assessment process or that the assessment process has not taken full account of their circumstances they can request a review of their assessed contribution. If a person still feels that they cannot pay the assessed contribution they can use the Appeals procedure. Full details are contained in the Council's Reviews and Appeals Procedure. A copy of the Procedure is available on the Council's website : www.blackpool.gov.uk/Residents/Health-and-social-care/Social-care-for-adults/Documents/Reviews-and-Appeals-Procedure.pdf

- 13.2.** Requests for a review should be made in writing to the Social Care Benefits Team, Blackpool Council, P.O. Box 50, Town Hall, Blackpool, FY1 1NF stating the reasons for the request, within 28 days of the notification of the outcome of the financial assessment.

14. Complaints

- 14.1.** If a person is unhappy with the way their case has been handled, a formal complaint can be made using the Complaints Procedure. The complaints procedure cannot investigate the assessed contribution for services or complaints about general policy. It can however investigate concerns about the process by which the assessment has been made. For more information about the Complaints Procedure or if you wish to complain about the financial assessment process then you can contact the Customer Relations Team on 01253 477700 or by email at customerrelations@blackpool.gov.uk or you can write to the Customer Relations Team, Blackpool Council, PO Box 4, Blackpool, FY1 1NA.

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1.1. The draft Charging Policy states :

Where disability related benefits are taken into account as part of the financial assessment process, the Council will allow a person to keep enough benefit to pay for necessary disability related expenditure to meet agreed needs which are not being met by the authority. The Council applies a notional level of banded disability related expenditure (DRE) based upon the level of a person's disability benefits. However, the maximum level of banded DRE can be exceeded in cases where the expense is justified and can be verified through evidence of expenditure such as receipts.

1.2. The following banded amounts per week are automatically disregarded :

- £5.00 if a service user is not in receipt of any disability related benefits
- £10.00 if a service user is receiving lower or middle rate Disability Living Allowance (DLA)/Attendance Allowance(AA)
- £20.00 if a service user is receiving the highest rate of DLA/AA
- An additional £25 for service users in supported living arrangements

1.3. The banded amounts of DRE were introduced to avoid excessive administration costs and to help service users by reducing the requirement to keep detailed records, receipts and other evidence of purchase. However, the banded amounts are frequently exceeded and local guidelines are referred to in order to determine which expenses are allowed, whether receipts are required, etc.

1.4. The Council's current local guidelines for assessing disability related expenditure claimed in excess of the banded amounts have been reviewed in line with the National Association of Financial Assessment Officers (NAFAO) guidelines and the requirements of the Care Act. The intention is also to introduce more clarity and consistency in the financial assessment process. The main proposed changes include:

- More emphasis on checking with the social worker that the expenditure is disability related if the need is not noted in the care plan
- An increased requirement for documentary evidence to prove regular ongoing expenditure
- The deletion of some categories of expense eg complimentary therapy, gym membership and the reclassification of other categories
- The introduction of maximum amounts of expenditure eg £5.00 per week for specialist clothing
- No allowance for travel costs if not in receipt of DLA/PIP mobility (unless there is evidence of mobility issues noted in the care plan) and no allowance for the fuel costs associated with mobility cars
- The introduction of a new category "Other disability related expenses" which covers specific expenses not included elsewhere subject to the individual's circumstances and the approval of the team manager.

All guideline amounts can be exceeded where the service user can demonstrate that the actual costs incurred are above the suggested allowances. Expenses claimed in excess of the guideline amounts must be approved by the team manager.

Disability Expense	Guideline / Maximum Amount	Comment
Fuel Costs		
<i>Excess fuel costs where related to a disability can be claimed. NAFAO has calculated typical fuel costs over a year for different types of property. The amount to be taken into account should be actual gas and electricity paid, averaged over one year, minus the annual average amounts as below (NAFAO NW rates 2016/17).</i>		
Flat/Terrace- single	£1,384 (amounts above this figure)	Proof of payment over 12 month period required
Flat/Terrace - couple	£1,824 (amounts above this figure)	
Semi-detached – single	£1, 470 (amounts above this figure)	Proof of payment over 12 month period required
(including bungalow) – couple	£1, 936 (amounts above this figure)	
Detached – single	£1,790 (amounts above this figure)	Proof of payment over 12 month period required
(including bungalow) – couple	£2, 357 (amounts above this figure)	
Basic Gardening	Allow actual cost up to a maximum of £7.50 per week average (single person household) or proportionately divided by other household members. Seasonal fluctuations have been taken into account.	Confirm with Social Worker. Receipts, bills, cheque stubs for last 4 payments.
Private Domestic help	Allow actual cost up to a maximum of £12.55 (if single person household) or proportionately divided by other household members.	Confirm with social worker that this additional to care plan provision. Receipts, bills, cheque stubs for last 4 payments required.
Laundry and/or special washing powder	Allow up to £1.20 per home wash up to a maximum of £3.60 per week if in excess of 4 loads per week and if noted in care plan or discussed with social worker.	Care plan or social worker will have identified an incontinence problems
Specialist Clothing and Footwear	Actual cost up to a maximum of £5.00 per week for specialist or frequently replaced clothing due to excessive wear and tear. Full cost of footwear allowed. (Need is noted in the care plan or discussed with social worker).	Proof of purchase required
Frequently replaced bedding	Allow additional actual cost (above £50 per annum) for frequent replacement averaged over one year. Allow up to a maximum of £2.00 per week if the need is noted in the care	Proof of purchase required

	plan or discussed with the social worker.	
Travel costs	If not in receipt of DLA/PIP mobility then no cost allowed. Where DLA/PIP mobility is received costs must be net of benefit and must be incurred solely or mainly due to disability. Mobility issues must be noted in the care plan.	This can be considered on a discretionary basis, if additional travel expenses can be proved and mobility issues are noted in the care plan
Wheelchair	Actual cost divided by 500 (based on number of weeks in 10 years). No allowance if provided free of charge. Add the cost of maintenance and insurance. Maximum allowance will be: £3.75 per week for a manual wheelchair and £9.12 per week for a powered wheelchair.	Check to see if client has a free wheelchair and if not, why not? No allowance to be made if client's choice to 'upgrade' to a different wheelchair Receipts and bills for maintenance/insurance costs
Other Equipment/ Maintenance:	Actual cost divided by 500 plus cost of maintenance / insurance to a maximum of:	Evidence of purchase is required.
Powered Bed	£4.20 per week	Social worker/OT should confirm that this is an essential requirement
Turning Bed	£7.27 per week	No allowance if equipment provided free of charge
Power Reclining Chair	£3.30 per week	Receipts and bills for maintenance/insurance costs
Stairlift	£5.88 per week	
Hoist	£2.88 per week	
Continence Products	Not allowed unless identified in the care plan or discussed with the social worker that NHS supplies cannot be used or are inadequate	Proof of last 4 payments required
Assistance Dog	Allow £10 per week for assistance dogs only	Receipts Required
Community Alarm Cost	If not funded by Housing Benefit , allow full cost if purchased privately	Proof of last 4 payments required
Hair Washing	Actual cost of washing and drying allowed where individual is unable to wash own hair and hair washing is not part of the care package. Maximum £6.62 per week based on average costs	Proof of last 4 payments requirements
Carer Costs	Meals out – allow actual cost up to £4 for	Discretionary

	lunch or £6 for tea Holidays – allow actual cost up to £520 per annum if carer is required to accompany service user.	Proof of costs required
Chiropody	Actual cost if NHS chiropodist not available based on 6 weekly visits	Proof of last 4 payments required
Other disability related expenses	Other specific disability-related expenses may be allowed subject to individual circumstances and proof of costs. Requires approval by SCBT team manager as outlined below	Proof of last 4 payments required.

****Where receipts required, a minimum of the last 4 receipts (whether weekly or monthly) should be provided.***

These are guideline amounts which can be exceeded where the service user can demonstrate that the actual costs incurred are above the guideline amounts. Expenses above the guideline amounts referred to above must be approved by the SCBT manager. Where there is doubt that an expense is disability related this should be discussed with the social worker.

Revised February 2015

Department: People's Directorate

Team or Service Area Leading Assessment: Business Support and Resources

Title of Policy/ Service or Function: Adult Social Care Charging Policy

Proposals to introduce/ alter/ delete policy, service, expenditure etc: To replace Adult Social Care Fairer Contributions Policy

Date of proposals: October 2016 Committee/Team: Business Support and Resources

Lead Officer: Karen Smith

STEP 1 - IDENTIFYING THE PURPOSE OR AIMS

1. What type of policy, service or function is this?

Existing New/ proposed Changing/ updated

2. What is the aim and purpose of the policy, service or function?

Councils are given discretionary powers to charge adult recipients of residential and non-residential social care services under the Care Act 2014. The Council currently charges service users, subject to an assessment of their ability to pay, to raise income towards the cost of care and support services. Without this income it would be difficult to maintain the provision of services.

The purpose of this policy is to establish how Blackpool Council will calculate a person's contribution towards the cost of their care and support when charges do apply.

3. Please outline any proposals being considered.

The introduction of the Care Act 2014 and the issue of related guidance by the Department of Health has necessitated a review of the Council's Fairer Contributions Policy and charging arrangements for residential and non-residential care.

Some of the changes have already been agreed as part of the 2016-17 budget setting process and annual review of fees and charges. The new Policy has been drafted in order to provide a comprehensive and up-to-date document for reference.

3.1. The new Policy includes details of flat rate charges which have been introduced in 2016/17 in line with the Care Act 2014 :

- Where a person has eligible needs to be met through the provision of non-residential care and has assets above the upper capital limit of £23,250, an annual administration charge will be applied based on the costs to the Council of arranging their care.
- Where a person enters into a Deferred Payment Agreement with the Council, there will be an administration charge for setting up the agreement and its ongoing maintenance.
- Where a person lacks the capacity to manage their own finances and the Council provides support then a charge will be applied based on affordability.

3.2. The new Policy introduces the concept of the provisional financial assessment, a fixed charge which may be applied from the date that services are put in place if a full financial assessment has not been completed by this time. In this way, charging for non-residential care now starts from the date that services commence as opposed to when the full financial assessment has been completed.

3.3. The full amount (as opposed to only the first £10) of a person's war disablement pension (or war widows/ widowers pension payments) is now disregarded in the financial assessment process in line with the Council's commitment to the War Veterans Charter.

3.4. In line with the Care Act, only the income of the cared-for person will be taken into account in the financial assessment, where the person receives income as part of a couple it will be assumed that a person has an equal share of the income and assets held jointly will be shared equally. Joint financial assessments will no longer be applied.

3.5. The financial assessment process when a person lacks the capacity to manage their own finances is explained and the requirement to work with someone who has the appropriate authority ie an appointee, Power of Attorney or Deputy, is highlighted.

3.6. The charging process for people in residential care is set out for the first time in the Policy as this is no longer a duty but a power of the Council and it could therefore decide not to apply charges. The proposed new Charging Policy assumes that the Council will continue to charge people for the provision of residential care services due to the significant financial implications if the Council decided not to charge.

3.7. People can choose accommodation which costs more than their personal budget allows for on the basis that a third party is willing and able to pay the additional cost. Third party arrangements to pay care home top-up fees must be the subject of a formal agreement with the Council with the implications of a failure to make the required payments clearly documented.

3.8. The Policy sets out the minimum levels below which charges cannot reduce a person's income. These levels are now set with reference to the Care and Support (Charging and Assessment of Resources) Regulations 2014 as updated by Local Authority Circulars and are defined amounts rather than a calculation based on benefit entitlements.

3.9. The Policy allows for certain household expenses to be taken into account as part of the financial assessment process. However, insurance premiums and board, as allowed for in the previous Fairer Contributions Policy are now considered alongside food and utility costs as expenses which a person is expected to meet with their basic income retained after charging (minimum income

guarantee/personal allowance).

3.10. There is no change to the banded assessments of disability related expenditure which are applied in the first instance unless the individual can demonstrate that this expenditure is exceeded. However the guideline amounts which are referred to when an individual wishes to claim more than the banded amounts have been reviewed with a view to introducing more clarity. Ultimately there is discretion on the amount allowed in each assessment but there is more emphasis on providing evidence and checking with the social worker if the expenditure is disability related.

3.11. There is also a new section on deprivation where it is believed that a person has deliberately transferred or deprived themselves of their assets with the intention of avoiding or reducing care charges. As with other debt the Council's usual debt recovery procedures will be followed.

3.12. The Care Act introduces a major change to the law for carers. Many more carers can be offered an assessment of their own needs and they may qualify for support regardless of whether the person they care for is receiving care and support. Under the new legislation, where a local authority is meeting the needs of the carer, it is allowed to ask for a contribution towards the cost of the care and support to be provided. The proposed new Policy assumes that carers will not be asked to make a contribution to the cost of their support because it is recognised that carers have a very important role in providing assistance to enable people to stay in their own homes for longer.

4. What outcomes do we want to achieve?

- To comply with the requirements of the Care Act 2014
- To comply with the requirements of the Department of Health's statutory guidance in respect of charging for residential and non-residential services and the calculation of contributions towards personal budgets
- To use the financial assessment process to take account of people's ability to pay towards the cost of their care and support
- To ensure that charging arrangements are fair and equitable for individual service users and between service user groups
- To ensure that service user independence is maintained
- To understand and recognise the full or true cost of providing services
- To improve the transparency and clarity of the charging arrangements so that people know what they will be charged
- To continue to facilitate the generation of income to support the delivery of services
- To promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
- To support carers to look after their own health and wellbeing and to care effectively and safely;
- To encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so; and

5. Who is the policy, service or function intended to help/ benefit?

Adult users of non-residential and residential services who will continue to have services available to meet their needs. They will continue to benefit from having a financial assessment which will ensure that contributions are based on ability to pay. A benefits check will also be available as part of the financial assessment process.

6. Who are the main stakeholders/ customers/ communities of interest?

The users and potential users of adult residential and non-residential services including the following services: all types of day care, all types of respite care, care at home, telecare, community alarm, supported living schemes, extra care housing, residential care, carers services and direct payments.

Other stakeholders include :

- Providers of non-residential services - in-house and commissioned
- Providers of residential care – in-house and commissioned
- Informal carers and family members
- Elected Members
- Voluntary sector organisations
- Blackpool residents

7. Does the policy, service or function have any existing aims in relation to Equality/ Diversity or community cohesion?

The financial assessment process ensures that individuals retain a basic level of income and if living at home, that they have sufficient money to meet basic housing costs and any disability related expenditure.

The policy aims to ensure that the Council's charging arrangements are comprehensive and reduce variation in the way people are assessed and charged; It also aims to apply the charging rules equally so those with similar needs or services are treated the same and anomalies between different care settings are minimised.

STEP 2 - CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU

8. Please summarise the main data/ research and performance management information in the box below.

Data/ information	
According to the Census 2011, the profile of Blackpool's population is as follows :	
<ul style="list-style-type: none"> • Blackpool has a resident population of some 142,065 • 19.2% residents are aged 60 years or over • 13.6% of residents report that their day to day activities are limited a lot • 33.6% of households are recorded as having a long-term illness or disability • 11.5% of residents provide an amount of unpaid care per week (varies from 1 to over 50 hours per week) 	
Census of Population 2011: Key statistics, Blackpool unitary authority district	
Health and provision of unpaid care	
Persons	142,065
	All affected
	Affected: aged 16-64
Day to day activities limited a lot	19,247
Day to day activities limited a little	17,084
Day to day activities not limited	105,734
Health status	
Persons in:	
Very good health	56,600
Good health	48,022
Fair health	23,977
Bad health	10,346
Very bad health	3,120
Unpaid Care	
Persons providing:	
No unpaid care	125,746
1-19 hours of unpaid care a week	8,635
20-49 hours unpaid care a week	2,592
50 or more hours unpaid care a week	5,092
Source: KS301EW	
Research or comparative information	
Based on a snapshot of activity in October 2016 it is possible to consider the following :	
<ul style="list-style-type: none"> • 2062 people are in receipt of non-residential services as recorded in the charging system • 55% (1132) are not charged for their services based on their ability to pay • 27% (547) are already paying up to their maximum possible contribution and will not be required to pay anything further • 18% (383) people will potentially be affected by any proposals to increase 	

<p>charges</p> <ul style="list-style-type: none"> • There are 915 people in permanent residential care and the equivalent of approximately 50 people in short term care over a full year.
Key findings of consultation and feedback

9. What are the impacts or effects for Key Protected Characteristics?

Age
A differential impact is anticipated for those people aged 65 years and over. A significant proportion of people in residential care will be aged 65 years and over and from the available data approx. 57% of service users receiving non-residential care are aged 65 years and over.
Disability
A differential impact is anticipated for those people with a disability. Most service users will have some form of a disability.
Gender Reassignment
No differential impact is anticipated.
Marriage and Civil partnership
No differential impact is anticipated.
Pregnancy and Maternity
No differential impact is anticipated.
Race
No differential impact is anticipated.
Religion and Belief
No differential impact is anticipated.

Sex
A differential impact is anticipated as women are more likely to receive a community based care package or residential care. It is also expected that the impact will be disproportionate for elderly women as people aged 65 years and over are more likely to be receiving services. While it is important to recognise and monitor the impact on elderly women, the proposals should be consistent across genders.
Sexual Orientation
No differential impact is anticipated.

10. What do you know about how the proposals could affect community cohesion?

It is not expected that the Policy will affect community cohesion.

11. What do you know about how the proposals could impact on levels of socio –economic inequality, in particular Poverty?

Whilst the financial assessment process aims to offer some protection against socio-economic inequality and leave people with sufficient income to cover daily living costs, housing costs and disability related expenditure, many of the people receiving social care and support are pensioners or unable to work as a result of their disability or illness. Therefore many recipients of social care services will also be in receipt of means tested benefits and disability related benefits. The requirement to contribute towards the cost of care and support may exacerbate any financial hardship already being experienced.

STEP 3 - ANALYSING THE IMPACT

12. Is there any evidence of higher or lower take-up by any group or community, and if so, how is this explained?

There is a higher take up of adult social care services by older people and people with a disability because these groups are more likely to need help with personal care as a result of ill-health, frailty, long term conditions and be at risk of physical injury. As a result they are dependent upon care and support to help maintain their independence.

13. Do any rules or requirements prevent any groups or communities from using or accessing the service?

The Care Act 2014 introduces national eligibility criteria to be used by councils when considering whether a person qualifies for help from Social Services.

14. Does the way a service is delivered/ or the policy create any additional barriers for any groups of disabled people?

Charging for adult social care and support will impact the most on those people with a disability or frailty who have been assessed as able to contribute towards the cost of their support. This may affect the take up of services, for example, the community alarm/telecare services which provide a valuable preventive role is supporting people to remain independent and living in their own homes for longer.

15. Are any of these limitations or differences “substantial” and likely to amount to unlawful discrimination?

Yes No

If yes, please explain (referring to relevant legislation) in the box below

16. If No, do they amount to a differential impact, which should be addressed?

Yes No

If yes, please give details below.

The requirement to contribute towards the cost of care and support services will have a differential impact on older people, people with a disability and women, however, the arrangements are designed to ensure consistency across gender and disability groups.

STEP 4 - DEALING WITH ADVERSE OR UNLAWFUL IMPACT

17. What can be done to improve the policy, service, function or any proposals in order to reduce or remove any adverse impact or effects identified?

Contributions towards care and support continue to be based on ability to pay. The Council's charging arrangements continue to provide for a protected level of

income based on the Department of Health's requirements and help to ensure that everyone receiving care services is treated equally. The non-residential charging arrangements will also take account of qualifying outgoings including basic housing costs and any disability related expenditure.

The following measures will help to reduce adverse effects :

- With regard to non-residential care the maximum weekly charge of £500 per week will apply.
- The Council will continue to ensure that any financial difficulties already experienced by service users are not exacerbated by charges for care services to the extent that the individual's well-being is threatened.
- The Council will ensure that financial information relating to individuals is kept up to date to allow the correct assessment of ability to pay. This would allow changes in financial circumstances to be picked up so that people are charged the correct amount.
- The Council will continue to make available a benefits maximisation check as part of the financial assessment process.
- Adequate notice of new or increased charges will be given to service users affected in order to allow time to make adjustments to finances.
- The number of service users who decide to discontinue with a service as a result of charges will be monitored. The Council will ensure that their eligible needs continue to be met.
- The Council operates a Reviews and Appeals process which allows services users to have their assessments recalculated if new information is provided or to appeal if it is considered that disability related expenses have not been fully taken into account in the assessment

18. What would be needed to be able to do this? Are the resources likely to be available?

The resources are currently available within the Council's Social Care Benefits Team to undertake financial assessments, carry out benefits maximisation checks, keep records up-to-date and deal with day-to day queries.

The Adult Social Care Team will continue to ensure that eligible needs are met and that service users are not put at risk by a withdrawal from services.

19. What other support or changes would be necessary to carry out these actions?

None

STEP 5 - CONSULTING THOSE AFFECTED FOR THEIR VIEWS

20. What feedback or responses have you received to the findings and possible courses of action?
Please give details below.

The introduction of new charges for services or increases to existing charges from 1 April 2016 was considered as part of the budget setting process for 2016/17.

21. If you have not been able to carry out any consultation, please indicate below how you intend to test out your findings and recommended actions.

Letters were sent out to service users as soon as the new charges were approved and well in advance of implementation.

Responses and complaints from service users were addressed.

STEP 6 - ACTION PLANNING

Please outline your proposed action plan below.

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Ensure financial information relating to individuals is kept up to date to ensure the correct assessment of ability to pay	Annual review of financial assessments		Ongoing	Resources Directorate	
Service users experience undue	Operate a review and appeals procedure	Regular debt management	Ongoing	Social Care Benefits Team	

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
financial hardship		meetings		and Adult Social Care	
Service users decide to cancel or not pursue social care and support arrangements	Monitor any reduction in service take-up because of charging arrangements and ensure that service user's eligible needs continue to be met		Ongoing	Head of Adult Social Care	
Service Users refuse to pay	Operate a Debt Management and Recovery Procedure	Implement procedure by 1 January 2017	1 January 2017	Resources Directorate	

STEP 7 - ARRANGEMENTS FOR MONITORING AND REVIEW

Please outline your arrangements for future monitoring and review below.

Agreed action	Monitoring arrangements	Timeframe	Responsibility	Added to Service Plan etc.

Agreed action	Monitoring arrangements	Timeframe	Responsibility	Added to Service Plan etc.

Date completed:

Signed:

Name:

Position:

Report to:	EXECUTIVE
Relevant Officer:	Delyth Curtis, Director of People
Relevant Cabinet Member	Councillor Graham Cain, Cabinet Secretary (Resilient Communities)
Date of Meeting:	15 December 2016

DOMESTIC ABUSE AND INTERPERSONAL VIOLENCE PARTNERSHIP STRATEGY 2016/2020

1.0 Purpose of the report:

- 1.1 To seek approval of the draft Blackpool Domestic Abuse and Interpersonal Violence Partnership Strategy.

The purpose of the Domestic Abuse and Interpersonal Violence is to support the Domestic Abuse and Interpersonal Violence multi-agency Partnership Board to embrace national and local principles and vision in order to ensure a systemic approach to commissioning and service delivery.

2.0 Recommendation(s):

- 2.1 To approve the Blackpool Domestic Abuse and Interpersonal Violence Partnership Strategy as attached at Appendix 8a.

3.0 Reasons for recommendation(s):

- 3.1 To provide strategic vision, leadership and direction in relation to Domestic Abuse and Interpersonal Violence across Blackpool.

To drive the work of the Domestic Abuse and Interpersonal Violence Partnership Board and support service reform

The aims of the strategy are to:-

- To provide strategic direction for the Blackpool Domestic Abuse and Interpersonal Violence Partnership Board.

- To ensure victims and their families in Blackpool experiencing domestic abuse and interpersonal violence have access to quality provisions of services appropriate to their needs.
- To reduce the impact of domestic abuse and interpersonal violence by using a multi-agency collaborative approach.
- To implement a strategic approach to integrated commissioning to develop a 'One public Service Offer'.
- To intervene, prevent and break the cycle of domestic abuse and interpersonal violence across Blackpool reducing incidents of abuse and repeat victimisation.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

Please note that that this is a partnership strategy and shall be working towards a 'one public service' offer, which will include be a pooled budget arrangement ensuring a strategic approach to integrated commissioning

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priority is: "Creating stronger communities and increasing resilience"

5.0 Background Information

5.1 In autumn 2015, multi-agency thematic meetings took place to progress the position of Domestic Abuse and Interpersonal Violence and to try and map service provision in Blackpool. It was agreed that this area had become fragmented and required direct strategic oversight. In order to drive this forward it was agreed to apply to the Home Office for funding over two years to recruit a Commissioning Manager to facilitate and co-ordinate a multi-agency project management approach. In March 2016 Blackpool was successful and received £100,000.

5.2 The bid was successful based on the aim to implement service reform in line with local requirements, working towards a *One Public Service* offer for Blackpool – pooling budgets. This post has now been recruited and has been in place from 1 July 2016.

The four objectives are to:-

1. Undertake and complete a multi-agency needs assessment and data analysis
2. Engagement and consultation with key stakeholders including third sector and neighbouring Authorities (cross boundary relationships)
3. Develop a local Domestic Abuse / Interpersonal Violence Strategy
4. Develop an Integrated Commissioning Framework

5.3 A multi-agency comprehensive needs assessment is required to be undertaken which will then drive Objective 4 in order to shape future commissioning intentions for Blackpool.

5.4 Blackpool’s Domestic Abuse and Interpersonal Violence Partnership Strategy (2016 / 2020) has been drafted and consultation has taken place with key partners, local third sector partners and a small group of service users where positive feedback was received.

5.5 The definition within the strategy identifies that Domestic abuse and Interpersonal Violence affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status. Violence can occur within the home but also in the community. Victims and their families may be subject to many different types of violence which may include the following:-

<ul style="list-style-type: none"> ▪ domestic violence- including coercive control 	<ul style="list-style-type: none"> ▪ forced abortion
<ul style="list-style-type: none"> ▪ sexual violence and abuse 	<ul style="list-style-type: none"> ▪ forced prostitution
<ul style="list-style-type: none"> ▪ physical violence 	<ul style="list-style-type: none"> ▪ gang violence
<ul style="list-style-type: none"> ▪ sexual exploitation 	<ul style="list-style-type: none"> ▪ mental and psychological abuse
<ul style="list-style-type: none"> ▪ stalking 	<ul style="list-style-type: none"> ▪ human trafficking
<ul style="list-style-type: none"> ▪ female genital mutilation 	<ul style="list-style-type: none"> ▪ forced marriage

<ul style="list-style-type: none"> ▪ so-called 'honour'-based violence 	<ul style="list-style-type: none"> ▪ Financial/economic abuse
<ul style="list-style-type: none"> ▪ emotional abuse and manipulation 	<ul style="list-style-type: none"> ▪ Harassment
<ul style="list-style-type: none"> ▪ Adolescent to Parent Violence 	

5.6 **Blackpool's Vision 2016 – 2020**

This ambition is reflected and enhanced under Blackpool's ambition to:

- Take a strategic ,system wide approach to commissioning
- Develop local services that put the victim at the centre
- Safeguard individuals throughout and improving health and wellbeing of families
- Raise local awareness of the issues and involve, engage and empower communities to seek , design and deliver solutions
- Adopt a whole family focused approach
- All statutory and voluntary partners across Blackpool work in partnership to prevent and tackle domestic abuse and interpersonal violence

The delivery of this vision will aim to break the cycle of domestic abuse within families, reduce incidents of abuse and end repeat victimisation across Blackpool.

5.7 **Strategic Drivers and Relevance**

The main overarching drivers are local, regional and National:-

- ***Blackpool Council Plan 2015 – 2020 - Priority 2***
"Communities: Creating stronger communities and increasing resilience"
- **Pan-Lancashire Domestic Abuse Strategy 2016**

The Blackpool strategy reflects the draft Pan-Lancashire Domestic Abuse Strategy 2016 priority areas in line with the national principles identified below, but with a clear direction and vision for Blackpool.

- ***HM Government Ending Violence against Women and Girls (VAWG) 2016 – 2020 (March 2016)***

The National Policy contains four guiding principles for work around violence against women and girls and Blackpool's Strategy is founded upon these principles, which are to:-

- Preventing violence and abuse
- Provision of services
- Partnership working
- Pursuing Perpetrators

5.8 **Blackpool's Priorities**

Blackpool is clear that domestic abuse and interpersonal violence affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status and addresses Domestic Abuse and Interpersonal Violence through the four national guiding principles as set out above.

Blackpool's Domestic Abuse and Interpersonal Violence Partnership strategy identifies:-

Prevention

- We will raise local awareness of domestic abuse so people understand what it is and where they can get support
- We will create an environment for safe, early disclosure
- We will work with young people to provide opportunities for their personal and social development in relation to healthy relationships
- We will ensure that systems are in place to identify , reduce and mitigate the risk of harm to children, young people and adults
- We will ensure all relevant professionals are trained to ask about and deal appropriately with domestic abuse

Provision

- We will adopt a strategic, systems wide approach to commissioning, developing pooled budget arrangements to achieve an outcomes based 'one public service' offer.
- We will commission services so that victims and their families are empowered to take back control of their lives and to live independently and safely within the community, free from fear, abuse and re-victimisation.

- We will ensure that the local population, whatever their level of need, will receive a high standard of support and there will be equality of access to broad diverse provision, including accommodation.

Partnership

- We will ensure that the police, safeguarding and health and social care processes work effectively together and that the pathways for victims, their families and perpetrators are understood
- We will ensure the effective sharing of appropriate data and information to improve service delivery in support of victims, those at risk (including minority, hard to reach and new and emerging groups) and the targeting of perpetrators.
- We will provide the best possible advice and assistance to victims of domestic abuse, their families and perpetrators and value the important contribution made by the voluntary, community and private sectors.
- We will ensure there is a robust consultation and engagement process to ensure victims and service providers can share their experiences and views to contribute to an agreed local approach

Perpetrators

- We will work with perpetrators and those at risk of becoming perpetrators , to challenge and change their attitudes and behaviour, including those not subject to criminal justice procedures where programmes are delivered outside of statutory disposals
- We will deploy the Multi Agency Public Protection Arrangements (MAPPA) to manage the risk posed by perpetrators and the Multi Agency Risk Assessment Conferences (MARAC) to enhance the effectiveness of our work with victims and their families
- We will ensure that perpetrators are dealt with effectively by adopting a seamless approach to case management within the criminal justice system and promoting effective interventions to change their behaviour

Outcomes

The Partnership will need to know whether the Strategy is making a difference and we are aiming to measure its impact through the following outcomes measures:-

- I. Blackpool residents understand what is meant by domestic abuse and interpersonal violence and they know what they can do about it and where to get help.

