

# Public Document Pack

# Blackpool Council

30 November 2018

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

The above members are requested to attend the:

## EXECUTIVE

Monday, 10 December 2018 at 6.00 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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

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 **COUNCIL TAX REDUCTION SCHEME 2019/2020** (Pages 1 - 198)
- 3 **STATEMENT OF GAMBLING POLICY 2019 TO 2022** (Pages 199 - 236)
- 4 **FINANCIAL PERFORMANCE MONITORING AS AT MONTH 6 2018/19** (Pages 237 - 240)
- 5 **FINANCIAL PERFORMANCE MONITORING AS AT MONTH 7 2018/19** (Pages 241 - 244)
- 6 **COUNCIL BUDGET 2019/2020 CONSULTATION PROCESS** (Pages 245 - 256)

## 7 'BLACKPOOL CENTRAL' DEVELOPMENT PROPOSALS

(Pages 257 - 300)

The report for this item is public. However Appendix 7c contains information regarding the negotiations and the proposed or potential courses of action and are currently exempt from publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered on balance that the public interest would not be served by publishing the information as it could prejudice the proposed development.

### **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](mailto:lennox.beattie@blackpool.gov.uk)

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<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Steve Thompson, Director of Resources
<b>Relevant Cabinet Member:</b>	Councillor Simon Blackburn, Leader of the Council
<b>Date of Meeting:</b>	10 December 2018

## COUNCIL TAX REDUCTION SCHEME 2019/2020

### 1.0 Purpose of the report:

1.1 To provide an update on the impact of the Council Tax Reduction Scheme since its introduction in 2013/14 and to seek approval for the proposals for the Council Tax Reduction Scheme for 2019/20.

### 2.0 Recommendations:

2.1 To note the impact of the Scheme to date as set out in paragraphs 5.6 and 5.7.

2.2 To recommend Council to agree the Council Tax Reduction Scheme 2019/20 as set out in Appendix 2d.

2.3 To recommend to Council that the reduction applied to working age claimants remains the same as the 2018/19 Scheme agreed by Council on 24 January 2018 and that the main elements and method of calculating awards will be the same with the exception of:

- Ensuring that applicants who are protected under the current scheme continue to be protected to the same level of support when they move to Universal Credit
- Extension of the group of customers who pay 13.56% to claimants or partners who are:
  - in receipt of Jobseeker's Allowance Contribution Based.
  - in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group.
  - in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income).
  - in receipt of Universal Credit which includes either the limited capability for work and/ or work related activity.

- 2.4 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 2a.
- 2.5 To note at this point in time the Ministry of Housing, Communities and Local Government may still issue changes to the known position for the National Pensioner Scheme. Required changes would then be incorporated into the final Scheme presented for adoption at Council on 30 January 2019.

**3.0 Reasons for recommendation(s):**

- 3.1 To ensure a Local Council Tax Reduction Scheme is approved by 11 March 2019 and in place by 1 April 2019 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 Benefit (CTB); billing authorities were required to adopt a local Council Tax Reduction Scheme (CTRS) to take effect from 1 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 Benefit continued. This was expected to leave a shortfall in funding of £3.22m based on estimates of demand and assumptions regarding the basis of calculation for the central Government grant. 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 with the exception of the 2017/18 Scheme when it was agreed that additional support was provided to vulnerable groups and they had to pay 13.56%. These vulnerable groups are defined as:

- 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.

5.3 For the 2018-19 Scheme the 13.56% reduction was extended to the following low income group:

- applicants or partners receiving Income Support, or Income-Based Jobseekers Allowance, or Income-Related Employment Support Allowance.

5.4 The initial 2013/14 funding was separately identifiable, but since then the monies have formed part of the overall total Revenue Support Grant. Analysis of the RSG would suggest that the initial £17.58m allocated for the Scheme would equate to approximately £6.8m in 2018/19 and £5.1m in 2019/20 due to the continued year-on-year reductions. This means that in order for the scheme to be self-funding now, the bottom-slice would need to be 99.8% for 2018/19 and 113.3% for 2019/20 (based on current Council tax figures).

5.5 The Council Tax Reduction Scheme caseload has decreased since the introduction of the Scheme in 2013/14 as shown below:

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19 (Oct 18)</b>
Working Age	14,504	13,781	13,619	13,385	13,050	13,749
Elderly	8,815	8,407	7,986	7,589	7,267	6,419
<b>Total</b>	<b>23,319</b>	<b>22,188</b>	<b>21,605</b>	<b>20,974</b>	<b>20,317</b>	<b>20,168</b>

The change in caseload demographics is attributed to a number of factors. The Government’s increase in State Pension Age has meant that it is longer before a customer will be classed as “elderly” and there is traditionally a lower take-up of benefits by this age group and they are viewed as a group with a higher level of assets.

5.6 The Council Tax Reduction Scheme has had a very significant impact on in-year Council Tax collection rates. In the last year of Council Tax Benefit, 2012/13, in-year collection rate was 95.5%. Since the Council Tax Reduction Scheme was introduced and 10,000 low income working-age households became liable to pay Council Tax, in-year collection has dropped each year. In 2017/18 collection was 91.33% with a 61.4% collection rate for Council Tax Reduction Scheme cases.

- 5.7 Collection is showing some improvement so far in 2018/19, but a drop in ultimate collection and an increase in arrears is still anticipated. This increase in arrears has meant the Council's bad debt provision for the Council Tax Reduction Scheme increased annually since the introduction of the Scheme and was £5.6m at 31<sup>st</sup> March 2018.
- 5.8 Court action can be taken against defaulting Council Tax payers. However, the numbers are limited at any hearing by restrictions placed by the court. Following the issue of a liability order at court an attachment of benefits can be requested. The amount that can be attached from benefits is restricted by legislation, currently £3.70. This means that it is not possible to collect the Council Tax amount payable within the year it becomes due which impacts on in-year collection rates. The attachment is administered by the Department for Work and Pensions and they can delay the process significantly. The roll out of Universal Credit will also impact on deductions from benefits.
- 5.9 The Blackpool Scheme incorporates the National Pensioner Scheme decided by Government. This ensures that support continues at the same level as existed under Council Tax Benefit. In Blackpool pensioners currently account for 31.8% of the caseload.
- 5.10 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% (13.56% for the groups shown in 5.2 and 5.3) is then applied to the award at the end of the assessment.
- 5.11 Although the 2019/20 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 give additional or continued support to low income groups. These changes are:
- Ensure that applicants who are protected under the current scheme continue to be protected when they move to Universal Credit
- 5.12 These customers are already expected to pay a maximum of 13.56% towards their Council Tax and this would continue if they moved onto Universal Credit therefore there is no financial impact for the Council.
- Extension of the group of customers who pay 13.56% to claimants or partners who are:
    - in receipt of Jobseeker's Allowance Contribution Based
    - in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group
    - in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income)

- in receipt of Universal Credit which includes either the limited capability for work and/or work related activity.

5.13 It is proposed that the percentage reduction applied to these low income households is reduced from 27.11% to 13.56%. The estimated cost of providing additional support to these low income groups is £90,000 per year (Council share - £77,400). In order to meet this cost there will be a review of bad debt provision and a review of the Council Tax base for 2019/20.

5.14 The value of the percentage reduction is reviewed annually to ensure it remains fit for purpose taking account of ongoing changes in legislation, caseload and financial requirements. It is proposed that for 2019/20 the value of the percentage reduction for other working age customers, who do not fall into the vulnerable or low income categories shown at 5.2, 5.3, 5.11 or 5.12, should remain at 27.11%.

5.15 Does the information submitted include any exempt information? No

5.16 **List of Appendices:**

Appendix 2a: Discretionary Discount Policy

Appendix 2b: Equality Impact Analysis

Appendix 2c: Consultation Report

Appendix 2d: Draft Council Tax Reduction Scheme 2019/20

**6.0 Legal considerations:**

6.1 A resolution by the full Council to adopt a Council Tax Reduction Scheme is required by 11 March 2019. The Scheme will take effect from 1 April 2019.

6.2 The Council Tax and Business Rates Discretionary Discount Policy has been updated and is attached at Appendix 2a.

**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 contacts, 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 2019/20 an updated Equality Analysis is attached at Appendix 2b for Members to review.

## **9.0 Financial considerations:**

9.1 For 2019/20 it is proposed that the percentage reduction made at the end of the assessment for working age claimants shall be 27.11% with the exception of those claimants who fall into the vulnerable or low income categories shown at 5.2, 5.3, 5.10 and 5.11, who will be subject to a 13.56% reduction.

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 provided 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 continues to run alongside Housing Benefit during the transition to Universal Credit. Housing Benefit administration will then gradually diminish. Wider changes to existing benefits over the last few years have meant customers on benefits 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 low income groups listed in section 5.11 will increase the cost of the Scheme by £90,000 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 2019/20. Removing low income 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 2019/20, further public consultation has taken place in respect of the proposed changes to provide additional or continued support to certain low income groups. A summary of the public consultation response is below with the full consultation response attached at Appendix 2c. The Council’s response to each comment has been considered and is included within the Equality Analysis, which is attached at Appendix 2b.

12.3 The public consultation exercise for the proposed changes to the Blackpool Scheme was undertaken from 21 August 2018 to 16 October 2018. The overall response concluded that the majority of the respondents agreed with the proposed changes:

<b>Proposals</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/not sure</b>
Proposal 1: To ensure that all applicants who are protected under the current scheme continue to be protected when they move to Universal Credit	38	2	4
Proposal 2: To include additional groups within the 'protected category'	30	11	4

12.4 Consultation has also taken place with the major preceptors as required by Ministry of Housing, Communities and Local Government guidelines. Both the Lancashire Fire and Rescue Service and the Office of the Police and Crime Commissioner for Lancashire supported the proposed changes to the 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: 16/2018

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: 29 November 2018 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 2a: Council Tax and Business Rates Discretionary Discount Policy

## Blackpool Council



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## Document Control

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<b>Last edited:</b>	3 <sup>rd</sup> September 2018

## Record of Amendments

Date	Version	Amended by	Description of changes
08/10/2014	1.2	Andrew Turpin	
19/12/2014	1.3	Andrew Turpin	
20/10/2015	1.4	Graeme Ruse	Add Part Occupation Relief
24/10/2016	1.5	Graeme Ruse	Remove Re-Occupation Relief
15/01/2018	1.6	Graeme Ruse	Review Post titles
18/06/2018	1.7	David Holmes	Reformatting of the document (no new content)
17/07/2018	1.8	David Holmes	Clarify criteria and evidence for Hardship Relief
03/09/2018	1.9	Louise Jones/ Andrew Turpin	Review of policy for 2019-20

## Approved By

Name	Title	Signature	Date
Andrew Turpin	Head of Revenues & Exchequer Services		3 <sup>rd</sup> September 2018
Louise Jones	Head of Benefits and Customer Services		3 <sup>rd</sup> September 2018



## 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 publishing the policy to ensure 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 Reduction 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
- To ensure that no claimant or charge payer suffers any undue short-term disadvantage resulting from circumstances beyond their control

## 2. Policy Objectives and Action Plan

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

- Ensure staff are aware of the policy and qualifying criteria
- Regular refresher training for assessment staff to promote proactive identification of potential cases
- Provide effective overview training on the policy and qualifying criteria on request to promote take-up and awareness in appropriate circumstances.
- Promote access to the scheme through 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 advice providers are aware of the policy and qualifying criteria.
- Promoting awareness to Members
- Promote the scheme to target groups, which may include:
  - Social and Private Sector Housing Tenants with significant arrears who may apply for a Discretionary Housing Payment (DHP).
  - Council Tax payers who have been issued with a summons.
  - People requiring assistance from the Emergency Planning response team.
  - Customers who are seeking Council assistance with debts
- 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 to ensure it is fit for purpose.
- Ensure a robust review procedure is in place 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.

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

- Monitor of fund spending by monthly recording and reporting of expenditure provided to Senior Management.
- Conduct a regular review of income and expenditure forms used.
- Conduct a regular review of the policy.
- Review the outcome of requests for reconsideration to improve guidance and methodology.
- Respond to feedback on processes and procedures from partners and stakeholders.

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

Blackpool Council adopted a local Council Tax Reduction Scheme effective from 1<sup>st</sup> 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.

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.

### **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.

## 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.

A Revenues Manager will arrange for the request of 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 (Senior Revenues 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: The decision will be authorised by a different Revenues Manager.

### 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.

### **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.

## 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 Manager will arrange for the request of 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 relevant 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.



## 6. Hardship Relief

Hardship Relief is available pursuant to s.49 of the Local Government Finance Act 1988. The relief is designed for a local authority to provide discretionary assistance in exceptional and/or unexpected circumstance, but not to prop up a fundamentally failing business. Decisions are to be made on a case by case basis and dependant on the individual facts.

As Blackpool Council is a unitary authority, any award will be funded 50% by Central Government, 49% by the Blackpool Council Tax payers and 1% by the Lancashire Fire Authority.

For this reason the Council should consider an award where it is evident that doing so would be in the interests of the wider community. This can be because failure to grant the relief would result in the loss of a unique and regularly required service, and/or because the failure to grant relief would directly result in a significant loss of jobs in the local community.

The Council may award hardship relief as a percentage of the total amount due, or as a single monetary value.

There are no time limits to the award of hardship relief, but the relief is considered to be a 'one-time' award. There is no requirement for the Council to award this relief periodically.

In order to consider an award the applicants shall provide the following:

- Details of how much is outstanding.
- Details of their current financial circumstance, including details of any assets or security held, and including details of debts owed to other creditors.
- Copies of their latest audited accounts.
- Details of the company, such as the product sold, the customer base, numbers in the workforce.
- The reason why they cannot pay their bill.
- How much relief they require.
- An assumption of what would happen if no assistance was provided by the Council.

### Responsible officer

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

A Revenues Manager will arrange for the request of 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 hardship relief.

### **Notification of decision**

The Council will notify the applicant of its decision within 14 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 14 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.

## 7. 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 Manager will arrange for the request of 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.

### 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.

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## Equality Analysis (EA) (formally Equality Impact Assessment) Record Form 2019/20

**Department:** Benefits and Customer Services

**Team or Service Area Leading Assessment:** Benefits

**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 were set up for Working Age customers at a Local Authority level. Under this system, it is billing authorities who 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 2019/20 Equality Analysis is shown below and is updated to consider the impact of the Scheme and any changes to it.

Action	Timescale
Develop first draft of the scheme	Jun 2018 -Jul 2018
Start Equality Analysis based on proposed scheme	Jul 2018 – Oct 2018
Consultation exercise on additional support for low income groups and alignment of CTR with the Housing Benefit scheme	Aug 2018 – Oct 2018
Post consultation review of EA taking consultation into account	Oct 2018
Develop EA Action Plan to mitigate impact of the changes	Oct 2018
Send EA with Council Report to decide the scheme	Nov 2018

### 3. Please outline any proposals being considered.

Continue with the existing 2018/19 scheme, ensuring the scheme is cost neutral to the Council with continued reduced support for working age claimants of 27.11% except for people in the following categories, who have reduced support of 13.56%:

- 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.
- Where the applicant or their partner receives Income Support, or Income-Based Jobseekers Allowance, or Income-Related Employment Support Allowance.

And also:

- Ensure that applicants who are protected under the current Scheme continue to be protected when they move to Universal Credit
- Extension of the group of customers who pay 13.56% to claimants or partners who are:
  - in receipt of Jobseeker's Allowance Contribution Based
  - in receipt of Main Phase Employment and Support Allowance and are in the Work

- Related Activity Group
  - in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income)
  - in receipt of Universal Credit which includes either the limited capability for work and or/work related activity

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

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 3<sup>rd</sup> 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, which are:

- Ensure that applicants who are protected under the current Scheme continue to be protected when they move to Universal Credit
- Extension of the group of customers who pay 13.56% to claimants or partners who are:
  - in receipt of Jobseeker's Allowance Contribution Based

- in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group
- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income)
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity

## 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 (as at Oct 18):**

#### **Population**

Blackpool has a resident population of 139,870, some 36,724 (26.3%) of which are aged 60 and over. There are 69,540 properties in Blackpool. It is a dense urban area with high levels of deprivation, workless households, 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. 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 is just over 69,000, with a high percentage of private rented dwellings, and slightly lower owner occupation:

- 62% - owner occupied (England: 62.6%)
- 26% - privately rented (England: 20.3%)
- 11% - social rented (England: 17.1%)

## 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: 13.9%)
- 23% - lone adults under 65 years (England: 14.4%)
- 13% - lone parent families (England: 9.8%)
- 8% - single families with all adults over 65 (England: 8%)
- 35% - single families cohabiting/married with all adults under 65 (England: 43%)

## Disability

10,100 (11.8%) of working age residents claim employment support allowance and a further 2,587 of working age residents claim disability living allowance (3%). The ESA proportion is over double that for England as a whole.