- II. Blackpool victims of domestic abuse and interpersonal violence are protected and can live in safety, preferably in their own homes.
- III. Increased awareness of respectful personal relationships, especially amongst young people.
- IV. Fewer children and young people experience domestic abuse and interpersonal violence.
- V. Perpetrators of domestic abuse and interpersonal violence do not repeat their abusive behaviour.

5.9 Domestic abuse and interpersonal violence is a complex issue and one which no single agency can tackle alone.

Blackpool is clear that domestic abuse and interpersonal violence affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status. To do this we need to make tackling domestic abuse and interpersonal violence everybody's business.

By supporting victims to disclose violence as part of their everyday interactions we can aid earlier identification and intervention to stop violence and abuse from escalating to critical levels. By improving confidence in the criminal justice system this will help bring more perpetrators to justice, as well as doing more to rehabilitate offenders

Ensuring all victims receive the right support at the right time, which is effective and adopts a whole family approach; and through implementing a strategic approach to integrated commissioning and developing the 'One public Service Offer'.

5.10 In addition the decision will ensure that that the Partnership is:-

- Have an effective and robust Domestic Abuse and Interpersonal Violence Partnership Board
- Long-term management oversight of Domestic Abuse and Interpersonal Violence in Blackpool
- Be nationally and locally compliant
- Inspection ready

5.11 Does the information submitted include any exempt information?

No

5.12 **List of Appendices:**

Appendix 8a: Draft Blackpool’s Domestic Abuse and Interpersonal Violence Partnership Strategy (2016-2020)

Appendix 8b: Draft Blackpool Domestic Abuse and Interpersonal Violence Partnership Strategy (2016-2020) Action Plan

6.0 **Legal considerations:**

6.1 None

7.0 **Human Resources considerations:**

7.1 None at this stage

8.0 **Equalities considerations:**

8.1 An Equality Impact Analysis has been considered (Appendix Five of the strategy)

8.2 The strategy has no exclusions in relation to any user groups.

8.3 Domestic Abuse and Interpersonal Violence affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status. Violence can occur within the home but also in the community. Victims and their families may be subject to many different types of violence which may include:-

domestic violence- including coercive control	forced abortion
sexual violence and abuse	forced prostitution
physical violence	gang violence
sexual exploitation	mental and psychological abuse
stalking	human trafficking
female genital mutilation	forced marriage
so-called ‘honour’-based violence	Financial/economic abuse
emotional abuse and manipulation	Harassment
Adolescent to Parent Violence	

9.0 Financial considerations:

9.1 This is a partnership strategy and shall be working towards a 'one public service' offer, which will include be a pooled budget arrangement ensuring a strategic approach to integrated commissioning. There will need to be a further commitment to a pooled budget arrangement by all partners to ensure partners are able to fulfill the requirements of the strategy.

10.0 Risk management considerations:

10.1 The previous Blackpool Interpersonal Violence and Abuse Partnership Strategy 2010-2015 has expired and Blackpool requires an updated strategy to:-

- Set the strategic vision and direction for the Blackpool and Blackpool's Domestic Abuse and Interpersonal Violence Partnership Board
- Support working towards reducing the impact of domestic abuse and interpersonal violence by using a multi-agency collaborative approach
- Ensure that Domestic Abuse and Interpersonal Violence as a complex issue is looked at and owned by all partners
- Ensure the Partnership fulfils the requirements of receiving £100,000 from the Home Office
- Ensure the Partnership is clear as to Blackpool's needs to support service reform

10.2 Lack of strategic vision and oversight will cause fragmentation and disjointed services.

10.3 The Multi-Agency Risk Assessment Conference numbers are not reducing and Domestic Abuse and Interpersonal Violence increasing. Currently due to the high number of Multi-Agency Risk Assessment Conference cases two Multi-Agency Risk Assessment Conferences are planned to be held each month instead of the normal one to manage the volume and risk.

10.4 Incidents of abuse and repeat victimisation not reducing therefore not breaking the cycle of domestic abuse and interpersonal violence across Blackpool.

11.0 Ethical considerations:

11.1 The Domestic Abuse and Interpersonal Violence Partnership Board does not believe that this strategy will contravene the Council's core values, morals and beliefs.

11.2 The Domestic Abuse and Interpersonal Violence Partnership Strategy has been considered in line with Council's Plan: Priority 2 *"Communities: Creating stronger communities and increasing resilience"*

11.3 Reductions in levels of domestic abuse; and support services which increase resilience and will contribute to the creation of stronger communities within Blackpool.

12.0 Internal/ External Consultation undertaken:

12.1 The draft strategy went out for consultation with key partners and local domestic abuse service providers. In addition consultation was held with a small group of service users. Feedback was positive and the service user group is planned to be used for further consultation.

12.2 The governance of the Domestic Abuse and Interpersonal Violence Partnership Board also includes a proposed Provider Group and a service user group.

12.3 At the Domestic Abuse and Interpersonal Violence Partnership Board 13 October 2016 it was agreed that partners were happy with the final draft of the strategy and that this should now be progressed for formalising.

13.0 Background papers:

13.1 HM: Ending Violence Against Women and Girls Strategy 2016 – 2020
Pan-Lancashire Domestic Abuse Strategy 2016
Blackpool Community Safety Plan 2016 - 2019

14.0 Key decision information:

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:
n/a

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

(V6 FINAL DRAFT) Blackpool's Domestic Abuse & Interpersonal Violence (DAIV) Partnership Strategy 2016 / 2020



Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

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Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Forward

(To be inserted –Cllr. Cain)

DRAFT

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Definition

"Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

This can encompass but is not limited to the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim."¹

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.²

The Adoption and Children Act 2002 extended the definition of harm to include 'impairment suffered from seeing or hearing the ill-treatment of another'.

The Government adopted the United Nations (UN) Declaration (1993) on the elimination of violence against women to guide activity across all government departments:

"Any act of gender-based violence that results in, or is likely to result in physical, sexual, psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."

Domestic abuse and interpersonal violence affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status. Violence

¹ Home Office Domestic Violence and Abuse available at <https://www.gov.uk/guidance/domestic-violence-and-abuse#history> (last updated 27th March 2015)

² Gay, O (2015) House of Commons Library: Domestic Violence available at <http://researchbriefings.files.parliament.uk/documents/SN06337/SN06337.pdf>

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

can occur within the home but also in the community. Victims and their families may be subject to many different types of violence which may include:

domestic violence- including coercive control	forced abortion
sexual violence and abuse	forced prostitution
physical violence	gang violence
sexual exploitation	mental and psychological abuse
stalking	human trafficking
female genital mutilation	forced marriage
so-called 'honour'-based violence	Financial/economic abuse
emotional abuse and manipulation	Harassment
Adolescent to Parent Violence	

It is important to consider survivors as individuals; no two survivors will have the same response to their experience. However, there are a range of impacts and responses which can occur. These may be emotional, psychological, physical, financial, or social.

Aim

- To provide strategic direction for the Blackpool Domestic Abuse and Interpersonal Violence Partnership Board.
- To ensure victims and their families in Blackpool experiencing domestic abuse and interpersonal violence have access to quality provisions of services appropriate to their needs.
- To reduce the impact of domestic abuse and interpersonal violence by using a multi-agency collaborative approach.

- To implement a strategic approach to integrated commissioning to develop a 'One public Service Offer'.
- To intervene, prevent and break the cycle of domestic abuse and interpersonal violence across Blackpool reducing incidents of abuse and repeat victimisation.

To do this we need to make tackling domestic abuse and interpersonal violence everybody's business, from but not limited to, Local Authority, Health providers, Police, Probation, Third Sector, employers, communities, friends and family.

Introduction & Why does it matter?

In the latest figures from 2013/14, published by the ONS, it is estimated that around 1.4 million women suffered domestic abuse and 2.2% of women aged 16 to 59 had been a victim of a sexual assault (including attempts) in the last year³. According to the 2012/13 Crime Survey for England and Wales, after the age of 16, stalking affects 4.4% of women and 2.5% of men a year.

It estimated that approximately 103,000 women aged 15-49 and approximately 24,000 women aged 50 and over who have migrated to England and Wales are living with the consequences of FGM. In addition, approximately 10,000 girls aged under 15 who have migrated to England and Wales are likely to have undergone FGM⁴.

³ Based on: Focus on Violent Crime and Sexual Offences, 2013/14 Office for National Statistics (13 February 2015).

⁴ Macfarlane A, Dorkenoo E. Female Genital Mutilation in England and Wales: Updated statistical estimates of the numbers of affected women living in England and Wales and girls at risk. Interim report on provisional estimates. London: City University London and Equality Now, (2014).

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

In 2014, the Forced Marriage Unit provided advice or support in almost 1500 cases⁵, but we know that this does not reflect the full scale of the abuse, and many more cases are not reported.

At least 750,000 children a year witness domestic violence⁶. Nearly three quarters of children on a Child Protection Plan live in households where domestic violence occurs⁷.

- It is estimated that 70,000 women were victims of rape in 2012/13. *Key national statistics* (Focus on Violent Crime and Sexual Offences, 2012/13 Office for National Statistics (13 February 2014)*
- 500 women who have experienced domestic violence in the last six months commit suicide every year. Of those, just under 200 attended hospital for domestic violence on the day that they committed suicide. *(Walby, S. (2004) The Cost of Domestic Violence abuse every 30 seconds.)*
- There is a major overlap between direct harm to children and domestic abuse: 62% of children exposed to domestic abuse in (CAADA's) study were also directly harmed

(In Plain Sight: Effective help for children exposed to domestic abuse, CAADA 2014)

- On average the police receive an emergency call relating to domestic abuse every 30 seconds *(HMIC (March 2014) Improving the police response to domestic abuse).*
- Almost two thirds of women involved with domestic violence agencies reported that their problematic substance use began following their experiences of domestic violence *(Mayor of London, Domestic violence and substance misuse: overlapping issues in separate services? 2005)*
- Nearly 50% of female clients at St Mungos have experienced domestic violence, and one third said domestic violence had contributed to their homelessness *(Rebuilding Shattered Lives, St Mungos 2014)*
- The national figure for male victims July 2015 - June 2016 was 4.8%. In Lancashire for the same period it was 5.9%. The guideline at SafeLives is that this figure should be somewhere between 5-10%, for victims at the highest risk. The figure will include heterosexual interpersonal abuse, LGBT interpersonal abuse, and also intergenerational abuse.

⁵ Information from HM Government Forced Marriage Unit

⁶ DoH, (2002) Women's Mental Health : Into the Mainstream, accessed at: http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/Consultations/Closedconsultations/DH_4075478_p.16

⁷ Hester, M. & Pearson, C. (1998) From Periphery to Centre: Domestic Violence in Work with Abused Children, Policy Press.

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Men represent over 10% of all victims when you look at victims aged 60+ (Sept 2016).

Crime overview data identified within the Blackpool Community Safety Plan 2016 – 2019:-

Domestic Abuse

- Approximately 10% of crime in Blackpool is domestic abuse related
- Over one third of these domestic abuse offences are alcohol related
- Peak ages for victims and offenders are people in their 20's
- Two thirds of Multi Agency Risk Assessment Conference (MARAC) cases have links to children

Violence against the Person

- Violence against the person (VAP) is significantly higher in Blackpool than the Lancashire and National average per 1000 population
- One third of all VAP offences in Blackpool are alcohol related
- The current trend in relation to VAP is a weak upward trend compared to being static at the end of 2014/15

Sexual Offences / Rape

- Sexual assaults and rape offences are significantly higher in Blackpool than the Lancashire and national average
- There has been an increasing trend over the last four years
- There are issues around young victims and inter-relationship offences
- There is an increase in the number of historical offences being reported

Local Needs Analysis & Data

Domestic abuse has significant impact upon individuals, their families and communities within Blackpool. Tables One to Four below identify current Police and Blackpool MARAC data for context (*Lancashire Constabulary, July 2016*).

Table One

Domestic Abuse Crimes Reported	April 2015 - March 2016	April 2016 - June 2016
Lancashire Constabulary	8,886	2,576
Blackpool CSP	1,787	471
	(Blackpool Central = 631 Blackpool South = 715 Bispham = 441)	(Blackpool Central = 153 Blackpool South = 209 Bispham = 109)

Table Two

Domestic Abuse Assaults with Injuries	April 2015 - March 2016	April 2016 - June 2016
Lancashire Constabulary	3,188	925
Blackpool CSP	687	186
	(Blackpool Central = 237 Blackpool South = 271 Bispham = 179)	(Blackpool Central = 63 Blackpool South = 80 Bispham = 43)

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Table Three

BLACKPOOL MARAC DATA		
Total MARAC Cases – Blackpool MARAC	April 2015 – March 2016	442 Cases
Total MARAC Cases – Blackpool MARAC	April 2016 – June 2016	136 Cases
Total Children listed in Blackpool MARAC Cases	April 2015 – March 2016	509
Total Children listed in Blackpool MARAC Cases	April 2016 – June 2016	127
Total Repeat Cases Blackpool MARAC	April 2015 – March 2016	84 cases
Total Repeat Cases Blackpool MARAC	April 2016 – June 2016	30 cases

Table Four

DA PVP Referrals April 2015 – March 2016	Lancashire Constabulary	24,314 (High = 3,746 Medium = 7,902 Standard = 12,666)
	Blackpool CSP	4,488 (High = 583 Medium = 1,626 Standard = 2,279)

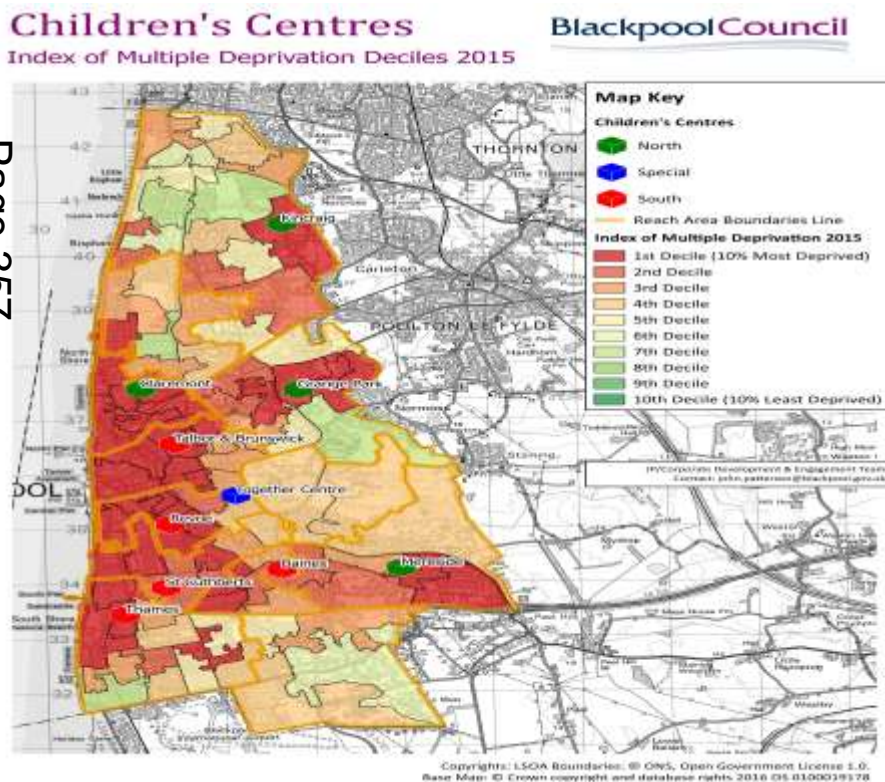
(April 2016 to June 2016 Police data not yet available re: PVP referrals)

To compare the same period (quarter) over the last three years we can see the rate of MARAC cases has not reduced:-

- April-June 2014/15 Total cases = **131**
- April-June 2015/16 Total cases = **141**
- April-June 2016/17 Total cases = **136**

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

The map below shows the relative positions of local areas in Blackpool. Around half of Blackpool's 94 Lower Super Output Areas (LSOA's), are in the most deprived 20% of all LSOAs in England.



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The Mosaic Public Sector Social Classification Tool (*copyright Experian*) can provide understanding of the socio economic characteristics and socio-cultural behaviours of all residents and communities.

The population of Blackpool is estimated at 141,400 with 64,211 households. According to the Mosaic Public Sector data the three groups with the highest numbers of children in MARAC (Sept 2015) were identified within the following Mosaic Public Sector Groups:-

- **'Transient Renters'** – 1st highest household group equating to 22% (14,246) of Blackpool's households with 34.90% (230) having children in MARAC.

Key features of this group: private renters, low length of residency, low cost housing

- **'Family Basics'** – 2nd highest household group equating to 10.91% (7,005) of Blackpool's households with 23.37% (154) having children in MARAC.

Key features of this group: families with children, aged 25-40, limited resources, some own low cost homes, some rent from social landlords

- **'Modest Traditions'** – 3rd highest household group equating to 15.33% (9,845) of Blackpool's households with 12.44% (82) having children in MARAC.

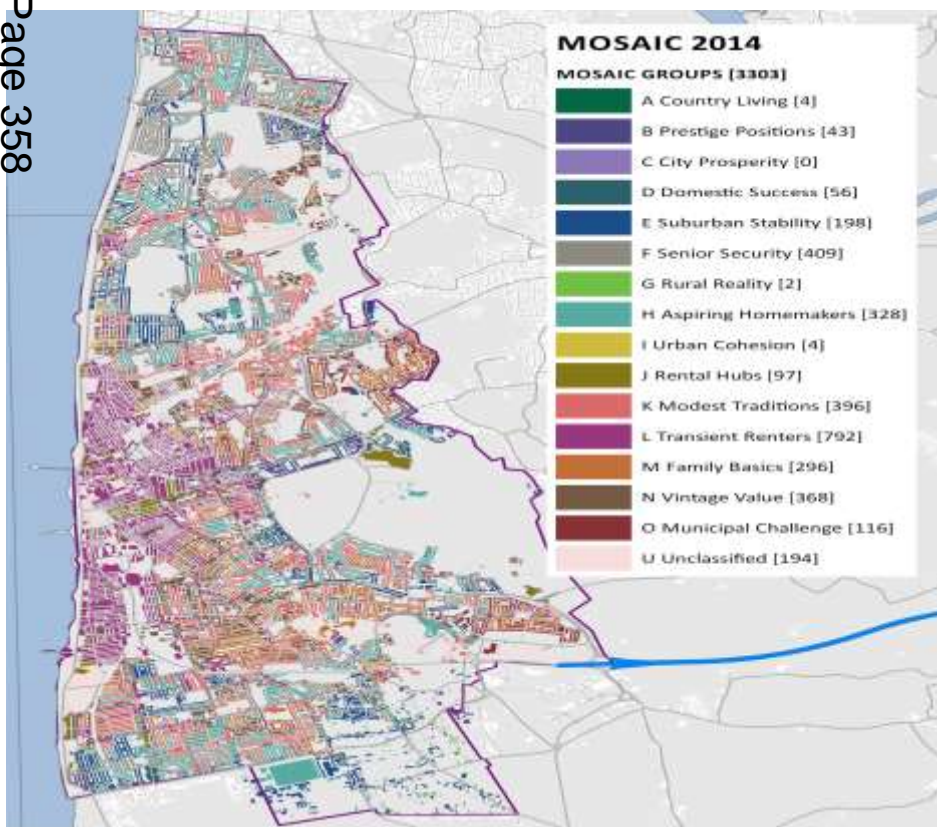
Key features of this group: mature age, homeowners, affordable housing, and modest income

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Analysing victims of domestic abuse according to their Mosaic Classification can help agencies to understand common characteristics of victims and give an indication about the most appropriate ways to communicate and engage with those most at risk.

The map below represents the Mosaic Groups across Blackpool (2014/2015)

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Balanced System Diagram

As part of the Blackpool multi agency needs assessment there will be consideration to the following model.

The Marie Gascoigne's Balanced System 2™ framework provides a theoretically driven and practically tested model enabling analysis of an organisation or partnership and its services. This approach is designed to meet the needs of any given population and multi-agency model.

The framework was originally developed in order to provide a practical and holistic solution to the challenge of meeting the needs of children and young people with speech, language and communication needs (SLCN). More recently it has been used to consider other therapy services and a pilot looking at the potential of the model for wider children's services is due to begin later this year.

The Balanced System 2™ framework provides a 'map' for considering the system as a whole. The Balanced System 2™ audit tools provide the means to evaluate a system and inform specifications and can therefore be applied across integrated services and beyond.

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Within each Tier of provision there are five strands which need to be addressed:

Victims and families	Supporting victims and families with appropriate information and skills to enable them to be proactive in making choices and designing and delivering solutions
Environments	Working with others to ensure that environments in which victims and their families are safe for early disclosure. Raising local awareness of domestic abuse so people understand what it is and where they can get support
Workforce	Using specialist knowledge and expertise to build skills in the wider workforce in order to ensure that domestic abuse and interpersonal violence are appropriately supported across universal, targeted and specialist tiers. Ensure all relevant professionals and wider community are trained to ask about and deal appropriately with domestic abuse
Early Identification	Ensuring that systems are in place to identify, reduce and mitigate the risk of harm to victims and their families
Intervention	Providing appropriate and timely intervention ensuring that the victim is at the centre and safeguarding is considered throughout

The Balanced System 2™



Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

The key principle of the Balanced System is that commissioners should commission a **system** that will deliver good outcomes, rather than commission by service or profession, with a number of different professions and services that will contribute to the system. The system should be capable of meeting needs at three levels:

1. Universal
2. Targeted
3. Specialist

Commissioners should be in a position to commission for services that operate seamlessly and effectively at universal, targeted and specialist levels. Any separation of these levels of commissioning, risks removing the incentive to invest in cost-effective prevention to reduce service demand later and reduce the risk increasing to high need and where specialist help is required.

A crucial issue is how to ensure clear and effective pathways to targeted and specialist level interventions for those victims and their families identified as in need through universal provision.

One way of achieving this is through an integrated commissioning of the universal, targeted and specialist elements of provision from a single service provider, so that there is a coherent and seamless pathway of support for victims and their families.

2016 - 2020 Vision (National Policy)

HM Government: Ending Violence against Women and Girls 2016 – 2020 outlines the national vision.

- There is a significant reduction in the number of VAWG victims, achieved by challenging the deep-rooted social norms, attitudes and behaviours that discriminate against and limit women and girls, and by educating, informing and challenging young people about healthy relationships, abuse and consent;
- All services make early intervention and prevention a priority, identifying women and girls in need before a crisis occurs, and intervening to make sure they get the help they need for themselves and for their children;
- Women and girls will be able to access the support they need, when they need it, helped by the information they need to make an informed choice;
- Specialist support, including accommodation-based support, will be available for the most vulnerable victims, and those with complex needs will be able to access the services they need;
- Services in local areas will work across boundaries in strong partnerships to assess and meet local need, and ensure that services can spot the signs of abuse in all family members and intervene early;
- Women will be able to disclose experiences of violence and abuse across all public services, including the NHS. Trained staff in these safe spaces will help people access specialist support whether as victims or as perpetrators;
- Elected representatives across England and Wales will show the leadership, political will and senior accountability necessary to achieve the necessary change, and will champion efforts to tackle these crimes;
- Everyone in a local area will be able to hold their elected leaders to account through clear data on how local need is being met;

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

- There will be a lower level of offending through an improved criminal justice response and a greater focus on changing the behaviour of perpetrators through a combination of disruption and support; and
- A stronger evidence base of what works, and victim safety, will be embedded into all interventions to protect victims of VAWG.

Blackpool's Vision 2016 – 2020

This ambition is reflected and enhanced under Blackpool's ambition to:

- Take a strategic ,system wide approach to commissioning
- Develop local services that put the victim at the centre
- Safeguard individuals throughout and improving health and wellbeing of families
- Raise local awareness of the issues and involve, engage and empower communities to seek , design and deliver solutions
- Adopt a family focused approach
- All statutory and voluntary partners across Blackpool work in partnership to prevent and tackle domestic abuse and interpersonal violence

The delivery of this vision will aim to break the cycle of domestic abuse within families, reduce incidents of abuse and end repeat victimisation across Blackpool.

Strategic Drivers & Relevance

The main overarching drivers are both local and National:-

(1) Blackpool Council Plan 2015 – 2020 - Priority 2

- *“Communities: Creating stronger communities and increasing - resilience”*

Reductions in levels of domestic abuse; and support services which increase resilience and will contribute to the creation of stronger communities within Blackpool.

(2) HM Government Ending Violence against Women and Girls (VAWG) 2016 – 2020 (March 2016)

The National Policy contains four guiding principles for work around violence against women and girls and Blackpool's Strategy is founded upon these principles, which are to:-

- Preventing violence and abuse
- Provision of services
- Partnership working
- Pursuing Perpetrators

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Priorities

In building upon the Governments *Ending Violence against Women and Girls Strategy 2016 – 2020*, Blackpool's vision will be realised under four key priorities:

- Prevention
- Provision
- Partnership
- Perpetrators

Blackpool is clear that domestic abuse and interpersonal violence affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status.

Prevention

- We will raise local awareness of domestic abuse so people understand what it is and where they can get support
- We will create an environment for safe, early disclosure
- We will work with young people to provide opportunities for their personal and social development in relation to healthy relationships
- We will ensure that systems are in place to identify, reduce and mitigate the risk of harm to children, young people and adults
- We will ensure all relevant professionals are trained to ask about and deal appropriately with domestic abuse

Provision

- We will adopt a strategic, systems wide approach to commissioning, developing pooled budget arrangements to achieve an outcomes based 'one public service' offer.
- We will commission services so that victims and their families are empowered to take back control of their lives and to live independently and safely within the community, free from fear, abuse and re-victimisation.
- We will ensure that the local population, whatever their level of need, will receive a high standard of support and there will be equality of access to broad diverse provision, including accommodation.

Partnership

- We will ensure that the police, safeguarding and health and social care processes work effectively together and that the pathways for victims, their families and perpetrators are understood
- We will ensure the effective sharing of appropriate data and information to improve service delivery in support of victims, those at risk (including minority, hard to reach and new and emerging groups) and the targeting of perpetrators.
- We will provide the best possible advice and assistance to victims of domestic abuse, their families and perpetrators and value the important contribution made by the voluntary, community and private sectors.

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

- We will ensure there is a robust consultation and engagement process to ensure victims and service providers can share their experiences and views to contribute to an agreed local approach

Perpetrators

- We will work with perpetrators and those at risk of becoming perpetrators , to challenge and change their attitudes and behaviour, including those not subject to criminal justice procedures where programmes are delivered outside of statutory disposals
- We will deploy the Multi Agency Public Protection Arrangements (MAPPA) to manage the risk posed by perpetrators and the Multi Agency Risk Assessment Conferences (MARAC) to enhance the effectiveness of our work with victims and their families
- We will ensure that perpetrators are dealt with effectively by adopting a seamless approach to case management within the criminal justice system and promoting effective interventions to change their behaviour

Outcomes

The Partnership will need to know whether the Strategy is making a difference and we are aiming to measure its impact through the following outcomes measures:-

- I. Blackpool residents understand what is meant by domestic abuse and interpersonal violence and they know what they can do about it and where to get help.
- II. Blackpool victims of domestic abuse and interpersonal violence are protected and can live in safety, preferably in their own homes.

- III. Increased awareness of respectful personal relationships, especially amongst young people.
- IV. Fewer children and young people experience domestic abuse and interpersonal violence.
- V. Perpetrators of domestic abuse and interpersonal violence do not repeat their abusive behaviour.

We will know whether we have achieved these outcomes through:-

- I. The number of incidents reported to the Police and specialist domestic abuse organisations.
- II. A reduction in the amount of violence with injury and serious crime that is domestic related.
- III. A reduction in the number of repeat victims of domestic abuse and interpersonal violence.
- IV. Changes in attitude and understanding as measured by public survey for example via Blackpool Council's Citizen Panel
- V. More victims being empowered to live independently, free from fear, abuse or re-victimisation as a result of the effectiveness of services.
- VI. The number of domestic abuse and interpersonal violence offenders brought to justice.
- VII. Evaluating the services we provide / commission to ensure that they are as effective as possible and provide the best value for money

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

It is worth noting that as we raise awareness of domestic abuse and interpersonal violence and how to get help, we may see an increase in the number of first time reports during the first phase of the Strategy implementation.

Governance & Summary

Monitoring will be overseen by the Blackpool Domestic Abuse & Interpersonal Violence Partnership Board.

Please refer to Appendix six for the Domestic Abuse & Interpersonal Violence (DAIV) Governance Structure.

Identified key representation from each partner organisation will report to the Blackpool Domestic Abuse & Interpersonal Violence Partnership Board to ensure that their respective organisation is playing its part in delivering this strategy and vision through the development, completion and review of the action plan.

Domestic abuse and interpersonal violence is a complex issue and one which no single agency can tackle alone

We shall consult with wider stakeholders, service users and voluntary / third sector when determining need and developing provision.

Blackpool is clear that domestic abuse and interpersonal violence affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status. To do this we need to make tackling domestic abuse and interpersonal violence everybody's business.

By supporting victims to disclose violence as part of their everyday interactions we can aid earlier identification and intervention to stop violence and abuse from escalating to critical levels. By improving confidence in the criminal justice system this will help bring more perpetrators to justice, as well as doing more to rehabilitate offenders

Ensuring all victims receive the right support at the right time, which is effective and adopts a whole family approach; and through implementing a strategic approach to integrated commissioning and developing the 'One public Service Offer'.