## Child Poverty

26.8% of all children in Blackpool live in low income families, around 8,235 children in total.

## Pension Credit

Blackpool has 3,311 claimants in receipt of Pension Credit Guarantee Credit only, and 2,416 claimants in receipt of both Guarantee Credit and Savings Credit, equivalent to 84% of claimants (Nationally 82.9%)

Means-tested claimants in receipt of Pension Credit 'Savings Credit' Only is much lower at 1,093 claimants compared, equivalent to 16% of claimants (Nationally 17.1%)

As a proportion of the population, 23.5% of the 65+ age group claim pension credit, much higher than England at 14.3%.

## Blackpool Child Poverty Needs Assessment

The child poverty framework 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% national median income."

## 2015 position (latest release)

**8,235 children** in Blackpool live in low income families.

This accounts for **26.8% of all children**

Blackpool ranks equal **6th highest in England**.

## Changes since 2013

Overall, in percentage terms, Blackpool has seen a small reduction in the proportion of children in poverty between 2013 and 2015. Reducing from 8,730 (28.1%) in 2013 to 8,235 (28.1%) in 2015.

Despite this improvement, Blackpool ranked more poorly nationally. From 21st highest in 2011 to 14th in 2012, 12<sup>th</sup> highest in 2013 to equal 6<sup>th</sup> in 2015. This is because while Blackpool rates have reduced at a smaller rate than the average reduction across all Local Authorities so other areas have improved at a faster rate.

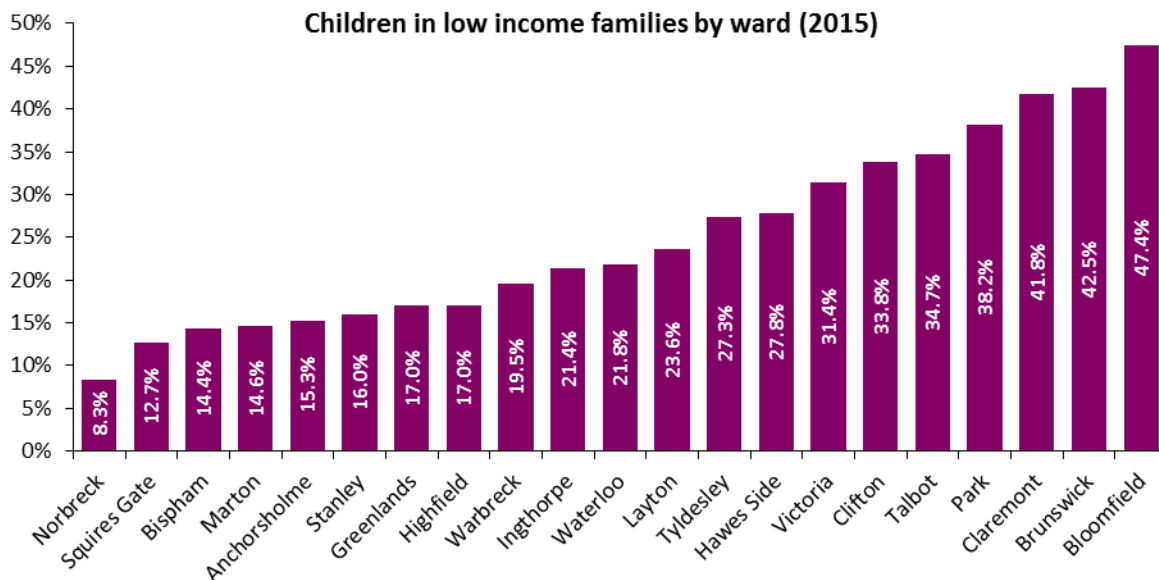
## Ward Distribution

**All wards** have some children living in poverty.

**Bloomfield, Claremont and Brunswick** wards each have more than 40% of children in poverty.

Bloomfield ward ranks as having the 3<sup>rd</sup> highest level of children in poverty in England.

The following table outlines the proportion of children in low-income families by ward.



## Family demographics

80.4% of children in poverty live in **families claiming Income Support or Job Seekers Allowance**.

64.7% of children in poverty live in **lone parent families**.

31.9% are young children aged 0-4, **55.5% are school aged 5-15**, and 12.6% are dependents aged 16-19.

54.3% live in **1-2 child families**, 45.7% live in families with 3 or more children

In total, **25.7%** of the working age population are deprived due to having a low income.

### ***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 Ministry of Housing, Communities and Local Government's (formerly the Department for Communities and Local Government) has stated that pensioners must receive the same level of support under any new scheme as they received under the Council Tax Benefit scheme. They will therefore be treated more favourably than other groups under the proposed changes.

In Blackpool we currently have 20,168 Council Tax Reduction recipients of whom 6,419 are single and of pension age. In addition we have 1,740 couples over 60 in receipt of Council Tax Benefit. Of those 53 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 Reduction support. Pensioners apply to the Pension Service and if successful are prompted to apply for Council Tax Reduction. 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 Reduction, 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 Reduction scheme the system of applicable amounts differentiate between those under and over 25. Claimants who are under 25 have a lower applicable amount as they 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 affect the same group of Working Age customers. It is not anticipated that the additional support proposed to customers or partners:

- in receipt of Jobseeker's Allowance Contribution Based;
- in receipt of the Main Phase Employment and Support Allowance and in the Work Related Activity Group;
- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income) or;
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity;

will have an adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.

#### ***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. This may lead some to fall into arrears more easily with all the associated problems this can cause.

It is not anticipated that the additional support proposed to customers or partners:

- in receipt of Jobseeker's Allowance Contribution Based;
- in receipt of the Main Phase Employment and Support Allowance and in the Work Related Activity Group;
- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income) or;
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity;

will have an adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.

Some individuals will receive Social Care support from Blackpool Council may be able to have any 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 2019/20 scheme is the same as 2018/19 scheme and increased Council Tax

Reduction awards can be expected from the changes being considered , 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.

### ***Gender Reassignment***

#### **Potential Impact**

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. It is not thought that the proposed changes will have a negative impact on working age single people and couples who are recipients of Council Tax Reduction regardless of their gender identity.

### ***Marriage and Civil Partnership***

#### **Potential Impact**

The latest figures show that there are 4,264 couples in receipt of Council Tax Reduction. Of these: 1,650 (38%) had child dependents, and 2,614 (61%) had no child dependents.

There are 2,524 couples in receipt of Council Tax Reduction who are of working age, with 1,597 (63%) had child dependents and 927 (37%) had no child dependents.

The main scheme impacts 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. The current scheme ensures 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.

It is not anticipated that the additional support proposed to customers or partners:

- in receipt of Jobseeker’s Allowance Contribution Based;
- in receipt of the Main Phase Employment and Support Allowance and in the Work Related Activity Group;
- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income) or;
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity;

will have an adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.

## ***Pregnancy and Maternity***

The 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.

It is not anticipated that the additional support proposed to customers or partners:

- in receipt of Jobseeker's Allowance Contribution Based;
- in receipt of the Main Phase Employment and Support Allowance and in the Work Related Activity Group;
- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income) or;
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity;

will have an adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.

## ***Race***

### **Potential Impact**

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

At the moment we consider that the impact of the propose changes 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 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.

It is not anticipated that the additional support proposed to customers or partners:

- in receipt of Jobseeker's Allowance Contribution Based;
- in receipt of the Main Phase Employment and Support Allowance and in the Work Related Activity Group;

- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income) or;
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity;

will have an adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.

### ***Religion and Belief***

#### **Potential Impact**

The current scheme has a negative impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of religion or belief. We do not have any data regarding the religion or beliefs Council Tax Reduction recipients in Blackpool. We do not envisage the scheme or the proposals for 2019/20 will adversely impact people with particular religions or beliefs.

### ***Sex***

#### **Potential Impact**

The latest figures show that in Blackpool there are 15,948 single people in receipt of Council Tax Reduction. Of these: 9,596 (60%) are female, and 6,392 (40%) are male.

Of the 9,596 female recipients, 3,248 (34%) are lone parents and of the 6,392 male recipients, 312 (5%) are lone parents.

If we look only at those of working age, 56% 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 working age 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 2019. 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.

It is not anticipated that the additional support proposed to customers or partners:

- in receipt of Jobseeker's Allowance Contribution Based;
- in receipt of the Main Phase Employment and Support Allowance and in the Work Related Activity Group;
- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income) or;
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity;

will have an adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.



## ***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.

## ***Other Relevant Groups***

### **Potential Impact**

#### Carers

It is not anticipated that the additional support proposed to customers or partners:

- in receipt of Jobseeker's Allowance Contribution Based;
- in receipt of the Main Phase Employment and Support Allowance and in the Work Related Activity Group;
- in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income) or;
- in receipt of Universal Credit which includes either the limited capability for work and or/work related activity;

will have an adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.

#### 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.

#### 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.

#### *Other relevant benefit changes that apply from April 2019*

*The 2019/20 Council Tax Reduction scheme will come in from 1<sup>st</sup> April 2019. At the same time continued and*

*planned 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. Working age benefit rates (Tax Credits, applicable amounts) continue to be frozen.*
- 2. The introduction of Universal Credit full service in Blackpool*

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 Council Tax Reduction scheme and will continue to receive the current levels of support as defined by Central Government 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 to change 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 continued marketing and communication which will include liaison to target hard to reach groups.

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 Reduction, 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 Council Tax Reduction Scheme must cost less than the Council Tax Benefit regime. The 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. The Council Tax Reduction Hardship Fund would provide a mechanism for additional support for disabled people.

**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?

No adverse impact has been identified for 2019/20 proposed scheme changes

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

Not applicable

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

Not applicable

## 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.

### 2019/20 Scheme

#### Comments on whether the current scheme should continue

- As a single parent it is a big help as it pays for travel and meals
- Scheme needs reforming to get people off benefits
- People need pushing to work and not giving every penny they need. They should receive a percentage discount on hours over 16 at work. This would push more people into work and less into their armchairs
- I think from personal experience years ago me and my husband were on tax family's credit and we never applied for housing benefits or council tax benefits cause we could still afford to live and afford food and still pay rent and out council tax. We lived in social housing so yes the rents cheaper than private housing. We both worked my husband 40 hrs and me 20 hrs. I work with a girl who is on 16hrs and they can afford more luxury than I could ever and they are always splashing the cash. I also see these girls working the rest of the hours cash in hand! They should be questioned why they are only working 20 hrs or below. So for this reason I think this area needs looking at. If I could afford to do it with 2 children at the time why can't they.
- As someone who is currently on universal credit I feel like I always have been disadvantaged as my council tax reduction is always increasing because of universal credit but it never decreases, which makes it harder for me as a single parent with a child in DLA.
- The council should continue to protect low income families & those on universal credit
- Council should ensure that it's CTR scheme keeps aligned with Housing Benefit Scheme

#### *Response:*

- 1) *The current scheme does mirror the Housing Benefit scheme as much as possible but the introduction of Universal Credit will see this alignment ended in future years.*
- 2) *In terms of the proposed additional support to low income groups, this will assist the Revenues team as they will not be trying to recover small debts from people who are struggling to pay and this will allow them to concentrate recovery efforts on people who should and are able to pay but choose not to.*
- 3) *The Council is unable to comment on working practices of employers*
- 4) *Government policies are in place to assist customers back to work.*

#### Comments disagreeing with the proposal to ensure that all applicants who are 'protected' under the current scheme continue to be protected when they move to Universal Credit

- Reducing the groups which get benefits

#### *Response: Comment noted*

- So long as the CTR scheme continues to align with Housing Benefit Scheme

*Response: The current scheme does mirror the Housing Benefit scheme as much as possible but the introduction of Universal Credit will see this alignment ended in future years. The Government*

**Comments disagreeing with the proposal to extend the protected group to include where the applicant, or their partner, is in receipt of Jobseeker's Allowance Contribution Based; where the applicant, or their partner, is in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group; where the applicant is in receipt of Maximum Universal Credit and is neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income); and where the applicant is in receipt of Universal Credit which includes the limited capability for work element or the limited capability for work & work related activity**

- Helps avoid recently unemployed people getting behind with paying bills
- Agree to temporary help for unemployed
- Finite period for receiving benefit to encourage people to work

*Response: Comments noted*

- Extend the benefits to other vulnerable groups

*Response: Considerable protection has been added into the scheme in previous years.*

- Leave it as it is
- Leave it as it is currently
- None, other than keeping it the same as now
- Bill for this needs to be paid somehow so keep the scheme as it is
- Worried about the cost

*Response: Additional costs are incurred by trying to recover small amounts of money from customers on low income. By providing this additional protection the administration costs will reduce.*

- I agree with the widowers and partly with the disabled and carers. I do not agree that JSA should be protected or a lot of disability cases as they can work and earn a lot of money already.

*Response: Customers who are in receipt of Job Seekers Allowance are more likely to be unable to afford their Council Tax and were previously in receipt of full Council Tax Benefit under the old national scheme. Customers with disability income can have a higher level of disability related expenditure.*

- Does this not include children who receive DLA especially when it is single parent families.

*Response: Families with any disability component in their income, including children, are already protected*

### **Other Comments**

- Would like council to give cleaning streets a higher priority
- Extend hours in which people can contact council with council tax queries, as 3-5pm is inadequate
- Consider lower business rates to keep shops and businesses in the town centre
- Not happy with charge for green bins
- If there is money to play with then fund more police
- Would like to see help for FIN, the families in need group which is charity funded

*Response: Comments noted but they are not directly related to the Council Tax Reduction Scheme*

- Consider full 100% reductions for specific groups
- Reduce the availability of protection and reduction from council tax
- Happy as long as it is a means-tested scheme

*Response: The Council Tax Benefit scheme allowed fully funded means tested assessments enabling 100% protection for low income groups. However, the reduction in Government funding that accompanied the transfer of Council Tax Reduction schemes to Local Authorities has not enabled 100% reductions to be applied. Council Tax Reduction continues to be a means tested benefit with some additional protection for low income and vulnerable groups.*

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.

**2019/20**

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	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 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	Jan 19 Jan 19 Jan 19 Apr 19 – Mar 20 Apr 19 – Mar 20 Apr 19 – Mar 20 Apr 19 – Mar 20	Benefits Service Discretionary Team Advice team	Agreed
Monitor legislation progress in case there are changes to the proposed amendments to Housing Benefit,	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 19 – Mar 20	Benefits Service	Agreed

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
in which case alignment to HB rules may not apply					
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.	<ol style="list-style-type: none"> <li>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.</li> <li>2. The Advice Team maximise the take up of Council Tax reduction when they see a client</li> <li>3. Increased take up of Council Tax Reduction by Universal Credit customers by proactively working with other agencies and groups e.g. Job Centre Plus to ensure take up of all benefits is maximised</li> </ol>	Jan 2019 – Mar 2020	Benefits Service	Agreed




**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 2019 - Mar 2020	Benefits Service	
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 2019 – Jul 2019  Nov 2019	Benefits Service	

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Date completed: 29<sup>th</sup> October 2018

Signed: 

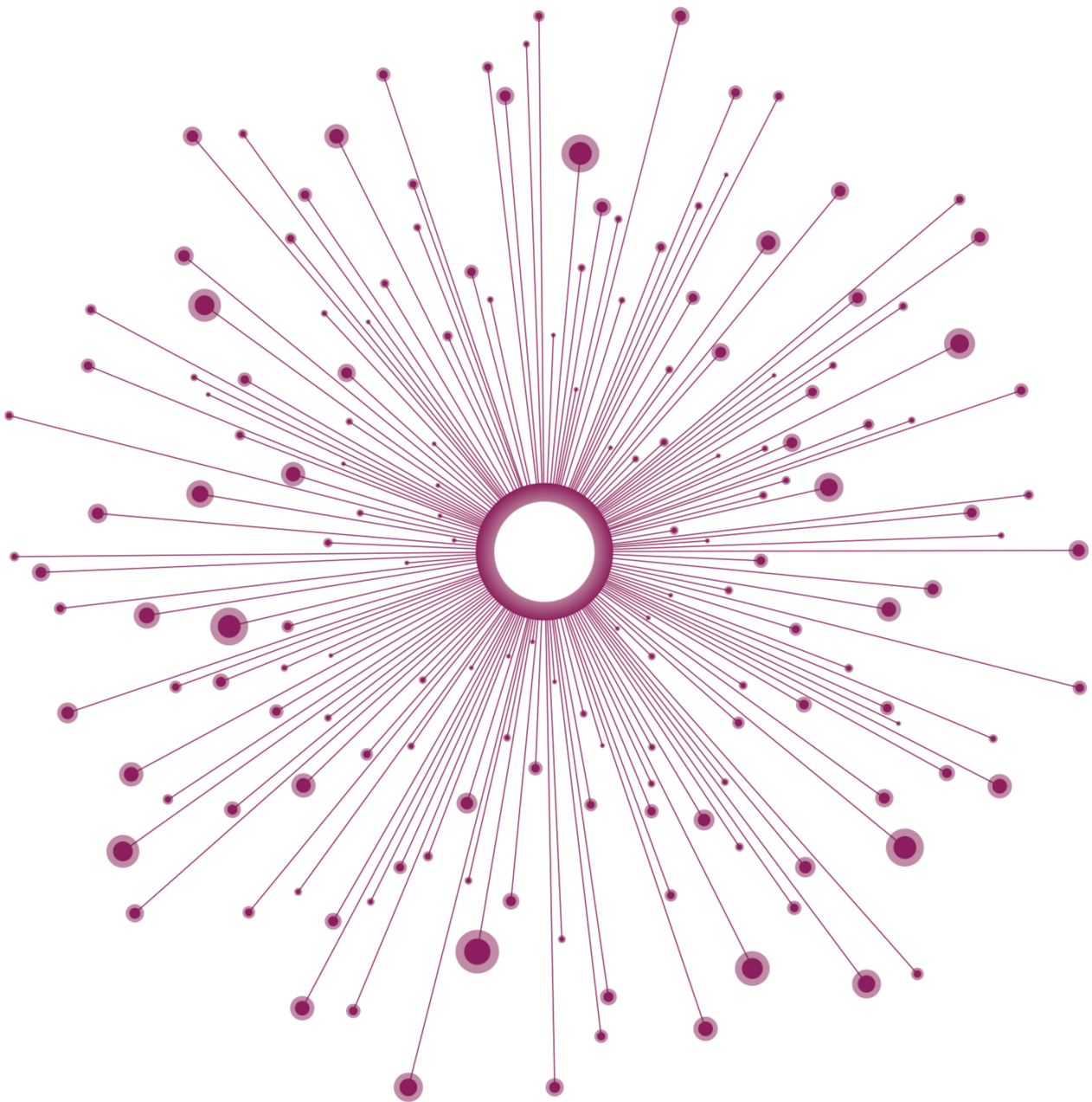
Name: Louise Jones

Position: Head of Benefits and Customer Services

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# Appendix 2c: Council Tax Reduction Scheme Consultation 2018

October 2018



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## 1. Executive Summary

**45 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 ensuring that applicants continue to be protected under Universal Credit once they move from the current scheme. A summary of the level of agreement is shown in the following table.

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

Proposals	Yes	No	Don't know/not sure	Total
<b>Proposal 1: To ensure that all applicants who are protected under the current scheme continue to be protected when they move to Universal Credit</b>	38	2	4	44
<b>Proposal 2: To include additional groups within the 'protected category'</b>	30	11	4	45

## 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.

### 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 for September and covered on Blackpool Council social media pages. In addition, paper copies were made available in public buildings to ensure those residents who do not use the internet could access the consultation. Additionally, surveys were conducted face-to-face in the Customer Frist Centre. The consultation went live in September 2018 and ran for a period of eight weeks.

**45 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.

### 2.3. Sample

The following table shows the demographic information of those who responded to the consultation.

**Figure 2.1: Respondent demographic information**

Question options	Number of responses
<b>Does your household receive Council Tax Reduction?</b>	
Yes	25
No	18
Don't know	1
<b>Are you...?</b>	
Male	12
Female	31
Prefer not to say	2
<b>Which age group do you belong to?</b>	
16 to 24	3
25 to 34	8
35 to 44	12
45 to 54	10
55 to 64	8
65 to 74	3
75 to 84	1
<b>Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?</b>	
Yes, limited a lot	8
Yes, limited a little	9
No	26
Prefer not to say	1
<b>What best describes your ethnic background?</b>	
White – British	21
White - Other	7
Asian or Asian British	2
Black or Black British	3

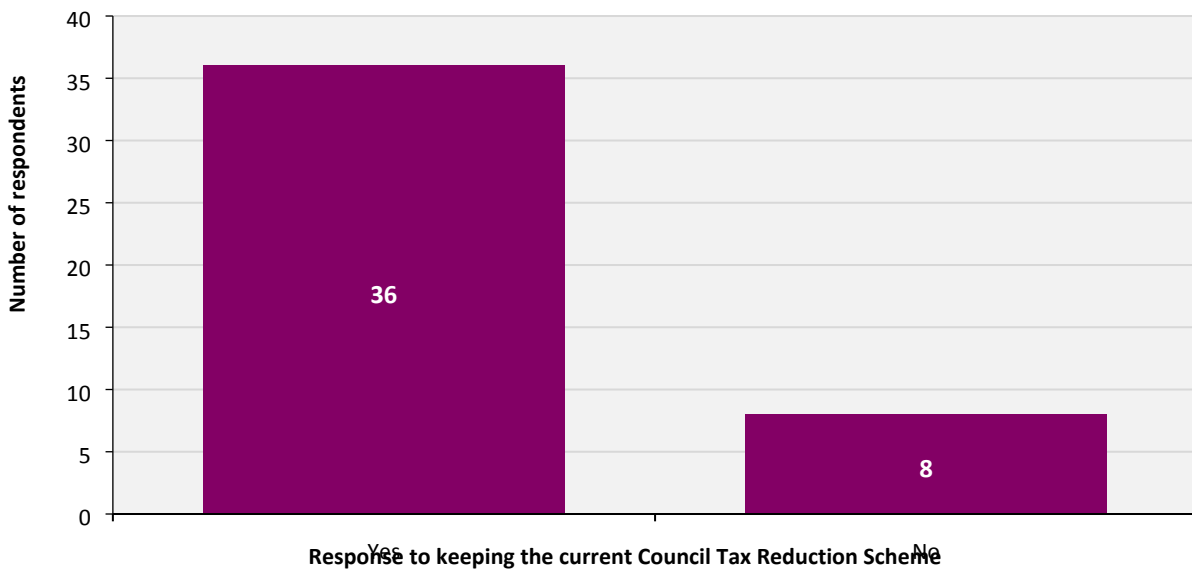
### 3. Main Findings

The consultation included a question asking whether the current Council Tax Reduction scheme should be kept and maintained with the same level of support as it currently has and individual questions on two proposals. For both the initial question and for each of the two proposals respondents were asked whether they agreed or disagreed and were given the opportunity to explain their response.

#### 3.1. Paying for the scheme

36 of the 45 respondents answered ‘yes’ to the council keeping the current Council Tax Reduction Scheme with 8 respondents answering ‘no’. Current support for keeping the current Council Tax Reduction Scheme is shown in the following figure:

**Figure 3.1: Should the Council keep the current Council Tax Reduction scheme? (Should it continue to administer the scheme and have the same level of support as it does at the moment?) (Base - 44)**



There were seven comments on the protection of the current Council Tax Reduction Scheme. Two comments further highlighted the need to protect the scheme so that it can support people in low income families and with families with specific needs. One respondent stated the Council Tax Reduction Scheme needs to remain in line with the Housing Benefit Scheme. Another highlighted that the scheme should be reformed to get people off benefits.

#### 3.2. Proposal 1 – To ensure that all applicants who are protected under the current scheme continue to be protected when they move to Universal Credit

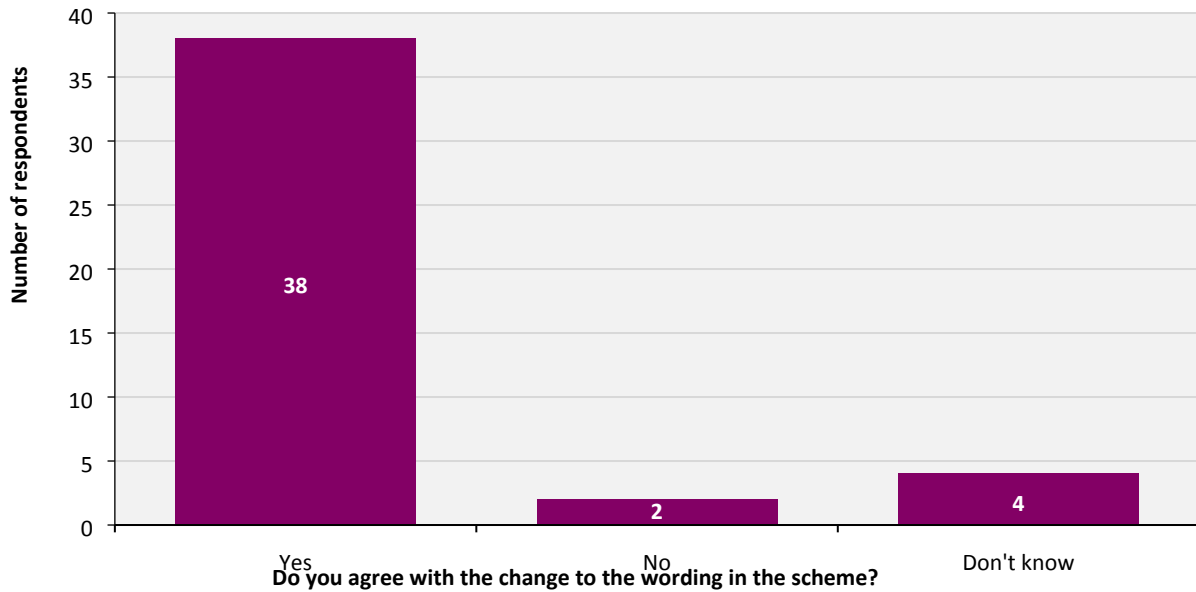
38 respondents to the survey agreed with the proposal to ensure that all applicants who are protected under the current scheme continue to be protected when they move to Universal Credit.



This proposal would provide the same level of protection to certain applicants irrespective of the move to Universal Credit and keep up with any changes in the welfare system.

Two respondents added a comment with one respondent the need for the scheme to remain in line with the Housing Benefit Scheme and other comment expressed concern around the relationship between those receiving benefits and the scheme. The full responses for this proposal is shown in the following figure:

**Figure 3.2: Proposal 1 - Do you agree with the change to the wording in the scheme? (Base - 44)**

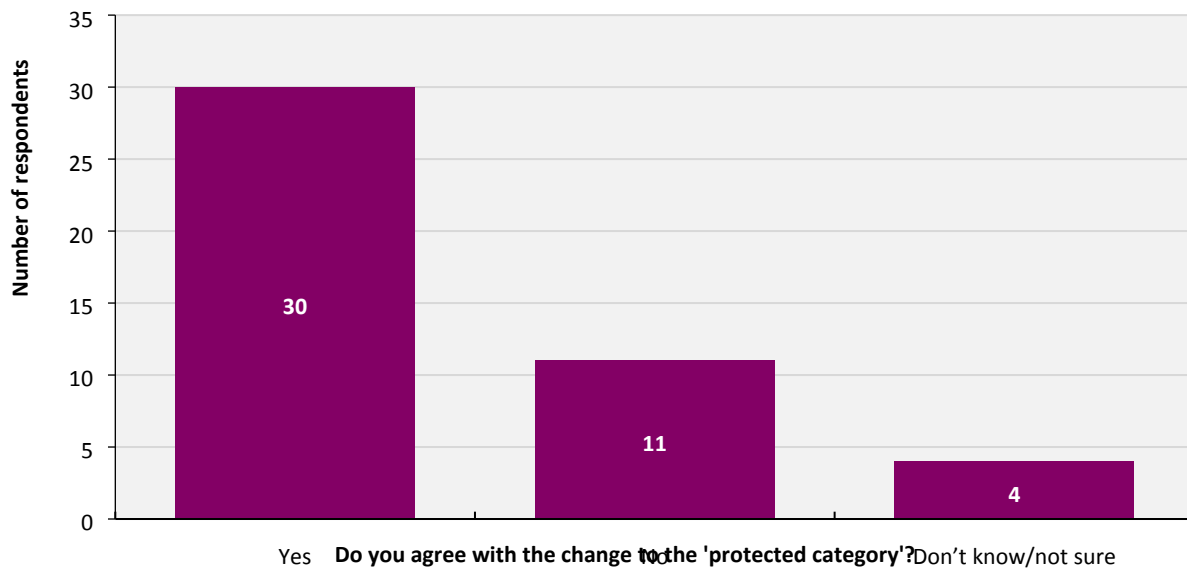


**3.3. Proposal 2 – To include additional groups within the ‘protected category’**

30 respondents agreed with the proposal to include additional groups; applicants/partners in receipt of Jobseeker’s Allowance Contribution, in receipt of Maximum Universal Credit and is neither employed, self-employed or in receipt of any other income affecting their Universal Credit award. Or, in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group within the ‘protected category’.

12 respondents added a comment with five respondents expressing for support for specific groups being added or protected within the ‘protected category’ and four respondents stating the ‘protected category’ groups should be left as they currently are. The full responses for this proposal is shown in the following figure:

Figure 3.3: Proposal 2 - Do you agree with the change to the wording in the scheme? (Base - 44)



### 3.4. Alternatives to increasing the amount of help provided by the Council Tax Reduction Scheme

There was an equal level of agreement to an alternative option of not making changes and using any potential savings to potentially reduce the Council Tax or make savings for other Council Services (27% of respondents agreed to both these ideas). Whilst the highest level of disagreement was with not making the changes and retaining any savings for future use (88% of respondents disagreed).

The full responses for support for alternative options is shown in the following table:

Figure 3.4.1: Alternatives to increasing the amount of help provided by the Council Tax Reduction Scheme (Base – 44)

Alternative options to the proposed changes to the Council Tax Reduction Scheme	Yes	No	Don't know/not sure	Total
Not make the changes and use any potential savings for other Council Services	12	31	1	44
Not make the changes and use any potential savings to potentially reduce the Council Tax	12	31	1	44
Not make the changes and use any potential savings for future use	3	38	2	43

Looking at the preferences of respondents to alternative options if the council were keep the current scheme. With option one being the most preferable and option three being the least preferable. The option that was most preferable to respondents was using any potential saving for other Council Services (44% chose this as their first option). The alternative option with the least support was for

retaining any potential savings for future use (81% chose this as their least preferred option). The full results for respondents' preferences to alternative options is shown in the following table.

**Figure 3.4.2: Council options order of preference (Base – 43)**

<b>Alternative options to the proposed changes to the Council Tax Reduction Scheme</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Total</b>
<b>Use any potential savings for other Council Services</b>	19	20	4	43
<b>Use any potential savings to potentially reduce the Council Tax</b>	16	13	4	43
<b>Use any potential savings for future use</b>	0	8	35	43

Respondents were asked if there were any other options the council should consider. Four respondents left comments including, one comment stating the council should consider 100% reductions for specific groups and another comment stating that operating hours should be extended to with deal with Council Tax queries.

Looking at whether any respondents had any final comments, one respondent stated that the scheme should be means-tested.

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

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## 1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1<sup>st</sup> April 2019.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1<sup>st</sup> April 2019 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
  - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
  - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
  - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
  - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2018 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 credit<sup>1</sup>; 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 Reduction<sup>2</sup> amount can be calculated;

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<sup>1</sup> Section 5 of this scheme

<sup>2</sup> Sections 57 to 63 of this scheme

- g. not have capital savings above £16,000<sup>3</sup>;
- 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*<sup>4</sup> is **less** than their *applicable amount*<sup>5</sup> 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 reduction<sup>6</sup>.

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 credit<sup>7</sup>; 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 Reduction<sup>8</sup> amount can be calculated;
- h. not have capital savings above £16,000<sup>9</sup>;
- 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*<sup>10</sup> is **more** than their *applicable amount*<sup>11</sup>;
- j. have made a valid application for reduction<sup>12</sup>;
- 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.

<sup>3</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>4</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>5</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>6</sup> Sections 68 to 74a of this scheme

<sup>7</sup> Section 5 of this scheme

<sup>8</sup> Sections 57 to 63 of this scheme

<sup>9</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>10</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>11</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>12</sup> Sections 68 to 74a of this scheme

## **Council Tax Reduction Scheme**

Details of support to be given for **working age claimants**

**Sections 2- 8**  
**Definitions and interpretation**



## 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;

**‘the LET’** means the London Emergencies Trust;

**‘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 to the Finance Act 2004<sup>13</sup>;

**'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, the London Bombings Relief Charitable Fund, the WLMEF or the LET.

**'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;

**'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-

<sup>13</sup> As amended by the Finance Act 2014

dependant deductions) of those Regulations;

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

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

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

**'second 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;

**'the WLMEF'** means the 'We Love Manchester Emergency Fund';

**'Working Tax Credit Regulations'** means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended<sup>14</sup>; 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

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

falls immediately before a day in respect of which an income- based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;

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

2.4A For the purposes of this 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 Number<sup>15</sup>**

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 work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

<sup>15</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

- 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 1971<sup>16</sup> 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;
  - "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.

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

**Persons subject to immigration control**

- 7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9
- 7.11 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

**7A.0 Transitional provision**

- 7A.1 The above does not apply to a person who, on 31st March 2015—
- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
  - (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.
- 7A.2 The events are—
- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or
  - (b) the person ceases to be entitled to an income-based jobseeker's allowance.
- 7A.3 In this section "the Act" means the Local Government Finance Act 1992.