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Appendices

Appendix One

Strategic Relevance, further documents considered:-

- HM Government: Ending Violence against Women and Girls Strategy 2016 – 2020 (March 2016)
- HM: National Statement of Expectations (July 2016?)
- HM: Violence against Women and Girls Services – Supporting Local Commissioning (July 2016)
- Serious Crime Act 2015
- NICE Domestic Violence and Abuse Multi Agency Working – NICE Guidelines PH50 (Feb 2014)
 - NICE Pathway
 - Quality Standard
- Claire's Law – Domestic Violence Disclosure Scheme (2014)
- The Care Act 2014
- Working Together to Safeguard Children
- Domestic Violence Crime and Victims Act 2014

Appendix Two

Listed below are the key policies, strategies or plans that the Blackpool's Domestic Abuse and Interpersonal Violence Strategy will link to:-

- Blackpool Council Plan 2016 - 2020
- Blackpool's Joint Health and Well Being Strategy 2016 - 2019
- Pan Lancashire Domestic Abuse Strategy 2016
- Adult & Children's Social Care Commissioning Strategy 2015 - 2018
- Blackpool Safeguarding Boards Plans
- Blackpool Community Safety Plan 2016 - 2019
- *Consideration to the Sexual Health Strategy & Plan (once finalised and signed off) which may include consideration to the development of a Sexual Violence Strategy as an action*

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Appendix Three

The strategy shall be developed in consultation with key relevant partners:-

- Blackpool Teaching Hospital, NHS Foundation Trust (BTHNHS)
- Lancashire Constabulary
- Blackpool Clinical Commissioning Group (CCG)
- NW National Probation Service
- Lancashire & Cumbria Community Rehabilitation Company
- Public Health
- NW Ambulance Service
- Lancashire Care Foundation Trust (LCFT)
- BSafe Blackpool Strategic Partnership,
- Children's Social Care (Safeguarding), Blackpool Council
- Adult Safeguarding and Wellbeing, Blackpool Council
- Housing Options, Blackpool Council
- Early Help for Children and Families, Blackpool Council
- Centre for Early Child Development
- Police and Crime Commissioning Office
- Third Sector
- Service Users

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Appendix Four

Current members of the Domestic Abuse and Interpersonal Violence Partnership Board:-

- Blackpool Council (*Including Children and Adult Safeguarding, Children & Adult Commissioning, Public Health, Early Help for Children & Families, Housing, Safeguarding, Quality and Review: School Safeguarding and Universal Services and School Effectiveness*)
- Blackpool Clinical Commissioning Group (BCCG)
- Lancashire Constabulary
- Blackpool Teaching Hospital, NHS Foundation Trust (BTHNHS)
- Lancashire & Cumbria Community Rehabilitation Company
- National Probation Service
- Office of the Police & Crime Commissioner
- North West Ambulance Service (NWAS)
- Lancashire Care Foundation Trust (LCFT)
- Blackpool Safeguarding Children's Board
- Blackpool Safeguarding Adults Board
- Centre for Early Child Development
- BSafe Blackpool Strategic Partnership

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- Blackpool Council (*Including Children and Adult Safeguarding, Children & Adult Commissioning, Public Health, Early Help for Children & Families, Housing, Safeguarding, Quality and Review: School Safeguarding and Universal Services and School Effectiveness*)
- Blackpool Clinical Commissioning Group (BCCG)
- Lancashire Constabulary

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

-
- Blackpool Teaching Hospital, NHS Foundation Trust (BTHNHS)
 - Lancashire & Cumbria Community Rehabilitation Company
 - National Probation Service
 - Office of the Police & Crime Commissioner
 - North West Ambulance Service (NWAS)
 - Lancashire Care Foundation Trust (LCFT)
 - Blackpool Safeguarding Children's Board
 - Blackpool Safeguarding Adults Board
 - Centre for Early Child Development
 - BSafe Blackpool Strategic Partnership

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Appendix Five: Equality Impact Analysis

Equality Impact Analysis – Domestic Abuse and Interpersonal Violence - DAIV (Blackpool)

STEP 1 – IDENTIFYING THE PURPOSE OR AIMS

1.1 What type of policy, service or function is this?

The DAIV reform project led by a lead Commissioning Manager is embracing all aspects of DAIV such as the DAIV Strategy, Governance, Performance and any service delivery specific for DAIV in Blackpool to ensure impartiality and fairness for all residents and professionals living and operating in Blackpool

1.2 What is the aim and purpose of the DAIV Strategy?

The purpose of the DAIV Strategy is to support the DAIV multi-agency Partnership Board to embrace national and local principles and vision in order to ensure a systemic approach to commissioning and service delivery

1.3 Please outline any proposals being considered

Once endorsement of the DAIV strategy by senior council officers an Action Plan will be produced and driven by the DAIV Partnership Board, which has now been established to:-

- Oversee a system wide approach to commissioning of the provision of DAIV services
- Include a pooled budget arrangement between the multi-agency partners, with management oversight by the designated DAIV Commissioning Manager ensuring maximum effect to deliver strategic priorities
- Continually assess strategic requirements for service and system development and make recommendations for the delivery of DAIV interventions and services in Blackpool
- Challenge under-performance in a constructive and supportive manner
- Ensure that the partnership work is developed in a sustainable way
- Advise and liaise with other strategic bodies e.g. Blackpool Safeguarding Children's Board, Blackpool Safeguarding Adults Board, 'BSafe' Blackpool Community Safety Strategic Partnership and Pan Lancashire Domestic Abuse Partnership Board
- Hold partners to account for the delivery of the action plan

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

- Ensure that there are no barriers to prevent the Board working effectively e.g. information sharing

This Action Plan will include a performance monitoring framework with a focus and emphasis on DIAV incidents, crime, victims, change in attitude and understanding, empowerment, offenders/perpetrators and the evaluation of services to ensure efficient and effective services that are value for money.

In addition, Blackpool intends to widen the aspects of service delivery to include national definitions e.g.,

Definition

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality"

This can encompass but is not limited to the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

"Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim"
This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

The Adoption and Children Act 2002 extended the definition of harm to include 'impairment suffered from seeing or hearing the ill-treatment of another'.

The Government adopted the United Nations (UN) Declaration (1993) on the elimination of violence against women to guide activity across all government departments:

"Any act of gender-based violence that results in, or is likely to result in physical, sexual, psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life"

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

1.4 What outcomes do we want to achieve?

- Blackpool residents understand what is meant by domestic abuse and interpersonal violence and they know what they can do about it and where to get help
- Blackpool victims of domestic abuse and interpersonal violence are protected and can live in safety, preferably in their own homes
- Increased awareness of respectful personal relationships, especially amongst young people
- Fewer children and young people experience domestic abuse and interpersonal violence
- Perpetrators of domestic abuse and interpersonal violence do not repeat their abusive behaviour
- Be inspection ready
- An effective and robust DAIV Partnership Board
- A long-term management oversight of DAIV in Blackpool
- Be nationally and locally compliant

1.5 Who is the strategy intended to benefit?

- For any Blackpool resident who may be a victim and/or experiencing DAIV, including the perpetrator and their families and children living with DA in order to adopt the whole family approach
- Any strategic and/or operational professional offering support to victims, perpetrators and their families

1.6 Who are the main stakeholders, customers and communities of interest?

- Residents of Blackpool
- Adults and children who may use services in Blackpool
- Blackpool Council (including Public Health)
- Blackpool CCG
- Lancashire Constabulary
- Lancashire Care Foundation Trust
- Office of Police Crime Commissioner
- North West Ambulance Service
- Blackpool Teaching Hospital NHS Foundation Trust
- Centre for Early Child Development

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

- North West National Probation Service
- Lancashire & Cumbria Community Rehabilitation Company
- Blackpool Safeguarding Children's Board
- Blackpool Safeguarding Adult's Board
- Lancashire Care Foundation NHS Trust (LCFT)
- Local voluntary and community sector
- Providers of services for DAIV

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2.7 Does the strategy have any existing aims in relation to equality / diversity or community cohesion?

The strategy has no exclusions in relation to any user groups

DAIV affects all victims regardless of their gender, age, race, religion, class, sexual orientation and marital status. Violence can occur within the home but also in the community. Victims and their families may be subject to many different types of violence which may include:

▪ domestic violence- including coercive control	▪ so-called 'honour'-based violence	▪ emotional abuse and manipulation
▪ forced abortion	▪ forced marriage	▪ physical violence
▪ forced prostitution	▪ Financial/economic abuse	▪ sexual exploitation
▪ gang violence	▪ Harassment	▪ stalking
▪ mental and psychological abuse	▪ human trafficking	▪ female genital mutilation
▪ Adolescent to Parent Violence	▪ sexual violence and abuse	

STEP 2 – CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU

2.1 Please summarise the main data / research

- The research and data considered has been detailed in the strategy document
- Three consultations have taken place
 - With local DAIV providers
 - With key stakeholders
 - Small group of ex-service users

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

<ul style="list-style-type: none"> ▪ Consultation on the draft strategy document took place during July - August 2016. It was felt that the document was well presented and in an attractive format and easy to follow ▪ A self-assessment and preparation of evidence regarding all aspects of service delivery in line with a Single Inspection Framework and a Joint Targeted Area Inspection has been undertaken to support the basis of being inspection ready
<p>2.2 What are the impacts or effects for Key Protected Characteristics?</p> <p>The DAIV Strategy demonstrates no differential impact on any specific equality strand. All services within the scope of the strategy are to support all residents of Blackpool</p>
<p>2.3 What do you know about how the proposals could affect community cohesion?</p> <p>The strategy confirms the DAIV Partnership Board's commitment to:-</p> <ul style="list-style-type: none"> ▪ Provide strategic direction ▪ Ensure victims and their families in Blackpool experiencing DAIV have access to quality provisions of services appropriate to their needs ▪ Reduce the impact of DAIV by using a multi-agency collaborative approach ▪ Implement a strategic approach to integrated commissioning to develop a 'One public Service Offer' ▪ Intervene, prevent and break the cycle of domestic abuse and interpersonal violence across Blackpool reducing incidents of abuse and repeat victimisation <p>To do this it needs to be recognised that DAIV is everybody's business, from but not limited to, key partners, employers, communities, friends and family</p>
<p>STEP 3 – ANALYSING THE IMPACT</p>
<p>3.1 Does the strategy create any additional barriers for any groups or disabled people?</p> <p>None have been identified</p>
<p>STEP 4 – DEALING WITH ADVERSE OR UNLAWFUL IMPACT</p>
<p>4.1 What can be done to improve the strategy in order to reduce or remove any adverse impact of effects identified?</p> <p>No adverse effects have been identified. Continued dialogue and appropriate consultation events will take place with key stakeholders</p>
<p>STEP 5 – CONSULTING THOSE AFFECTED FOR THEIR VIEWS</p>
<p>5.1 What feedback or responses have you received to the findings and possible courses of action?</p> <ul style="list-style-type: none"> ▪ The DAIV strategy was distributed for consultation with a deadline of August 2016 – the findings have been positive and supportive ▪ The self-assessment and preparation has proved productive in becoming inspection ready and in support of the direction of travel of the strategy has helped

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

to identify both strengths and weaknesses in service delivery, which are now being addressed

STEP 6 – ARRANGEMENTS FOR MONITORING AND REVIEW

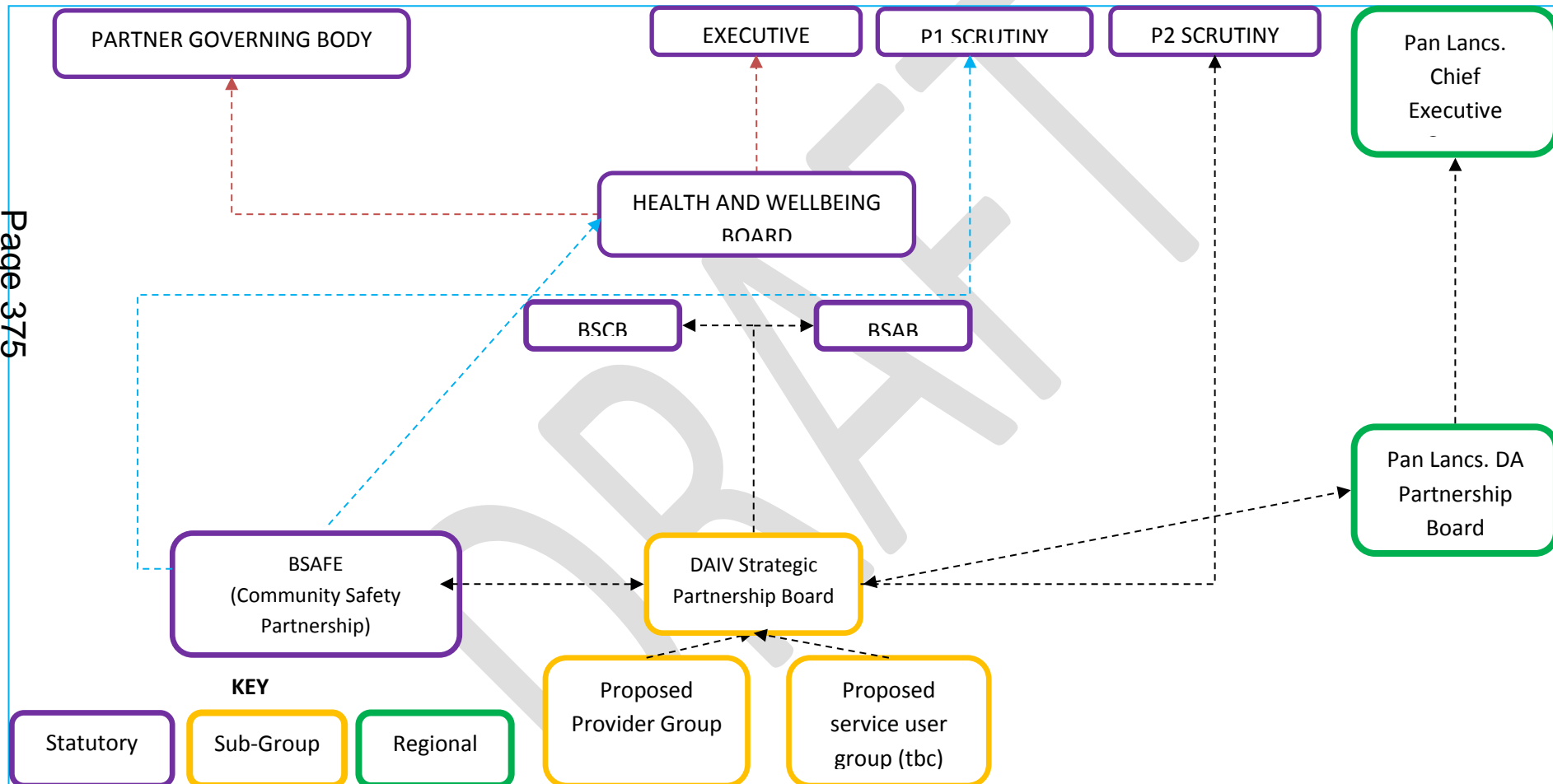
6.1 Outline your arrangements for future monitoring and review

A review of all elements of the DAIV Strategy will be undertaken annually by the designated Commissioning Manager and members of the DAIV Partnership Board
(Please also refer to Section 1.3 above)

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Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Appendix Six: Domestic Abuse & Interpersonal Violence (DAIV) Governance Structure



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Version Control

Date	Reference	Details
July 2016	V1	1 st draft pre consultation
August 2016	V2	Draft post consultation
September 2016	V3	Additional amendment / logo inserted
October 2016	V4	Additional amendment / logo inserted
October 2016	V5	Additional amendment / logo inserted – agreement by all partners at the DAIV Partnership Board 13.10.16
November 2016	V6	Final Draft following agreement by partners at BSCB & BSAB Business Management Group 14.11.16

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 - 2020

Prepared by:

Chrissie Chesters, Commissioning Manager (Domestic Abuse & Interpersonal Violence)

People's Directorate

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BB1 1NA

Prepared for:

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Board

Completed September 2016

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Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 – 2020 Action Plan (V6 FINAL DRAFT) Blackpool's Domestic Abuse & Interpersonal Violence (DAIV) Partnership Strategy 2016 / 2020: Action Plan



Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 – 2020 Action Plan

Action Plan

Action	Timescale	Lead Organisation	Named Lead on action	Status (ag rated)	Comments/updates
Develop first draft local Domestic Abuse & Interpersonal Violence Strategy for consultation	July 2016	Blackpool Council			
Obtain full commitment from partners re: 'One Public Service Offer' and the implementation of the local Blackpool Strategy	August/Sept 2016	Blackpool Council			
Undertake service mapping exercise	September 2016	Blackpool Council			
Submit first DCLG bid application					
Strategy consultation to end and Strategy to be finalised	September 2016	Blackpool Council			
Undertake and complete a multi-agency needs assessment and data analysis		Blackpool Council			
Formal sign off of the Strategy to be obtained	Nov/Dec 2016	Blackpool Council			
Submit 2nd VAWG bid application		Blackpool Council			
Workshops to shape future integrated commissioning intentions		Blackpool Council			

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 – 2020 Action Plan

Action	Timescale	Lead Organisation	Named Lead on action	Status (ag rated)	Comments/updates
Pool budget and partner contributions agreed re: integrated commissioned contract(s)		Blackpool Council			
Service design and integrated commissioning activity	March 2017	Blackpool Council			
Integrated procurement activity	June 2017	Blackpool Council			
New integrated commissioned activity to commence	April 2018	Blackpool Council			

This is a working document and following the strategy being approved the action plan will be agreed by the DAIV Partnership Board.

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 – 2020 Action Plan

Version Control

Date	Reference	Details
July 2016	V1	1 st draft pre consultation
August 2016	V2	Draft post consultation

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Strategy 2016 – 2020 Action Plan

Prepared by:

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Prepared for:

Blackpool's Domestic Abuse & Interpersonal Violence Partnership Board

Completed September 2016

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Report to:	EXECUTIVE
Relevant Officer:	Steve Thompson, Director of Resources
Relevant Cabinet Member	Councillor Ivan Taylor, Cabinet Member for Partnerships and Projects
Date of Meeting	15 December 2016

CENTRAL BUSINESS DISTRICT - DEVELOPMENT OF A FOUR STAR HOTEL AND INTERCONNECTION OF TRANSPORTATION INFRASTRUCTURE

1.0 Purpose of the report:

1.1 The development of a site within Central Business District as a four star hotel and the provision of interconnecting Infrastructure between Blackpool North Station, the new Tram Stop, the new Hotel and Banks Street Car Park. This Item supersedes EX50/2014 (Hotel Development old St Johns Market Site)

2.0 Recommendation(s):

2.1 To approve the terms of the Supplemental Deed Agreement with Muse for delivery of the hotel development as part of the Talbot Gateway Project (Central Business District).

2.2 To agree the Forward Funding for the development of the hotel and infrastructure, on the basis of the Hotel earnings covering the Prudential borrowing costs including the acquisition and demolition cost detailed in EX24/2016.

2.3 To agree to the principle of nominating a Brand to promote a four star hotel with third Party managing the same on behalf of the Council.

2.4 To delegate authority to the Chief Executive to agree the terms of the supplemental deed.

2.5 To delegate authority to the Chief Executive to negotiate the terms of the management agreement with a third party operator and to take any further action as he considers necessary to give effect to the above recommendations.

2.6 To agree that this decision supersedes EX50/2014 and that decision will no longer be implemented.

3.0 Reasons for recommendation(s):

3.1 The development appraisals confirm that without additional funding, the development of either a 3-star or 4-star hotel is not viable. As such an investor would expect to pay only a peppercorn rent, with the Council receiving a nil consideration for the land. If the Council were to develop the site, it would utilise Prudential Borrowing to fund the development with the operational profits generated used towards the meeting the costs of the development.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? NO

3.2b Is the recommendation in accordance with the Council's approved budget? YES

3.3 Other alternative options to be considered:

The site could be developed as a three star hotel instead of a four star hotel, but this does not meet the objective of raising the standard of accommodation within both the Central Business District and across Blackpool.

In total 45% of the site would be occupied by the proposed hotel and tramway extension, the remainder of the site would be available for the development of future phases.

4.0 Council Priority:

4.1 The relevant Council Priority is: "The Economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 The Council and Muse Developments Ltd have been working in partnership with the Council to develop the Central Business District since entering into a Development Agreement that was signed on 12 March 2009. The Masterplan contained in the Development Agreement was varied following Executive approval on 18 September 2009.

5.2 The Development Agreement has not been varied to reflect the new Masterplan as it was considered that as development progressed supplement deeds would record the variations which were needed at that time. In this respect the First Supplemental Deed was signed on the 23 December 2010 for the delivery of a supermarket, Council office, Banks Street Car Park and refurbished Talbot Multi-Storey Car Park (EX73/2010 refers).

5.3 Now that the initial phase has been completed, Muse is looking at the next phase for development. In this respect, the original Masterplan made provision for three hotels to be developed. Initially Muse proposed the development of a 130 room four star hotel and this was presented to and approved by the Council in October 2014 (EX50/2014 refers). Shortly after the approval of this item the Council became aware that the Wilkinson's Building on Talbot Road was for sale and the Council purchased this site in April 2016 (EX24/2016 refers). The purpose of this acquisition was to secure the site for future redevelopment and incorporate a tramway terminus adjacent to Blackpool North Train Station. Muse is now looking to develop the eastern side of this area as a four star 140-room hotel with retail units on the ground floor and the provision of a wide interconnecting underpass between the Hotel, the new tramway terminus and Blackpool North Station. To enable this there is a need to enter into another (Second) Supplemental Deed to allow this development to proceed.

The completion of phase 1 of the development led to the crystallisation of the Development Trust Account (DTA). The Development Trust Account is jointly operated by Muse and Blackpool Council and can be utilised for the development of schemes within the Talbot Gateway (Central Business District) red line.

5.4 Site Appraisal

Muse has commissioned ES Group (now Lambert Smith Hampton) to carry out a market appraisal for the viability of a four star hotel within the Talbot Gateway area. The appraisal confirms that four star "Branded" hotels rarely own hotels outright, preferring instead to lend their name and reputation to approved hotel operators. The view, therefore, is that in marketing a four star hotel it should be on the basis of finding an approved operator to provide a "fully serviced" hotel under a recognised brand.

5.5 Market testing by ES Group has involved Hilton Worldwide, Accor Group and Intercontinental Hotels Group, all three of which would support their Brand being represented in Blackpool by a third party manager. The recommendation from the ES Group market appraisal is for the selection of Intercontinental Hotels Group.

5.6 Intercontinental Hotels Group has 4,602 hotels in the group. They own outright 10 hotels, directly manage another 658 where they have a lease and have granted 3,934 agreements for third party operators to use their brand.

5.7 It is considered that using Intercontinental Hotels Group as the Brand would have added benefits such as:

- being part of an international brand with established global sales
- being part of the 'Priority Club' guest reward programme with 71million members worldwide

- connection to the Intercontinental Hotels Group reservation system offering 24/7 booking solution which handles approximately 70% of room revenue throughout the 4,500 Intercontinental Hotels Group family
- having UK headquarter support in specialist overhead departments such as financial control and personnel.

5.8 Marketing

ES Group, on behalf of Muse and the Council, has also carried out a soft marketing exercise with hotel operating companies to seek their views on managing a serviced hotel, and following on from the initial feedback they were asked to submit an original proposal.

5.9 Options

1. Muse could seek a third party investor for the hotel development who would still need to appoint a management company as above. An appraisal has been carried out on this basis and, for an investor; this scheme would not be viable without additional funding in the order of £5.5m (minimum) from the Development Trust Account. Since the scheme could only proceed with additional funding, it would be expected that the Council would include the land in the transaction for a nil consideration. In this respect Secretary of State consent was obtained in February 2012 to disposal at less than best value.

2. Aspirations could be reduced from offering a four star brand to a three star brand. For comparison purposes the same appraisal has been carried out on the basis of a 120 bed three star brand. The building cost, turnover and profits are all reduced, but for an investor, additional funding would still be required and therefore it would still be expected that the land would be transferred at nil consideration.

3. The Council could fund the development and retain full ownership of the property and appoint an operating company to manage the hotel on its behalf. The construction would be financed through Prudential borrowing and repaid out of the earnings before interest, tax and depreciation and amortisation over the life of the Project.

5.10 Proposal

Subject to final appraisal, it is proposed that the Council forward fund the construction of a 140-room four star hotel to Brand standards, with Muse Development procuring the same as part of the services provided under the terms of the Development Agreement.

Under the Disposal and Letting Strategy within the Development Agreement, Muse are not obliged to seek Council approval in obtaining a hotel operator who is either "Branded" or at least three star standard, however, as the proposal is now for the Council to retain ownership, the Council will be involved in the final selection of the

hotel operator.

5.11 It is proposed that the arrangement with the "brand" is kept separate from the operator. This provides the opportunity to retain the brand whilst changing the operator if circumstances require this action in the future.

5.12 The interconnecting infrastructure will provide an improved, wider underpass under High Street between the new Tram Stop and the Train Station ensuring that people arriving at Blackpool North Station have direct access to the tramway link and other modes of public transport.

5.13 Does the information submitted include any exempt information? No

5.14 **List of Appendices:**

Appendix 9a - Talbot Gateway Masterplan

Appendix 9b - Phase 2 Site Masterplan

Appendix 9c - Phase 2 : Hotel and Temporary Surface Parking

Appendix 9d - Typical Bedroom Level

Appendix 9e - Lower Ground Floor with 8m Wide Underpass

Appendix 9f - Section 8m Wide Underpass

Appendix 9g - Bickerstaffe Square computer generated imagery

Appendix 9h- Computer generated imagery From Blackpool North Station

Appendix 9i - Computer generated imagery From New Tram Terminus

6.0 Legal considerations:

6.1 The Development Agreement has not been varied to reflect the approved changes to the Masterplan and Supplemental Deeds are required when dealing with development parcels which are at variance to the Development Agreement.

6.2 Before entering any agreement it is necessary to ensure the selection processes are legally compliant.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 The cost of the proposed work is estimated at £23m and it is intended that the Council's contribution of £17.5m and shall be financed by prudential borrowing with the remaining £5.5m being funded from the Development Trust Account.

Key Assumptions:-

- Earnings before interest, tax and depreciation and amortisation increase from year 1 to year 4 in equal annual increments and is then stable
- A sinking fund is established in order to meet the cost of the refurbishment and replenishment of fixtures, furniture and equipment.
- In accordance with EX24/2016 it is recognised that any future development on the Wilkinson's site is able to meet the prudential borrowing of 7.8m for the acquisition and site clearance.
- The total cost of phase 2 including the Wilkinson's acquisition and site clearance is £30.8m (£7.8m + £17.5m + £5.5m).

10.0 Risk management considerations:

10.1 The Hotel appraisals undertaken assume 60% occupancy in the first year rising to 72% in the third year. During this time, when the Prudential Borrowing costs are at the highest, the projected return may not be sufficient to meet the full cost.

10.2 Should the anticipated income fail to meet the required levels any shortfall will be met from the wider investment portfolio

10.3 A number of other hotels may also enter the market. This may lead to reduced occupancy or suppress the market in terms of room rates due to supply exceeding demand

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Market appraisal carried out by ES Group

13.0 Background papers:

13.1 EX23/2008 re Development Agreement
EX44/2009 re Variation to Masterplan
EX73/2010 re First Supplemental Deed
EX50/2014 re Central Business District – Four Star Hotel Development

EX24/2016 re Acquisition of Wilkinson's Building, Talbot Road

14.0 Key decision information:

14.1 Is this a key decision? YES

14.2 If so, Forward Plan reference number: 32/2016

14.3 If a key decision, is the decision required in less than five days? N/A

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? NO

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 7 December 2016 Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

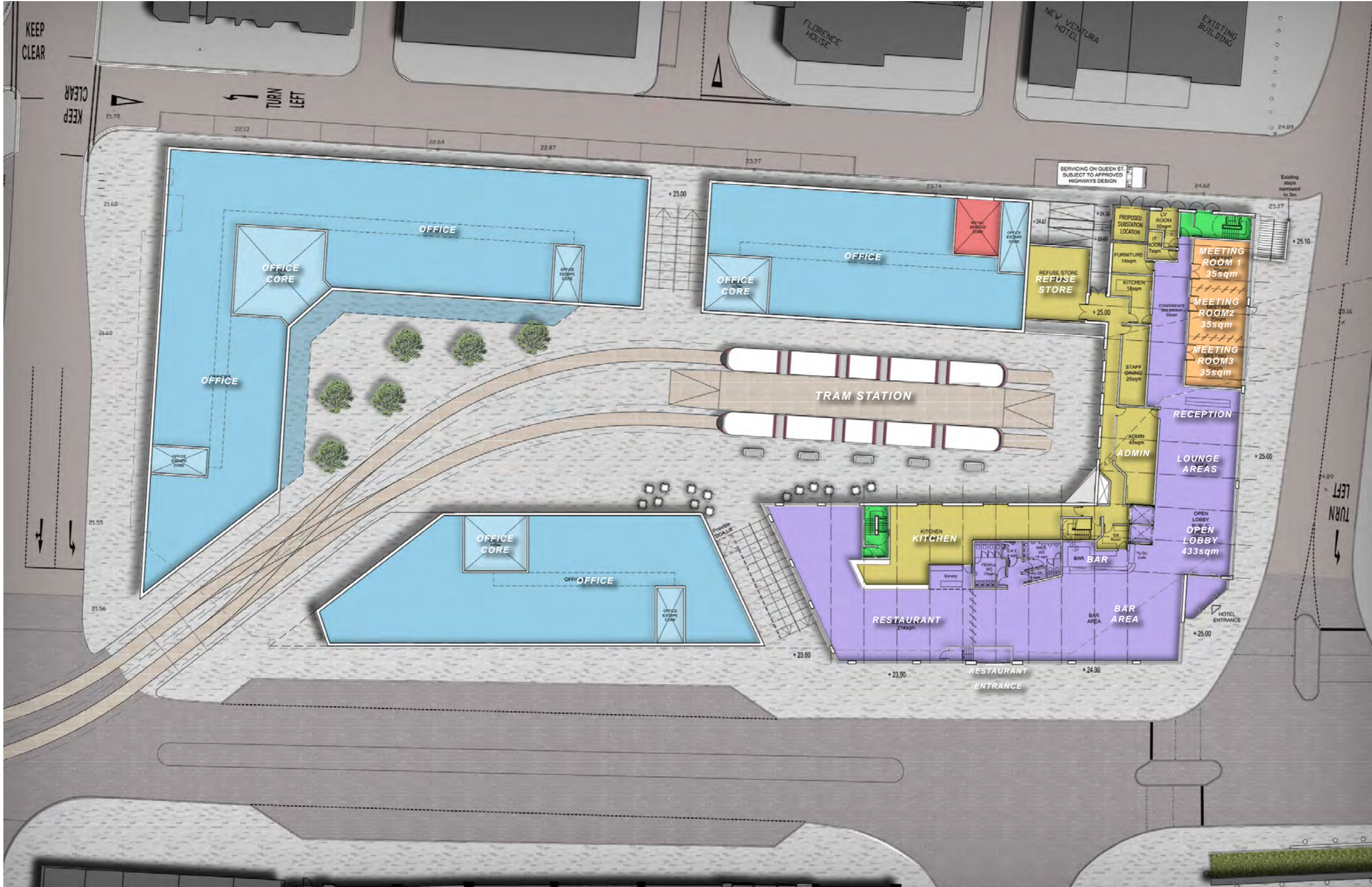
22.0 Notes:

22.1

Appendix 9(a) - Talbot Gateway Masterplan

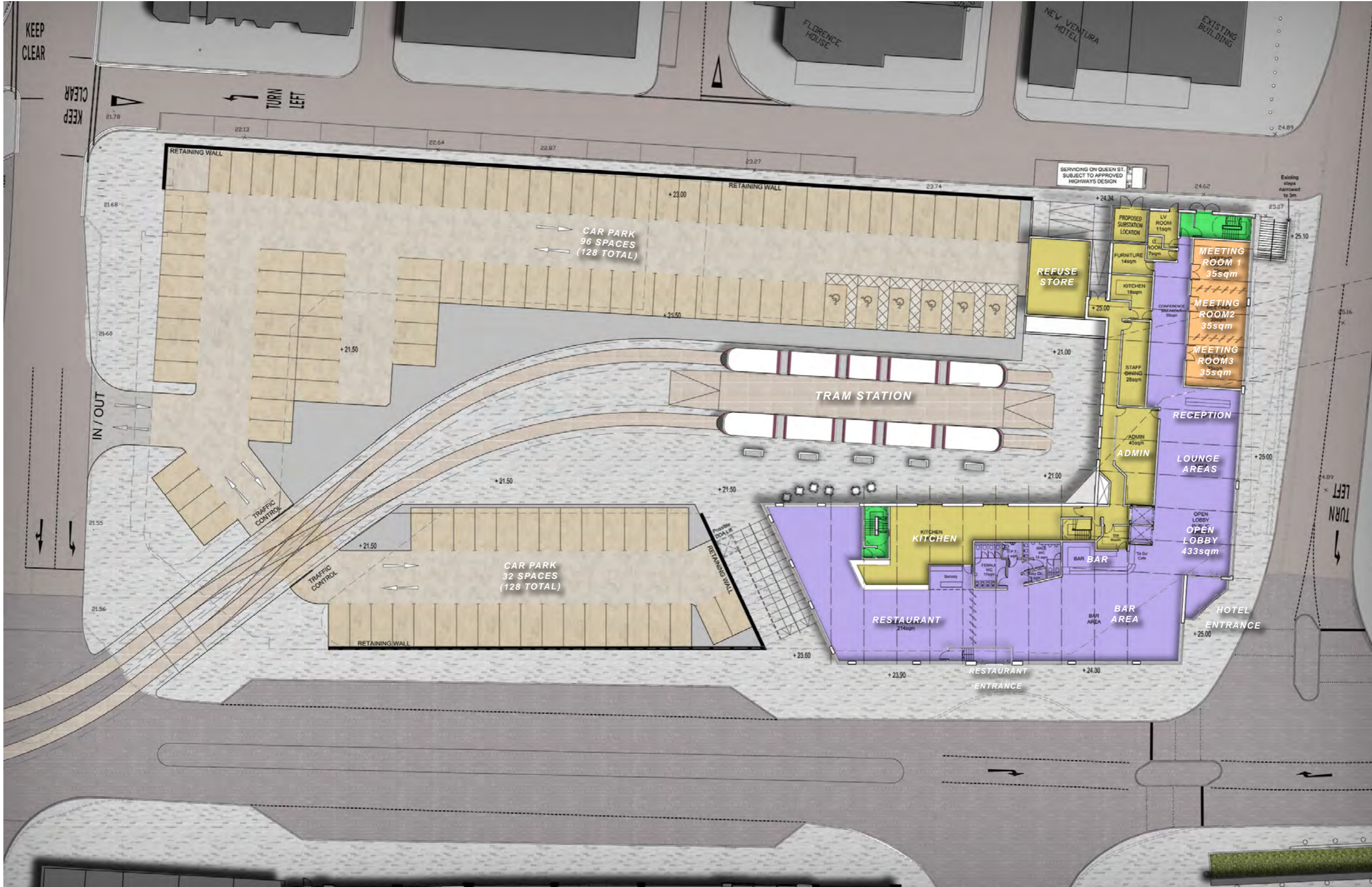


Appendix 9(b) - Site Masterplan



Appendix 9(c) - Phase 1 - Hotel & Temporary Surface Parking

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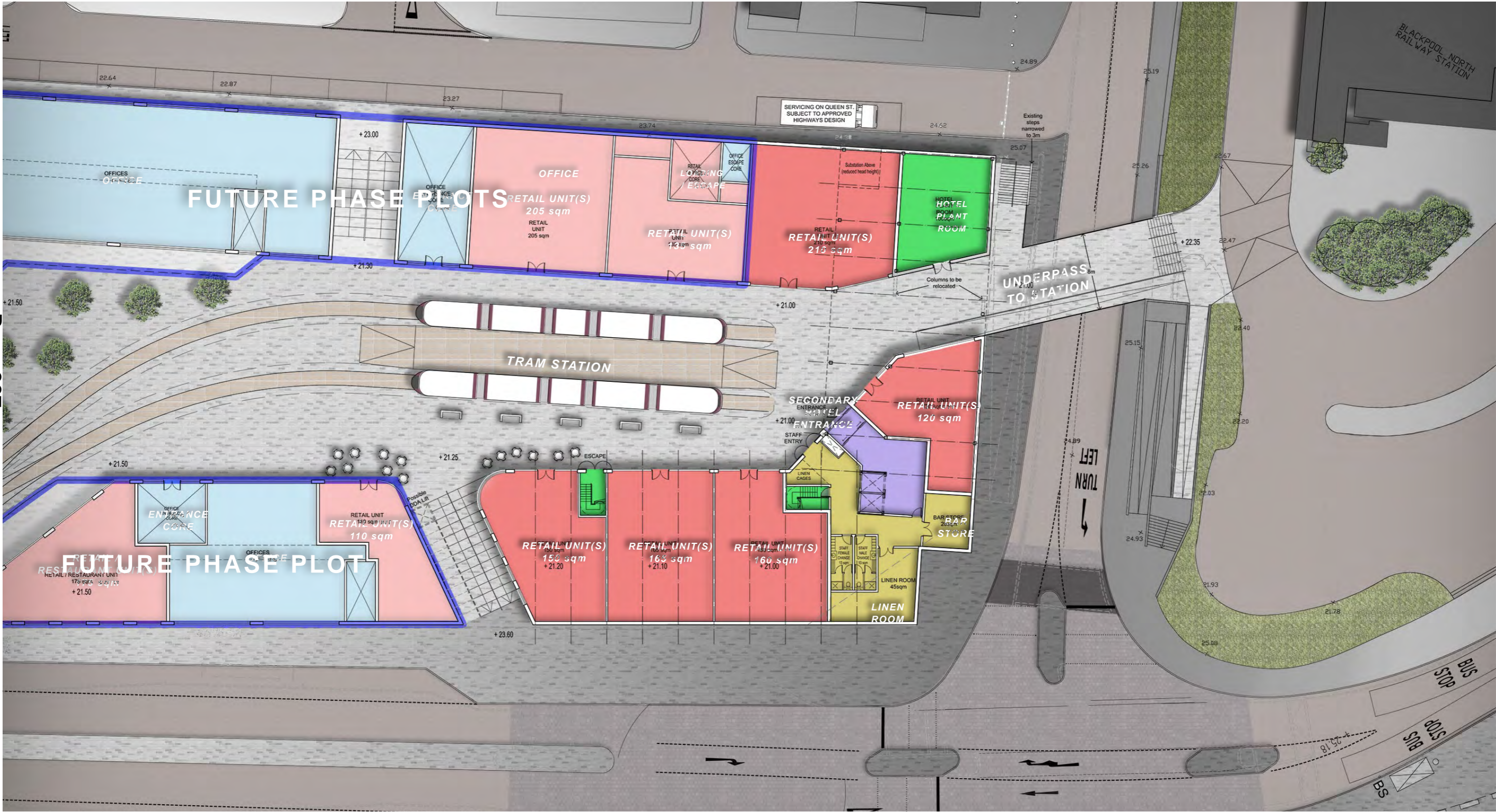


Appendix 9(d) - Typical Bedroom Level

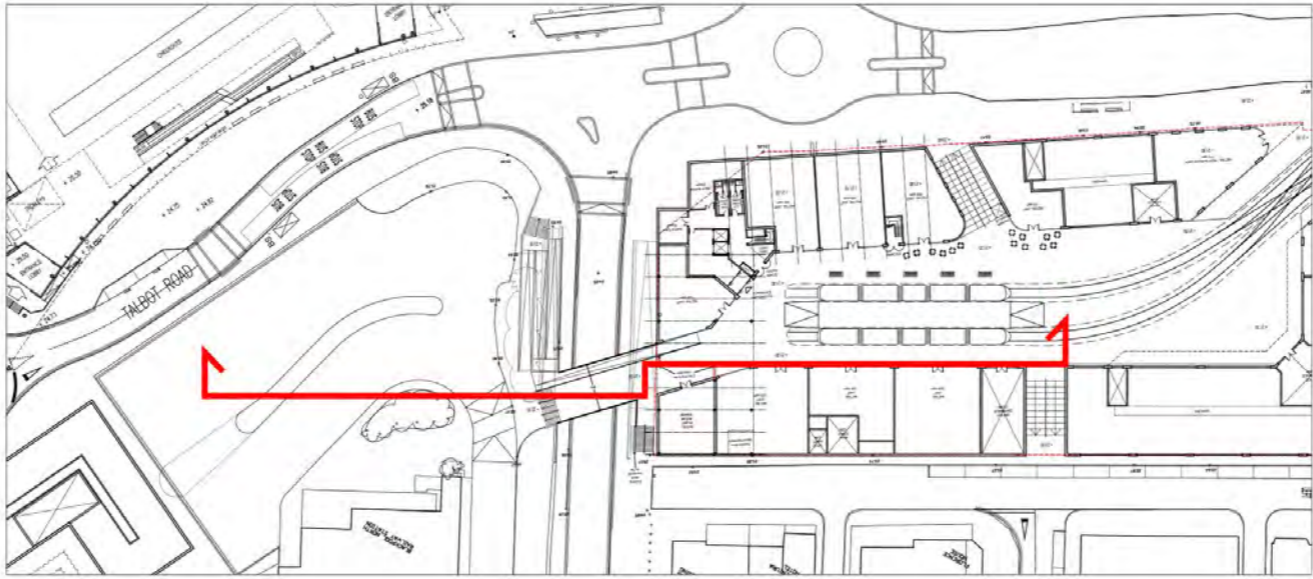
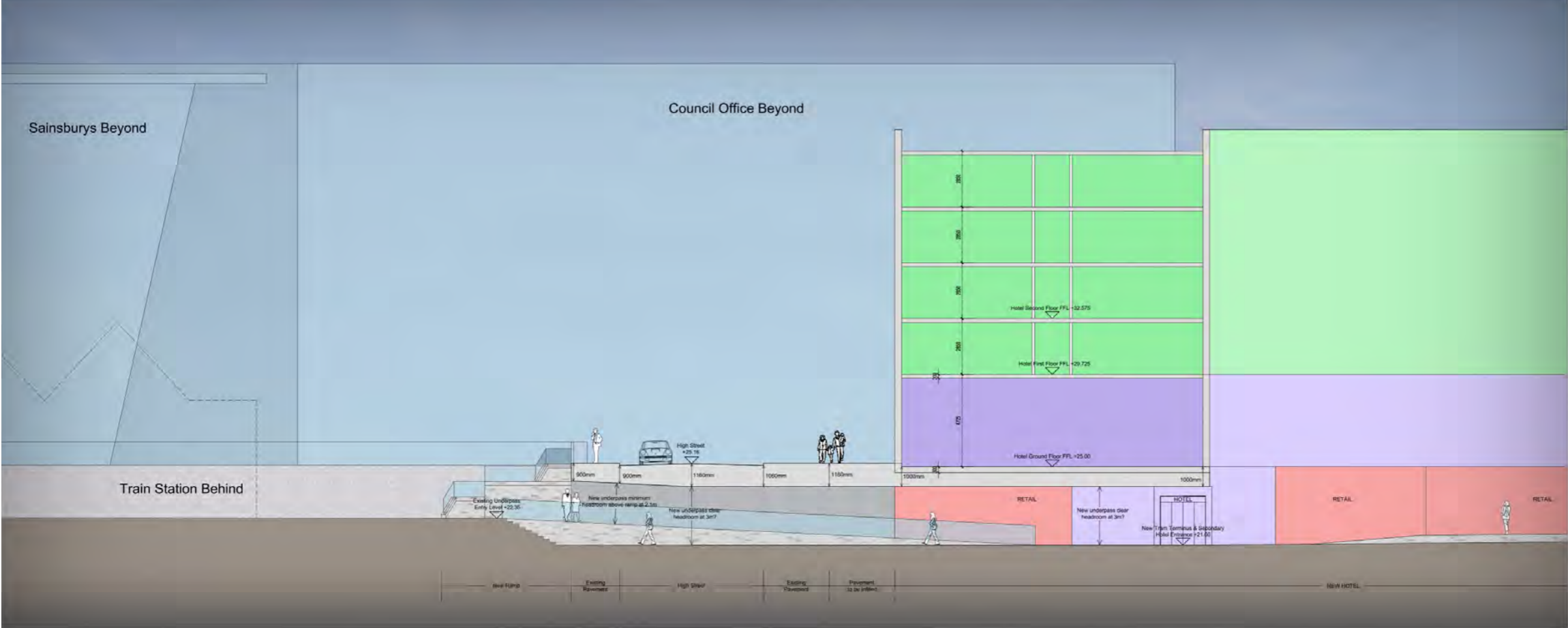


Appendix 9(e) - Lower Ground Floor - New 8m Underpass to Station

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Appendix 9(f) - Option 2 Section - New 8m Wide Underpass



Appendix 9(g) - Bickerstaffe Square CGI



Appendix 9(h) - Blackpool North Train Station CGI



Appendix 9(i) - New Tram Terminus CGI



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Report to:	EXECUTIVE
Relevant Officer:	John Blackledge, Director of Community and Environmental Services
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	15 December 2016

HORSE DRAWN HACKNEY CARRIAGE LICENSING POLICY

1.0 Purpose of the report:

1.1 Following consultation, to consider the proposed Horse Drawn Hackney Carriage Licensing Policy.

2.0 Recommendation(s):

2.1 To agree the proposed Horse Drawn Hackney Carriage Licensing Policy as attached at Appendix 10a.

3.0 Reasons for recommendation(s):

3.1 The current Horse Drawn Hackney Carriage Licensing Policy was approved in 2011 and requires updating.

The amended policy addresses the concerns raised by the Scrutiny Report on Licensed Horse Drawn Hackney Carriages and the concerns raised by the Casey report. It has also been supported the trade and the Licensing Committee.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to approve the policy which could mean that the Council would be reaching decisions using an outdated document.

4.0 Council Priority:

- 4.1 The relevant Council Priority is: “The economy – maximising growth and opportunity across Blackpool”

5.0 Background Information

- 5.1 The Horse Drawn Hackney Carriage Licensing Policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council’s approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal.
- 5.2 The current policy has been in existence since 2011 and the 2015 Scrutiny Report on Licensed Horse Drawn Hackney Carriages recommended that officers undertake a full review of the policy.
- 5.3 In February 2015, the Casey Report into Child Sexual Exploitation (CSE) was published. That report devoted two chapters to taxi licensing and the involvement of taxis in Child Sexual Exploitation. A subsequent Serious Case Review from Oxford also highlighted the involvement of taxi drivers in Child Sexual Exploitation – on this occasion they were not the perpetrators, however they were used to take young people to places where they were then abused. The reports highlighted the importance of ensuring that only suitable people are licensed as drivers and that those who are licensed receive appropriate training on safeguarding issues. Whilst the reports outlined above related to the drivers of motorised vehicles, the same principles also apply to Horse Drawn Hackney Carriage Drivers.
- 5.4 The Licensing Committee approved a draft policy for consultation at its meeting in March 2016. Consultation with the trade took place until June 2016. There were no formal written responses to the consultation however the draft policy was discussed in detail at the Landau Liaison meeting held on 12 May 2016 and amendments to paragraph 5.5 of the draft policy have been made to take into account the comments made at the meeting.
- 5.5 The proposed policy is attached at Appendix 10a. The Licensing Committee considered this policy at its meeting on the 8 November 2016 and agreed to recommend it to the Executive for approval.

- 5.6 Does the information submitted include any exempt information? No
- 5.7 **List of Appendices:**
- Appendix 10a – Proposed policy
- 6.0 **Legal considerations:**
- 6.1 None.
- 7.0 **Human Resources considerations:**
- 7.1 None.
- 8.0 **Equalities considerations:**
- 8.1 There will be a possible impact from requiring applicants to demonstrate a basic level of English language. This can however be mitigated by the intention to signpost applicants who cannot meet the required standards to relevant training.
- 9.0 **Financial considerations:**
- 9.1 None.
- 10.0 **Risk management considerations:**
- 10.1 None.
- 11.0 **Ethical considerations:**
- 11.1 None.
- 12.0 **Internal/ External Consultation undertaken:**
- 12.1 Consultation took place with the trade and interested stakeholders until 10 June 2016. The consultation with the trade included the Landau Liaison meeting outlined in paragraph 5.5 of the report on the 10 May 2016.
- 13.0 **Background papers:**
- 13.1 None

14.0 Key decision information:

14.1 Is this a key decision? Yes

14.2 If so, Forward Plan reference number: 33/2016

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 7 December 2016 Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 **Date Decision published:**

20.0 **Executive Members in attendance:**

20.1

21.0 **Call-in:**

21.1

22.0 **Notes:**

22.1

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Appendix 10a: Draft Horse Drawn Hackney Carriage Licensing Policy

Blackpool Council



Draft Horse Drawn Hackney Carriage Licensing Policy

Contents

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Draft Horse Drawn Hackney Carriage Licensing Policy

1. Introduction

Blackpool Council is responsible for the regulation of horse drawn hackney carriages within the Borough of Blackpool.

When developing this policy the following have been taken into consideration:

- The aims and objectives of this policy (see below)
- Current legislation
- Regulators Code 2014
- Local Government Association template Criminal Convictions Policy 2015

This policy sets out the application requirement and standards that must be met by the horse drawn hackney carriage trade licensed by Blackpool Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

2. Aims and objectives of the licensing policy

The principal purpose of horse drawn hackney carriage licensing is to protect the public and promote public safety. The Council's aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public

Blackpool Council will carry out this licensing function with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- The safety and health of the public and drivers
- Carriage safety, comfort and access
- The welfare of the horses used in connection with the carriages.

The Council aims to ensure that the horse drawn hackney carriage services offered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

Draft Horse Drawn Hackney Carriage Licensing Policy

3. Delegations

Under the Council's Constitution, the Public Protection Sub-Committee has the authority to discharge non-executive regulatory functions with respect to horse drawn hackney carriage licensing. The Sub-Committee will determine applications, contraventions, suspensions and revocations.

The Head of Licensing Services has delegated powers to grant licences where there are no criminal or other concerns that give rise to doubts over the suitability of the applicant to hold a licence.

The Head of Licensing Services or in their absence the Licensing Enforcement and Health and Safety Manager, after consultation with the Chair or in their absence Vice-Chairman of the Public Protection Sub-Committee may:

- Issue warning letters on behalf of the Sub-Committee
- Suspend horse drawn hackney carriage drivers with immediate effect

Horse drawn hackney carriages may be suspended by the Head of Licensing Services or in their absence the Licensing Enforcement and Health and Safety Manager, if it cannot be established that the carriage is suitably insured.

4. Horse Drawn Hackney Carriage Drivers

An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.

4.1 Fit and Proper Person Test

Licensed drivers are in a position of trust. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.

Whilst there is no definition of a fit and proper person, decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question

Draft Horse Drawn Hackney Carriage Licensing Policy

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

During the application process the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant.

Factors that will be taken into account when reaching a decision include:

- Age – a licence will not be granted to a person under the age of 18
- Criminality (whether the applicant has any criminal convictions or cautions)
- Driving licence – length held and penalty points endorsed
- Right to work in the UK
- Medical Fitness
- General conduct/standards of behaviour
- Conduct of the applicant during the application process
- Previous licensing history
- Ability to communicate and understand English

This is not an exhaustive list of matters that will be considered and further information will be sought from other agencies such as Lancashire Constabulary, Safeguarding Boards and other licensing authorities as appropriate.

4.2 Making an application

It is the policy of the licensing authority that every application for a licence to drive a Horse Drawn Hackney Carriage must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -

- That the applicant has the right to live and work in the country
- An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- A certificate of their current medical fitness to Group 2 standard

Applications will not be considered until the following has been established:

- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for

Draft Horse Drawn Hackney Carriage Licensing Policy

- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- That the applicant has completed training specific to the service that they wish to be licensed to provide (including in respect of safeguarding, sexual exploitation, disability and dementia awareness and equality and diversity)

4.2.1 Application form

Applicants are expected to act with honesty and integrity throughout the application process. There is an expectation that information requested, for example previous convictions and cautions, will be fully and accurately disclosed. Applicants are required to disclose all convictions and cautions including those that would normally be considered spent as horse drawn hackney carriage drivers are included as exceptions within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Care should be taken when completing the form as failure to make full and accurate disclosure can in itself result in refusal of the application and could result in prosecution.

Renewal applications where a DBS is required must be submitted at least **six weeks** prior to the expiry of the previous licence to ensure that the DBS certificate is received and the new licence and badge can be issued before the expiry of the current licence.

Once the licence has expired renewal applications cannot be accepted and all applications will be treated as “new”. Applications submitted less than one calendar month before expiry will be able to rely on existing medical and DBS clearance (if in date) however applicants will be unable to drive until their new badge has been issued to them – this may take a few days.

4.2.2 Disclosure and Barring Service Check

A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of live and spent convictions, police cautions and other relevant information from the Police.

Before an application will be considered, the applicant must provide a current enhanced disclosure certificate. In this context “current” means less than three months old. DBS certificates are ordinarily applied for through the Council’s Licensing Service however a certificate obtained elsewhere will be acceptable if it is less than three months old and has been processed in relation to both the child and adult workforce employment position (this is specified on the certificate).

Draft Horse Drawn Hackney Carriage Licensing Policy

It should be noted that the DBS send the certificate to the applicant direct. The original certificate must be produced to the Licensing Service to progress the application.

A licence will not be granted or renewed in the absence of a current enhanced DBS certificate.

So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's policy to require applicants to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. Licensees are expected to maintain this registration and nomination throughout the duration of their licence.

More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

Applicants with periods of residency outside the UK

If a new applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period before an application can be made.

4.2.3 Relevance of Convictions and Cautions.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits having regard to its policy on convictions and cautions which can be found at Appendix A.

4.2.4 Medical Assessment

The DVLA recommend that hackney carriage drivers should be subject to the Group 2 medical standards applicable to applicants for licences to drive buses and lorries, therefore with effect from 1st September 2016 the authority proposes to introduce this medical standard for both new applicants and existing horse drawn hackney carriage drivers applying for renewal.

Applicants are required to undergo a medical assessment on first application, on reaching the age of 45 years then every 5 years thereafter until the age of 65 when annual examinations will be required. Holders of current PSV and/or HGV licences where the holder is able to produce proof of a current medical examination will not be required to undergo further assessment.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council.

Draft Horse Drawn Hackney Carriage Licensing Policy

Licence holders must advise the licensing service of any deterioration or other change in their health that may affect their driving capabilities – this includes, but is not restricted to the list of conditions which must be notified to the DVLA. Where there remains any doubt about the fitness of the applicant, the Public Protection Sub-Committee will review the medical evidence and make a final decision.

No licence shall be issued until medical clearance (if required) has been established.

Exemption Certificates

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in a prominent position in the carriage.

4.2.5 Driving Test

The licensing authority needs to be satisfied that the applicant for a new horse drawn hackney carriage driver's licence is an experienced carriage driver capable of working safely in an area with a large volume of pedestrian and vehicular traffic. A more stringent and rigorous driving test for prospective horse drawn hackney carriage drivers will now include both a theory and an extended practical test.

With effect from the date of implementation new applicants for horse drawn hackney carriage drivers will be tested as follows:

- a) Theory test - this test can be either written or oral;
- b) Off-road test – to examine a driver's control of the carriage, ability to perform manoeuvres, knowledge of animal husbandry and ability to attach the dung catching device; and
- c) Promenade test – extended test on the Promenade testing ability to
 - manoeuvre in traffic, and
 - parking on ranks

Once a new applicant has passed all three elements of the test and received both medical and DBS clearance they will be issued with a provisional licence which would allow the driver to operate under the supervision of an experienced horse drawn hackney carriage driver approved by the Council for this purpose. Once the provisional driver has satisfactorily completed 100

Draft Horse Drawn Hackney Carriage Licensing Policy

hours driving experience they may be issued with a full horse drawn hackney carriage driver's licence.

Applicants who have been licensed previously by Blackpool Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.

4.2.6 Safeguarding Training

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.

To ensure a consistent approach to this training across Lancashire a training package has been prepared. The intention is that this will be delivered to new applicants as part of the knowledge test.

It is important that all licensed drivers receive the same level of training therefore all existing drivers will be required to undertake the training which will consist of a power point presentation and a short test before their licence is renewed.

4.2.7 Right of driver to work in the UK

The Council will require all applicants for new licences to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include (but are not limited to):

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- Full UK birth/adoption certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

Draft Horse Drawn Hackney Carriage Licensing Policy

When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

4.3 Standards expected of a licensed driver

4.3.1 General Conduct

The standards expected of licensed drivers are set out in the Code of Good Conduct. This code, set out at Appendix B should be read in conjunction with the other statutory and policy requirements set out in this document.

4.3.2 Dress Code

It is recognised that the horse drawn hackney carriage trade plays an important part in portraying a positive image of Blackpool.

Anything that serves to enhance the professional image of the trade and promotes the concept that the drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that the objectives above are met a dress code for licensed drivers has been set see Appendix C.

4.3.3 Code of Conduct when working with vulnerable passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed carriage. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This Code can be found at Appendix D.

5 Horse Drawn Hackney Carriages

5.1 Limitation of numbers

The grant of a horse drawn hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis, if the local authority is satisfied that there is no significant demand for the services of horse drawn hackney carriages in the area which is unmet.

Blackpool Council does limit the number of horse drawn hackney carriages to 44. The need for this limit is reviewed periodically (approximately every three years) by a competent company appointed to conduct the review on behalf of the Council, the findings of which are available on request.

Draft Horse Drawn Hackney Carriage Licensing Policy

5.2 Carriage Specification

The Council is permitted a wide discretion in deciding what it will and will not licence by Section 47(2) of the 1976 Act:

(1) A district council* may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary

(2) Without prejudice to the generality of the forgoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage.

(*A District Council is deemed by the Act to include Unitary Authorities)

The basic requirements for a carriage are:

- Must be driven by only one horse;
- Four wheels;
- A compartment for passengers to be carried in;
- Capable of carrying a minimum of four and up to six passengers (dependent upon construction)
- Be constructed to a suitable standard and quality to be a licensed carriage
- In the opinion of the Council appointed inspector safe for use as a hackney carriage vehicle on a road.

There is no prescribed style of carriage. Whilst it is open to operators to source new styles of carriage, the ultimate decision on licensing rests with members of the Public Protection Sub-Committee. Applicants proposing to licence a carriage other than a traditional style landau will be required to produce the carriage to the Sub-Committee for inspection and approval.

5.3 Carriage Testing

All carriages to be licensed for the forthcoming year must be presented for inspection and testing on the date appointed by the licensing authority. All licence holders will be given advance notice of the dates and location of the annual test.

All carriages must be produced with a full set of tack, although in the case of multiple licence holders, each carriage need not be produced with its own horse.

Draft Horse Drawn Hackney Carriage Licensing Policy

From time to time it will be necessary to have a carriage inspected either after accident damage or where there is to be a change of carriage part way through the season. Private arrangements must not be made with the Council appointed inspector, instead, all inspections must be arranged through the licensing service and a licensing/enforcement officer must be present when the inspection takes place.

5.4 Signage

Every licensed carriage must display a plate to the rear which indicates the licence number and licence expiry date together with any additional information that the Authority may from time to time prescribe.

5.5 Horses

Horses must be suitable and at least 4 years old to be used in connection with any horse drawn hackney carriage.

All horses used in connection with a horse drawn hackney carriage (including those on trial) must be inspected by a qualified equine veterinary surgeon. A veterinary certificate for the horse must be produced to the Council every 12 months.

5.6 Application Process

The Council will consider all applications for horse drawn vehicle licences on their own merits.

A valid application will consist of:

- Vehicle application form
- Public liability insurance
- Vets certificate and horse passports for the horses to be used.
- Fee

An application will not be considered until all of the required documents have been produced.

Applications for carriages that are in the opinion of the licensing service of traditional landau design or have previously received approval from the Sub-Committee may be granted under delegated powers. All other carriages must be approved by the Sub-Committee before they can be licensed.

Successful applicants will be issued with a horse drawn hackney carriage licence together with the licence plate which must at all times be displayed at the rear of the vehicle.

Draft Horse Drawn Hackney Carriage Licensing Policy

Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal.

5.7 Grant and renewal of licences

Vehicle licences will be issued for a period of 12 months. Each carriage will be issued with a plate to be affixed to the rear stating amongst other things the number of passengers that may be carried, usually six. For the avoidance of doubt the Council considers that the maximum number of people that may be in/on a carriage at any time in addition to the number of passengers stated on the licence is the driver plus a trainee driver/groomsman (if necessary). The only people permitted to sit next to the driver are a groomsman/trainee driver.

5.8 Change of Vehicle

Historically, the licensing service have permitted vehicle licence holders who wish or need to change their vehicle to do a vehicle change to enjoy the benefit of the unexpired portion of the licence. The only charge for this was for the vehicle plates/disc.

This practice will now cease and from the date this policy comes into force licence holders wishing to change vehicles must apply for a new vehicle licence. This decision has been taken due to the number of these applications now being received and the fact that it is the correct approach lawfully. Refunds for complete months outstanding on the existing licence will be given.

5.9 Conditions

The Council may attach such conditions as it considers reasonably necessary to the grant of a vehicle licence.

The following conditions are attached to all horse drawn hackney carriage licences:

1. No horse shall be harnessed to, or used in connection with the licensed vehicle unless within the preceding twelve months, a veterinary surgeon has examined the horse and issued in respect of it a certificate of fitness in a form approved by the Council. This certificate shall be returned to the Licensing Service forthwith
2. Vets papers relating to the horse in harness should be available for inspection on request by an authorised officer
3. A horse which is harnessed to or used in connection with a licensed hackney carriage shall not be used for more than seven hours of work in any one day.

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4. If in harness for seven consecutive hours the horse shall during that period have a break of not less than one hour and shall be fed and watered,
5. No horse shall be harnessed to or used in connection with the licensed vehicle unless it is fitted with an identifying microchip, the number of which has been notified to the Licensing Service
6. All carriages must be fitted with a dung catching device while the carriage is in use on any public highway. If requested to do so by a licensing enforcement officer, a tight leather strap must be placed between the bungee and the lock to prevent the bungee from sliding back.
7. Lights and signals (where so directed) should be fitted to the carriage at all times and should be capable of being lit by the driver. Between dusk and dawn lighting on a carriage is restricted to two standard rear position lamps and two standard front position lamps only
8. The table of fares as prescribed by Blackpool Council shall be displayed in the carriage in such a manner that it is capable of being easily viewed by the passengers being conveyed in the carriage.
9. When carrying members of the public, only persons registered with/licensed by Blackpool Council in respect of horse drawn hackney carriages and the fare paying passengers may be carried on the vehicle. Members of the public must be seated within the carriage and must not sit next to the driver.