**8.0 Temporary Absence (period of absence)**

- 8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable
- 8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.
- 8.3 In paragraph 8.2, a 'period of temporary absence' means—
- a. a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as;
    - i. the person resides in that accommodation;
    - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
    - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
  - b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
    - i. the person intends to return to the dwelling;
    - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
    - iii. that period is unlikely to exceed 13 weeks; and
  - c. a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
    - i. the person intends to return to the dwelling;
    - ii. the part of the dwelling in which he usually resided is not let or sub-let;
    - iii. the person is a person to whom paragraph 8.4 applies; and
    - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

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

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

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

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

8.3C This paragraph applies where—

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

8.3D person to whom paragraph (8.3C) applies shall be treated as occupying a dwelling he is absent from as his home whilst he is temporarily absent for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain.

8.3E The period of absence in paragraph (8.3D) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks

8.4 This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
  - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
  - ii. in premises approved under section 13 of the Offender Management Act 2007, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in Great Britain or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- d. following, in Great Britain or elsewhere, a training course;

- e. undertaking medically approved care of a person residing in Great Britain or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in Great Britain, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is:

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

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

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

8.7 In this section;

- ‘medically approved’ means certified by a medical practitioner;
- ‘continental shelf worker’ means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998
- ‘designated area’ means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

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

- a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage
- ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
  - a. in a care home;
  - b. in an independent hospital;
  - c. in an Abbeyfield Home; or
  - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

- prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998
- ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

**Sections 9 - 11**  
**The family for Council Tax Support purposes**



**9.0 Membership of a family**

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. 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 2002<sup>17</sup> 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.

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<sup>17</sup> The Adoption and Children Act 2002 (Commencement No. 12) Order 2014

**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 1<sup>st</sup> May 2016 or where the applicant would have become entitled to the family premium on or after 1<sup>st</sup> 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 1<sup>st</sup> May 2016 or where the applicant would have become entitled to the family premium on or after 1<sup>st</sup> 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**

**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

- c. Child Care Provider) Regulations 1999;  
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—
- in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
  - the claimant is incurring relevant child care charges within the meaning of paragraph 18.5; and
  - she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.
- 18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—
- the date that leave ends;
  - 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
  - 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
- '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
  - '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;
- who has, or
  - 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—
- over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
    - 5 weeks, if he is paid weekly; or
    - 2 months, if he is paid monthly; or
  - 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)
- 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 amended<sup>18</sup>.

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.

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

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<sup>18</sup> Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

contribution shall be determined—

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

26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

#### **27.0 Earnings of self-employed earners**

27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment 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 or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

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

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be

- reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata..
- 29.3 In this section 'chargeable income' means—
- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (28.3)(a) or, as the case may be, (28.4) of section 28;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

**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—
- $$\frac{A - (B \times C)}{D}$$
- 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 an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation as a service user

**Sections 33 – 42 & Schedule 5**

**Definition and the treatment of capital for Council Tax Support purposes**



**33.0 Capital limit**

33.1 For the purposes of 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), the London Bombings Charitable Relief Fund, the WLMEF or the LET 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).

**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.

**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 deductions<sup>19</sup>

- 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,  $\text{£}11.90 \times 1/7$ ;
  - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply,  $\text{£}3.90 \times 1/7$ .
- 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  $\text{£}202.85$ , the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
  - (b) not less than  $\text{£}202.85$ , but less than  $\text{£}351.65$ , the deduction to be made under this section shall be  $\text{£}7.90 \times 1/7$
  - (c) not less than  $\text{£}351.65$ , but less than  $\text{£}436.90$ , the deduction to be made under this section shall be  $\text{£}9.95 \times 1/7$ ;
- 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—

<sup>19</sup> The amounts shown within this section shall be uprated 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
  - (i) attendance allowance, or would be receiving that allowance but for
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
    - (bb) an abatement as a result of hospitalisation; or
  - (ii) the care component of the disability living allowance, or would be receiving that component but for
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
    - (bb) an abatement as a result of hospitalisation; or
  - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

;

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

- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- c. he is a full time student within the meaning of section 43.0 (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 Where the following circumstances are met Schedule 6 outlines the deduction that shall apply:

- 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; or
- Where the applicant or their partner receive:
  - Income Support; or
  - Income Related Employment and Support Allowance; or
  - Income Based Jobseeker's Allowance;
- Where the applicant or their partner is in receipt of Universal Credit and *immediately* prior to receipt of that were in receipt of:
  - Income Support; or
  - Income Related Employment and Support Allowance; or
  - Income Based Jobseeker's Allowance;
- Where the applicant, or their partner, is in receipt of Jobseeker's Allowance Contribution Based;
- Where the applicant, or their partner, is in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group;
- Where the applicant is in receipt of Maximum Universal Credit **and** is neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award; and
- Where the applicant is in receipt of Universal Credit which includes any of the following elements:
  - Limited capability for work
  - Limited capability for work & work related activity

**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 Generally <sup>20</sup>**

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

<sup>20</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

(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.

**Sections 64 – 67**

**Changes of circumstances within Council Tax Support**

**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.

**Sections 68– 74**

**Claiming and the treatment of claims for Council Tax Support purposes**

**68.0 Who may claim<sup>21</sup>**

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 scheme<sup>22</sup>**

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 Council

<sup>21</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>22</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

- 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 information<sup>23</sup>**

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
- (b) without prejudice to the extent of the duty owed, indicate to him either orally or by notice

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<sup>23</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

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, the London Bombings Relief Charitable Fund, the WLMEF or the LET;

(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 claim<sup>24</sup>**

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 circumstances<sup>25</sup>**

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

<sup>24</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>25</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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.

**Sections 75- 90**

**Decisions, decision notices and awards of Council Tax Support**

**75.0 Decisions by the authority<sup>26</sup>**

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 decision<sup>27</sup>**

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 support<sup>28</sup>**

<sup>26</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>27</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>28</sup> 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 paid<sup>29</sup>**

- 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.

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<sup>29</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

**79.0 Shortfall in support / reduction<sup>30</sup>**

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 entitled<sup>31</sup>**

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**

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<sup>30</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

<sup>31</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

**Sections 91 – 94**

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



**91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)**

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements<sup>32</sup>.

**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.

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<sup>32</sup> Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

**Sections 95 – 98**

**Revisions, Written Statements, Termination of Council Tax Support**

**95.0 Persons affected by Decisions**

- 95.1 A person is to be treated as a person affected by a relevant decision of the authority 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

**Section 99**

**Appeals against the authority's decisions**

**99.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>33</sup>**

- 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 Act<sup>34</sup>.

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<sup>33</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>34</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014

**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 Act<sup>35</sup>**

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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<sup>35</sup> Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

**Section 101 – 106A<sup>36</sup>**  
**Electronic Communication**

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<sup>36</sup> 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.

**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.

**Schedule 1**  
**Applicable Amounts<sup>37</sup>**

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<sup>37</sup> 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 <sup>st</sup> 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 1<sup>st</sup> May 2016 or where the applicant would have become entitled to the family premium on or after 1<sup>st</sup> 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 this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
- 5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6 (1) The following premiums, namely—
  - a. severe disability premium to which paragraph 10 applies;
  - b. an enhanced disability premium to which paragraph 11 applies;
  - c. a disabled child premium to which paragraph 12 applies; and a
  - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
- 7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
  - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
  - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

#### Disability Premium

- 8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

#### Additional Condition for the Disability Premiums

- 9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

**Severe Disability Premiums**

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

**Enhanced Disability Premium**

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

**Disabled Child Premium**

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

**Carer Premium**

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

**Persons in receipt of concessionary payments**

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

**Persons in receipt of benefit for another**

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

**Amounts of Premium**

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
<b>Disability Premium</b>	£33.55
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£47.80
<b>Severe Disability Premium</b>	£64.30
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£64.30
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£128.60
<b>Disabled Child Premium</b>	£62.86 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
<b>Carer Premium</b>	£36.00 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006



<p><b>Enhanced Disability Premium</b></p>	<p>(a) £25.48 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied;                  (b) £16.40 in respect of each person who is neither–                  (i) a child or young person; nor                  (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied;                  (c) £23.55 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.</p>
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**The components**

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £29.05. The amount of the support component is £37.65. The component **will not** apply where the applicant has been awarded Employment and Support Allowance on or after 1<sup>st</sup> 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**

**Schedule 3**

**Sums to be disregarded in the calculation of earnings**

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.



**Schedule 4**

**Sums to be disregarded in the calculation of income other than earnings**

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, London Bombings Relief Charitable Fund, WLMEF and the LET.

- 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 such 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. 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.
67. Any bereavement support payment under section 30 of the Pensions Act 2014

**Schedule 5**  
**Capital to be disregarded**

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, the London Bombings Relief Charitable Fund, the WLMEF and the LET.

**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 subparagraph (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).

64. Any bereavement support payment under section 30 of the Pensions Act 2014

**Schedule 6**  
**Council Tax Reduction Scheme**

For working age claimants , at the end of the assessment, a percentage reduction of 27.11% will be applied with the exception of the claimants listed in section 59A.2 who will have a percentage reduction of 13.56% applied.



<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	John Blackledge, Director of Community and Environmental Services
<b>Relevant Cabinet Member:</b>	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
<b>Date of Meeting:</b>	10 December 2018

## STATEMENT OF GAMBLING POLICY 2019 TO 2022

### 1.0 Purpose of the report:

1.1 Following consultation and consideration by the Licensing Committee to consider the statement of policy and principles which would be applied by the Authority when exercising its functions under the Gambling Act 2005 during the period 2019 to 2022.

### 2.0 Recommendation(s):

- 2.1 To consider the representation to the consultation received attached at Appendix 3b.
- 2.2 To consider the Statement of Gambling Policy (Appendix 3a) and recommend its approval to Council.

### 3.0 Reasons for recommendation(s):

3.1 The Gambling Act 2005 requires the Council as Licensing Authority to publish a statement of the principles that it proposes to apply in exercising its functions under the Act every three years. The current policy took effect in 2016 therefore the Council needs to approve a new policy to take effect in January 2019.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council?

No, once approved the revised Statement of Gambling Policy will form part of the Council's policy framework

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

3.3 Other alternative options to be considered:

A decision not to revise the policy would leave the Council without a valid policy on which to base its decisions.

#### **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 Gambling Act 2005 (the Act) requires the Council in its capacity as licensing authority to publish a statement of principles that it proposes to apply in exercising its functions under the Act every three years. The current policy is due to be refreshed to take effect in January 2019.

5.2 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 requires that the following are included in the policy statement:

- A description of the geographical area covered by the Authority;
- A list of persons consulted;
- The principles applied when exercising its powers to designate a body competent to advise the authority about the protection of children from harm;
- The principles to be applied by an authority to determine whether a person is an interested party;
- The principles to be applied by an authority with respect of the exchange of information between it, the Gambling Commission and other persons listed in the Act;
- The principles to be applied with respect to the inspection of premises and the commencement of criminal proceedings for offences contrary to the Act.

5.3 Further guidance on the content of policies is provided by the Gambling Commission in its document "Guidance to Local Authorities". Local Authorities are required by section 25 Gambling Act 2005 to have regard to guidance issued by the Gambling Commission when carrying out any of its functions under the Act.

5.4 The policy (Appendix 3a) has been prepared taking into account the requirements of the Regulations and the advice from the Gambling Commission.

- 5.5 The main changes from the previous policy are as follows:
- 4.2 – Local Risk Assessments
  - 4.3 – Local Area Profile
  - 4.8 – General Standards for all gambling premises.
- 5.6 When exercising its functions under the Act, the authority must aim to permit the use of premises for gambling in so far as the authority thinks that it is:
- In accordance with the relevant codes of practice issued by the Gambling Commission;
  - In accordance with the guidance issued by the Gambling Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the Authority’s statement of licensing policy
- 5.7 Demand is not a factor that can be considered. The only licences that are limited are those for casinos. The Council is not able to set a limit on the number of other gambling establishments it licenses. The current number of premises licensed for gambling activity are as follows:
- Casino - 4  
 Bingo - 6  
 Betting - 34  
 Adult Gaming Centre - 18  
 Family Entertainment Centre – 7
- 5.8 At its meeting held on 2 October 2018, the Licensing Committee considered the draft policy and recommended a period of public consultation. Consultation took place between 18 October 2018 and 30 November 2018.
- 5.9 At the time of writing the report one response had been received (Appendix 3b). No changes to the policy are proposed as a result of this response.
- 5.10 The Licensing Committee will consider the revised statement of licensing policy at its meeting on the 4 December 2018 and its recommendation will be reported to this Executive meeting.
- 5.11 Does the information submitted include any exempt information? No
- 5.12 **List of Appendices:**
- Appendix 3a – Draft Statement of Policy and Principles under the Gambling Act 2005.  
 Appendix 3b – Consultation response

**6.0 Legal considerations:**

6.1 The Gambling Act 2005 requires the Council as Licensing Authority to prepare and publish a statement of licensing policy every three years. The Act also requires the Council to have regard to the Gambling Commission's Guidance when preparing its statement of policy.

**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. The costs of consultation has been met from the existing Licensing budget.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Ethical considerations:**

11.1 None.

**12.0 Internal/ External Consultation undertaken:**

12.1 Consultation has been undertaken as required by the Gambling Act 2005. This took place between 18 October 2018 and 30 November 2018.

**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: 43/2018

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: 29 November 2018 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:**

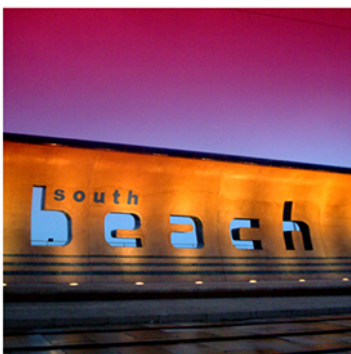
21.1

**22.0 Notes:**

22.1

# Appendix 3a: DRAFT STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005.

Blackpool Council



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## **1 Purpose and Scope of the Licensing Policy**

### **1.1 Introduction**

The Gambling Act 2005 (the Act) requires every licensing authority to publish a statement of principles that it proposes to apply in exercising its functions under the Act every three years. This policy covers the period 2019 to 2022. Whilst this policy sets out a general approach to making licensing decisions each application will be considered on its own individual merits. In producing this document the Council has had regard to the licensing objectives, the guidance issued by the Gambling Commission and any responses from those consulted on this policy statement.

When exercising most of its functions under the Gambling Act 2005, the licensing authority will have regard to the licensing objectives set out in section 1 of the Act:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### **1.2 Scope of policy**

This policy covers the functions of the licensing authority under the Act which include:

- Responsibility for the licensing of premises where gambling activities are taking place by issuing premises licences;
- Issue of provisional statements;
- Regulation of members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and club machine permits;
- Issue of club machine permits to commercial clubs;
- Granting of permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receiving notifications from alcohol licensed premises for the use of up to two gaming machines;

- 
- Issuing licensed premises gaming machine permits for premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
  - Registering small society lotteries below prescribed thresholds;
  - Issuing permits for prize gaming;
  - Receiving temporary use notices;
  - Receiving occasional use notices;
  - Providing information to the Gambling Commission on licences issued; and
  - Maintaining registers of permits and licences issued

The Council does not licence large society lotteries, remote gambling through websites or the National Lottery. These are regulated by the Gambling Commission.

Nothing in this policy will:

- override the right of a person to make an application and have it considered on its merits
- override the right of any person to make representations on an application or seek review of a licence where provided for under the Gambling Act 2005.

### **1.3 Duration and Review**

This policy takes effect on XXXX and will remain in force until 30<sup>th</sup> January 2022. During this time the policy will be subject to regular review and will be updated and modified as necessary to take into account amongst other things changes in licensing legislation.

### **1.4 Other regulatory regimes**

Gambling premises will have obligations placed on them by other regulatory regimes for example Health and Safety. The licensing authority intends not to duplicate other legislation or regulatory regimes wherever possible.

---

## 1.5 Exchange of Information

Licensing authorities are allowed to exchange information with other persons /bodies for use in the exercise of their functions under the Act.

The Gambling Commission can require the Authority to provide specific information if it forms part of our licensing register or we hold it in connection with our licensing functions under the 2005 Act. We may also exchange information with other persons or bodies listed below for use in the exercise of functions under the Act.

- a) A constable or Police force
- b) An enforcement officer
- c) A licensing authority
- d) HMRC
- e) The First Tier Tribunal
- f) The Secretary of State

The names and addresses of those making representations will normally be shared with the applicant to enable discussions to take place between the parties to resolve or reduce the areas of dispute.

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail.

## 1.6 Data Protection and Freedom of Information

Blackpool Council will abide by the Data Protection Act and Freedom of Information Act in respect of safeguarding and releasing information or data.