5.10 Accidents

If at any time a licensed vehicle is involved in an accident, however minor, the driver must inform the licensing service as soon as possible and in any event within one working day. An accident report form must then be completed and submitted to the licensing service within 72 hours of the accident occurring (except in exceptional circumstances when the licensing service may agree to the report being filed outside of that time limit).

The vehicle must be presented for inspection at the Council appointed carriage inspector as soon as possible after the accident has taken place at the licence holder's expense. The inspection should be booked via the licensing service. Failure to present the vehicle for inspection may result in the vehicle licence being suspended until such time as the vehicle is produced for examination.

5.11 Fares

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The Council sets the maximum rates that may be charged by horse drawn hackney carriage vehicles.

6 Compliance and Enforcement

6.1 Enforcement

The principal purpose of hackney carriage licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.

The Regulator's Code was brought into force in 2014 which states that the Council should:

- Carry out their activities in a way that supports those they regulate to comply and grow,
- Provide simple and straightforward ways to engage with those they regulate and hear their views,
- Base their regulatory activities on risk,
- Share information about compliance and risk,
- Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply,
- Ensure that their approach to their regulatory activities is transparent.

Where appropriate, referrals will be made to other agencies. This will include but is not limited to the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as a part of programmed operations.

6.1.1 Disciplinary Hearings

Licence holders may be referred to the Public Protection Sub-Committee for committing offences, failure to comply with any part of this policy, or for other any other conduct which impacts on their fitness to be a licence holder. The Sub-Committee will consider the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.

Warnings

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These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken before the Sub-Committee for any other reason.

Suspensions

Carriages can be suspended in accordance with section 68 Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle.

Drivers can be suspended under section Local Government (Miscellaneous Provisions) Act 1976. This suspension can be ordered to take immediate effect.

Revocations

Both vehicle and drivers licences may be revoked by the Sub-Committee.

If the seriousness of the case merits revocation, this course of action will be available to the Sub-Committee even if it is the first enforcement action taken against the driver/vehicle.

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Appendix A - Taxi Licensing Criminal Convictions' Policy

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a horse drawn hackney carriage driver's licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from dishonest person.
 - The safeguarding of children, young persons and vulnerable adults.
- 1.3 The term "fit and proper person" for the purposes of licensing is not legally defined and in assessing whether someone is "fit and proper" the Council will consider the following together with any other relevant information:
- Criminality
 - Human rights
 - Period of holding a driver's licence
 - Number of penalty points endorsed on driving licence
 - Right to work
 - Medical fitness
 - Conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
 - Previous licensing history of existing and former licence holders.

In addition the Council will also consider further information provided by sources such as Lancashire Constabulary (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.

- 1.4 This policy provides guidance to any person with an interest in horse drawn hackney carriage licensing. In particular, but not exclusively:
- Applicants for drivers' licenses
 - Existing licensed drivers whose licences are being reviewed

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- Licensing officers
- Members of the Licensing Committee and Public Protection Sub-Committee
- Magistrates hearing appeals against local authority decisions

1.5 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Public Protection Sub-Committee. Whilst officers and the Sub-Committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

2. General policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- a. Remain free of conviction for an appropriate period; and
- b. Show adequate evidence that her or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

(Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).

2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

3 Appeals

3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

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- 3.2 Any licensed driver whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

4. Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a horse drawn hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a horse drawn hackney carriage drivers' licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for,
 - How serious the offence(s) were,
 - When the offence(s) were committed,
 - The date of conviction,
 - Circumstances of the individual concerned,
 - Sentence imposed by the court,

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- The applicant's age at the time of conviction,
 - Whether they form part of a pattern of offending,
 - Any other character check considered reasonable (e.g. personal references),
 - Any other factors that might be relevant.
- 5.2 Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01253 478343 in confidence for advice.
- 5.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 5.7 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.8 For renewal applications and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a licence.
- 5.9 Offences not covered by this Policy will be considered by the Council when determining whether the applicant/licensed driver is a fit and proper person.

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6 Serious offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 10 years prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm which is racially aggravated
 - Grievous bodily harm with intent
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated
 - Violent disorder
 - Resisting arrest
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 5 years prior to the date of application:
- Racially-aggravated criminal damage
 - Racially-aggravated offence
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:
- Common assault
 - Assault occasioning actual bodily harm
 - Affray
 - S5 Public Order Act 1986 offence (harassment, alarm or distress)
 - S.4 Public Order Act 1986 offence (fear of provocation of violence)
 - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - Obstruction
 - Criminal damage
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

7. Possession of a weapon

- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

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8. Sex and indecency offences

- 8.1 As licensed drivers can carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.
- 8.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Grooming, trafficking for sexual exploitation or other sexual exploitation related offences
 - Possession of indecent photographs, child pornography etc.
 - Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 8.3 Before an application will be considered, an applicant should be free of conviction for at least 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure
 - Soliciting (kerb crawling)
 - Or any similar offences (including attempted or conspiracy to commit).
- 8.4 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 8.5 A licence will not normally be granted if an applicant has more than one conviction for a sexual/indecency offence.

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9. Dishonesty

- 9.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- theft
 - burglary
 - fraud
 - benefit fraud
 - handling or receiving stolen goods
 - forgery
 - conspiracy to defraud
 - obtaining money or property by deception
 - other deception
 - taking a vehicle without consent
 - and any similar offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.
- 9.4 Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not normally be issued with a licence.

10. Drugs

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

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- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 10.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.
- 10.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

11 Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

12 Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

- 12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least three years, after the restoration of the driving licence following a

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drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

- 12.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research for example which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them
 - fail to see road signs
 - fail to maintain proper lane position and steady speed
 - are more likely to 'tailgate' the vehicle in front
 - react more slowly, take longer to brake and longer to stop
 - are more likely to enter unsafe gaps in traffic
 - feel more stressed and frustrated.

<http://www.rosopa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>

- 12.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 12.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

13 Licensing offences

- 13.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .
- 13.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

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14 Insurance offences

- 14.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.
- 14.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 14.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

15 Outstanding charges or summonses

- 15.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 15.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

16 Non-conviction information

- 16.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 16.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

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17 Cautions

- 17.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

18 Licences issued by other licensing authorities

- 18.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 18.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

19 Summary

- 19.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 19.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 19.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

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Appendix B - Code of Conduct for Licence Holders

This code of conduct should be read in conjunction with the other statutory and policy requirements set out in this document.

Licence holders shall endeavour to promote the image of the horse drawn hackney carriage trade by:

- Complying with the Code of Conduct;
- Complying with all the conditions of their licence, the Horse Drawn Hackney Carriage Licensing Policy and where applicable the hackney carriage byelaws
- Behaving in a civil, orderly and responsible manner at all times

Licence holders shall:

- Maintain their carriage in a safe and satisfactory condition at all times;
- Keep their carriage clean and suitable for hire to the public at all times;
- Attend punctually when undertaking a pre-booked hiring;
- Assist, where necessary, passengers into and out of the carriage

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall in addition to the above:

- Rank in an orderly manner and proceed along the rank in order, moving along promptly
- Remain in or near to the carriage

Licensed drivers shall

- Pay attention to personal hygiene and dress so as to present a professional image to the public;
- Be polite and helpful to passengers
- Treat all customers with dignity and respect regardless of their sex, race, disability, sexual orientation, trans gender, religion or belief
- Drive with care and due consideration for other road users and pedestrians
- Obey all traffic order and directions at all times
- Not consume alcohol
- Not use a hand held mobile phone whilst the carriage is in motion
- Not smoke whilst on the vehicle

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Appendix C - Driver Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the horse drawn hackney carriage trade in Blackpool to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum** standard, males should wear knee length shorts/long legged trousers and a shirt which has a full body and as a minimum short sleeves.

As a **minimum** standard, females should wear knee length shorts/long legged trousers, skirt or dress and a shirt / blouse which has a full body and as a minimum short sleeves.

Footwear

Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- (a) Clothing that is not kept in a clean condition, free from holes and rips.
- (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc.).
- (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- (e) Drivers not having either the top or bottom half of their bodies suitably clothed.
- (f) The wearing of hoods or other clothing that obscures the driver's vision or their identity

The above lists are not exhaustive and Authorised Officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

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Appendix D - Code of Conduct when working with vulnerable passengers

A vulnerable passenger is a person whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, elderly person and someone with learning difficulties for example. It can include someone who is vulnerable due to an excessive level of intoxication.

The code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Licensed drivers should adopt the following practices:

Drivers should carry photo ID at all times and wear it in accordance with the conditions of licence/byelaws

The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures however they should check that they are in place.

When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person. If necessary you should obtain a record of the carer's contact details if there is no chaperone.

If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.

Always ask if a vulnerable person needs help do not assume

Drivers should remain professional at all times and should not:

- Touch a vulnerable person inappropriately
- Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
- Behave in a way that may make a vulnerable passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a vulnerable person.

A log should be maintained by drivers where a service has been provided to a vulnerable passenger including any incidents occurring/actions taken or refusals of service.

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If you are concerned about the safety, welfare or behaviour of a vulnerable person you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)

If you are concerned about someone else's conduct you should report your concerns to the Council's licensing department 01253 478343, the police on 101 or Crimestoppers 0800 555111

Report to:	EXECUTIVE
Relevant Officer:	John Blackledge, Director of Community and Environmental Services
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	15 December 2016

REVIEW OF SEX ESTABLISHMENT POLICY

1.0 Purpose of the report:

1.1 Following consultation, to consider the updated Sex Establishment Policy.

2.0 Recommendation(s):

2.1 To approve the revised Sex Establishment Policy as attached at Appendix 11a.

3.0 Reasons for recommendation(s):

3.1 Council policies should be reviewed on a regular basis. The Sex Establishment Policy has been in force since 2011.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to approve the policy which could mean that the Council would be reaching decisions using an outdated document.

4.0 Council Priority:

4.1 The relevant Council Priority is: "The economy – maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 In 2011 Blackpool Council adopted amendments to the Local Government (Miscellaneous Provisions) Act 1982 which brought sexual entertainment venues under the same licensing regime as sex shops and sex cinemas.

5.2 A Sex Establishment Policy was developed detailing the application process, the limitation on numbers of licences that would be issued and the standard conditions that would be applied to sex shops and sexual entertainment venues. This policy has been in force since 2011 and is due for review.

5.3 A draft policy was considered and approved for consultation by the Licensing Committee at its meeting on 25 May 2016. A copy of the draft policy was sent to all licence holders for comment. The draft was also made available on the Council's website. One response was received from Darker Enterprises.

5.4 The draft policy has been reviewed in the light of the consultation response received. This has resulted in a number of minor amendments being made. The Licensing Committee considered this revised policy at its meeting on the 8 November 2016 and agreed to recommend it to the Executive for approval.

5.5 The proposed policy is attached at Appendix 11a.

5.6 Does the information submitted include any exempt information? No

5.7 **List of Appendices:**
Appendix 11a - Proposed Policy

6.0 Legal considerations:

6.1 There are no legal considerations

7.0 Human Resources considerations:

7.1 There are no Human Resources considerations.

8.0 Equalities considerations:

8.1 There are no equalities considerations.

9.0 Financial considerations:

9.1 There are no financial implications arising from the recommendations contained in this report.

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External Consultation undertaken:

12.1 Formal consultation has taken place with licence holders and interested parties as outlined in paragraph 5.3. Informal consultation has also taken place with the Licensing Enforcement Team.

13.0 Background papers:

13.1 Consultation response from Darker Enterprises

14.0 Key decision information:

14.1 Is this a key decision? Yes

14.2 If so, Forward Plan reference number: 34/2016

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 7 December 2016 Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1

Appendix 11a: Proposed Sex Establishment Policy 2016

Blackpool Council



Proposed Sex Establishment Policy 2016

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Proposed Sex Establishment Policy 2016

1. Introduction

This policy statement sets out Blackpool Council's approach to the regulation of sex establishments in the Borough.

Nothing in this policy undermines the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

The policy covers the operation of the following:

1.1 Sex Shops

A sex shop is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- a) Sex articles; or
- b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging –
 - i) Sexual activity; or
 - ii) Acts of force or restraint which is associated with sexual activity.

1.2 Sex Cinemas

A sex cinema is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
 - i) Sexual activity; or
 - ii) Acts of force or restraint which are associated with sexual activity;
- or
- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling house to which the public is not admitted.

Proposed Sex Establishment Policy 2016

1.3 Sexual Entertainment Venues

A sexual entertainment venue is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“Relevant entertainment” means –

- a) Any live performance; or
- b) Any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

The following premises are not sexual entertainment venues:

- a) Sex shops and sex cinemas;
- b) Premises which provide relevant entertainment on an infrequent basis i.e. premises where –
 - i) No relevant entertainment has been provided on more than 11 occasions within a 12month period;
 - ii) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - iii) No such occasion has lasted longer than 24 hours; or
- c) Other premises or types of performance or displays exempted by an order made by the Secretary of State.

1.4 Waivers

Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit.

The Council does not consider it would be appropriate to permit waivers from the requirement to hold a sex establishment licence in respect of sexual entertainment venues particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

Proposed Sex Establishment Policy 2016

The Council may at any time give a person who would require a licence but for a waiver notice that the waiver it to terminate on a date not less than 28days from the date the notice is given.

Whilst each application will be considered on its own merits by the Public Protection Sub-Committee in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis the Council takes the view that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be covered in exceptional circumstances.

2. Making an Application

Applications for the grant, renewal, variation or transfer of a licence must be made on the prescribed form which is available upon request from the Licensing Service or at www.blackpool.gov.uk. Applications can be submitted on paper or electronically.

New applications or variations which involve a change of layout must be accompanied by a plan of the premises to which the application relates. The plan must show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and egress from the premises;
- c) the location of escape routes from the premises;
- d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- i) The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

Proposed Sex Establishment Policy 2016

j) The location of a kitchen, if any, on the premises.

2.1 Advertising of applications

Applications must be advertised on/near the premises to which the application relates and in a newspaper circulating in the Borough.

On the premises

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day the application was given to the Council. The notice must be in such a position that it can be conveniently read by members of the public.

The notice must be on paper sized A4 or larger containing the information detailed below printed legibly in black ink.

In the newspaper

Applicants must give public notice of the application by publishing an advertisement in a local newspaper that circulates in the Blackpool Borough no later than 7 days after the date the application is made.

The notice must state:

- a) Details of the application and activities proposed to be carried on,
- b) The full name of the applicant,
- c) The postal address of the premises, or where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- d) The date, being 28 days after the day on which the application was given to the Council, by which representations may be made to the Council in writing.

A specimen notice is available upon request from the Licensing Service or on our website www.blackpool.gov.uk.

Proposed Sex Establishment Policy 2016

2.2 Objections

Objections must be made in writing (email is acceptable) within the period of 28 days from the date on which the application is given to the Council and should include the following:

- The name and address of the person or organisation making the objection,
- The premises to which the objection relates, and
- An indication whether the objector consents to their name and address being disclosed to the applicant.

No weight will be given to any objection that does not contain the name and address of the person making it.

An objection must state the grounds on which the objection is made. Persons making an objection are encouraged to provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in this policy.

No weight will be given by the Council to objections made on moral grounds or those that are in the opinion of the Council, frivolous or vexatious.

Where an objection is received, the applicant will be notified of the general grounds of the objection. The name and address of the objector will not be disclosed to the applicant unless the objector has consented to this.

3 Determination of applications

When considering applications, the Council will have regard to:

- (a) the Local Government (Miscellaneous Provisions) Act 1982;
- (b) any supporting regulations;
- (c) this Statement of Licensing Policy.

Proposed Sex Establishment Policy 2016

This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

All applications for new sex establishments and variations of existing licences will be determined by the Public Protection Sub-Committee irrespective of whether objections have been received. The Sub-Committee will also consider renewal applications where the Lancashire Constabulary have made comments or objections have been received. At the hearing the applicant and any objectors who made objections within the statutory period will be given the opportunity to address the Sub-Committee.

Uncontested applications for renewal will be determined by the Head of Licensing.

When determining an application the Council will take account of any comments made by the Police and any objections made. Each application will be considered on its own merits.

Where a hearing has taken place before the Public Protection Sub-Committee, unless otherwise advised, its decision will be given at the end of the hearing and the applicant and the objectors will receive written confirmation of the decision together with reasons within seven days.

3.1 Refusal of Licences

The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory and discretionary grounds for refusal of a licence.

3.1.1 Mandatory Grounds

A licence **must not** be granted to:

- a) A person under the age of 18;
- b) A person who has had a similar licence revoked within the previous 12 months;
- c) A person, other than a body corporate who is not resident in the United Kingdom, or was not so resident throughout the period of six months immediately preceding the date when the application was made;

Proposed Sex Establishment Policy 2016

- d) To a body corporate who is not incorporated in the United Kingdom;
- e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.1.2 Discretionary Grounds

A licence may be refused on the following grounds:

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason see paragraph 3.2;
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such licence if he made the application himself;
- c) That the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority considers appropriate for that locality see paragraph 3.3;
- d) That the grant or renewal of the licence would be inappropriate having regard
 - o To the character of the relevant locality see paragraph 3.4; or
 - o To the use to which any premises in the vicinity are put; or
 - o To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.2 **Suitability of applicants.**

The Council will need to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:

- a) that the operator is honest;

Proposed Sex Establishment Policy 2016

- b) That the operator is qualified by experience and/or knowledge to run the type of sex establishment. That the operator understands the general conditions and will comply with them;
- c) That the operator is proposing a management structure which will deliver compliance with operating conditions, for example through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and in the case of a sexual entertainment venue, policies for the welfare of performers;
- d) If the application is for a sexual entertainment venue, that the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities provided, how they are protected and how and by whom their physical and psychological welfare is monitored;
- e) That the applicant can be relied upon to protect the public e.g. transparent charging and freedom from solicitation; and
- f) That the operator can show either a track record of management of compliant premises, or that he/she has an understanding of the rules governing the type of licence applied for

All applications will be considered but they are unlikely to be granted if any of the following apply:

- a) The applicant has a criminal record. Offences that will be considered particularly relevant include convictions for:
 - Dishonesty,
 - Violence,
 - Sexual offences,
 - Drugs,
 - People trafficking;
- b) The applicant has previously been involved in running an unlicensed sex establishment;

Proposed Sex Establishment Policy 2016

- c) If the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves.

3.3 Number of Sex Establishments

The Local Authority may refuse an application if it is satisfied that the number of sex establishments of a particular kind in the relevant locality at the time the application is made, is equal to or exceeds the number which the authority considers is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

Blackpool Council has determined that in the Bloomfield, Claremont and Talbot Wards:

- The number of sex shops shall be two.
- The number of sex cinemas shall be nil.
- The number of sexual entertainment venues shall be 4.

In all other wards the number shall be nil for all categories of sex establishments.

Proposed Sex Establishment Policy 2016

3.4 Location of licensed premises

In considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority will consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential areas;
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments and leisure facilities such as parks, libraries or swimming pools;
- Shops used by or directed at families or children;
- Premises sensitive for religious purposes for example, churches, mosques and temples;
- Places and/or buildings of historical/cultural interest and tourist attractions;
- The Promenade.

3.5 Conditions

The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.

The conditions that may be attached to a sex shop licence are shown in Appendix A and conditions that may be attached to a sexual entertainment venue are shown in Appendix B.

3.6 Duration of licence

Licences will be granted for one year unless a shorter period is specifically stated.

3.7 Revocation of licences

The Council may revoke a licence on any of the grounds contained within the Act which include (please note this list is not exhaustive):

- the licence holder no longer being fit and proper;
- Poor operation of the premises.

Proposed Sex Establishment Policy 2016

The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Public Protection Sub Committee.

3.8 Appeals

There is a right of appeal against the refusal to grant, renew, vary or transfer a licence, the imposition of conditions on a licence and the revocation of a licence.

Appeals must be made to the Magistrates' Court within 21 days starting from the date the aggrieved party is notified of the decision.

It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further no appeal lies against the Licensing Authority's decision made on the discretionary grounds namely:

- That it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- The use of the premises in the vicinity or the layout, character or condition of the premises.

4. Complaints and Enforcement

4.1 Complaints

Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

4.2 Enforcement

The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Quality Standards Enforcement Concordat. The Council will carry out its regulatory functions in a fair, open and consistent manner.

Specifically, the Council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;

Proposed Sex Establishment Policy 2016

- (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- (c) be consistent – to implement rules and standards fairly;
- (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
- (e) target its regulatory action at cases in which action is needed.

The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.

However, proportionate but firm action will be taken against those who commit offences or consistently break the law or breach the conditions of the licence.

The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.

This policy is freely available from the licensing section, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website: www.blackpoolcouncil.gov.uk

5. Cancellation of licences

The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

Proposed Sex Establishment Policy 2016

Appendix A

Standard conditions for sex shops

Exhibition of licence

1. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

Times of opening

2. The premises shall not be open to the public before 9.00 am and shall not be kept open after 11.00 pm on any one day.
3. The premises shall not open on Christmas Day.

Conduct of premises

4. The licensee shall maintain good order in the premises.
5. No person under the age of 18 shall be admitted to the premises or be employed in the business of the sex establishment.
6. No poster, photograph, sketch or painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside, or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.
7. The whole of the exterior of the premises shall be of a material or covered by a material which will render the interior of the premises invisible to passers-by.

Change of use

8. No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent has been obtained thereto.
9. No change of use of any portion of the premises from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Council.
10. No part of the premises shall be used as a sex encounter establishment or be used in conjunction with any premises so used (whether licensed or not) without the consent of the Council.

Proposed Sex Establishment Policy 2016

Goods available

11. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
12. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed prominently within the sex establishment.
13. No film or video work shall without the consent of the Council be exhibited, sold or supplied on or from the premises unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licence holder by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video work so certified.

Proposed Sex Establishment Policy 2016

Appendix B

Standard conditions for sexual entertainment venues

External Appearance

1. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
2. Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the Council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.
3. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Public Protection Sub Committee.
4. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 1 and 3.
5. The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the premises, its postal address, opening hours, website address and any security grilles/shutters.
6. As a general rule the name of the premises shall be of an un-contentious nature and light colours used throughout to the Council's approval.
7. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
8. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
9. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

Proposed Sex Establishment Policy 2016

Control of entry to the premises

10. No person under the age of 18 shall be on the licensed premises.
11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
12. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Lancashire Constabulary or an authorised officer of the Council.
13. The price for entrance and any compulsory purchases within the venue should be clearly displayed.

Performances of sexual entertainment

14. No person under the age of 18 shall be on licensed premises.
15. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances.
16. There shall be no physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
17. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
18. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
19. Customers must remain seated for the duration of the performance.
20. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad means that there is partial nudity or underwear is visible)
21. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.

Proposed Sex Establishment Policy 2016

22. At all times during a performance, performers shall have unrestricted access to a dressing room.
23. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
24. Exit routes for performers must be kept clear.

Protection of performers

25. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
 - The licence conditions relating to performances of sexual entertainment,
 - House rules,
 - Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties,
 - Drugs monitoring,
 - No contact with customers outside the club,
 - The arrangements for breaks and smoking facilities provided,
 - Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.
26. Performers shall be provided with secure and private changing facilities.
27. Means to secure personal property shall be provided for the performers.
28. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.
29. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
30. All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

Proposed Sex Establishment Policy 2016

Management

31. All performers shall be required to provide valid photographic identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards such as driving licence or passport. Records shall be kept detailing the identification produced and must be made available to an authorised officer on request.
32. All performers and staff should be eligible to work in the UK and proof of eligibility records shall be kept on the premises.
33. All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
34. Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
35. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.
36. Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Council.
37. The name of the person who has been approved by the Council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
38. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
39. The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
40. Neither the licence holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

Exhibition of the licence

41. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

Proposed Sex Establishment Policy 2016

CCTV

42. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

Maintenance and Repair

43. The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.
44. Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14days of issue. The appeal will be determined by the Public Protection Sub Committee.
45. The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.
46. The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

General

47. No part of the premises shall be let

Proposed Sex Establishment Policy 2016

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Report to:	EXECUTIVE
Relevant Officer:	Alan Cavill, Director of Place
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	15 December 2016

BUILT HERITAGE STRATEGY 2016-2020

1.0 Purpose of the report:

1.1 To request permission to publish the Built Heritage Strategy 2016 – 2020.

2.0 Recommendation(s):

2.1 To approve the Built Heritage Strategy 2016 – 2020 as attached at Appendix 12a.

3.0 Reasons for recommendation(s):

3.1 The draft Built Heritage Strategy 2016 – 2020 has been subject to a full public consultation including heritage groups and Historic England, and internal consultation with all relevant departments. Subsequent comments and representations have been incorporated in the final document which is now presented for formal approval and publication.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council’s approved budget? Yes

3.3 Other alternative options to be considered:

The consultation draft of this strategy has already been through the Executive approval process. There are no substantive changes to the document. There is the option not to approve publication of the document but this would be contrary to previous approvals.

4.0 Council Priority:

4.1 The relevant Council Priority is: “The economy: Maximising growth and opportunity across Blackpool”

5.0 Background Information

- 5.1 The Council's previous Heritage Strategy (2006-2010) paved the way for a number of key improvements, not least the provision of dedicated officers and the formation of community groups to further the aims of the strategy. This new strategy will re-visit some of the objectives of the 2006/10 strategy but will focus very specifically on Built Heritage.
- 5.2 In 2008, a programme of townscape characterisation reports was commissioned by the Council in order to better understand the historic built environment in Blackpool. These were part funded by English Heritage (now Historic England) and SRB (Single Regeneration Budget) monies and were initially prepared to support Blackpool's World Heritage Site application. Whilst Blackpool's nomination for World Heritage Site Status did not move forward, the studies commissioned for it revealed a lot more about Blackpool's built heritage than was expected, and this triggered a Designation Review undertaken by the Conservation Team.
- 5.3 This review has resulted in the establishment of a list of nearly 300 buildings of local architectural and/or historic interest, two new conservation areas and the extension of the Town Centre Conservation Area. There are also proposals to designate more conservation areas and set up a local heritage at risk register. However, this work needs a framework to give direction to the overall goals and to keep the public (and developers) informed about what the Council is doing and what the impact is on them. The Built Heritage Strategy sets out how the Council intends to manage the challenges of caring for Blackpool's historic built environment over the next four years.
- It will also help the Council monitor and manage heritage assets more effectively through improved monitoring and enforcement.
- 5.4 One of the main reasons for the Strategy is to promote a greater appreciation of the extent of the built heritage of the town. It is essential to understand that the built environment never stands still and is always the subject of pressures for change. There will always be a tension in balancing the protection of built heritage with the demand for development.
- 5.5 As a result, the strategy and the subsequent action plan seek to find a way of reconciling these sometimes conflicting needs.
- 5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices:

Appendix 12a: Draft Built Heritage Strategy 2016 - 2020

6.0 Legal considerations:

6.1 There are no new/additional legal considerations

7.0 Human Resources considerations:

7.1 There are no new/additional HR considerations

8.0 Equalities considerations:

8.1 There are no new/additional Equalities considerations

9.0 Financial considerations:

9.1 There are no new/additional financial considerations

10.0 Risk management considerations:

10.1 There are no new/additional risk management considerations

11.0 Ethical considerations:

11.1 There are no new/additional ethical considerations

12.0 Internal/ External Consultation undertaken:

12.1 Internal consultation with officers from all relevant departments; meeting with heritage groups; Historic England; month long public consultation at Central Library

13.0 Background papers:

13.1 None

14.0 Key decision information:

14.1 Is this a key decision?

Yes

14.2 If so, Forward Plan reference number: 23/2014

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 7 December 2016 Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members present:

20.1

21.0 Call-in:

21.1

22.0 Notes :

22.1

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Built Heritage Strategy 2016-2020

A Future for The Past

Blackpool Built Heritage Strategy 2016-2020

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Blackpool Built Heritage Strategy 2016-2020

1 INTRODUCTION & BACKGROUND TO THE STRATEGY

1.1 Introduction

Blackpool has a wealth of incredibly diverse heritage assets some of which are of national and international significance. Everyone has heard of Blackpool, and the town holds memories for so many people nationally and internationally. Blackpool Council continues to be proud of this unique heritage as the epitome of the British holiday resort.

Blackpool Council itself plays an important role in the management of that historic environment. It does so both as a major property holder, responsible for its own buildings and open spaces and as the local planning authority.

This pride and confidence in the heritage of the town was underlined by the Council's purchase in 2010 of two of Blackpool's most significant historic buildings; Blackpool Tower and Blackpool Winter Gardens. These buildings are an important part of the resort's ability to constantly re-invent itself. But as we regenerate and rebuild our town for the future, we must remember our past as well, and celebrate the best of it.

Understanding and valuing where our communities have come from and how they have grown is a critical part of residents' pride in Blackpool. We want to ensure that our exceptional heritage is recognised, valued, enhanced, explained and made accessible to as many people as possible.

Even more importantly, the Council wants local communities to be included in decision making processes and in projects that develop greater understanding of the town's past and their pride in local neighbourhoods.

1.2 Background

The Council's previous Heritage Strategy (2006-2010) paved the way for a number of key improvements, not least the provision of dedicated officers and the formation of community groups to further the aims of the strategy. This new strategy will re-visit some of the objectives of the 2006/10 strategy but will focus very specifically on Built Heritage.

This focus is in response to the enormous progress made in protecting and enhancing the historic built environment in the last eight years, including the Heritage Lottery funded Townscape Heritage Initiative and more recently with the Designation Review programme. The Designation Review was the result of a number of projects aimed at understanding the historic built environment of the town, not least the programme of townscape characterisation reports commissioned by the Council in 2008 to better understand the historic built environment in Blackpool.

These reports were part funded by English Heritage and SRB (Single Regeneration Budget) monies and were initially prepared to support Blackpool's World Heritage Site application. Whilst Blackpool's nomination for World Heritage Site Status didn't move forward, the studies commissioned for it revealed a lot more about Blackpool's built heritage than was expected.

The recommendations coming out of the characterisation reports started new projects like the creation of a 'local list'. This has now been completed and currently, over 250 buildings are protected with 'local list' designation. The recommendation for the creation of new conservation areas at Raikes Hall and Foxhall were also taken up and have now been completed.

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In addition, proposals to expand our existing conservation areas are also now being actioned, but all of this needs a framework to give direction to the overall goals and to keep the public (and developers) informed about what the Council is doing and what the impact is on them.

1.3 So what is the Built Heritage Strategy?

The Built Heritage Strategy sets out how we intend to manage the challenges of caring for our historic built environment over the next five years.