### Data Protection Act

This act requires that data must be:

- Processed fairly and lawfully
- Obtained and used for lawful and specified purposes
- Adequate and relevant for those purposes
- Accurate and where necessary kept up to date
- Kept only for as long as necessary

- 
- Accessible to the data subject
  - Kept securely

In this context of the Gambling Act this means that Blackpool Council will only retain information that relates to the processing of applications for licences, permits, permissions and representations. This information will only be retained for the period of time it is needed for processing.

Applications and representations are documents which are in the public domain and are therefore available on request and may be published on the website as part of the information supplied if a hearing is arranged, or on the public register.

Information will also be shared with other regulators or persons if this is prescribed by the Secretary of State.

#### Freedom of Information Act

The Freedom of Information Act allows anyone to request access to information. These requests are normally made in writing either by email or letter. In certain circumstances a fee may be required or we may ask for more specific information. Requests will be dealt with within 20 working days and the information will be released if possible. If it is not possible to release the information an explanation will be provided together with details of how a complaint can be made to the Information Commissioner. The information will be released in the format requested unless it is in the public interest not to do so.

### **1.7 Responsible Authorities**

A full list of responsible authorities designated under the Act and their up to date contact details can be found in our guidance notes to making an application available on the Council's website [www.blackpool.gov.uk](http://www.blackpool.gov.uk)

The licensing authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. In making this decision the following principles have been applied:

- The competency of the body to advise the authority;
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and

- 
- The need for the body to be answerable to democratically elected persons rather than any particular invested interest group

The licensing authority designates Blackpool Council's Children's Service for this purpose.

## 1.8 Interested Parties

Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

“...a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person lives sufficiently close to the premises to be likely to be affected by the authorised activities, has business interests that might be affected by the authorised activities or represents a person who satisfy paragraphs (a) or (b)”

In determining whether a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the licensing authority will consider the following factors:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises
- The catchment area of the premises (how far people are likely to travel to visit it); and
- Whether the person making the representation has a business interest in that catchment area that might be affected

Persons representing those living sufficiently close and/or those having business interests could include trade associations, residents' and tenants' associations. Business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.

---

## **1.9 Representations**

Only responsible authorities and interested parties may make representations. Where a representation is made we will encourage negotiations between the parties to resolve or reduce the areas of dispute and/or to agree conditions. To enable such discussions to take place the names and addresses of those making representations will normally be shared with the applicant.

Where a representation is made and not withdrawn, a licensing authority must hold a hearing unless it thinks that the representation:

- a) Is frivolous,
- b) Is vexatious,
- c) Will certainly not influence the authority's determination of the application.

Examples of representations which will not result in a hearing include those made on moral/ethical grounds, a general dislike of gambling, nuisance issues or planning grounds. Similarly representations which focus on demand or competition will not be taken into account.

## **1.10 Delegations**

It is normal practice in routine, uncontested decisions for the Council to authorise a senior officer to deal with the matter on their behalf. In this way the Council can discharge its functions in an efficient manner and avoid delay.

The table in Appendix A sets out the delegated functions under the Gambling Act 2005.

---

## 2 The Licensing Objectives

The licensing authority is determined that the residents of, and visitors to Blackpool should be provided with high quality well managed venues for betting and gaming, whilst reducing the risk of crime and disorder and protecting children and the vulnerable. For these reasons the licensing authority will expect detailed plans from operators to show how the objectives will be met.

***“Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime”***

The Gambling Commission takes a lead role in preventing gambling from being a source of crime by vetting applicants for personal and operator licences. The licensing authority will however look at the location of the proposed premises in terms of this licensing objective. Where an area is known for having high levels of crime or disorder the licensing authority will consider whether the premises are suitable to be located there and whether conditions such as the provision of door supervisors may be required.

There is a distinction between disorder and nuisance. Complaints about nuisance cannot be resolved through the Gambling Act 2005 however it may be possible to address problems of this nature through other types of legislation.

Factors such as whether police assistance was required and how threatening the behaviour was will be considered in determining whether the incident was disorder or nuisance.

***“Ensuring that gambling is conducted in a fair and open way”***

The licensing authority will not normally be concerned with ensuring that gambling is conducted in a fair and open way as this will ordinarily be addressed by the Gambling Commission through the granting of personal and operating licences.

***“Protecting children and other vulnerable persons from being harmed or exploited by gambling”***

This can mean preventing children from taking part in or being in close proximity to gambling.

There is no definition of the term “vulnerable person” but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment or to the use of alcohol and/or drugs.

---

Location – where the licensing authority is satisfied that there is sufficient evidence to demonstrate that the location of the premises would be harmful to the licensing objectives they will use this evidence to inform their decision on whether to grant the licence, grant the licence with conditions or refuse the licence.

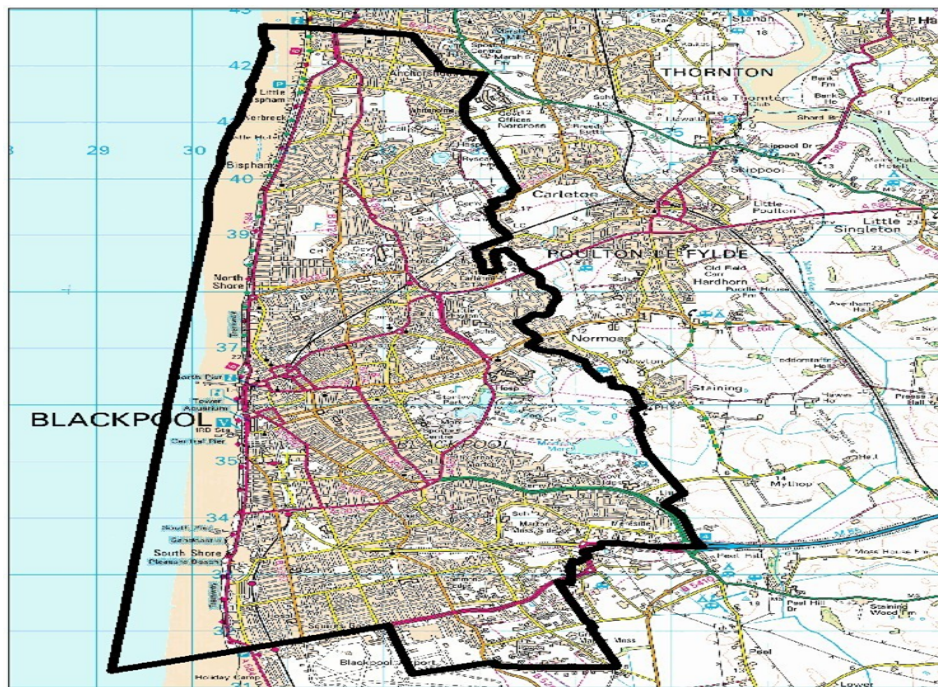
Design – where access by children is permitted to all or part of the premises the design should be capable of demonstrating how access by children will be prevented.

Social responsibility – the protection of children and young persons from being harmed or exploited by gambling is of significant concern, the licensing authority would expect to see the list of measures that will be taken to protect children as well as the assistance that would be made available to those with gambling problems.



### 3 Blackpool Profile

This policy covers the administrative area of Blackpool as detailed below



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Organisational Change Unit  
Tourism & Regeneration Department  
P.O. Box 77, Corporation Street,  
Blackpool, FY1 1AD  
corporatetp@blackpool.gov.uk



Title: Map with Blackpool Borough Boundary  
Scale: 1:50000  
Date: 20/06/2006 Printed by: RW

#### 3.1 Location

Blackpool is a large seaside town located in Lancashire County in North West England. Blackpool is a Unitary Authority and covers an area of 13.46 square miles. Blackpool boundary sits within the urban area stretching along the Fylde Coast, and is one of the most densely populated authorities in the UK outside London.

The predominantly rural areas of Wyre and Fylde are located on the northern/ eastern edge and eastern/ southern edge of the Borough boundary respectively.

### 3.2 Demographics

The population of Blackpool<sup>i</sup> is estimated at 139,870, with a larger proportion of residents aged 60+ compared to national age structure. Residents are mostly of White British ethnicity. Black and Minority Ethnic groups, including Irish and European residents, are estimated to make up 6% of the population approximately 8500 people, compared with the estimated proportion for England of 20%.

Population Demographics		
Age <sup>ii</sup>	Blackpool	England
Aged 0-17 years	21%	21%
Aged 18-24 years	9%	9%
Aged 25-59 years	45%	47%
Aged 60+	26%	23%
Ethnicity <sup>iii</sup>		
White British	94%	80%
White Other e.g. European, Irish	3%	6%
Mixed/multiple ethnic groups	1%	2%
Asian/Asian British	2%	8%
Black/African/Caribbean/Black British	0.2%	3%
Other ethnic group	0.2%	1%
Tenure <sup>iv</sup>		
Owned or Shared Ownership	62%	64%
Social Rented	11%	18%
Private Rented	26%	17%

---

## 4 Premises Licences

### 4.1 Introduction

The Licensing Authority's primary obligation is to permit the use of premises in so far as it thinks that is:

- In accordance with the relevant codes of practice issued by the Gambling Commission;
- In accordance with the guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Policy

Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005, associated regulations and mandatory and default conditions. Licensing authorities are able to exclude default conditions and attach other conditions if it is believed that they are necessary and proportionate.

Each application will be considered on its own merits. Demand or need for premises of a particular type is not something which the licensing authority can take into account. Other factors that cannot be taken into account are moral/ethical objections, a general dislike of gambling, nuisance issues or the likelihood of planning/building regulation approval.

### 4.2 Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that all premises licence holders assess local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Premises licence holders must also have procedures and control measures in place to mitigate these risks. When undertaking a risk assessment the operator must take into account relevant matters identified in this licensing policy.

A risk assessment must be completed when applying for a new premises licence and should be reviewed and updated:

- To take account of significant changes in local circumstances, including those identified in this policy;

- 
- When there are significant changes at the premises that may affect the mitigation of local risks;
  - When applying for a variation of the premises licence

As a minimum the risk assessment should include:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of the area;
- The demographics of the area with reference to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.

Where concerns exist or new risks emerge, a licence holder may be asked to provide the authority with a copy of their risk assessment setting out the measures they have in place to address specific concerns.

### **4.3 Local Area Profile**

To give assistance to operators completing risk assessments the licensing authority can produce a local area profile to highlight the character and challenges in specific areas. The creation of a profile is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling may have. Any local area profile will be published as a separate document.

Applicants should give careful consideration to the local area profile when submitting an application. Whilst the licensing authority cannot insist that the local area profile is used when completing a risk assessment an applicant who fails to do so may face additional representations and the expense of a hearing as a result.

Existing operators are also expected to update their local risk assessments to take account of any local area profile produced. To assist operators will be informed when a local area profile is published or changed.

### **4.4 Conditions**

Premises licences issued under the Gambling Act 2005 are subject to the mandatory and (unless excluded) default conditions made by the Secretary of State. They are also subject to the Licence Conditions and Codes of Practice issued by the Gambling Commission. Whilst the licensing

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authority can add additional conditions to a licence this power will only be used where there are clear reasons for doing so. Conditions will only be attached to licences if they are necessary and proportionate.

Any condition imposed will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of the premises; and
- Reasonable in all other respects

The licensing authority will avoid imposing conditions which duplicate matters already subject of regulation by the Gambling Commission.

Decisions on individual conditions will be made on a case by case basis.

There are conditions which cannot be attached to a premises licence. These are:

- Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence conditions;
- Conditions relating to gaming machine categories, numbers or method of operation;
- Conditions which provide that membership of a club or body be required; and
- Conditions relating to stakes, fees, winnings or prizes.

#### **4.5 Door Supervisors**

In some cases there may be a need for door supervisors in terms of protection of children or preventing the premises from becoming a source of crime. The authority will only impose a condition requiring the use of door supervisors if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

The licensing authority acknowledges the following:

- It cannot make a condition that door supervisors at casinos or bingo premises must be licensed by the Security Industry Authority (SIA). Where a requirement for door supervisors is identified in a casino or bingo hall the licensing authority will determine specific requirements for door supervisors working at these venues on a case by case basis;

- 
- For premises other than casinos or bingo halls door the licensing authority may require door supervisors to be registered with the SIA but it will not automatically assume that they need to be; and
  - There is no evidence that the operation of betting offices has required door supervisors for the protection of the public.

#### 4.6 Multiple Licences

The licensing authority when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes will take into account that the third licensing objective seeks to protect children from being harmed by gambling. In practice this means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling. Furthermore entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not “drift” into a gambling area.

Measures that may be required for such buildings may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult specific areas.

The authority will wish to ensure that where category C machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by staff or the licence holder; and
- At the entrance to and inside such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.

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#### **4.7 Provisional Statements**

A provisional statement is a process which allows a developer to discover whether a building they expect to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence, but it does give an indication that a licence would be granted.

In terms of representations about a premises licence application following the grant of a provisional statement, no further representations from the responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) Which could not have been raised by objector at the provisional licence stage; or
- b) Which in the authority's opinion reflect a change in the operator's circumstances.

When determining an application for a provisional statement the licensing authority will not have regard to issues relating to planning consent or building regulations, for example the likelihood that planning consent will be granted.

#### **4.8 General standards for all gambling premises**

High standards are expected from operators of gambling premises within the Borough to ensure the promotion of the licensing objectives.

The licensing authority will place a high priority on social responsibility. In exercising its statutory powers, the authority will have due regard, where relevant, to the need to:

- Prevent gambling related problems in individuals and groups at risk of gambling addiction;
- Promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
- Protect vulnerable groups from gambling related harm.

The licensing authority will consider, in relation to any particular premises whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the authority's objective to aim to permit the use of premises for gambling.

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## **Knowledgeable and well trained staff**

The management and customer-facing staff in premises licensed under the Gambling Act are expected to have sufficient knowledge to be able to tackle risks associated with the type of gambling taking place and to know how to promote responsible gambling. Staff should be aware of:

- The importance of social responsibility
- The causes and consequences of problem gambling
- How to identify and communicate with vulnerable persons and how to intervene when a customer may be gambling beyond their means or more than they would like
- How to deal with the exclusion of problem gamblers
- How to refuse entry
- Age verification procedures, how to challenge persons and the need to return stakes/withdraw winnings if an under-age person is found to be gambling
- The information required to be entered into the incident log

## **Self-exclusion scheme**

All premises should operate a self-exclusion scheme. This should include a written agreement drawn up in accordance with the relevant code of practice and trade association advice.

## **Layout and access**

Premises should ensure that appropriate systems and procedures are in place to ensure that:

- Those who have self-excluded are not admitted
- Under 18s are not admitted (where appropriate)

Where under 18s are not permitted on the premises there should be prominent signage at each entrance to this effect and there should be a scheme such as Challenge 21 or 25 in place.

Where people under eighteen years of age are permitted entry to some parts of a premises, for example licensed family entertainment centres, attention should be given to the layout of premises to ensure that under 18s do not gain access to restricted areas. These restricted areas should be suitably monitored.



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Where category C or above gaming machines are available in premises to which persons under eighteen years of age are admitted it is expected that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance;
- Only adults will be permitted entry into the area where the machines are located;
- Access to the area is supervised by staff of the operator or licence holder;
- At the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under eighteen years of age.

Where several licences are in place for one premises, or the licence covers only part of the premises, operators must give careful consideration to layout to ensure that children and young people do not gain access to areas used for gambling and are not in close proximity to gambling.

#### **Staff to customer ratio**

Sufficient staffing numbers should be in place at all times that the premises are open to the public. The appropriate staffing level for a particular premises should be determined as part of the risk assessment process.

## **4.9 Specific types of premises**

### **Casinos**

Casinos offer the chance for multiple participants to take part in a game competing against the house or to back at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

Blackpool has a number of casinos which were licensed under the Gaming Act 1968. These now have the benefit of converted casino premises licences.

### **Bingo Premises**

If children are allowed into premises licensed for bingo it is important that they are not allowed to participate in gambling. Where category C or above machines are available on the premises to which children are admitted the licensing authority will ensure that:

- 
- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - Only adults are admitted to the area where the machines are located;
  - Access to the area where the machines are located is supervised;
  - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - At the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

### **Adult Gaming Centre**

As entry to these premises is age restricted the licensing authority will expect to see sufficient measures to ensure that those under the age of 18 do not have access.

The licensing authority would encourage applicants to voluntarily offer their own measures to promote the licensing objectives including:

- Proof of age scheme
- CCTV
- Supervision of entrances

### **Licensed Family Entertainment Centre**

This type of premises usually offer a range of amusements including Category D gaming machines suitable for all ages together with a separate adult only section for Category C gaming machines. Licensed family entertainment centres can make available an unlimited number of Category C and D machines.