It provides information on what Blackpool's built heritage assets are, what kinds of designation we have and what these designations mean. It will also help the Council monitor and manage heritage assets more effectively through improved monitoring and enforcement.

Blackpool's heritage assets include listed and locally listed buildings, registered parks and gardens and conservation areas as well as sites of archaeological interest and definitions for all the above can be found in section 3 of this document.

Crucially, about 25% of all the built heritage assets in Blackpool are owned by Blackpool Council including the three biggest; Blackpool Tower, Blackpool Winter Gardens and Stanley Park. Other buildings owned by the Council include schools, libraries, local parks and cemeteries. This does create real challenges in terms of managing and funding sensitive change but it also allows the Council to put exemplary management at the core of its policies.

The format of the Strategy is straightforward, first addressing general aims and objectives, then moving on to the importance of Blackpool's built heritage in the wider context.

This is followed by a review of the law that governs the historic built environment and the policies which guide the application of the law, with a summary of the statutory and national amenity bodies – and those of a more local nature – who have a direct interest in the conservation and management of the historic environment.

The role of the Council in planning and development is also discussed and the Strategy then reviews the heritage assets of the Borough identifying particular issues relating to them. Emerging from this broad review are the 'themes' which identify the principal issues that the strategy will address and subsequently turn into specific actions for implementation.

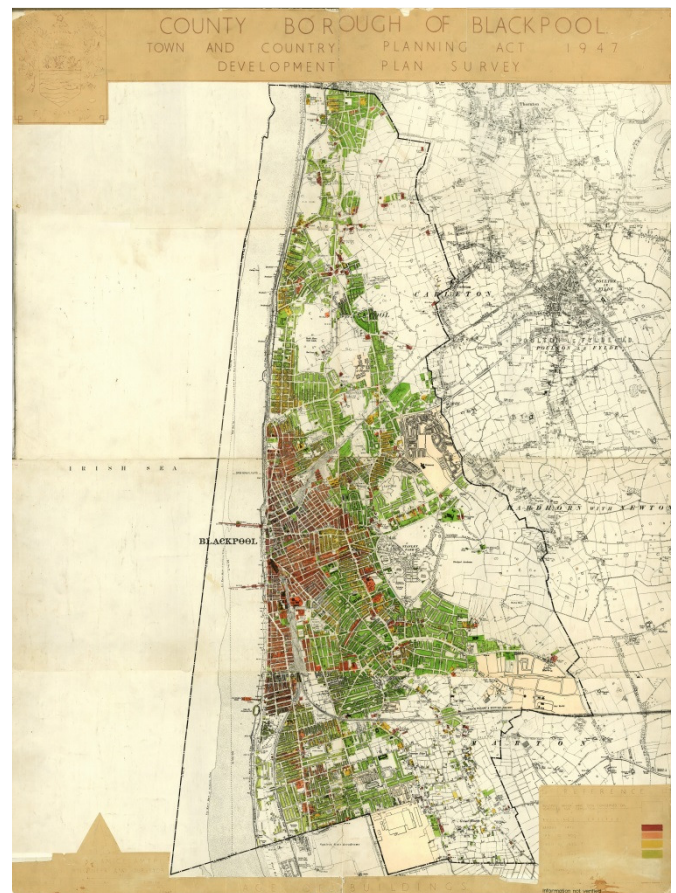


Fig 1. A map created by the Planning Department of Blackpool Borough Council in 1947 in response to the Town and Country Planning act. The map shows the age of all buildings in Blackpool after WWII, the red and orange sections being the earliest developed areas.

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2 AIMS AND OBJECTIVES OF THE STRATEGY

2.1 Overview and Vision

The introduction outlined some of the general issues relating to the preparation of the Strategy, but it has a specific overall *aim* that can be expressed in the form of a single *Vision Statement*, namely:

‘To ensure that the distinctive heritage of Blackpool is fully appreciated and recognised and that this strategy and associated action plan will seek to protect, conserve and enhance its built heritage for the overall benefit of the community’

In the context of the Vision Statement, the objectives of the strategy are:

- To bring about an understanding of the significance of Blackpool’s built heritage in a local, regional and national context and to create a framework of protection for its buildings, monuments and open spaces.
- To bring about a general awareness of the meaning of ‘heritage asset’ in the context of the Strategy and to affirm the Council’s commitment to protecting existing and potential assets that together comprise the built heritage of the town.
- To promote a general awareness of legislation, planning policy and the important responsibilities and roles of owners, the local authority and national bodies and organisations in built heritage matters.

- To promote active community participation in heritage issues and to encourage local groups already involved in heritage to offer practical support in delivering the objectives of the strategy by working in partnership with the Council and other agencies.

These objectives will be delivered through a series of actions organised into three themes which reflect the issues and opportunities in distinct areas and each with actions attached. These themes are:

- 1) **Protecting and Conserving Built Heritage**
- 2) **Community Participation**
- 3) **Advocacy and Promotion**

2.2 Why have a Built Heritage Strategy?

One of the main reasons for the Strategy is to promote a greater appreciation of the extent of the built heritage of the town. It’s essential to understand that the built environment never stands still and is always the subject of pressures for change. There will always be a tension in balancing the protection of built heritage with the demand for development.

As a result, the Strategy and the subsequent action plan seek to find a way of reconciling these often conflicting needs. More than anything else though, the Strategy is aimed at ensuring that the public are fully engaged, not only with forming the Strategy but in delivering it as well. Only by ensuring engagement through the whole process will its objectives have wider public support.

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Blackpool Council also has a legal obligation to monitor the condition of all the heritage assets in the town. Where it owns buildings it has legal responsibilities as an owner and where buildings are owned privately it is responsible for helping owners manage change appropriately through planning and listed building consent.

In the past, illegal and inappropriate changes have been made to important buildings, often because owners are not clear on their legal responsibilities. Over many years, this has resulted in a decline in the condition and quality of the historic built environment. To combat this, the Strategy will tackle issues like sharing guidance and research to help owners and developers achieve the best out of historic buildings.

Until 2015 Blackpool only had two conservation areas and has less than fifty listed buildings. Lack of investment, and in some cases too much poor quality change over many years, has left the historic built environment vulnerable to the scale of change now required to improve social and business infrastructure in the town.

So much has been lost even since the 1980's that policies are now required for the protection and enhancement of what remains. But these policies will need to recognise the very genuine need for change now faced by Blackpool in the 21st century including the pressing need for quality housing and hotel accommodation to serve the local community and still vibrant tourism offer.

Visitors are also an important factor in supporting the town's built heritage. Tourists (both leisure and business) help to support and sustain the character of the places they visit through the money they spend.

Their spending provides valuable sustainable economic support, which in turn often drives the investment needed to maintain the quality and appearance of buildings and places. Good cases in point are Blackpool Tower and Winter Gardens where profit made by Blackpool Council is only spent on the buildings and the service they provide. This in turn is important to the community from a social, cultural, economic and environmental point of view through small business growth, jobs and environmental improvements that encourage more positive change.

2.3 How the Strategy has been developed

The protection and enhancement of the built heritage of Blackpool is an important part of the Council's wider vision for the development of the town. Planning policies and individual projects like the restoration of Blackpool Tower and Winter Gardens highlight this commitment. However, the development of this Strategy should be viewed as a very real commitment to take a more comprehensive and coordinated view towards protecting and managing the built heritage of neighbourhoods within Blackpool and not just as a series of actions focused on the town centre.

This strategy closely follows the format developed by Fylde Borough Council who have kindly agreed to the use of the format they developed in partnership with statutory and amenity bodies in 2013. The Council's Cabinet approved the preparation of the Heritage Strategy in April 2014 and delegated its preparation to the Built Heritage and Conservation Department. The team were supported by Senior Officers of the Council who are directly or indirectly engaged in built heritage and conservation matters or working with issues that affect neighbourhoods.

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3 THE IMPORTANCE OF BUILT HERITAGE

3.1 National Importance

The following sections of the document will outline how built heritage has been protected at a national level through various pieces of legislation, and how these then apply to Blackpool. Despite changes in interpretative guidance it is unlikely that the core legislation governing the historic built environment will change to any great degree.

With the Localism Act of 2011, a lot of emphasis has recently been placed on local decision making and involving the public in planning for the future and this has created a greater interest in heritage and the amenities and buildings that local people value.

The historic built environment has now been recognised as having significant economic benefits not just from the point of view of the visitor economy, but also as a catalyst for regeneration and development. Positive planning policies and creative regeneration strategies, along with pro-active developers, have been pivotal in bringing about creative building and area based refurbishment schemes offering significant community benefits.

The quality of historic built environment is also often said to promote 'civic pride', acting as a reminder of how a place has evolved historically and its reasons for existing. It is often associated with adding to the quality of life for residents and promoting destinations for visitors. Undoubtedly, Blackpool's built heritage presents a huge resource which is of major benefit to the nation and its protection and conservation is of real importance.

3.2 Local Importance

The value of built heritage to the national economy is considerable. Visitors from around the world are drawn to the UK's historic cities and heritage tourist attractions. This is also the case in Blackpool where visitors are often drawn directly (or in some cases indirectly) to the great historic entertainment complexes or attractions. Many of these visits are made for reasons other than heritage, but they offer a unique opportunity to tell the story of Blackpool and its remarkable history.

The value of the visitor economy to Blackpool cannot be understated and the key historic assets of the borough (Pleasure Beach, Tower and Winter Gardens) are considered to be an important element in contributing to this value. Protecting and enhancing the quality of the built heritage of the Borough is therefore underpinned by a strong economic justification. The promotion of Blackpool is inextricably bound up with its heritage offer and this can be (and is often) used to market its unique and special character.

3.3 Heritage in the context of the Strategy

The term 'heritage' can be interpreted rather broadly and can be used to include art, culture, traditions relating to the development of a community, buildings, sport and language. However, for the purposes of this strategy it refers to the built environment and the physical features that it contains namely buildings, designed landscapes, historic infrastructure and archaeology.

Blackpool has heritage which falls into all the standard categories except recorded shipwrecks, battlefields and ancient monuments.

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3.4 Heritage 'Assets'

The built heritage of the Borough contains a rich and varied collection of areas, sites, buildings and other features. Individually and in many cases collectively, they are known as 'heritage assets'.

The Government's planning policy identifies a heritage asset as: "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include *designated* heritage assets and assets identified by the local planning authority through measures like *local listing*. (*Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government, 2012*).

3.5 Listed Buildings

Listed buildings are recognised as being of national significance. They are 'listed'; that is they appear on a national list maintained by Historic England (formerly English Heritage). Locations are periodically reviewed and buildings selected although they can also be 'spot listed' on an individual basis upon a specific request to English Heritage, with priority being given to buildings at risk of significant deterioration or demolition.

'Listing' marks and celebrates a building's special architectural and historic interest, and also brings it under the consideration of the planning system so that care can be taken in change or development.

In considering change or alteration to a listed building, consent is required from the local planning authority. It is a legal requirement that special attention is given to assessing how the development will affect architectural and historic character of the building, including its setting.

In some cases expert bodies or organisations are required to be consulted and the views offered taken into account in reaching a decision.

Historic England are responsible for maintaining the 'List' of buildings of architectural or historical significance and are also responsible for defining the criteria under which buildings can or should be listed.

The criteria for 'listing' are identified as:

- **Age and rarity:** most buildings built before 1700 which survive in anything like their original condition are listed, as are most of those built between 1700 and 1840. The criteria has become tighter with time, so that buildings built within the last 30 years have to be exceptionally important to be listed, and under threat. A building has to be over 10 years old to be eligible for listing
- **Architectural interest:** buildings which are nationally important for the interest of their architectural design, decoration and craftsmanship; also important examples of particular building types and techniques
- **Historic interest:** this includes buildings which illustrate important aspects of the nation's social, economic, cultural or military history
- **Close historical association** with nationally important people or events
- **Group value:** especially where buildings are part of an important architectural or historic group or are a fine example of town planning (such as squares, terraces and model villages)

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Buildings are 'listed' according to their relative importance in the following way:

- **Grade I** buildings are of exceptional interest, often considered to be internationally important; only 2.5% of listed buildings are Grade I
- **Grade II*** buildings are particularly important buildings of more than special interest; 5.5% of listed buildings are Grade II*
- **Grade II** buildings are nationally important and of special interest; 92% of all listed buildings are in this class and it is the most likely grade of listing relevant for a home owner.

At present there are 42 listed buildings in Blackpool, the majority of which are Grade II. Blackpool Tower is Grade I and a small number have a Grade II* status. The buildings are varied in type and include private houses, churches, vernacular cottages and structures such as boundary walls and monuments. Blackpool's most remarkable collection of buildings though are those concerned with entertainment: Blackpool Tower and Blackpool Winter Gardens possibly form the most important pair of nineteenth century entertainment complexes in Britain.

Over the years, many of the buildings have been altered and adapted, most through listed building consent approvals. In the case of listed buildings, the interior is often as important as the exterior and so it is essential that owners and occupiers of these buildings are aware of their statutory obligations in respect of *any* planned changes. In view of the importance of these buildings, it is essential that the Council has an up to date inventory of all its listed buildings.

One of the principal reasons is so that any previous changes can form a baseline from which future changes can be then considered. Another reason is so that the 'significance' of the building – its historical value, setting, external appearance and internal qualities - can be assessed and recorded. This will assist significantly in the future assessment of development proposals that may impact on its character.

It is also important to offer further guidance for potential developers who propose alterations to listed buildings. To facilitate this, jargon free local guidance should be developed which outlines the nature and significance of listed buildings, legal requirements, guidance on assessing development impact on a building's significance and the process of managing listed building consent applications.

Blackpool is fortunate that it does not contain a large number of buildings that are considered 'to be at risk' due to their poor condition. However, the Grade II* Winter Gardens and the Grade II* Shrine of Our Lady of Lourdes do fall into that category and are currently included on the Heritage at Risk list compiled by English Heritage. Improvements have been made at both buildings though and their futures are now looking more secure.

Historic England is now also concerned that the condition of Grade II listed building stock may be deteriorating. With reduced resources and a limited remit (Historic England will normally only advise on Grade II* and Grade I buildings) the statutory body has been unable to comprehensively review changes to and/or deterioration of such buildings. To combat this they recently launched a scheme to try and involve local groups in capturing information

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about the condition of local Grade II listed buildings stock.

This is intended to result in what is effectively a list of Grade II buildings at risk. The Council is committed to working with external partners to capture this data and has already begun engaging with local groups with the capacity to help out in this area.

3.6 Conservation Areas

These are areas as opposed to individual buildings with the concept first being introduced in the 1967 Civic Amenities Act. Conservation Areas are defined in the planning acts as: “*Areas of special architectural interest, the character or appearance of which it is desirable to preserve or enhance*” At the present time, there are over 9000 areas designated nationally.

Conservation area designations are decided locally and they vary in form and type and can include historic town centres, villages and suburban areas. In these areas additional planning controls apply and local planning authorities are statutorily obliged to prepare proposals for their future management based on an appraisal of their character. The appraisal and management plan aspect of designation should include public engagement.

It is also a requirement of local authorities to review their areas from time to time to ascertain whether additional areas should be designated, bearing in mind that designation should be selective and meet the statutory requirement – namely constituting an area of *special character*. There are four designated conservation areas in Blackpool and these are varied in character. Blackpool Town Centre Conservation Area is the largest covering its commercial centre with its historic street pattern, and contains impressive

groups of mid to late 19th century public and commercial buildings.

Stanley Park is different in character, its designation intended to preserve the park and its buildings alongside the plots laid out by celebrated garden designer and Town Planner Thomas Mawson, who created a Masterplan that allowed a 256 acre park to be created through the sale of surrounding plots. The Town Centre and Stanley Park Conservation Areas were designated in 1984, although the Town Centre Conservation Area was reviewed and extended in early 2015.

As part of its legal obligation to review and update, the Council carried out a series of intensive characterisation studies of nine areas of the borough believed to have been either early areas of development or to have special significance in terms of quality and/or distinctiveness. This resulted in a five year project (the Designation Review) which looked at the creation of a local list of architecturally or historically significant buildings, the expansion of existing conservation areas and the creation of new conservation areas.

As a result, Foxhall and Raikes Hall Conservation Areas were designated in February 2015. Foxhall is the smallest conservation area and is based around the streets which made up one of the oldest boarding house and mixed use districts in the town. Raikes Hall Conservation Area is one of the best preserved examples of early 20th century suburban housing in the borough, built on the site of Blackpool’s first major pleasure garden incorporating the 18th century mansion of the landowning Hornby family.

The Council prepared appraisals and management plans for the oldest conservation areas some time

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ago. Although still relevant, the existing documents are in need of updating.

Stanley Park Conservation Area is the subject of Article 4 Directions that bring within control certain forms of development, which otherwise would not require planning permission. The 'directions' have just been strengthened and updated to include modern technologies like solar panels, satellite dishes and charger points for electric cars. However, future appraisals and management plans would assess the appropriateness for new or revised article 4 directions, tree preservation orders and the potential for other controls including those that limit advertisements on commercial buildings.

Advice to property owners, in the form of leaflets on the Council's website, has proved useful, although this provision is limited at present. There is a very real value in providing more detailed guidance and information in relation to conservation issues and the Built Heritage Strategy and Action Plan actively promotes this. Historic England offers practical advice on the process of appraisals and management plans including guidance which is suitable for volunteers who may wish to be engaged in the process.

3.7 Historic Parks and Gardens

The Historic England 'Register of Historic Parks and Gardens of special Historic Interest in England', established in 1983 currently identifies over 1,600 sites assessed to be of national importance. The sites are graded relative to their importance. Grade I sites are of exceptional interest. Grade II* sites are particularly important, of more than special interest and Grade II sites are of special interest, warranting every effort to preserve them. Their significance can also be the result of its rarity, age, layout features and associations with

famous landscape architects involved with the design.

The majority of the sites identified on the Register are awarded a Grade II status. Around 27% of the 1,600 sites are awarded a Grade II* status and a further 9% are classified as Grade I.

Any proposals which affect the character of the park or garden should result in consultation with the Garden History Society (see below). In the case of Grade I or Grade II*, Historic England will also be consulted. Local authorities are also encouraged to consider the potential for the local designation of parks and gardens and include them in a local list and incorporate policies in their Local Plan aimed at their protection and enhancement.

Many nationally designated historic parks and gardens have been the recipients of funding, including that provided by the Heritage Lottery Fund, aimed at restoring them to their former glory. Engaging the community in preparing plans and strategies for the long term sustainability of historic parks and gardens is an integral part of the process for potential recipients of grant aid.

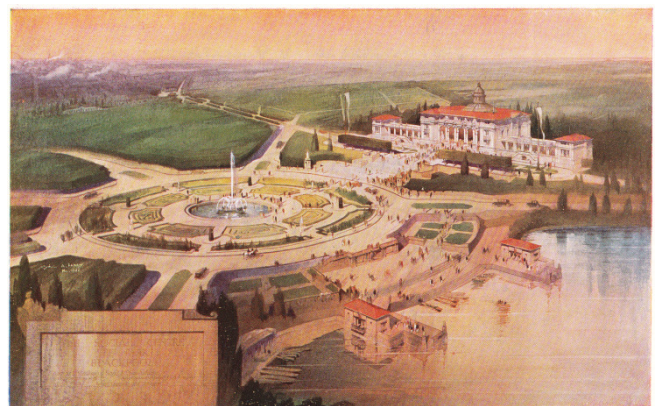


Fig. 2 The original designs for Stanley Park demonstrate that the Park was more than just an open green space, it was intended as a social and cultural facility for the whole town. A huge site of nearly three hundred acres was assembled by the local authority, who then sold plots around the edges for high quality housing. This financed the creation of the park itself, now around 256 acres and

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boasting a County standard cricket ground, Zoo and Golf Course.

Blackpool only has one park which is included on the National Register. Stanley Park is listed at Grade II* and has an area of about 256 acres incorporating a golf course, zoo, model village and county standard cricket ground.

The Park forms the core of a conservation area that incorporates the surrounding layout of streets in recognition of the overall Masterplan for its creation by Thomas Mawson in 1923. Between 2005 and 2007, a major £5m restoration, part funded by the Heritage Lottery Fund was undertaken which restored its Italian and rose gardens, formal areas and buildings. The Park contains several locally listed buildings and a range of historic landscape features and sculpture.

In addition to the parks and gardens included within the national list, there are two local parks included on the 'Local List'. Devonshire Road Rock Gardens is an early 20th century park with a two level pond and waterfall system at its heart. It also contains an attractive folly-like pavilion called the Vista with views across to the Trough of Bowland.

Watson Road Park appears on the list not because of its landscaping but because of the significance of its archaeological potential. Under the park lies a complete series of well documented WWI training trenches which occupy an area equal to that of the park itself.

3.8 Scheduled Monuments

A schedule has been kept since 1882 of monuments considered to be of national importance by the government. The current legislation, the Ancient Monuments and Archaeological Areas Act 1979, supports a formal

system of Scheduled Monument Consent for any work to a designated monument.

Scheduled monuments are not always ancient, or visible above ground. There are over 200 'classes' of monuments on the schedule, and they range from prehistoric standing stones and burial mounds, through to the many types of medieval site - castles, monasteries, abandoned farmsteads and villages - to the more recent results of human activity, such as collieries.

Scheduling is applied only to sites of national importance, and even then only if it is the best means of protection. Only deliberately created structures, features and remains can be scheduled. The schedule now has 19,717 entries (about 31,400 sites). There are 1 million or so archaeological sites or 'find spots' of all types currently recorded in England.

Scheduling is reserved for carefully selected sites, which create a representative sample of sites from different historical periods. Specific permission is required for any development that may intrude or affect the significance of an ancient monument. At the present time there are no designated Scheduled Monuments in Blackpool and so there will be no specific reference to them in the Action Plan. If a site were to be scheduled in the future, then the requirement of the relevant acts would be followed with the necessary consultation carried out including the involvement of English Heritage.

3.9 Registered Battlefields and Protected Wreck Sites

The Historic England Register of Historic Battlefields identifies 43 important English battlefields. Its purpose is to offer them protection and to promote a better understanding of their significance.

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Battlefields are significant in four ways:

- As turning points in English history, for example the Norman Conquest which followed the Battle of Hastings in 1066, or the turmoil of the Civil Wars in the seventeenth century.
- Tactics and skills of war still relevant to the defence of the country evolved on historic battlefields
- Battlefields are the final resting place for thousands of unknown soldiers, nobles and commoners alike, whose lives were sacrificed in the making of the history of England
- Where they survive, battlefields may contain important topographical and archaeological evidence which can increase our understanding of the momentous events of history which took place on their soil.

In considering planning applications that may affect the site of a Registered Battlefield, planning authorities must take into account the effects of development on the significance of the particular site. The Protection of Wrecks Act (1973) allows the Government to designate a wreck to prevent uncontrolled interference. Designated sites are identified as being likely to contain the remains of a vessel, or its contents, which are of historical, artistic or archaeological importance. It is a criminal offence to undertake particular operations in a designated area without a license granted by the appropriate Secretary of State.

At the present time, there are no known Battlefields within Blackpool or historically significant Wrecks off its coastline.

3.10 Local Lists

Local listing seeks to identify buildings and other historic assets that fall short of qualifying for statutory listing but have local historical or architectural significance. The listing itself does not affect any permitted development rights a property may have under planning law, but does make the building's significance a material consideration in planning consent. Local lists can also be used to identify significant local heritage assets to support the development of Local Plans.

Blackpool has recently implemented a local list which now contains around three hundred entries. The type of built heritage represented varies from agricultural buildings to railway bridges, pubs and hotels as well as historic street furniture and signage. The formation of the list was carried out using the Historic England guidance on criteria and process. An important local dimension was added when the local list for each political ward was approved by the relevant community led Area Forum.



Fig. 3 Houses on Layton Road. The house on the left probably dates from the late eighteenth century and that on the right from the mid nineteenth century. Blackpool's neighbourhoods are full of architectural surprises and it would be easy to forget that, despite being a primarily Victorian town, it has a much longer history.

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3.11 Areas of Archaeological Potential

The success (and massive over subscription) of the recent community archaeology project at Watson Road Park, which uncovered part of the WWI practice trenches under the park, has indicated a strong local interest in archaeology which the Council hopes to encourage further. The strategy will make provision for public involvement of this nature where possible as it brings local people closer to their own heritage and creates a sense of ownership and involvement.

There are other sites within Blackpool which could have archaeological significance. The Council will liaise with Lancashire County Council on these issues, for example, in preparing specific briefs for potential developers in respect of archaeological information required to accompany a planning or listed building application.

Lancashire County Council Archaeological Service's Historic Towns Assessment Report (HTAR) includes mapping that records all local finds and identifies areas of archaeological potential. The Local list also identifies some areas of local archaeological potential and makes provision for some investigation in the event of local development. Development proposals that could affect the character and setting of a historic park or garden are the subject of particular scrutiny if development is proposed which may have an impact on its significance.

This is usually a relatively simple process as the Council's ownership of these assets allows a greater degree of control.

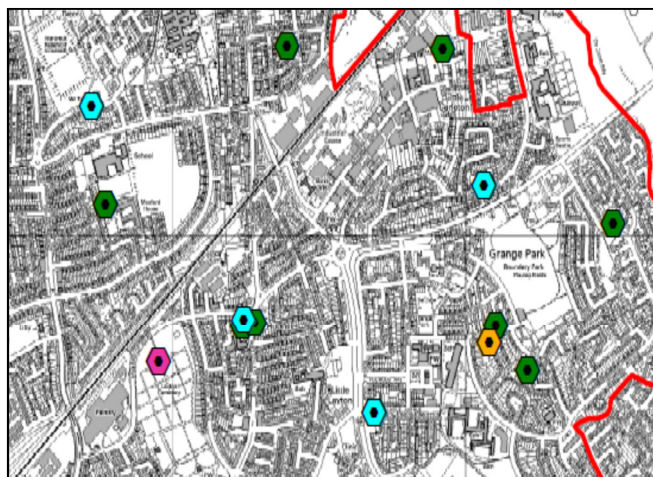


Fig. 4 Archaeological Potential. This map section, prepared by the Lancashire County Archaeology Service shows the sites of archaeological finds in Blackpool. Finds date from the prehistoric to medieval and later finds. Future investigations are likely to be focused on any development in and around Foxhall, which was named for the late medieval home of the Tyldesley family and is thought to have been an early area of settlement in the town. Similarly, the site of Layton Hall, a house of the sixteenth century would be of interest if development were to happen in the area where records show it once stood.

3.12 Other Structures

Potentially, there are other structures or objects related to public realm that may have historic or architectural interest. These could include monuments, sculptures or historic public realm features like street signs, paving and lighting.

These features have in many cases been identified during the local listing process and will need consideration in terms of protection or relocation to appropriate settings if development is considered.

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4 PLANNING, POLICY, PRACTICE & ADVICE

4.1 Public interest in heritage

It is generally acknowledged that the built heritage of any town is important from a social, cultural and economic point of view. Research undertaken as an integral part of producing this Strategy - and as part of the development of the Core Strategy - has indicated an overwhelming public interest in the protection of built heritage in Blackpool.

Planning applications which propose development within sensitive areas and to important buildings often provoke significant public interest. Wide and sustained interest in particular projects such as the restoration of Blackpool Winter Gardens and Blackpool Tower are also indicators of this interest. This interest should be harnessed to allow the public to become actively engaged in heritage projects.

4.2 The historical role of heritage protection

After huge industrial development during most of the Victorian period, the late 19th century saw a change in attitude emerge from some quarters that was critical of the destruction of many historic buildings. A particular critic was William Morris who founded the Society for the Protection of Ancient Buildings, in 1877. After much lobbying, this was followed in 1882 by the Ancient Monuments Protection Act, which offered limited protection but set the scene for later legislation.

In the early part of the 20th century, the idea of protecting buildings and groups of buildings was to be found in the Housing and Planning Acts of 1923 and 1932. The idea of formally listing buildings was introduced in 1944 and was enshrined in the major post war planning act of 1947.

The formation of the Civic Trust in 1957 and official government publications in the early 1960's culminated in MP Duncan Sandy's drawing up the Civic Amenities Bill of 1966 which became an act in 1967. This act introduced the concept of area based conservation – i.e. conservation areas.

Since 1967, the various Governments have amended legislation, issued policy notes and circulars and the approach to conservation management has been modified over time by case law. However, the basic rules governing heritage protection remain in place.

4.3 The legal role of heritage protection

Heritage within the built environment is governed by specific national legislation. At its heart, the Planning (Listed Buildings and Conservation Areas Act) 1990 (The Act) sets out the powers which are available to the Secretary of State and local planning authorities for the protection of the historic built environment.

The Act sets out the specific responsibilities placed upon local authorities in respect of protecting and enhancing local built heritage as well as specific powers to assist with its protection. Most importantly the Act gives specific power to the Secretary of State to compile lists of buildings of architectural or historic interest (a power almost exclusively handed down to Historic England - see Para. 4.4 below).

The Act also contains a number of powers including the following:-

- *Authorising the serving of Building Preservation Notices and Listed Building Enforcement Notices*
- *Compulsory acquisition of buildings*
- *Repairs and Urgent Works Notices*

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- *The requirement for local planning authorities to have regard to the importance of the listed building in consideration of planning and listed building applications*
- *The duty to designate conservation areas and approve proposals for their preservation and enhancement.*
- *The power to award grants to enhance listed buildings and properties within conservation areas.*

These examples, identifying specific powers within the Act, in addition to other regulations, point to the importance placed on the managing, protection and enhancement of the historic built environment, and today The Act is a centrepiece of planning policy and practice.

These general and specific responsibilities and powers should form the basis of planning policies set out in an approved Local Plan which presents the local planning authority's approach to development within its area including its position regarding listed or locally listed assets.

To help interpret the meaning of the law, successive Governments have published a series of circulars and planning policy statements which advise on policy, practice and procedural issues. When taken together with the Act they set out the approach of the law relating to heritage issues.

4.4 National Planning Policy

The most recent significant change in guidance relating to The Act is the National Planning Policy Framework (NPPF) which sets out the Government's planning policies for England and outlines how they should be interpreted and applied. It promotes the concept of *sustainable development*.

The NPPF identifies that the three component elements of sustainable development are;

- promoting and assisting in economic growth;
- promoting socially vibrant communities and environments; and
- contributing to the protection and enhancement of the built and natural environment - including the historic environment.

The NPPF sets out clear guidance for local authorities to follow. Specifically, it states that local authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. It notes how heritage assets are irreplaceable and should be conserved appropriately. In drawing together policies, the local authority should consider the economic, social and environmental benefits of conservation and in particular any new development should make a positive contribution to local character.

It is important therefore that in preparing this Strategy and the Council's Local Plan, that the management of heritage assets is recognised as a particularly important issue and that it should be reflected in future policy and practice. It follows that the Strategy (and Local Plan) should identify the extent and importance of local heritage assets and also identifies practical ways to protect them.

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4.5 Statutory Bodies

The UK Government has two Statutory Bodies which advise it on aspects of the historic built environment in England. These are:

Historic England is the Government's main statutory adviser on the historic built environment. Officially known as the Historic Buildings and Monuments Commission for England, it is an executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport. Its powers and responsibilities are set out in the National Heritage Act (1983). It is tasked with the preservation and enhancement of the Built Heritage of England for present and future generations.

More specifically, its remit includes:-

- *Advising the Government on the listing of buildings*
- *Maintaining a register 'The National Heritage List for England' e.g. listed buildings and conservation areas.*
- *Recording buildings and conservation areas 'at risk'.*
- *Offering and giving grants to support the conservation of historic buildings and conservation areas.*
- *Giving appropriate advice to local authorities in respect of particular listed buildings and historic places/conservation areas.*
- *Providing advice to Government on heritage matters.*
- *Providing expertise, advice, training on a range of conservation matters.*

The **HELM** programme (Historic Environment Local Management) was set up by (the then) English Heritage in 2004.

HELM was given the task of working with key partners to provide the tools to manage positive change in the historic environment. It provides accessible information, training and guidance to decision makers in local authorities, regional agencies and national organisations whose actions affect heritage assets.

HELM also provided detailed guidance and other advice in respect of a number of issues in connection with the historic environment under five themes; regeneration; the understanding and recording of the historic environment; the character of places; managing and protecting the historic built environment and funding.

HELM has now been absorbed into Historic England but still offer free training programmes and advice.

Historic England has, over the years, taken an active interest in issues relating to conservation of the built heritage in Blackpool. This has included funding the characterisation assessments in 2007/8 which resulted in the Designation Review project which commenced in 2011 and which has prompted a whole series of further projects.

It has been engaged in offering advice on specific applications affecting listed buildings and advising on the proposals for the restoration of important landscapes like Stanley Park. Whilst the remit of Historic England is necessarily strategic in nature, the Council nonetheless views it as a partner in working constructively on conservation issues.

The Theatres Trust, the second statutory body was set up in 1976 by an Act of Parliament to 'promote the better protection of theatres for the benefit of the nation'. This makes it the statutory government sponsored consultee on any planning

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application or development involving land on which there is a theatre or which will have an impact on theatre use.

Consequently, local authorities are legally obliged to consult the Trust in any planning application affecting the future of a theatre (or former theatre) or where a theatre is adjacent to or within the land subject to the application.

The Theatres Trust's remit is not constrained to listed or historic theatres. The main object of the Trust is to ensure 'that current and future generations have access to good quality theatres that reflect our cultural life and offer inspiring places to enjoy theatre'. It does this through offering advice direct to both owners and to local planning authorities.

The Theatres Trust also enjoys the same right as Historic England to bring cases to judicial review where local authorities have not consulted or where local decisions are seriously at odds with the view of the Statutory Body.

The Theatres Trust also holds an archive of records and other material for theatres across the country and operates a small grants scheme to encourage improvements within theatres.

4.6 Non-Statutory Bodies

The Heritage Lottery Fund (HLF) was established in the United Kingdom under the National Lottery Act of 1993. The Fund opened for applications in 1994.

The HLF's activities are often aimed at restoring important elements of the built heritage including buildings, groups or areas of buildings, parks and open spaces with a specific focus on public benefit and long term engagement. Funding is available to projects that promote an

understanding of heritage and its significance, preserve the heritage for the enjoyment of present and future generations and appeal to a wide range of community interests including social and educational benefits.

Grants under the Lottery programmes usually have to be 'match funded' and have strong community support. Bids for funding are competitive within an overall national budget. Lottery grants have been awarded to significant heritage projects within Blackpool with the two notable examples being the restoration of Stanley Park and the recent Townscape Heritage Initiative scheme in the town centre.

Community Groups within the town have also been the recipients of smaller grants for projects related to built heritage.

Whilst not technically an advisory body or a consultee, the Heritage Lottery Fund is a key partner in many schemes affecting the historic built environment and its role has been a crucial part of positive change in Blackpool.

The National Amenity Societies are a group of independent organisations, often charities, with responsibility for the promotion and protection of various aspects of the historic environment. There is a legal obligation to consult some or all of these on particular planning applications, particularly in the case of demolition or partial demolition of a listed building.

The national amenity societies are also consulted on policy proposals relating to the historic environment in respect of the formulation of the Local Plan.

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The National Amenity Societies include:

- **The Council for British Archaeology** founded in 1944, is an educational charity working throughout the UK to involve people in archaeology and to promote the appreciation and care of the historic environment for the benefit of present and future generations. The care of ancient and historic buildings, monuments, and antiquities and to improve public education about archaeology are its key objectives.
- **The Ancient Monuments Society** was founded in 1924 "for the study and conservation of ancient monuments, historic buildings and fine old craftsmanship". It is committed not only to campaigning for historic and beautiful buildings, but to furthering the study of them. The Society is unique amongst the Amenity Societies in that buildings of all ages fall within its remit. 'Ancient Monument' is a notoriously ambiguous term, but it is taken to mean any man-made structure of architectural or historical interest including houses, churches, alms-houses and traditional barns. It produces an annual register of listed buildings threatened with demolition.
- **The Georgian Group** was founded in 1937 and is the national charity dedicated to preserving Georgian buildings and gardens generally dating from the era, 1700 to 1837. It is consulted on over 6,000 planning applications a year involving demolition or alterations. Its consultee status gives it an opportunity to comment constructively on proposals and to help owners, architects and planning authorities towards better solutions. Essentially the Group seeks to protect the impressive planning and architectural legacy from the Georgian era.
- **Society for the Protection of Ancient Buildings** was founded in 1877 by William Morris and is involved in all aspects of the survival of buildings which are 'old and interesting'. Its principal concern is the nature of their "restoration" or "repair", because misguided work can be extremely destructive. Essentially, the Society is concerned with ensuring that the design, form and craftsmanship of buildings is understood and protected and that the authenticity of buildings is maintained through careful repair.
- **The Victorian Society** is the champion for the protection of Victorian and Edwardian buildings which it considers are irreplaceable, cherished, diverse, beautiful, familiar and part of everyday life. The Society's aims are to 'conserve', through the saving of Victorian and Edwardian buildings or groups of buildings of special architectural merit, from needless destruction or disfigurement. It seeks to 'involve' through the awakening of public interest in, and appreciation of, the best of Victorian and Edwardian arts, architecture, crafts and design. It also seeks to educate by encouraging the study of these and of related social history and to provide advice to owners and public authorities with regard to the preservation and repair of Victorian and Edwardian buildings and the uses to which they can, if necessary, be adapted.
- **The Twentieth Century Society** (sometimes abbreviated simply as C20) is a British charity which campaigns for the preservation of architectural heritage from

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1914 onwards. It was founded in 1979. The society's interests extend to buildings or artefacts, whether important or humble, rare or commonplace, that characterise twentieth-century Britain. It campaigns for the recognition and protection of important twentieth century buildings.

4.7 Other national groups

In addition to the National Amenity Societies, there are other important groups with whom the Council consults on matters affecting the historic built environment.

- **The Garden History Society** is dedicated to the conservation and study of historic designed gardens and landscapes. Through its interventions, advice and casework it has helped save or conserve scores of important gardens. It comments on planning proposals and advises on Heritage Lottery projects relating to the restoration and enhancement of historic parks and gardens.
- **Civic Voice** is the Umbrella Group for civic societies and it supports the networks and actions of Civic Societies and lobbies for the Civic movement in Parliament. Born out of the demise of the national Civic Trust in 2009, the group focuses on highlighting issues and concerns over changing legislation and on greater public involvement in place-making and governance of amenity and locality. Blackpool is currently represented on the Board of Trustees of Civic Voice.
- **The Cinema Theatre Association (CTA)** is the body set up to promote cinemas. Like the Theatres Trust, it concerns itself with good quality cinemas of all

periods, but much of its casework revolves around listed or locally listed examples.

- **The Heritage Alliance** represents the independent heritage sector drawing together heritage charities established for the purposes of protection, preservation, improvement, enhancement or revitalisation of the historic environment.

These national and interest specific amenity societies demonstrate the depth and breadth of interest and involvement in relation to built heritage and the historic environment in general. The Council engages regularly with these bodies proactively, offering updates on general progress and/or issues with historic building preservation in Blackpool and in the consideration of individual development proposals.

They can offer expertise and help identify case studies in relation to particular aspects of built heritage and inform the preparation of policy and guidance which will emerge through the Strategy and subsequently the Action Plan.

4.8 The Local Authority

Blackpool Council has to some degree the greatest influence on how its local communities develop and change (outside of national policy issues), and there are a range of factors that influence its decision making. Blackpool Council's Corporate Plan sets the agenda for the work of the Council in the short to medium term. This includes the setting of its priorities and a series of objectives and actions to achieve the desired outputs. The Plan describes how its priorities will be delivered and the milestones and targets associated with its delivery.

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Blackpool Council has two corporate priorities which help direct its policies and how it governs. One of these is; *Maximising Growth and Opportunity across Blackpool*. This includes protecting and enhancing the historic built environment and making it part of the overall economic offer of the town.

There are a number of departments that are responsible for managing elements of the historic built environment and other departments whose day to day work has an impact on the historic built environment of the town. All of these have the power to affect the quality of important buildings, areas and open spaces and all have the responsibility to work towards the Council's corporate priorities.

Development Management. Blackpool Council, in undertaking its role as local planning authority, plays an important part in the management of the historic environment.

It is through the planning process (Development Management) supported by the Built Heritage and Conservation Service that much of the public engagement takes place. Decisions made by, or on behalf of the Planning Committee of the Council, take account of public opinion, heritage bodies and amenity organisations.

These decisions also take significant account of local planning policies and supplementary guidance.

The Council takes a proactive role in offering advice to developers and their agents with respect to potential proposals that may affect heritage assets including schemes in conservation areas, potential works involving listed buildings and archaeological sites. Some of the successful

schemes in historic areas have resulted from a positive, partnership approach in establishing the appropriate design criteria for development.

The Council appreciates that developers have – and will have - a major impact on the present and future landscape of the Borough and that they take financially difficult decisions and associated risk. Where the principle of development is appropriate the Council, through the development management process, always seeks to work in partnership with prospective developers. This is on the basis that development is acceptable in principle and that the agreed aim is to produce development that responds positively to historic buildings and the setting of any site.

As set out earlier in this document, there are two basic types of listing: Statutory (those buildings on a list assembled and maintained by Historic England) which are of national importance, and Local (those buildings and other assets buildings on a list assembled and maintained by the local authority) which reflect local significance.

Permission to change, develop or alter statutorily listed buildings is handled through Listed Building Consent. This is a system which mirrors planning consent but requires additional information on how the significance of the building will be protected in any change. The forms for listed Building Consent are similar to those for Planning Permission but there is no charge for processing the forms. If someone is applying for Listed Building Consent they may also need to apply for Planning Permission as well.

Local listing is quite different because no separate form is required and the protection offered by Local Listing only applies when Planning Permission is a legal requirement.

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If works do not require planning permission (it is always advisable to check) then they are permitted development rights and no further permissions are required.

Decision making varies from case to case. Where a decision is acceptable in principle to both the Conservation Officer, Planning Officers and Chair of the Planning Committee, decision making can be delegated to the Chief Planning Officer, this is called Delegated Authority.

If the case is particularly difficult or there are objections or differences of opinion, the application will normally be referred to the Planning Committee for decision. The Planning Committee are then able to hear representations direct from all parties and make balanced decisions based on all the information.

In all decision making, the Council takes into account advice from statutory consultees such as Historic England as well as local consultees like the Built Heritage and Conservation Department and Blackpool Civic Trust. The Planning Committee also uses the extensive library of advice notes on offer about development in the historic built environment as well as legal, highways and other internal advice.

Built Heritage and Conservation Is the department that advises the Council (generally and specifically) on matters affecting the historic built environment.

It works alongside other departments in providing specific advice to the Executive or in assisting these other departments in making decisions or gathering information.

The areas it has specific responsibility for are:

- Buildings (listed and locally listed)
- Designed Landscapes (registered or locally listed parks and gardens)
- Archaeology (areas of archaeological significance or potential)
- Conservation Areas (areas of special local character or historical significance)
- Advising on infrastructure (changes to highways or major development affecting listed assets or conservation areas)

The department is also responsible for promoting the historic built environment and providing advocacy between the Council and Statutory Bodies, Amenity Societies, Special Interest Groups and major funders. This includes responsibility for informing and consulting with the public on proposals that affect listed buildings or other heritage assets in the town.

Planning Enforcement is also critical in managing the historic built environment. They are responsible for enforcing against breaches of planning law and for the enforcement process for listed buildings that can result in criminal damage charges for owners who break the law. Their ability to enforce depends very much on the strength of Council policy on the historic built environment and on the recorded information about listed and locally listed buildings.

Estates are another important service. As the Council owns around 25% of all listed and locally listed buildings, the Estates department is responsible for their maintenance and for leasing and inspecting council owned property. As landlords they often have a more powerful role than planning when changes to a rented, listed or locally listed building are being considered through Landlords Consent.

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They also undertake maintenance and repairs to Council properties and are responsible for ensuring all works are appropriate.

Highways are a key service which operate almost everywhere within the borough. They are responsible for road, paving and traffic signal maintenance as well as the introduction of new infrastructure relating to regeneration and change. They are also responsible for enforcing highways violations and liaising with utilities companies over infrastructure for telecommunications, electricity and gas, much of which uses highways or public land for cabling or piping, often under roads.

Parks & Leisure are responsible for the Grade II* Registered Stanley Park and the locally listed Watson Road Park and Devonshire Road Rock Gardens. They are also responsible for the historically significant Layton Cemetery with its Grade II listed chapel and the important early crematorium at Carleton. The Parks and Leisure teams have a wide network of Friends groups who work with them to help raise funding or provide a volunteer workforce for maintenance.

4.9 Local Strategy & Policy

The Blackpool Local Plan for 2012 – 2027 comprises two parts: Part 1 is the *Core Strategy*, which sets out the strategic policies to guide new development, while Part 2 is the *Site Allocations and Development Management policies* document. Part 2 will allocate sites for development, safeguarding or protection, and includes development management policies to guide appropriate development.

In addition, *Supplementary Planning Documents (SPDs)* will be produced where necessary to support, or provide more detailed guidance on,

policies in the Core Strategy or Site Allocations and Development Management document.

Both the Core Strategy and Site Allocations and Development Management policies replace the former Blackpool Local Plan (2006). A number of development management policies set out in the current Blackpool Local Plan will continue to be “saved” and considered alongside Core Strategy policies when determining planning applications.

The Core Strategy will be used to assist in determining planning applications and priorities for the Borough over the 15 year plan period (2012-2027). However, it is likely to be reviewed before the end of this plan period, in whole or in part, to ensure that there are sufficient developable sites available for future needs. It may also need to be updated to respond to unforeseen changes.

This Built Heritage Strategy will be one of the documents that will inform the Core Strategy Process with reference to Site Allocations and Development Management policies.

Supplementary Planning and Guidance

Documents come from a number of sources (planning guidance from local authorities and other guidance from statutory bodies like Historic England). However, local authorities often produce local planning guidance to assist developers, the public and its own council members in promoting sympathetic development. These guidance documents help in determining planning proposals which affect built heritage.

Blackpool Council currently has no Supplementary Planning Documents specifically for the Historic Built Environment although work has commenced on revised guidance relating to shop fronts,

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roofing and architectural joinery (windows and doors).

Guidance is also being drafted for general works to listed and locally listed buildings to guide owners/developers on the law relating to historic buildings and how the council makes decisions on what is and is not appropriate.

The Council will often also produce design briefs for larger development sites and these offer design guidance for developers who are contemplating proposals within historic areas and must consider any heritage assets that may be affected by development.

4.10 Local Groups and Organisations

The Borough is fortunate that there are a number of volunteer organisations such as 'friends' groups and societies that have a keen interest in environmental issues and actively support initiatives to manage open spaces adding to the community value of local heritage assets. Many of these are represented through the Blackpool Heritage Forum.

Through the Heritage Forum, organisations with specific and general heritage interests were invited to partake in the first phase of consultation on the Built Heritage Strategy as stakeholders and the feedback from them has been invaluable in putting this strategy together.

Blackpool Heritage Forum is made up of a number of local groups, some with a direct interest in the historic built environment generally, some with interest in a specific building or site and some interested more generally in the town's cultural heritage. The forum brings together a diverse range of organisations for information sharing and more practical projects like the Heritage Open

Days. It acts as a news and information hub and allows groups that might not normally interact to share things like training and best practice.

The Blackpool Civic Trust was formed in 1975. Over the years it has become a key independent organisation for the area in monitoring and commenting on planning issues. It is respected as an informed pressure group which conscientiously endeavours to protect and promote the conservation of the built environment of Blackpool.

The Membership meets monthly to consider new building developments within the town and monitors all new planning applications through its executive committee which makes recommendations for the membership to vote on. It aims to make positive, informative helpful comments, supporting good design in housing and shop fronts in particular.

The Civic Trust is keen to promote policies to protect local conservation areas and establish scope for further additions as well as assist with the preparation of appraisals. The Trust welcomes the development of the Heritage Strategy and associated Action Plan and is willing to offer its expertise and resources, as appropriate, to help with its implementation.

The Lancashire Gardens Trust was founded in 2007 and has an active interest in the recognition, protection and enhancement of different types of 'historic parks and gardens' in the County promoting the recognition, awareness and enjoyment of them. Importantly, the Trust offers guidance on planning proposals relating to important landscapes and complements - and often works alongside - the Garden History Society.

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The Trust is keen to educate the public as to the value of historic landscapes and also seeks to influence government policies in respect of this element of the historic environment. The Trust would be keen to work with the Council and other partners in the recognition and development of policies for the preservation, protection and enhancement of historic landscapes.

Blackpool & Fylde Historical Society is a registered charity and was formed in 1990. It is concerned with the preservation and protection of all buildings of architectural and historic interest on the Fylde Coast as well as areas of archaeological potential.

The Heritage Trust for the Northwest is a registered charity and its principal aim is one of restoring important historic buildings and establishing new sustainable uses for them, which will secure their future. Funding for particular projects is established through partnerships and companies and often the Heritage Lottery has been, and is, a source of funding.

The Heritage Trust for the Northwest has also created a construction services company which it uses to restore historic buildings. The Heritage Trust for the North West is not currently active in Blackpool, but plans to restore the abandoned 18th century Midgeland Farm are being discussed with them in an effort to create a centre for heritage skills in partnership with Blackpool & Fylde College. An impressive element of the work of the Trust is the engagement and involvement of volunteers who actively support and assist in the delivery of projects.

4.11 Local Authority Partners

Lancashire County Council no longer provides an in-house advisory service for archaeology. This

has now been out-sourced to a private company who continue to provide a basic level of support to planning authorities across Lancashire. The private company also maintains the Lancashire Historic Environment Record which presently contains some 25,000 entries ranging from ruins to listed buildings. This record covers the area governed by Lancashire County Council and the two Unitary Authorities.

Neighbouring local authorities are also important in looking at historic built environment issues. At the Fylde Coast level, there are significant benefits in assessing where joint working could be beneficial; exchanging ideas and approaches to different aspects of heritage and sharing scarce resources.

One example is in the case of Fylde Council who developed the framework and themes for this strategy. Given the similarity of much of the building stock there may also be merit in producing joint publications and advice notes on generic issues. Joint working and knowledge sharing – particularly relating to their experience of implementing the strategy - could be beneficial in the implementation of this Heritage Strategy and associated Action Plan.

5 THEMES OF THE STRATEGY

5.1 Introduction to the themes

The information and analysis discussed in the preceding sections has had the objective of identifying the issues that the Built Heritage Strategy for Blackpool should address.

These are to be referred to as themes, three of which have been identified. The themes form an important link between the identification of relevant issues and the means of implementation through the Action Plan. Each theme is taken in turn and includes specific aspects within its broad scope. Key 'actions' are identified which will form the basis of the Action Plan itself.

THEME 1 PROTECTING AND CONSERVING BUILT HERITAGE

This theme deals with the protection, management and enhancement of heritage buildings. It covers buildings in public ownership and those owned by private individuals and how best to protect them from inappropriate or unauthorised development.

Listed Buildings

Blackpool has a relatively small collection of statutorily listed buildings but those that we do have are remarkable for their quality and are in many cases of national importance.

The protection of listed buildings through the planning process is an important part of controlling development but not everyone

understands the reasons for listing, the processes used to determine planning and listed building consent or what happens if changes are made without permission.

As set out earlier in this document, there are two basic types of listing: Statutory (those buildings on a list assembled and maintained by Historic England) which are of national importance, and Local (those buildings and other assets buildings on a list assembled and maintained by the local authority) which reflect local significance.

Permission to change, develop or alter listed buildings is handled through Listed Building Consent. This is a system which mirrors planning consent but requires additional information on how the significance of the building will be protected in any change. Where changes have been made without permission, the Council does have the power to intervene through planning enforcement and to work with owners to achieve the necessary consents or to reverse changes, but the process can be complex.

The number of alterations approved through listed building consents can be tracked through planning records, which are freely accessible to everyone, but there isn't always a detailed record of their current condition and we don't always understand what alterations and changes have taken place since they were first listed (see section 6.1).

In considering proposals for works to a listed building or its setting, the Council will scrutinise proposals stringently taking account of any comments made by expert bodies or the general public. The Council will also make available clear and jargon free guidance on listed buildings in Blackpool to ensure that owners understand their responsibilities under the law.

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Aside from the legal requirements, the Council owns a substantial proportion of all listed and locally buildings in Blackpool. This means Blackpool Council should be leading on best practice and ensuring that works to listed and locally listed buildings meets standards set out in national and local policy.

The ongoing works at Blackpool Winter Gardens and Blackpool Tower demonstrate the commitment of the Council to high quality repair and restoration, setting the example for other listed and locally listed building owners in balancing the need for change against the harm poor quality work can cause.

ACTION

- *Undertake a baseline study of Blackpool's listed buildings using photography and a descriptive record to capture the current state of protected buildings in the town.*
- *Ensure that enforcement action is **always** taken where listed buildings are subject to changes or developments without the proper consent and consultation.*
- *Ensure that policies are included within the Blackpool Core Strategy and subsequent Development Management Policies that seek to protect the character of listed buildings.*
- *Ensure that the Council follows best practice in planning for the future of its own historic buildings and in implementing repairs and restoration.*

The Local List of Buildings

In addition to listed buildings (on the national register), Blackpool maintains a list of buildings of local architectural or historical significance. This is

generally referred to as the 'Local List' and includes a range of assets such as buildings, engineering structures like bridges and some of our local parks.

The Council is committed to protecting these locally important historic assets as these are often the buildings that communities relate to in their own area of the town, local landmarks and places we all use or see on a daily basis.

The public are more widely consulted on local listing than they are on statutory listing and the Council sees the Local List as a way in which the public can have a very real role in protecting the appearance and amenity of their own neighbourhoods. To support this principle, the Council wants to open up the process so that members of the public can identify local historical assets and propose them for local listing.

Protecting Locally Listed Assets from demolition can be difficult, as the law allows buildings that are not statutorily designated to be demolished using the prior approval system. If the Council believes that the test of benefit versus harm to the historic built environment has not been met, reactive article 4 directions may be used to remove the permitted development right to demolition by prior approval.

ACTION

- *Create a nomination system for local listing open to everyone to ensure that the public have a real say in protecting their local historic buildings.*
- *Update the list as appropriate and produce a publicly accessible list of local assets with historical information and photographs.*

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Conservation Areas

Blackpool has four conservation areas at the present time, which are varied in character and size. Appraisals and management plans are in place for the two oldest conservation areas, but these are now almost ten years old and need to be updated to reflect changes in the physical makeup of the areas and in legislation.

In addition, the nine detailed characterisation studies of Blackpool undertaken in 2007-2009 made clear recommendations for at least four new conservation areas and the extension of the two existing conservation areas. Work on this programme is now well advanced and it is envisaged that all new proposals will have gone to public consultation by the end of 2016.

Historic England compiles a national list of conservation areas that are to be considered to be 'at risk' either due to the absence of appraisals and management plans or threats from development, neglect or decay. Blackpool is not on any of these lists currently, but it is envisaged that areas like the Town Centre Conservation Area are in reality at risk from incremental and small scale change that can often be hard to enforce against without an evidence base.

ACTION

- *Set out a programme of conservation area appraisals to be undertaken on a phased basis with priority being given to those areas considered to be most at risk.*
- *Undertake an immediate 'at risk' assessment of the current conservation areas, which should be used to inform the first key action, above.*

- *Create a baseline survey of those areas considered most at risk to assist with more effective enforcement against illegal or inappropriate change.*
- *Ensure ALL conservation areas have an up to date appraisal and management plan that reflects current condition and development issues.*

Regeneration Schemes

Over the last decade or so, the Council and its partners, both in the public and private sector, have delivered a number of key regeneration schemes aimed at revitalising neighbourhoods within Blackpool. It is accepted that regeneration schemes do not need to ape the historic built environment but they should respect the density, character and nature of local buildings and should enhance the quality and appearance of any conservation area.

In the case of the town centre, the fact that much of the core of the town is contained within the Town Centre Conservation Area has meant that the Council already requires that schemes normally underpin the principle of 'preservation and enhancement'.

Any future schemes should reflect and respect the significance of these designations and the design of such schemes should follow the guidance and principles set out in the relevant management plan for the conservation area.

ACTION

- *Any regeneration scheme proposal in a conservation area should respect the defined character of the area and aim to actively enhance that character.*

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- *A Heritage Statement should always be included with any planning application to demonstrate how development respects the local significance of an area or group of buildings.*
- *Any opportunity to improve the historic public realm as a result of regeneration schemes should be taken.*
- *Work more closely with the Lancashire Gardens Trust on looking at local assets and their real significance in the wider green or open spaces context.*

Historic Parks and Gardens

The Borough contains only one park contained within the National Register of Historic Parks and Gardens (Stanley Park) which is listed at Grade II*. There are a small number of assets that are of historic interest, including Watson Road Park (the site of a major system of training trenches in WWI) and Devonshire Road Rock Gardens (a small but well-designed park with attractive Italianate water features and a recently restored pavilion). A number of 'Friends groups' are also engaged in the improvement of local parks and all three of the above parks have active Friends groups who support the council in a number of ways and who have been responsible for improvements in these parks over recent years. Friends groups are a key example of public involvement in Blackpool, and the Council is careful to nurture involvement and participation wherever possible.

ACTION

- *All designated parks and gardens should have a management plan in place following guidance issued by Historic England.*
- *To continue to support 'Friends' groups including those which can significantly support the enhancement and management of parks and gardens and open spaces.*

Archaeological Sites

Policies on archaeological potential will be included within the Core Strategy as part of the second phase (Development Management Policies). These policies will set out the criteria that the Council will apply when considering development proposals that may have an impact on the particular significance of a site with archaeological potential. The Council will also work closely with the County Council in respect of the processing of planning applications and other consents, setting out guidance notes in respect of the requirements that need to be met in order that the impact of the development can be fully understood.

ACTION

- *Include appropriate policies within the Core Strategy that relate to archaeological issues and archaeological potential.*
- *Produce guidance to assist developers in providing appropriate information in respect of archaeological issues.*

THEME 2

COMMUNITY PARTICIPATION

This theme is essentially concerned with the role that the community - taken in its broadest sense - can play in pursuing the objectives of this Strategy. The long term protection and management of the built heritage of Blackpool will rely on a shared community vision which demonstrates how it is valued and the policies that are ultimately in place to ensure that this aim is achieved.

Informing the Public

Public engagement works best when the public are well informed and have access to quality, jargon free information. Blackpool currently lacks some of the basic material for informed engagement with no up to date published guidance on conservation areas, listed buildings, locally listed buildings or archaeology.

The Council also holds a major resource in the historic townscape characterisation research carried out in 2008/9 which would be useful in encouraging informed representation through greater understanding of the development of neighbourhoods in Blackpool and what areas have particular or special character within the town.

These resources are as valuable to developers as they are to the public as they answer questions in advance and give the background to much of the reasoning for decision making in planning or historic environment contexts.

ACTION

- *Issue clear and jargon free guidance on listed and locally listed buildings; what the impacts of listing are, what different types of listing mean and what the designation and decision making processes are.*
- *Issue clear and jargon free guidance on conservation areas; what effect conservation areas designation has and what the designation and decision making processes are.*
- *Update the Listed Buildings of Blackpool (web publication) to include more information on the buildings, and an updated photographic record of their current appearance and condition.*
- *Edit and publish the Blackpool Characterisation Reports as a web based resource for the public.*

Learning

Blackpool has a highly successful schools cultural programme that creates place and resource based learning tools that highlight the value and importance of heritage.

This offers a further opportunity to draw young people into understanding and appreciating built heritage, on the basis that they are its future guardians.

But the desire to know more isn't just about educating younger people. The extremely active adult education programme in Blackpool has generated a unique heritage based group, Blackpool Heritage Champions.

The Champions work out of the Blackpool Fylde & Wyre Volunteer Centre and have undertaken a number of projects including Heritage Guide Training and a Pop-Up Museum programme.

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In addition, the recent community archaeology project at Watson Road Park has allowed local people to engage in understanding local history in a very real and practical way.

But the learning isn't all one way. The knowledge and experience of local groups – often gathered over many years through experience or project work – is also important. This knowledge represents a currently un-tapped resource which needs to be captured and fed into the action plan for this strategy where possible.

ACTION

- *Work with Schools to develop and issue resource packs and place based educational tools based around Blackpool's built heritage.*
- *Continue to work with community groups like the Blackpool Heritage Champions and the voluntary sector to maximise an understanding of the value and importance of the built heritage of the Blackpool.*
- *Maximise the opportunity for all sections of the community to actively participate in the development of heritage awareness and inclusion within the development of particular projects.*
- *Ensure that two way learning opportunities are maintained in all interaction with local groups.*
- *Capture all relevant information or knowledge about the historic built environment held by special interest groups. This may take the form of an audit of historic material they own or simply an oral history exercise.*



Fig. 5 Community projects like the Big Dig at Watson Road Park are an important way of getting people to engage with the past. The archaeology project was massively over-subscribed and many people from outside Blackpool had to be turned away. Projects like this are a practical way to gather information about the past and develop community involvement in a meaningful way.

Blackpool Heritage Forum

The Heritage Forum comprises representatives of a number of organisations/groups who could well be significant in delivering parts of the action plan for this strategy. The Forum itself acts specifically as an information and networking hub, often coming into its own for major collaborative events like Heritage Open Days.