Where Category C or above machines are made available in premises to which children are admitted, the licensing authority must be satisfied that:

- All such machines are located in an area separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. Rope, floor or similar markings will not be sufficient for this purpose. It is recommended that any division should be a permanent barrier of at least one metre high
- Only adults are admitted to where the Category C machines are located

- 
- Access to the area where the machines are located is supervised at all times
  - The area where the machines are located is arranged so that it can be observed by staff; and
  - At the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The policies and procedures will be considered on their merits however the licensing authority would normally expect them to include:

- Appropriate measures and training for staff as regards suspected truant children on the premises;
- Measures and training covering how staff would deal with very young unsupervised children being on the premises;
- Measures and training covering how staff would deal with children causing perceived problems on or around the premises;
- The arrangements for supervision of premises either by staff or the use of CCTV

## **Tracks**

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place.

All tracks will require a premises licence however, track operators do not require an operating licence from the Gambling Commission as the operator offering betting will hold an operating licence.

Tracks may be subject to one or more premises licence provided each licence relates to a specific area of the track. This may be preferable for any self-contained premises providing off-course betting facilities. The licensing authority will assess each individual case on its merits before deciding if this is necessary.

Children and young people are permitted to enter track areas where facilities for betting are provided although they are still prohibited from entering areas where gaming machines and betting machines (other than Category D machines) are provided.

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### **Betting premises (other than tracks)**

Where gaming machines are provided they should be situated in a location where they can be effectively supervised at all times. Such machines should be located as far away from the entrance to the premises as possible to ensure provide staff with the maximum possible opportunity to challenge those suspected of being under 18 years of age before they start to play on the machine.

The authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. This would be done by adding a condition to a betting premises licence. Before imposing a condition of this nature consideration will be given to:

- The size of the premises
- The physical layout of the premises
- The number of counter positions available for person-person transactions
- The ability of staff to monitor the use of the machines by vulnerable persons.

### **Travelling Fairs**

Travelling fairs have the right to provide an unlimited number of Category D gaming machines and/or equal chance prize gaming without the need for a permit as long as the gaming amounts to no more than an ancillary amusement at the fair. It is for the licensing authority to decide whether this statutory requirement is met.

## **4.10 Inspection and Enforcement**

It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Gambling Act. Equally important is ensuring that premises not licensed to provide gambling activities are prevented from doing so. Once licensed premises will be monitored to ensure that they are complying with their licence conditions and other requirements of the Act. If unlicensed gambling activities are detected the operator will be dealt with in line with the Council's Enforcement Policy.

Every effort will be made to ensure compliance through working with licence holders and businesses. Proactive work may include training, giving advice and information, promoting

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initiatives that educate and inform, and encouraging partners and stakeholders to work together efficiently and effectively to prevent problems occurring.

There will be occasions however where formal enforcement action is necessary to secure compliance. In these situations the following actions will be available:

- Verbal or written advice
- Verbal warning
- Written warning
- Mediation between licence holder and resident
- Simple caution
- Prosecution
- Review

The principles of good regulation and the Regulator's Code apply to the licensing authority. Inspection and enforcement will be carried out in a transparent, accountable, proportionate and consistent manner. Activities will be targeted on those premises that present a greater risk, have a history of non-compliance with conditions or regulations; or demonstrate poor management practice.

### **Test purchase operations**

The licensing authority conducts test purchase operations to ensure that children are not allowed access to premises or areas where they should not be. The authority will work with operators that have failed a test purchase for the first time to look at the reasons for the failure and to discuss options for achieving compliance in the future by the adoption of best practice, changes to the layout of the premises or the provision of staff training. The effectiveness of these interventions will be tested during a further test purchase operation. Further failures will be treated more seriously with licence review or prosecution being considered.

## **4.11 Reviews**

Interested parties or responsible authorities can make requests for a review of a premises licence. However it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of:

1. Whether the request for the review is relevant to the matters listed below:

- 
- In accordance with any relevant code of practice issued by the Gambling Commission;
  - In accordance with any relevant guidance issued by the Gambling Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the authority's statement of licensing policy

2. Whether the request is frivolous or vexatious;

3. Whether the review will certainly not cause the authority to wish to alter, suspend or revoke the licence; or

4. Whether it is substantially the same as previous representations or requests for review.

In appropriate cases the licensing authority can initiate a review.

## **5 Statement of principles on permits**

### **5.1 General Considerations**

It is possible for gaming machines to be made available for use without the need to apply for a premises licence under the Gambling Act 2005.

Each application will be considered on its merits. Whilst the authority cannot attach conditions to a permit, applications can be refused if the authority feels that the applicant has not demonstrated how they will meet licensing objective concerns. Applicants for permits will be expected to demonstrate:

- The premises are suitable in terms of its layout and access control to ensure there is suitable supervision of the machines and if appropriate that under 18s and vulnerable persons are excluded
- Customer facing staff are trained in responsible gambling, and how to protect children and vulnerable people from being exploited by gambling
- That there is an appropriate staff to customer ratio to enable adequate supervision of the gambling

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## 5.2 Unlicensed Family Entertainment Centre Gaming Machine Permit

Where a premises does not hold a premises licence but wishes to provide Category D gaming machines it may apply to the licensing authority for this permit. This should not be confused with a licensed family entertainment centre which requires a premises licence because it concerns both Category C and D gaming machines.

The applicant for this type of permit must show that the premises will be wholly or mainly used for making gaming machines available for use.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of the policies and procedures will be considered on its own merits. Suitable policies and procedures may include:

- A basic criminal record check for applicant and staff
- Staff training programme to include how to deal with:
  - Unsupervised very young children being on the premises
  - Children causing/perceived to be causing problems in or around the premises
  - Suspected truant children
  - Safeguarding

The licensing authority will also expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre;
- That the applicant has no relevant conviction (as set out in Schedule 7 of the Gambling Act 2005); and
- That staff are trained to have a full understanding of the maximum stakes and prizes

The licensing authority may not attach conditions to this permit however the application may be refused if the licensing authority is not satisfied that the issues raised above have been addressed in the application.

## 5.3 Licensed Premises Gaming Machine Permit

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C or D by serving the licensing

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authority with a notification. This automatic authorisation can be removed by the licensing authority if:

- Provision of the machines is not reasonably consistent with the licensing objectives;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines an application for a licensed premises gaming machine permit would be required. When considering an application the licensing authority will specifically have regard to protection of children and vulnerable persons objective and will expect the applicant to satisfy the licensing authority that sufficient measures will be in place to ensure that under 18s do not have access to adult only machines. Suitable measures may include:

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor the age of machine users;
- Appropriate notices and signage.

When considering an application the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

Where an applicant for additional machines can demonstrate compliance with the Gambling Commission Code of Practice on gaming machines, granting of the application will be the normal course as long as the number of machines requested can be shown to be reasonable in relation to the size of the premises.

#### **5.4 Prize Gaming Permit**

The licensing authority is concerned that premises with a prize gaming permit will particularly appeal to children and young persons. When considering an application the licensing authority will give significant weight to child protection issues and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence. Suitable policies and procedures may include:

- A basic criminal record check for applicant and staff
- Staff training programme to include how to deal with:
  - Unsupervised very young children being on the premises



- 
- Children causing/perceived to be causing problems in or around the premises
  - Suspected truant children
  - Safeguarding

In making its decision the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

### **5.5 Club Gaming and Club Machine Permit**

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming or club machine permit. Both permits entitle the holder to provide up to 3 gaming machines of categories B, C or D. A club gaming permit also authorises equal chance gaming and games of chance.

To grant one of these permits the authority must be satisfied that the requirements of a member's club are met:

- At least 25 members
- Be established and conducted "wholly or mainly" for purposes other than gaming, except in the case of certain clubs such as Bridge and Whist club which are permitted by regulations
- Be permanent in nature
- Not be established to make commercial profit
- Be controlled by its members

### **5.6 Temporary Use Notice**

A TUN can only be granted for equal chance gaming to the holder of a relevant operating licence.

### **5.7 Occasional Use Notice**

Occasional use notices apply only to tracks which are described as being premises on any part of which a race or other sporting events take place or is intended to take place. When an OUN is in place a licensed betting operator is permitted to conduct betting on those premises.

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded

Appendix A

Matter to be dealt with	Full Council	Licensing Panel	Officer Delegation
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received /representations withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for transfer of licence		Where representations have been received from the Commission	Where no representations have been received from the Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Review of premises licence		X	

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Matter to be dealt with	Full Council	Licensing Panel	Officer Delegation
Application for club gaming/club machine permit		Where objections have been made and not withdrawn	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permit		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permit			X
Consideration of a temporary use notice			X
Decision to give a counter notice to a TUN		X	

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## Document Control

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Last edited:	

## Record of Amendments:

Date	Version	Amended by	Description of changes

## Approved By:

Name	Title	Signature	Date

# Appendix 3b

**Sharon Davies**

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**From:** Licensing  
**Sent:** 19 October 2018 10:34  
**To:** Sharon Davies  
**Subject:** FW: Blackpool Council Statement of Licensing Policy  
**Attachments:** GamCare Local Authorities Brochure 2018 (web-version).pdf; GamCare Training Brochure 2017.pdf

FYI

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**From:** Catherine Sweet [mailto:catherine.sweet@gamcare.org.uk]  
**Sent:** 19 October 2018 09:41  
**To:** Licensing  
**Subject:** RE: Blackpool Council Statement of Licensing Policy

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.

- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**  
T: 020 7801 7028  
E: [catherine.sweet@gamcare.org.uk](mailto:catherine.sweet@gamcare.org.uk)



**Click here to sign up to our free, monthly e-newsletter**

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**From:** Info  
**Sent:** 19 October 2018 09:31  
**To:** Catherine Sweet <[catherine.sweet@gamcare.org.uk](mailto:catherine.sweet@gamcare.org.uk)>  
**Subject:** FW: Blackpool Council Statement of Licensing Policy

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**From:** Sharon Davies <[sharon.davies@blackpool.gov.uk](mailto:sharon.davies@blackpool.gov.uk)>  
**Sent:** 18 October 2018 13:39  
**To:** Info <[Info@gamcare.org.uk](mailto:Info@gamcare.org.uk)>  
**Subject:** Blackpool Council Statement of Licensing Policy

**This Message originated outside your organization.**

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Dear Sirs

Please see attached correspondence.

Kind regards

**Sharon Davies**

**Senior Licensing Solicitor**

**Corporate Legal Services**  
Governance & Partnerships Directorate | Blackpool Council | Number One | Bickerstaffe Square | Blackpool | FY1  
3AH

<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Steve Thompson, Director of Resources
<b>Relevant Cabinet Member:</b>	Councillor Simon Blackburn, Leader of the Council
<b>Date of Meeting:</b>	10 December 2018

## FINANCIAL PERFORMANCE MONITORING AS AT MONTH 6 2018/19

### 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 2018.

### 2.0 Recommendation(s):

2.1 To note the report.

2.2 To continue to lobby Government (HM Treasury, Ministry of Housing, Communities and Local Government and the Department for Education in particular) along with local authority peers, the Local Government Association and the Association of Directors of Children's Services for more funding to cope with the mounting demand and new burdens presenting in Children's Services.

2.3 To require the respective directors and Director of Resources to continue to closely monitor and manage service financial and operational performances, specifically Children's Services, Strategic Leisure Assets and Parking Services.

### 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 – Communications and Regeneration

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

<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Steve Thompson, Director of Resources
<b>Relevant Cabinet Member:</b>	Councillor Simon Blackburn, Leader of the Council
<b>Date of Meeting:</b>	10 December 2018

## FINANCIAL PERFORMANCE MONITORING AS AT MONTH 7 2018/19

### 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 2018.

### 2.0 Recommendation(s):

2.1 To note the report.

2.2 To continue to lobby Government (HM Treasury, Ministry of Housing, Communities and Local Government and the Department for Education in particular) along with local authority peers, the Local Government Association and the Association of Directors of Children's Services for more funding to cope with the mounting demand and new burdens presenting in Children's Services.

2.3 To require the respective directors and Director of Resources to continue to closely monitor and manage service financial and operational performances, specifically Children's Services, Strategic Leisure Assets and Parking Services.

### 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 – Communications and Regeneration

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

<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Neil Jack, Chief Executive Steve Thompson, Director of Resources / Statutory Finance Officer Arif Rajpura, Director of Public Health
<b>Relevant Cabinet Member:</b>	Councillor Simon Blackburn, Leader of the Council
<b>Date of Meeting:</b>	10 December 2018

## COUNCIL BUDGET 2019/2020 CONSULTATION PROCESS

### 1.0 Purpose of the report:

- 1.1 To consider the terms of the consultation process with respect to service changes to be proposed in the Council's 2019/2020 Revenue Budget.

### 2.0 Recommendation(s):

- 2.1 To approve the outline service changes detailed at Appendix 6a 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 to be 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, linking in with the CVFS leadership group, as appropriate as referred to in section 12 of the report.
- 2.4 To refer this report to the Budget Scrutiny Panel scheduled to meet on Tuesday 18 December 2018.

### **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 2019 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. The last eight years have seen recurrent budget savings of £143m, a figure which now exceeds Blackpool Council's annual Net Budget Requirement of £124m. Delivering savings of this magnitude has had an unavoidable impact on service levels, jobs and morale, but by 2022 more radical, fundamental, transformational and sustainable solutions will be necessary. In 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 Medium-Term Financial Sustainability Strategy also complied with the conditions set by the Secretary of State for Communities and Local Government that acceptance of the four-year Funding Settlement Offer, which finishes at the end of the next budget year.



- 5.2 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 Residents surveyed in 2018 indicated that the services provided by the Council are valued and in the budget proposals, every effort has been made to protect direct delivery.
- 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.
- 5.5 The proposals outlined at Appendix 6a have been formulated across the Council's Senior Management Team and in consultation with the Executive. 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 6a – Budget Savings Proposals.
- 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 Whilst it is not possible to find all of the necessary savings without reducing staffing costs the number of potential compulsory redundancies has been kept to a

minimum.

- 7.2 The number of employees who have been placed at risk is lower than in previous years and not all of them will receive a formal notice of redundancy. It is not possible to know for certain at this stage how many employees will be ultimately impacted, but it is anticipated that there will be up to 15 compulsory redundancies plus a further 10 employees in temporary contracts which will come to an end and agreement of up to 20 voluntary redundancies where it is possible to agree employee requests.
- 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 seven 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:
1. Minimum two years’ continuous service;
  2. 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);
  3. Agreement to a reduced notice period should this be required.

It is recommended that Executive approves the same enhanced voluntary redundancy offer for 2019/2020.

- 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

- Professional Networking: Introducing staff to the benefits of using social media to search for jobs e.g. LinkedIn.

7.6 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:

- Get Started (Self Employment Advice): Support from within the Council to turn business ideas into reality;
- Jobcentre Plus: Benefit entitlement advice.

In addition employees will be offered access to the following:

- 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 Cumulatively this process has involved:

- 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 Each year, once significant equality implications have been identified, these are flagged up to decision makers and where appropriate the commissioning of a full impact review involving data analysis and consultation with service users and others affected. Each year the Council also assesses 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 early engagement process referred to in section 12 ensures that the Council has some 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 In 2014, and again in 2018, the Council undertook a survey with Blackpool residents. As part of this survey, residents were asked about key Council services. This survey indicated that satisfaction levels have improved in most areas, despite considerable budget challenges.

12.2 As part of the initial engagement in preparing the budget proposals, representatives from the third sector were given the opportunity to provide feedback to the council. The engagement took place via the third sector leaders forum and was included in

the weekly CVS bulletin. Results were positive with 62% believing that the Council had managed budget cuts 'fairly well'. It was generally felt that the council have done their best in a difficult situation however it was believed that stronger partnership working and shared funding bids between the council and third sector would help to achieve future savings.

- 12.3 There was a clear desire for the Council to become more involved with the CVFS leadership group – a new group formed following a review of the former 3rd sector leaders forum. The Council's Community Engagement and Partnership Manager has agreed how to explore this further with the group.
- 12.4 In previous years, before the budget has been agreed, the Trade Unions and Non-Domestic Rate Payers have been invited to attend a scrutiny committee meeting mid-February to make representations on the budget. Following a recent development review on scrutiny, undertaken in conjunction with North West Employers, it is recommended that these meetings are not held formally as part of the scrutiny process but that key attendees are invited to address and make representations direct to the Executive when it considers the draft budget in February 2019. This is in addition to earlier briefings with the Trade Union representatives. As part of the engagement process the Council's Director of Resources will be addressing a meeting of the Blackpool Business Leaders Group and will feedback any comments to the Executive.
- 12.5 In relation to the involvement of scrutiny committees, the Tourism, Economy and Resources Scrutiny Committee has agreed (similar to previous years) to establish 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. This meeting has been scheduled for 18 December 2018 and will involve members across all three scrutiny committees.
- 12.6 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 at an Executive meeting prior to Budget Council on the 28 February 2019.