It isn't necessarily the specific role of the Forum to comment on individual planning proposals or act as a lobby group as such but its member groups quite often do so.

The Forum has provided key stakeholder opportunities for groups in the drafting of this document and this in turn has provided ownership that should allow them to engage in the delivery of some of its objectives.

ACTION

- *Identify objectives of the Strategy which can be delivered by members of the Forum and task them with agreed projects.*

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- *Continue to support forum members with information and project opportunities linked to the objectives of the strategy.*

The Planning System

The planning system is one of the key ways in which the public can actively engage and participate in the area of built heritage. Development Management is the process by which development proposals are made to and determined by the local authority. Blackpool Council has an extensive and established method of engaging the general public as well as the local interest groups.

On a day to day basis, the Council engages with the public on planning issues through the legal obligation to consult with the public on all planning applications.

The Council has a limited number of statutory and local consultees who it invites to comment by email or letter and the wider public are invited to comment through site notices and notices in the local newspaper.

Early consultation with the public and local groups where it has been possible in the past has resulted in a better understanding of development proposals and the need for change including any local benefits. It follows therefore that earlier and wider engagement improves the effectiveness of consultation, but this isn't always possible.

There has already been an opportunity for the public to influence the outcome of the Core Strategy which will underpin the way in which Blackpool Council will manage development and change within the town. The Core Strategy sets out the broad approach to development and the historic built environment and this Built Heritage Strategy will be used to inform the next stage of

the process in forming specific policy for Development Management and how that impacts on Blackpool's built heritage .

ACTION

- *The Council will widen its active planning consultation on all applications affecting the Historic Built Environment with local groups like the Blackpool Heritage Forum.*
- *The Council will engage in consultation with local groups at the earliest possible stage on developments affecting the historic built environment .*
- *The Council will encourage private developers considering schemes which will have an impact on the historic built environment to consult with the public at the earliest possible stage.*

THEME 3

ADVOCACY AND PROMOTION

This theme is essentially concerned with raising the profile of the Strategy and the objectives within it. It seeks to generally increase awareness of the importance of heritage to the community in Blackpool and to visitors. By promoting our built heritage we also support our ability to be advocates for it. External bodies are better able to see that the Blackpool community cares about its buildings and what they represent, allowing better communication and partnership working with statutory and amenity bodies. This in turn leads to an ability to influence regional and national partners and to increase access to funding available for the historic built environment.

Corporate Issues for the Council

The Corporate Plan of the Council sets out its main objectives for the benefit of the community and the associated actions and targets it hopes to achieve to deliver the Plan. It is now widely accepted that the quality of life for residents is enhanced by the quality of the environment in which they live and particularly the quality of the historic built environment and the many anchors to continuity and community past it offers.

The Council has already demonstrated its commitment to Heritage and Culture in its corporate objectives. However, it should be recognised that the protection and management of the built environment runs through the policies and practices of the Council ranging from planning

and regeneration to maintaining parks, gardens and highways – all factors that assist in place management and the resulting quality of place.

This is particularly important in the context of important historic areas because the quality of the environment of the town is essential to the future well-being of the community including the promotion of economic investment and particularly, in the case of Blackpool, the visitor economy.

Issues affecting the built heritage of the town are dealt with across the Council at officer level and through the direct involvement, policy direction and decisions of its elected members.

The adoption of the Strategy will require its delivery and a proactive approach to ensure it succeeds. For this reason, Historic England positively supports the principle of appointing a ‘Heritage Champion’ – an elected councillor who has a particular interest in built heritage matters and who will assist in the delivery and progress of implementing the Strategy.

Blackpool already has a Heritage Champion in the form of the Cabinet Member for Culture and is committed to supporting this role to ensure the effective implementation of the Built Heritage Strategy across the Council.

ACTION

- *The Council will prepare an agreed ‘Heritage Protocol’ that will seek to ensure that cross departmental activity, in the context of the services the Council provides or in the case of particular projects, will have regard to the objectives of the Heritage Strategy, where relevant to the particular service area.*

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- *The Council will provide active support for the existing 'Heritage Champion' who will assist in the delivery of the Strategy and associated Action Plan, providing internal and external advocacy for its aims and objectives.*

Planning Policy and Development Management

Development Management will play a crucial role in implementing the policies of the emerging Local Plan, the objectives of this Strategy but also needs to operate within a complex raft of legislation relating to the historic environment. It is required to have regard to national planning policy and is often bound by specific regulations and procedures.

It is essential that planning applications are thorough in the way they are submitted so that they can be given proper consideration and that the public, who may have an interest in a particular development, are able to fully appreciate and understand what is proposed. To this end, it is essential that the requirements of the Council with regard to submitting applications are appropriate and balanced in their requirements.

Regulations require developers to prepare 'Heritage Statements' (Design and Access Statements) to fully explain the rationale of the design of the proposed development on the significance of the heritage asset. At the present time, these statements vary enormously in content and quality and it would be beneficial if guidance were published that sets out the Council's requirements – and expectations – with regards to appropriate content and scope of these statements.

In addition, the Council will always have regard to comments made on planning applications by the public, organisations and expert bodies.

Another important aspect of the development management process is the issue of enforcement – often where development has taken place which is unauthorised or not developed in a way that complies with approved plans or planning conditions. Complaints about unauthorised development are often submitted by local residents.

In addition, the Council will compile and publish guidance on specific aspects of the historic built environment such as good quality design in conservation areas. Such guidance is an important way of ensuring the public and developers have the appropriate information for development in the historic built environment and it provides a sound base for negotiation of development in such cases.

ACTION

- *The Council will prepare supplementary planning documents or other guidance with the objective of setting out the Council's approach to design in the historic built environment. Guidance will be updated as appropriate to reflect changes in the law or local policy.*
- *Design Briefs will be prepared in the case of important sites which may have an impact on heritage assets, including conservation areas, listed buildings and historic parks and gardens.*
- *The Council will support the hosting of pre application dialogue with potential proposals that will have an impact on heritage assets. In appropriate cases, the*

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Council will include appropriate bodies which may offer advice and assistance as regards potential forms of development and the approach the developer should take.

- *The Council will prepare advice notes setting out its expectations and requirements with regard to the submission of Heritage Statements and provide examples of best practice.*
- *The Council will seek, through appropriate conditions, to ensure a high quality of development including hard and soft landscaping. It will also pay particular attention to archaeological matters in relation to particular sites and impose appropriate planning conditions to ensure that these matters are fully safeguarded.*
- *The Council will produce an 'Enforcement Protocol' in respect of the historic environment and other matters appertaining to the built heritage. This will form part of a wider Heritage Protocol aimed at improved joint working.*
- *The Council will widen its active consultation with the national amenity groups where appropriate/relevant to ensure the widest informed response possible.*

Regeneration Schemes

As outlined in the Strategy many of the regeneration schemes that have been undertaken in the town centre have been within the Town Centre Conservation Area. These have included re-modelling of town centre spaces, new street furniture and improvements to buildings.

The private sector input to regeneration has been significant and has included both large and small scale developments. The general approach to design is one of having regard to the character and quality of the historic environment.

In Blackpool Town Centre a more contemporary approach has been introduced but, nonetheless, to reflect the historic character of the town including its resort history. As a general rule, any further regeneration schemes within designated areas should seek to reflect the history and character of the particular area.

In the case of Historic Parks and Gardens, the recent National Review for English Heritage (Historic England) on Research on Registered Parks and Gardens indicates that historic parks and gardens are being rapidly eroded through revenue development schemes and that this particular approach to sustainability is harming historic designed landscapes incrementally.

On the whole, Blackpool Council has a good record of dealing with its historic landscapes, but like all other local authorities, the pressure of severe spending cuts raises pressure on services that need to raise revenue to sustain municipal parks and gardens.

ACTION

- *Potential and future regeneration proposals/schemes will always have due regard to the character and history of the particular place with respect to alterations to buildings, new development and in the use of landscaping and materials.*

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- *Particular regard will be paid to existing conservation area appraisals and the potential impact on listed buildings.*

Public Realm

The public realm generally includes designed spaces and the buildings surrounding them but in this context, is generally taken to be the publicly accessible parts of the environment, physically and/or visually. In the case of conservation areas, the design, management and maintenance of the public realm is an important element of its character and a particularly important indicator of the quality of place.

In designing the public realm, the most appropriate materials and street furniture will be used consistent with available resources. It will then be appropriate to put in place a 'public realm code'. Essentially, this will provide a manual that will identify a specification for the various elements of the public realm including street furniture, landscaping, and materials and an inventory with agreed maintenance schedules put in place.

This practice would represent a good means of auditing the quality of the public realm and agreed actions from the various partners involved would highlight what is required to maintain it to an appropriate standard.

This initiative will involve working alongside the Council's Highways department.

ACTION

- *Ensure that the public realm in the context of historic assets, i.e. conservation areas, historic parks and gardens and in the vicinity of listed buildings, is managed*

appropriately through published management plans.

- *The opportunity will be taken to work with other internal partners, including Highways as regards the development of an approach to the design of and future management of the public realm in historic areas.*

Working with other partners

Many of the key actions suggested advocate a policy and practice that supports the protection and enhancement of the built heritage of the town and offers the opportunity to involve various organisations which share the view. This includes Historic England as well as other statutory and amenity organisations.

At grass roots level, local interest groups and organisations with an interest in built heritage have the potential to play a strong and active role in shaping policy and decision making.

In the development and implementation of the Action Plan, specifically through the potential involvement of the Heritage Forum, the assistance of the various bodies may provide an invaluable way of helping achieve the vision of this Strategy and its implementation through the Action Plan.

ACTION

- *In the development of this theme of Heritage Advocacy and Promotion, the Council will as appropriate work with outside organisations and bodies that can assist in the delivery of the Strategy and Action Plan.*
- *The Council will seek joint working opportunities with neighbouring*

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authorities where there are benefits to shared resourcing and information.

Skills Development

There are training events available at little charge that staff and members of the Council can attend. The Council is a member of the Lancashire Conservation Officers Group which is a forum for practitioners who share knowledge and expertise on a range of heritage matters.

There is a clear local shortage of skilled crafts people to engage in conservation work to a high standard. However, it is known from contact with other local authorities that there are specific courses offered by training organisations and colleges that can provide appropriate training in these types of skills.

Some of the regeneration schemes that have been undertaken in the town highlight that these traditional skills are still available.

Developing skills in built heritage matters is essential in achieving high quality outcomes. Historic England and, more locally, the Heritage Trust for the Northwest, have run programmes for the development and understanding of historic building techniques.

Local colleges have expressed a willingness to consider this matter further with the potential for skills development courses being a possible option.

ACTION

- *Identify the potential for skills development training with respect to heritage matters where resources allow and include existing staff and elected councillors.*

- *Offer the opportunity for Member Training to be made available to elected members to assist in the understanding of and development of the Strategy and heritage issues in general.*
- *Develop the potential for Blackpool and the Fylde College's building skills department to be involved in heritage projects to assist in developing local heritage skills.*
- *Prepare a list and develop a framework of 'qualified' contractors that are known to have skills in the field of traditional building construction or who have specific professional skills related to heritage projects.*

Web Based Resource

It is suggested that the Council could host a dedicated web resource as part of its general web site. The site would be built up over time and include the Strategy and Action Plan and also details of the projects and specific actions as they progress.

The web site would allow the Council's guidance documents to be accessed through links to PDF documents and have updates on important projects like the restoration of features at Blackpool Tower and Winter Gardens.

The overall objective of developing a web based resource would be one of providing a 'one stop shop' for 'all matters heritage'. The availability of the web resource and its development would be a specific action that could be brought about quickly, being developed as ideas and opportunities arise.

ACTION

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- *Develop a web based resource to support the development of the Strategy and Action Plan and implement as soon as practicable. The resource should effectively create a 'one stop shop' for heritage advice and information.*

Guidance Notes and information

A simple and effective means of disseminating information on particular issues is by way of advice notes, which contain relevant content, direct to the desired recipient. In the past this type of notification has been undertaken in conservation areas to outline for property owners the implications of being within a designated area.

In many situations, owners of buildings who carry out unauthorised works without the necessary planning permissions simply claim that 'they were not aware'.

These types of guidance notes have not been produced for some time and it is considered that if carried out, on a phased basis, it would represent a very cost effective way of notifying the community, where appropriate, of the specific obligations in respect of heritage matters. The leaflets would also point to the links available from the web site to provide further information. It is considered that properties within conservation areas are potentially vulnerable to undesirable change and the production of advice notes would be a very effective method of disseminating important information. In the past the Council has been offered help from voluntary groups with collating and distributing information of this type.

ACTION

- *The Council will make guidance notes (as set out in Theme 2 – Informing the Public)*

available online as well as in printed format at Blackpool's Central Library.

Publications & Exhibitions

Discussions with local groups and societies during the preparation of the Heritage Strategy highlighted just how popular events are which promote and increase understanding of the history and heritage of Blackpool.



Fig. 6 Blackpool Council have directly published books on the town's key heritage assets and worked with partners like English Heritage on other books. Some of the organisations, including the Blackpool Heritage Champions, Winter Gardens Trust and Heritage Trust for the North West, have specific events to promote a greater understanding of history and heritage. In addition, publication has become an important part of sharing information on the historic built environment and has also been a useful medium for allowing the public to see items and documents from the Council's historic collections.

These collections contain many drawings and images of Blackpool's buildings and the feedback from community groups has indicated that having an architectural or built heritage resource which charts the history of the development of the town would be both popular and useful.

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The Built Heritage & Conservation Department already has a programme of exhibitions which are hosted at Stanley Park Visitor Centre, and which is now in its second year, that deal with aspects of Blackpool's history, and the recent Pop Up Museum project run by the Blackpool Heritage Champions has added skills and knowledge to the voluntary sector.

In terms of publications, the Council has already produced four publications on its greatest historic assets, Blackpool Winter gardens, Blackpool Tower, Blackpool Pleasure Beach and the Illuminations all of which contain images from both Council and private archives.

In addition the Council recently collaborated with Historic England to support the production of general book on Blackpool's Seaside Heritage under its Informed Conservation Series.

ACTION

- *To promote and publish information on heritage based events led by the Council or community groups as appropriate.*
- *To publish or work with third parties to publish freely accessible on-line or electronic publications on Blackpool's built heritage*
- *To investigate the creation of a publicly accessible online resource based on architectural records and images of key buildings in Blackpool.*

Heritage Open Days

The idea of Heritage Open Days is about 'opening up' significant buildings that otherwise might have very little – or no – public access. The public are usually offered a guided tour of the building where items of significance are highlighted. Some open day initiatives have catered for schools so that the younger generation have direct access to particular buildings and their significance can be explained.

Blackpool Town Hall featured in the very first Heritage Open Days programme and the Fylde Coast now has the largest active programme of openings in the North West which is co-ordinated by the Blackpool Heritage Champions through the Blackpool, Fylde and Wyre Volunteer Centre.

ACTION

- *The principles of Heritage Open Days should continue to be supported by the Council and the concept extended wherever possible.*

Media Opportunities

The scope for coverage to be given to heritage issues in the media is considerable as a way of raising the profile of heritage issues through the production of articles on matters of interest. The launch of the Strategy and its Action Plan is bound to raise interest and the profile of the subject matter. It may be possible to introduce regular features to support the initiatives contained within the Strategy thereby raising its profile

ACTION

- *Identify opportunities for attracting media interest in the promotion of built heritage projects and issues.*

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- *Work with the Council's Communications Department to develop a strategy for communicating stories about Blackpool's Past to media outlets.*

General Publicity

Within the general promotion and publicity undertaken by a large number of organisations within Blackpool, including the Council, heritage and nostalgia feature strongly in the general promotion of the area. The visitor offer is bound up with the environmental quality of the town and in turn its built heritage is a major aspect of this offer. In considering such general publicity, the opportunity should be taken to fully exploit the uniqueness of many of Blackpool's buildings and the importance of its architectural heritage.

Visit Blackpool have included heritage based articles in their resort destination guides for the last few years and this, along with the constant improvement of buildings like the Blackpool Tower and Winter Gardens, contribute to a growing appreciation by visitors of the importance of Blackpool's past as part of its future.

ACTION

- *The Council will continue to promote the historic built environment as an integral part of the visitor offer through publications like destination guides and website promotion.*
- *The Council will support external organisations in promoting the historic built environment as part of their own visitor offer by the provision of information and images for other publications where appropriate.*

Heritage Interpretation

In addition to other means of communication to promote the built heritage, direct information on site or in trail form can be a really useful way of increasing understanding of the importance of Blackpool's built heritage and how it relates to the history of the town and its communities.

Blackpool already has a central area heritage trail with longer and shorter routes. These contain information about individual buildings on a walking route through the Town Centre Conservation Area and up towards Stanley Park which also has published stand alone Heritage and Nature trails to follow.

The Blackpool Civic Trust has for many years erected blue plaques on buildings with architectural or historical significance within the town and the Council have also funded plaques. There are currently plans for additional plaques and to improve the quality of existing plaques. The Council are now working in partnership with the Civic Trust in a move from plastic to cast metal discs more appropriate to listed and locally listed buildings.

In addition to the above, the Council is currently preparing new guide books for Stanley Park and Blackpool Town Hall which will be available as free downloads from the Council, Civic Trust and Friends of Stanley Park websites. However, other neighbourhoods would benefit from simple heritage trails and the interpretation that blue plaques bring to locally listed buildings.

ACTION

- *Support the development of further Heritage Trails within the Borough focusing on historic neighbourhoods like Layton, Marton and South Shore.*

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- *Support the development of the Blue Plaque scheme and the move towards better quality plaques.*
- *Look for opportunities to incorporate interpretation of the historic built environment in new development, particularly public realm.*



Fig. 7. Heritage Open Days is one of the most important tools Blackpool has in terms of promoting its rich and unique heritage. Blackpool, Fylde and Wyre have one of the largest joint programmes of opening in the northwest and Blackpool Town Hall was one of the first buildings to open its doors (with the help of Blackpool Civic Trust) when the scheme first began over twenty years ago.

6 IMPLEMENTATION

6.1 Introduction

The Strategy has outlined in some detail the many factors that have influenced the approach to be taken to the protection and management of the historic built environment of Blackpool.

The background issues set out in sections 1 to 4 has resulted in an identification of the three themes that are relevant to the conservation of built heritage in Blackpool into the future. The themes are divided into elements with a review of the issue followed by a series of key actions.

6.2 Practicalities

On face value, the number of actions proposed is considerable but it should be noted that many of the most important actions are already under development. In addition, whilst the Council has a key role to play in implementing the Strategy, the opportunity will be taken to include a number of other organisations and bodies in its development to reduce the impact on resources. For instance, Blackpool Civic Trust is keen to assist in the development of particular initiatives including the potential for some support in achieving external financial assistance for key projects.

In this context, the development and implementation of the Strategy should be seen as a partnership with collaborative working at its heart. This principle recognises the value of partnership with community groups in driving forward the Council's corporate objectives.

6.3 Action Plan Delivery

The Strategy should be seen as a strategic long term initiative that offers a comprehensive approach to the management of the built heritage of Blackpool. It is intended that the published Built Heritage Strategy will be set out in a tabular form which will indicate the nature of the action/project, the expected timescale for its delivery, the lead partner and whom it would be supported by. Any funding required for the delivery of the Actions and how tasks or milestones will be identified would also be included where appropriate.

Taken as a whole, the Action Plan contains a wide variety of initiatives and through the consultation process and following its review, it will be necessary to establish the delivery of the actions on a priority basis.

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Whilst inevitably some of the actions will require resources over a period of time, some of them will be relatively easy to deliver. Some of the actions will require a specific methodology to be developed, for example, conservation area appraisals and management plans.

The Strategy will remain a live document and will be assessed on an on-going basis with a formal review every two years. The Action Plan will set out the annual work plan for the purposes of managing progress on a year to year basis through local Key Performance Indicators. To keep elected members and senior officers informed of progress, issues and any change in objectives or delivery programme, an annual report will be produced at the end of each financial year.

7 ACKNOWLEDGEMENTS

Blackpool Council would like to acknowledge the huge help offered by Fylde Borough Council's Task and Finish Committee for their own Heritage Strategy in allowing us to use large sections of content and the format and theming of their own document. This has been invaluable in the preparation of the Built Heritage Strategy for Blackpool. Particularly thanks must go to Paul Drinnan and Catherine Kitching for working so closely with us on this and for all their hard work researching current national policies.

In addition, the Council would like to thank the following partners for their input to the Strategy:

Blackpool Civic Trust
Blackpool Heritage Forum
Blackpool Volunteer Centre
Heritage Trust for the North West
Lytham St Anne's Civic Society

Blackpool Built Heritage Strategy 2016-2020

To request a consultation form by email, please contact

builtheritage@blackpool.gov.uk

or to take part in our online consultation, please go to

www.blackpool.gov.uk/consultation

Report to:	EXECUTIVE
Relevant Officer:	Alan Cavill, Director of Place
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	15 December 2016

ARTICLE FOUR DIRECTION- RAIKES HALL CONSERVATION AREA

1.0 Purpose of the report:

- 1.1 To seek approval for the introduction of a non-immediate article 4 direction order for Raikes Hall Conservation Area

2.0 Recommendation(s):

- 2.1 To approve the introduction of a non-immediate article 4 direction order for Raikes Hall Conservation Area to take effect 12 months from the date given in the public notification.

3.0 Reasons for recommendation(s):

- 3.1 In order to preserve the special character of the Raikes Hall Conservation Area

It is considered that the legislative test is met in relation to the proposed direction under Articles 4 and 5 in relation to the Raikes Hall Conservation area having regard to the relevant Guidance and the National Planning Policy Framework.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? No

- 3.3 Other alternative options to be considered:

Not to approve the introduction of an Article 4 direction order for Raikes Hall Conservation Area

4.0 Council Priority:

4.1 The relevant Council Priority is: “The economy: Maximising growth and opportunity across Blackpool”

5.0 Background Information

5.1 The Architectural History Practice Limited [AHP] was commissioned in September 2008 by Blackpool Council, funded by English Heritage, to prepare historic townscape characterisation assessments for several areas of Blackpool, including Raikes. The study was intended to inform the Council’s management of the historic environment and provide an evidence base for strategic planning policy and decision-making. Raikes was selected for this study in view of the high quality of the early 20th century and inter-war housing, developed on the former Raikes Hall estate.

5.2 AHP subsequently recommended designation of a Raikes Hall Conservation Area and, following appraisal and public consultation, the conservation area was formally designated on 9 February 2015.

5.3 A conservation area is an “area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”, as set out in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Under this legislation, local authorities have a duty to designate such areas and to review them, and to use their planning powers to safeguard and enhance the special qualities of these areas within a framework of managing change with a positive approach. Designation automatically entails control over the demolition of unlisted buildings, strengthens controls over minor development and gives special protection to trees within the area.

5.4 Raikes can be summarised as a good, well-preserved example of a largely early 20th century suburb with notable religious buildings, almost all of which are of good or very good architectural and historical quality. It is one of the best surviving areas of suburban housing in Blackpool and compares well with comparable areas of similar date elsewhere in the country.

5.5 Despite conservation area designation, there is still a range of minor works which remain permitted development, for example removal of boundary walls and chimneys. Where these rights have been exercised in the past, there has been an incremental negative impact on the character and integrity of the area. Stanley Park Conservation Area has an article 4 direction order in place which removes permitted development rights for work to all visible elevations. This does not prevent change but enables it to be managed within the planning system, and has ensured that the conservation area’s essential character has been preserved.

- 5.6 An Article 4 direction covering the Raikes Hall Conservation Area would facilitate sensitive and appropriate change by bringing minor works under the control of the planning system. If a non-immediate direction under Articles 5 and 6 is approved in principle, it is proposed to create a direction order which would take effect 12 months from the date given in the public notification, subject to consideration of representations made.
- 5.7 There is a minor risk of compensation claims arising from the provision of article 4 directions but potential liability is limited by allowing a minimum of twelve months between notification and confirmation of the direction order. There appears to be little evidence countrywide that claims for compensation are a serious risk.
- 5.8 Planning applications required as a consequence of an Article 4 direction are exempt from fees.
- 5.9 The view of the Built Heritage Manager view is that the appropriate legal test(s) as described below for making these proposed directions is/are satisfied.
- 5.10 Does the information submitted include any exempt information? No
- 5.11 **List of Appendices:**
- Appendix 13a: Map of area proposed to be covered by the Article 4 direction.
- 6.0 Legal considerations:**
- 6.1 Article 4 directions are registrable as local land charges. Article 4 directions may be made when the Local Planning Authority is satisfied that it is expedient that development that would normally benefit from Permitted Development rights should not be carried out unless planning permission is granted.
- 6.2 Regard should be had to DCLG Replacement Appendix D to the Department of the Environment Circular 9/95: General Development Consolidation Order 1995 issued in November 2010. It contains a general statement that an Article 4 direction should be considered 'only in those exceptional circumstances where the evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.' The Guidance requires that the potential harm that the direction is intended to address must be clearly identified and where such withdrawal is proposed to cover a wide area there must be particularly strong justification for the withdrawal at the time of making the Direction. It states further that local planning authorities may wish to consider whether the exercise of

permitted development rights would undermine local objectives to create or maintain mixed communities. The immediacy of the threat and the compensation liability may be factors in determining which type of direction to use.

- 6.3 The National Planning Policy Framework states that use of Article 4 directions should be limited to where it is necessary to protect local amenity or the wellbeing of the area

7.0 Human Resources considerations:

- 7.1 There will be a substantial amount of officer time required to deal with public consultation, but this can be managed as part of the day to day workload.

8.0 Equalities considerations:

- 8.1 Regard must be had to the provisions of the Equality Act 2010 and to the duty under section 17 of the Crime and Disorder Act 1998.

9.0 Financial considerations:

- 9.1 There are no costs associated with the implementation of the article 4 direction

10.0 Risk management considerations:

- 10.1 The key risk is that of compensation, which is mitigated through the use of a (12 Month) non-immediate order. Compensation claims are exceptionally rare and are almost always a result of the implementation of orders that have immediate effect.

11.0 Ethical considerations:

- 11.1 Regard must also be had to the Human Rights Act 1998 in particular Article 8 (right to respect for private and family life) and Article 1 (protection of property). Any interference with the rights protected by the Act must be necessary and proportionate in the interests of a democratic society

12.0 Internal/ External Consultation undertaken:

- 12.1 Both Planning and Legal departments have been consulted. Talbot Ward Police and Communities Together meetings has been presented to and both Ward Councillors have been supportive of this initiative.

13.0 Background papers:

None

14.0 Key decision information:

14.1 Is this a key decision? Yes

14.2 If so, Forward Plan reference number: 15/2016

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 **Date of Decision:**

19.0 **Reason(s) for decision:**

19.1 **Date Decision published:**

20.0 **Executive Members in attendance:**

20.1

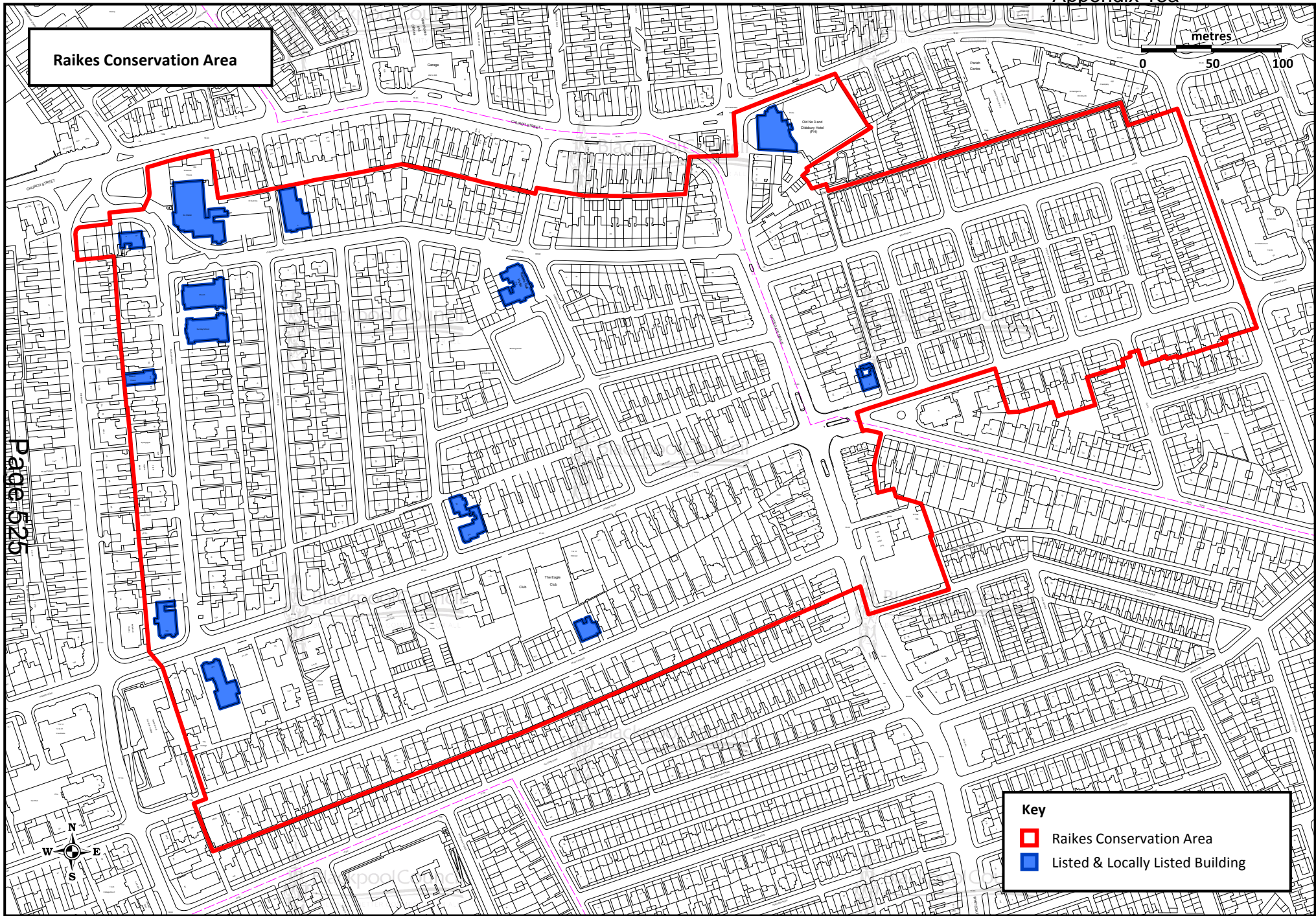
21.0 **Call-in:**

21.1

22.0 **Notes:**

22.1



Raikes Conservation Area



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Key

-  Raikes Conservation Area
-  Listed & Locally Listed Building

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