**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: N/A 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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Line Ref	Directorate	Savings Category	2019/20 £'000	2019/20 £'000	Saving Proposal
<b>SECTION A - CORPORATE SAVINGS</b>					
1.0	Corporate	Technical Savings	(1,500)		Reversal of 2018-19 one-off savings
2.0	Corporate - Contingency	Technical Savings	500		Review of Contingency budget
3.0	Community & Environmental Services - Review of Waste Services contract	Procurement and Commissioning	570		Insourcing of waste contract
4.0	BCH Fee	Technical Savings	500		Non-recurrent use of reserves, baseline adjusted back in following year
5.0	Corporate - Targeted non-pay inflation @ 50%	Technical Savings	850		Corporate retention of 50% provision
6.0	Corporate - Tactical lending, BLF £8m -> £10m -> £100m	Technical Savings	450		Tactical lending from Business Loans Fund to support economic development in the town
7.0	Corporate - Tactical lending, BLF £100m -> £200m, 50% in 2019/20	Technical Savings	750		Tactical lending from Business Loans Fund to support economic development in the town
8.0	Communications & Regeneration - Review funding streams for Illuminations	Technical Savings	250		Review funding streams for Illuminations
9.0	Grant Funding	Technical Savings	100		
10.0	External Funding - Opportunities	Technical Savings	900		One-off contribution from provisions no longer required
11.0	External Funding	Technical Savings	500		Changes to budget assumptions
12.0	Corporate	Various	220		Minimum to be identified by Directorates
<b>SECTION A - CORPORATE SAVINGS TOTAL</b>				<b>4,090</b>	
<b>SECTION B - DIRECTORATE SAVINGS</b>					
<b>1.1 CHIEF EXECUTIVE</b>					
1.11	Housing	Technical Savings	180		Recovery of £150k of development fees against capital schemes and £30k operational savings
1.12	Human Resources	Income Generation & Management	56		General efficiencies including removal of vacant posts, income targets, reduction in supplies and services etc
<b>CHIEF EXECUTIVE - Sub Total</b>				236	
<b>1.2 GOVERNANCE &amp; PARTNERSHIP SERVICES</b>					
1.21	Governance and Partnerships - Legal	Structural reform/ceasing service/under review/reconfiguration	80		Review of Legal Services
1.22	Governance and Partnerships - Customer Engagements and Life Events	Income Generation & Management	35		Increase in Registrars and Bereavement Services fees and charges
1.23	Governance and Partnerships - Democratic Governance	Procurement and commissioning	8		Savings realised through efficiencies
<b>GOVERNANCE &amp; PARTNERSHIP SERVICES - Sub Total</b>				123	
<b>1.3 RESOURCES</b>					
1.31	CFO	Income Generation & Management	13		Income generation from external customers/providers
1.32	Accountancy	Income Generation & Management	46		Income generation from external customers/providers
1.33	Audit & Risk	Income Generation & Management	32		Income generation from external customers/providers
1.34	Benefits, Customer First & Post Room	Technical Savings	116		General efficiencies including removal of vacant posts, income targets, reduction in supplies & services and contribution from reserve
1.35	Procurement	Technical Savings	32		General efficiencies including removal of vacant posts, income targets, reduction in supplies and services etc
1.36	ICT	Income Generation & Management	72		Income generation from external customers/providers
1.37	Revenues, Transactional and Payroll	Technical Savings	62		General efficiencies including reduction in supplies & services and contribution from reserves
1.38	Property	Income Generation & Management/Structural Reform	137		General efficiencies including removal of vacant posts, income targets, reduction in supplies and services etc
<b>RESOURCES - Sub Total</b>				510	

<b>1.4</b>	<b>COMMUNICATIONS &amp; REGENERATION</b>				
1.41	Visit Blackpool	Technical Savings	175		Enhancement to switch on weekend events
1.42	Economic Development - Culture & Economic Development	Technical Savings	55		One-off contribution from Positive Steps reserves
1.43	Planning - Growth & Prosperity	Technical Savings	55		One-off contribution from Planning reserves
1.44	Other	Technical Savings	8		General efficiencies including income targets and reduction in supplies and services etc
	<b>COMMUNICATIONS &amp; REGENERATIONS - Sub Total</b>			293	
<b>1.5</b>	<b>COMMUNITY &amp; ENVIRONMENTAL SERVICES</b>				
1.51	Parks	Income Generation & Management	20		Income from work schemes and projects
1.52	Highways	Income Generation & Management	180		Introduction of new permit scheme for utility services and highway works. General efficiencies including removal of vacant posts, income targets, reduction in supplies and services etc
1.53	Street Lighting PFI & Management of Coastal Protection	Procurement and commissioning	700		Street lighting PFI one-off contract savings
1.54	Waste	Income Generation & Management	100		Increase in Trade Waste fees and charges by 3%
1.55	Street Cleansing	Structural reform	30		General efficiencies including removal of vacant posts, income targets, reduction in supplies and services etc
1.56	Cross Directorate	Technical Savings	100		One-off reduction in contribution to VPE reserve
1.57	Other	Technical Savings	7		General efficiencies including income targets and reduction in supplies and services etc
	<b>COMMUNITY &amp; ENVIRONMENTAL SERVICES - Sub Total</b>			1,137	
<b>1.6</b>	<b>ADULT SERVICES</b>				
1.61	Services invested at risk	Demand Management	(1,141)		Services to deliver the Winter Pressures Plan
1.62	Winter Pressures Funding	Technical savings/Income generation and management	515		£904k additional grant for winter pressures to be used 2018/19 and 2019/20 to address pressures and required savings with no adverse effect on staffing or service impact.
1.63	Winter Pressures Funding	Technical savings/Income generation and management	1,141		
1.64	Adult Services - Procurement and Commissioning	Procurement and Commissioning	60		Care and Repair - 3rd year of saving.
	<b>ADULT SERVICES - Sub Total</b>			575	
<b>1.7</b>	<b>CHILDREN'S SERVICES</b>				
1.71	Children's Social Care overspend	Demand Management	(3,570)		Position as at month 6 financial performance monitoring report
1.72	Application of social care funding	Income generation and management	1,540		Assumed allocation of Blackpool's share of the £410m announced in the Autumn budget
1.73	Troubled Families Programme	Technical Savings	1,000		One-off contribution from troubled families reserve
1.74	Children's Services Cost Reduction Programme to date	Demand Management	547		Minimum general efficiencies including removal of vacant posts, income targets, reduction in supplies and services etc
1.75	Residual Children's Services overspend	Technical Savings	483		Underwritten by working balances
	<b>CHILDREN'S SERVICES - Sub Total</b>			-	
<b>1.8</b>	<b>PUBLIC HEALTH</b>				
1.81	Reversal of 2018-19 one off savings	Demand Management	(648)		Reversal of 2018-19 one-off savings
1.82	Public Health grant cut	Income generation and management	(487)		Department of Health 5% cut to the 2019-20 grant
1.83	Public Health	Income generation and management	533		Utilise alternative funding mechanisms
1.84	Public Health - Cost Reduction Programme	Procurement and commissioning	121		General efficiencies including reduction in supplies and services etc
1.85	Public Health - Demand Management	Demand Management	487		Review of Payment by Results schemes and general efficiencies
	<b>PUBLIC HEALTH - Sub Total</b>			6	
<b>1.9</b>	<b>BUDGETS OUTSIDE THE CASH LIMIT</b>				
1.91	Concessionary Fares	Demand Management	340		Pension age equalisation, pension age entitlement and ridership behaviour
1.92	Subsidiary Companies	Technical Savings	195		Rightsizing of budget
1.93	Corporate Subscriptions	Procurement and Commissioning	15		Rightsizing of budget
1.94	Car Parks	Income generation and management	20		Income generation e.g. easier payment methods and additional custom
	<b>BUDGETS OUTSIDE THE CASH LIMIT - Sub Total</b>			570	
	<b>SECTION B - DIRECTORATE SAVINGS TOTAL</b>			<b>3,450</b>	
	<b>SECTION C - BALANCE STILL TO FIND</b>			<b>1,500</b>	
	Contribution from Earmarked Reserves	Technical Savings		(1,500)	Use of one-off earmarked reserves
	<b>Residual Savings Gap</b>			-	

<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Alan Cavill, Director of Communications and Regeneration
<b>Relevant Cabinet Member:</b>	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
<b>Date of Meeting</b>	10 December 2018

## **‘BLACKPOOL CENTRAL’ DEVELOPMENT PROPOSALS**

### **1.0 Purpose of the report:**

- 1.1 To seek agreement on new development proposals and the emerging Masterplan presented by a Developer for the “Blackpool Central” site, formerly known as Blackpool Central Leisure Quarter.
- 1.2 To outline the basis of the agreement with the Developer and set out the Heads of Terms which will form the basis of detailed legal and financial arrangements prior to entering into formal legal contracts.
- 1.3 To note that the Council remains in negotiations with the Developer on the terms of the disposal of land and that the details of the proposals are commercially sensitive. The basis of the agreement is therefore contained within Appendices 7a and 7b which are anticipated to be disclosed on the 7 December 2018 although the Heads of Terms (Appendix 7c) will remain confidential between the parties.

### **2.0 Recommendation(s):**

- 2.1 To agree to the adoption of the proposed Masterplan for ‘Blackpool Central’, as presented by the proposed Developer and included within Appendix 7b. The Masterplan forms the basis for progressing a major leisure development on the site in line with the adopted planning framework in the Blackpool Local Plan Core Strategy and Leisure Quarter Supplementary Planning Document.
- 2.2 To agree to the Heads of Terms as presented in Appendix 7c which provide the principles of the agreement with the proposed developer.
- 2.3 To agree to the establishment of a ‘Blackpool Central’ Project Board to include the Leader of the Council, the Chief Executive, Senior Council Officers and the Developer to monitor, track progress and provide appropriate professional support and advice to both the Leader of the Council and Chief Executive in matters and decisions relating to the land sale.

- 2.4 To delegate authority to the Chief Executive after consultation with the Leader of the Council to enter into the detailed commercial and legal arrangements to deliver the proposals, based upon the principles set out in the Heads of Terms. This includes agreeing any changes to the Heads of Terms where it is appropriate for the successful delivery of the scheme and the protection of the Council's interests.
- 2.5 In addition to the above, agreement to delegate authority to the Head of Legal to enter into any proposed legal agreements relating to the scheme.

**3.0 Reasons for recommendation(s):**

- 3.1 To ensure Blackpool continues to be a world class destination for tourism, bringing new high quality, innovative leading-edge, year round attractions set in a first class leisure environment for the enjoyment of both local residents and visitors.

To encourage large scale regeneration of the Blackpool Central area, which will see wider direct and indirect benefits to businesses, the visitor economy and local economy.

To support growth in the economy through improved visitor spend and business rate growth.

To provide good quality employment opportunities for people ensuring resilience and sustainability within the local area and beyond.

To maximise use of a prime seafront location within the heart of Blackpool, adjacent to the town centre, Promenade and a number of other key destinations within the town, including Blackpool Tower, Sealife Centre, Madame Tussauds, the Winter Gardens and Houndshell Shopping Centre.

- |      |  |     |
|------|--|-----|
| 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:

- 3.3a To do nothing on the site and for the majority of the site to remain for car parking, with existing uses continuing within the remaining buildings. The site has seen a significant decline over the past twenty years or more and whilst this is an option, it does not provide a long term vision for such a prominent site within the town and does not maximise the potential that the site has. The site has a long history of being underdeveloped with large

areas vacant since the 1960's.

In addition to this, Lancashire Constabulary has recently vacated their former Divisional Headquarters on Bonny Street and will soon be handing the building over to the Council. The building is beyond its useful life and had been acquired by the Council with a view to demolish it to enable the redevelopment of the area. If the development proposals presented by the Developer were not to proceed, then the demolition or considerable refurbishment / remodelling of these premises would need to be considered.

This option would also require that a more permanent solution be sought for coach pick up and drop off services. The current services operate from temporary buildings on the site but these are inappropriate for the long term and are a cause of concern for many of the coach operators who run regular services to and from the resort.

- 3.3b Another alternative option would be to obtain vacant possession of the remaining site/ buildings currently not in ownership of the Council and to go out to the market to seek a variety of Developer proposals. This option has not been pursued as the Council have been looking to develop this strategic town centre site for a very long time and over the past decade there has only been one genuine interest shown in the site. This did not materialise at the time as vacant possession of the majority of the site could not be obtained quickly enough and alternative opportunities for the Developer arose elsewhere within the UK.

#### **4.0 Council Priority:**

4.1 The relevant Council Priorities for this project are both:

- “The economy: Maximising growth and opportunity across Blackpool”
- “Communities: Creating stronger communities and increasing resilience”

#### **5.0 Background Information**

- 5.1 The Blackpool Central site is pivotal to Blackpool's regeneration ambitions. It occupies a prime seafront location in the heart of Blackpool on the Golden Mile, a stone's throw away from the famous Tower and the Golden Mile. The 7.15 hectare site presents a unique opportunity for a multi-million phased redevelopment to provide a new, exciting and unique tourist destination and act as an important catalyst to wider resort and town centre regeneration.
- 5.2 Blackpool Central site is identified in the Blackpool Local Plan Part 1: Core Strategy as one of Blackpool's most strategically important development sites for major leisure proposals in the town. Policy CS20 sets out the development requirement for the site and is supported by the Leisure Quarter Supplementary Planning Document which provides further detailed

planning guidance for bringing forward development on the site. The Core Strategy planning framework was adopted by Full Council in January 2016.

- 5.3 In March 2017 the Council entered into an Exclusivity Agreement with the Developer who had expressed an interest in purchasing the site and who had plans to develop a high quality all-year round attraction based on a proposal to create a new leisure destination within Blackpool.
- 5.4 Agreement is now being sought for the Masterplan within Appendix 7b to form the basis for progressing a major leisure development on the Blackpool Central site and agree to the proposed draft Heads of Terms. Further negotiation relating to the disposal of land will then be undertaken with the Developer, subject to Executive approval, prior to agreeing fully detailed appraisals and the Council entering into formal legal contracts. It is anticipated that these detailed financial and legal contracts will be agreed before the end of February 2019.
- 5.5 Additional background information in relation to the project is included in Appendix 7a. Due to the ongoing negotiations at the time of publication this document is not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered on balance that the public interest would be not served by publishing information at this stage. It is anticipated that the document will be released for publication as soon as the negotiations are concluded.
- 5.6 Does the information submitted include any exempt information? No

**6.0 List of Appendices:**

6.1 Appendix 7a: Additional Information relating to Development Proposals for Blackpool Central

Appendix 7b: Blackpool Central Masterplan; Masterplan Drawings - illustrating; Site Layout, Proposed Development Plots, Land Use, Phasing and Public Realm Strategy.

Appendix 7c: Draft Heads of Terms (confidential)

These documents are not for publication as they are currently exempt from publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered on balance that the public interest would be not served by publishing information at this stage.

## **7.0 Legal Considerations:**

- 7.1 The Council is required to ensure that it meets its statutory obligations under Section 123 Local Government Act 1972, ensuring it achieves the best price reasonably obtainable for the Blackpool Central site. In considering such the Council has been and will continue to take appropriate professional advice to ensure that the Council gets best consideration for the sale (long-lease arrangement) of the land. This may take the form of an upfront payment, deferred payment, some form of overage on the site, or a combination of the above. The Council will also give consideration to the wider benefits that the scheme offers, for example socio-economic and regeneration benefits.
- 7.2 The Developer will be required to submit and have approved a valid Planning Application prior to commencing any development on the site, together with ensuring that all other necessary statutory approvals are obtained to permit the development to be undertaken, these will include Listed Building consent and Highways consent where appropriate. The Council's influence over the development will be through exercise of its planning powers.
- 7.3 The Council has taken legal advice in light of the Court of Appeal's recent decision in *Faraday Development Limited v West Berkshire Council* and earlier case decisions. The Council intends to contract with the private sector without triggering public procurement law as it will :
- (a) Dispose of land and specify, in the contracts related to the disposal, desirable outcomes of the transaction, without linking legally-enforceable obligations on the developer to carry out works;
  - (b) Link these desirable outcomes to negative buy-back principles which allow the Council to buy-back land in the event that the desirable outcomes are not specified;
  - (c) Rely on the exercise of public planning powers to influence development; and
  - (d) Not specify requirements for what development must be carried out by the developer following purchase of the land, or have a decisive influence on the design of works which will be carried out by the developer.
- 7.4 The Council's principal aims in relation to the Blackpool Central site are set out at section 3.1 and its priorities in relation to this transaction are set out at section 4.1 of this report. The Council's focus for the project is maximising growth and opportunity across Blackpool and creating stronger communities and the Council will not seek to control or specify the works to be undertaken by the developer. The Council will specify desirable outcomes of the transaction and rely only on its planning powers so is comfortable that the project does not comprise a "public works contract" which requires a formal public procurement process to be undertaken.

7.5 Additional details with regards to legal considerations are also contained with Appendix 7a.

**8.0 Human Resources considerations:**

8.1 Details with regards to human resources are contained within Appendix 7a.

**9.0 Equalities Considerations:**

9.1 An Equalities Impact Assessment will be undertaken in respect to the development in due course.

**10.0 Financial considerations:**

10.1 During the next stage of the negotiations, full development appraisals will be provided by the Developer. Detailed assessment of these appraisals will be undertaken by both the Council and its professional advisors, which will enable further consideration of the offer being presented by the Developer for the purchase of the land and future capital and revenue benefits to the Council.

10.2 Given the scale of the development on the site, it is reasonable to assume that there will be significant long term financial benefits in relation to both increased business rates and increased visitor spend within the resort. Further details in relation to this will be provided prior to entering into the proposed Land Sale Agreement.

10.3 The majority of the investment in the development is expected to come from the private sector. There may however be opportunities for the Council to bid to be the operator of elements of the development, such as the car park, which may be of interest. These opportunities will be subject to a further report to the Executive where they lie outside either existing delegations or those being sought in this report.

10.4 The Council will be considering the loss of existing income from the site (for example existing car parking and rents) within the viability assessments presented by the Developer.

**11.0 Risk Management considerations:**

11.1 There are a number of risks associated with the proposals the details of which are contained with Appendix 7a of the report.

**12.0 Ethical considerations:**

12.1 The ethical considerations of the development will be undertaken in due course.



**13.0 Internal / External Consultation undertaken:**

13.1 Due to the commercial sensitivity of the project, consultation has been restricted to date. Wider consultation will take place following and subject to agreement of the Executive to proceed with the proposed scheme.

**14.0 Background papers:**

14.1 Blackpool Local Plan part 1: Core Strategy (adopted January 2016)  
(<https://www.blackpool.gov.uk/Residents/Planning-environment-and-community/Documents/J118003-107575-2016-updated-17-Feb-2016-High-Res.pdf>)

Leisure Quarter Development Brief Supplementary Planning Document March 2011  
(<https://www.blackpool.gov.uk/Residents/Planning-environment-and-community/Documents/Leisure-Quarter-Development-Brief-March-2011.pdf>)

**15.0 Key decision information:**

15.1	Is this a key decision	Yes
15.2	If so, Forward Plan reference number	6/2018
15.3	If a key decision, is the decision required in less than five days?	No
15.4	If <b>yes</b> , please describe the reason for urgency.	

**16.0 Call-in information:**

16.1	Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?	No
16.2	If <b>yes</b> , please give reason:	

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 29 November 2018 Date approved:

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Executive decision:**

19.1

**19.2 Date of Decision:**

**20.0 Reason(s) for decision:**

**20.1 Date Decision published:**

**21.0 Executive Members in attendance:**

21.1

**22.0 Call-in:**

22.1

**23.0 Notes:**

23.1

# Executive Report

## APPENDIX 7a

### 'Blackpool Central': Additional information relating to the development proposals

#### 1.0 Background Information

- 1.1 Blackpool Central (formerly known as Central Leisure Quarter site) lies at the heart of Blackpool and is one of Blackpool's most strategically important development sites. Redevelopment of the site is central to Blackpool's ambition of developing a new, exciting and unique tourist destination. Incorporating the former Central Station and adjoining promenade frontages this prominent site occupies a prime seafront location on Blackpool's Golden Mile within the defined Town Centre, just south of the Tower.
- 1.2 Historically, Blackpool Central was the site for the main railway station in Blackpool and was noted for being one of the busiest stations in the world during the early 1900's. It brought visitors in from all over the country to this popular seaside resort, giving access directly to the town centre, seafront and main attractions such as the Tower. However in 1964, following a restructuring of the railway system the station was closed, leaving the land available for redevelopment. This redevelopment saw the construction of a number of seafront attractions, amusement arcades and venues together with the development of a new complex for the Police and Courts services, a multi storey car park and in later year's surface level car parking.
- 1.3 Over many years the site has been the focus for ambitious development proposals, with recent times seeing plans for the development of a mega casino complex and an ice/snow park being proposed. However neither of these proposals were progressed leaving the site underutilised and somewhat falling into decline.

#### 2.0 Leisure Quarter Development Brief

- 2.1 In 2011 the Council published the 'Leisure Quarter Development Brief' a Supplementary Planning Document which sets out the vision for the site, which was to:-
  - Provide unique leisure attractions of national significance, widening the resort offer to attract new audiences and creating compelling new reasons to visit Blackpool all year-round
  - Provide development of sufficient scale, composition and attraction to create

the critical mass to assist with wider resort regeneration

- Underpin a year-round economy promoting sustainable local employment opportunities
- Ensure excellence in design quality, delivering a distinctive high quality experience for visitors through creative architecture and urban design that responds to Blackpool's historic townscape and character
- Create a new welcome experience which presents a spectacular sense of arrival for visitors at Blackpool's key gateway
- Improve permeability by creating strong active connections through the site, and between the site and the town centre, seafront, central corridor and surrounding resort neighbourhoods, enhancing vitality and viability during the day and evening
- Provide a suitable level of convenient town centre car parking in addition to car and coach parking requirements for the development
- Promote sustainable development through design, access, energy conservation and operational management.

### **3.0 Land and Property Ownership**

- 3.1 In 2016 the Council reached an agreement with Lancashire Constabulary to relocate from their current premises (Divisional Headquarters) on the site to a new location on the edge of town, the former Progress House site, Clifton Road. This coupled with the acquisition by the Council of the King Edward Apartment building on Central Drive means the Council is the majority landowner of the site with circa 90% freehold title.
- 3.2 There are a number of privately owned properties and long leasehold assets which remain on the site, notably Blackpool County and Magistrates Courts and a number of private tenures such as the King Edward building retail units, which remain to be acquired to complete the redevelopment and on which negotiations are ongoing.
- 3.3 The Council's Growth and Prosperity Team has been in negotiations with all the remaining leaseholders on the site and with Her Majesty's Courts and Tribunal Service (HMCTS) with respect to the Court's facilities. These negotiations continue at this present time, with the Council seeking agreement to acquire remaining leases in due course, thereby enabling the later phases of the development to be delivered in accordance with the Masterplan.
- 3.4 There are also a number of properties on the site in the "Promenade Properties" which are in private ownership (11-15 New Bonny Street, 61, 63-73 and 91-101 Promenade) or owned by the Council and on long leaseholds (Sea Life and Madame Tussauds) which are included within the overall Masterplan but for which there are currently no firm proposals and which the Council is not currently planning to

acquire. Negotiations with some of these occupiers are underway regarding their aspirations to develop proposals which will complement and enhance the Blackpool Central Masterplan objectives.

#### **4.0 Exclusivity Agreement**

- 4.1 During 2016 the Council was approached by media company Media Invest Entertainment (MIE) and property developer Nikal Ltd, who collectively expressed an interest in the site and who have ambitions to develop the site with a number of new world class attractions to create a new leisure destination that accorded with the Council's vision.
- 4.2 Following a series of discussions with Nikal Ltd. and MIE in March 2017 the Council entered into an 'Exclusivity Agreement'. The principle of the agreement was set in place to enable them to undertake necessary market research, design, feasibility and financial viability studies to satisfy themselves and the Council that their proposed development could be funded, constructed and operated successfully and would provide significant economic and social benefits to Blackpool and the wider region. The agreement was also essential to give the Developers' confidence to invest the considerable sums necessary to develop the Masterplan.
- 4.3 In consideration of the agreement, the Council agreed not to grant any new rights, new options or other new long term interests on the site or any part thereof to any third party within the term of the exclusivity period, which expires on 28 February 2019, subject to notification and discussion with them.
- 4.4 Over the past 18 months Nikal Ltd and MIE have discussed with Council officers their proposal for the Blackpool Central site and these proposals have evolved as a result of a particular emphasis on deliverability.

#### **5.0 The Development Proposal**

- 5.1 The proposal from the Developer is to create a completely new leisure destination at the heart of Blackpool, with circa £300M of investment from the developer. The development will deliver year-round attractions, with the main anchor attraction being the Flying Theatre, the first of its kind to be delivered in the UK.
- 5.2 The Developer is proposing that the scheme will be themed on the concept of 'Chariots of the Gods' (COTG) a series of novels written by Eric Von Däniken in the 1960's and 1970's, based upon unsolved mysteries of the past such as the pyramids of Egypt and Mexico, ancient cave drawings, the monuments of Easter Island and hypothesis of extra-terrestrial visitors.

- 5.3 Having established a theme for the site Nikal and MIE commissioned internationally renowned architects Gensler to develop proposals for a world class destination, which would deliver on the concepts of the proposals and ambitions for the site.
- 5.4 The proposals for the site are illustrated on the 'Masterplan' drawings in Appendix 7b. It should be noted that the Masterplan contains the key elements of the proposed development on which there may be some modifications to the overall layout, (including minimum build requirements), as it goes through the planning application process and as the later phases of the development potentially evolve over time. The core proposals submitted to the Council by the developer, however, contain six main stages of the project, as follows:-

**1. ENABLING PHASE:**

- Multi-storey car park – c1,000 spaces
- Required infrastructure works
- Temporary relocation of coach drop-off and pick-up

In accordance with the Leisure Quarter Development Brief Nikal are proposing to construct a 1,000 space multi storey car park at the outset to ensure that there is no loss of existing car parking provision as a result of the proposals being implemented and to have continued the use of the existing Chapel Street provision (circa 300 spaces), thereby providing 1,300 in total on site. To offset any loss in the overall provision Nikal will then be making a financial contribution to the Council for off-site car parking to meet planning requirements, which the Council will use to assist in funding sufficient spaces in line with its emerging Car Parking Strategy which is shortly to be finalised.

Under the proposed land sale arrangement the proposal would involve the Council selling a long term lease to Nikal for the site), following which Nikal would construct the car park. Nikal would then look to invite potential operators to enter into management arrangements for the ongoing operation of the facility which could be a third party company or Blackpool Council Parking Services.

**2. PHASE 1:**

- Public realm space
- Chariots of the Gods attraction with 6 components and a proposed minimum build requirement of 7,000m<sup>2</sup> :-

**1. The Flying Theatre:**

- The UK's first Flying Theatre
- True Flight Movement provides an unparalleled, real flying sensation
- The No.1 attraction in major cities and theme parks around the world
- Reaches the largest demographic of riders, age 4 – 85

- Fully immersive, including exciting on-board effects (like wind, fog, vibrations, scents, water-spritz, etc.)

**2. Adventure Land:**

- Fully themed indoor interactive entertainment
- Roll-glider – a free falling and hang-gliding sensation
- Rope Courses – the ultimate experience of height
- Adventure Trail – challenging obstacles and great adventure
- Quick Jump – overcome your fear
- Climbing Walls – dynamic and interactive fun walls

**3. Thrill and Gaming Zone:**

- Exciting High - thrill and family rides
- Arcade Games
- Bounce Park
- Inflatable Attractions
- Laster Tag Arena
- Bumper Cars and much more...

**4. Virtual Reality Experience:**

- The world's most advanced "Virtual Reality" experience
- Epic scale, free-roam, multi-player
- Whole body, fully immersive, hyper-reality
- State-of-the-art visuals and body tracking
- Smell, touch and feel
- Custom motion simulators for unmatched realism

**5. Multi-Media Exhibition:**

- The world's first "Greatest Mysteries" multi-media exhibition
- Scientific, educational and entertaining
- Discover the most astonishing unsolved mysteries
- Exploring a possible extra-terrestrial influence
- A fully immersive and mind-blowing experience
- Created with the latest technology

**6. Alien Diner:**

- Fully themed bar and event restaurant
- Breath taking "Roller-coaster" service

- A one-of-a-kind place of fun, adventure and discovery
- Hourly special effects show
- Parties and special events
- Healthy and organic food

**3. PHASE 1B**

- New Promenade hotel

**4. PHASE 2**

- Residential (proposed minimum 100 apartments), food and beverage, and hotel (proposed minimum 150 bedrooms)
- Public realm

**5. FUTURE CHARIOTS OF THE GODS EXPANSION**

- Future COTG attractions (with a proposed minimum build requirement 2000m<sup>2</sup>)

**6. PROMENADE PROPERTIES**

- Engagement with other interested parties/landowners regarding development/refurbishment of properties.

Upon completion of the development it is anticipated that the gross internal floor areas (GIFA) of the various uses will be:

Direct leisure / attraction space	19,000m <sup>2</sup>
Food and beverage	9,400m <sup>2</sup>
Hotel	25,000m <sup>2</sup>
Leisure retail	7,000m <sup>2</sup>
Car parking	33,000m <sup>2</sup>
Residential and amenity	25,000m <sup>2</sup>

**5.5 PROPOSED PROJECT TIMESCALE**

The proposals would see a substantial regeneration of the site by Nikal, with the Council’s input being through exercise of its planning powers and setting desirable outcomes in relation to the development. It would be delivered in a number of development phases over a period of 8-9 years, with potential to commence the enabling works early 2020, subject to final commercial and legal contracts being agreed.



Key project milestones are estimated to be as follows:-

Autumn 2018	Blackpool Council Executive Approval and agreement to Heads of Terms
Spring 2019	Land agreement completes
Winter 2019	Planning application
Spring 2020	Enabling phase commences
Summer 2021	Enabling phase completes
Summer 2021	Start Construction - Phase 1
Summer 2023	Fit out phase 1
Summer 2024	Opening of Phase 1
Autumn 2024	Start Construction – Phase 2
Spring 2026	Fit out Phase 2
Summer 2026	Opening Phase 2
Winter 2026	Start Construction - Phase 3
Winter 2028	Fit out Phase 3
Spring 2029	Open Phase 3

Promenade Properties phase - timing subject to further discussions with relevant parties

## 5.6 Key Factors / Benefits

Together with the comprehensive regeneration of the area the other key factors / benefits of the scheme are set out below:-

- Build cost c £250m
- Fit out costs of c £50m
- Chariots of Gods Flying Theatre attraction costing c £30m.
- **Total investment of circa £300m**
- 1.3 m sq ft of floor space in Phases 1-3
- Flying Theatre as anchor attraction
- Over 1,300 car spaces

- Approximately 400 new hotel bedrooms
- Foodhall with c 30 operators
- Music venue and nightclub
- c100 apartments
- c 20 further restaurants and bars
- Over 75 new tenants and sub tenants
- Local market of 470, 400 persons (30 min drive)
- Primary market of 3,124,000 persons (60 min drive)
- Secondary market of 8,355,000 persons (2 hour drive)
- Additional c600,000 visitors per year
- Increased annual tourist spend of circa £75m per annum
- Up to 1000 employment opportunities

## **6.0 Heads of Terms**

- 6.1 The general principles of the agreement between the parties will be in the form of a Land Sale (long-term lease) arrangement. This has been elected as the preferred approach as it has been determined by the Council and its Professional Advisors to better suit the Council's overall objectives of maximising growth and opportunity across Blackpool and creating a strong community. The Council will not impose enforceable obligations on Nikal to carry out works, or seek to control or specify the works to be carried out, specifying only desirable outcomes in the Land Sale contract.
- 6.2 The proposed Heads of Terms (HoT's) establish the general principles to be incorporated into a Sale Agreement to be entered into between the Parties relating to the disposal of the Development phases. The HoT's are not legally binding but do capture the intended commercial terms to inform the Sale Agreement. The Sale Agreement will incorporate the legally binding elements to be entered into between the parties and will be negotiated over the next few months with more detailed development viability appraisals relating to the proposals are considered by the Council.
- 6.3 A copy of the draft Heads of Terms has been included in Appendix 7c (with a number of matters in relation to car parking provision for example, which remain outstanding). These are commercially sensitive and will therefore remain confidential between the parties.
- 6.4 The intention of the parties will be that the Sale Agreement will be exchanged by 28 February 2019, which will coincide with the expiry of the existing exclusivity period.

6.5 The conditions of the Sale Agreement will place an obligation on the Council to dispose of the land to the Purchaser (Nikal Ltd and Media Invest Entertainment) in relation to Development Phases and conditional upon the satisfaction of a number of conditions precedent for each of the Development Phases.

**7.0 Legal considerations:**

7.1 There are a number of remaining leases on the site which the Council will need to acquire prior to commencement of certain phases on which negotiations are underway.

7.2 Agreement for the Council will be sought to exercise, if appropriate, its powers of Appropriation or to seek Compulsory Purchase Order (CPO) of the remaining properties on the site, to enable it to obtain vacant possession and assist the Developer in progressing the proposed Master Plan.

7.3 In order to provide comfort to the Developer in relation to continued vehicular access to the site via the main arterial routes, the Council will also seek agreement from the Local Highways Authority for the adoption of Seaside Way.

7.4 Agreement to allow the Head of Legal Services to enter into the formal legal contracts with the proposed Developer, once the terms and conditions in relation to the 'Land Sale' have been agreed between the parties.

7.5 In light of the Court of Appeal's decision, in November 2018, in the *Faraday Development Limited v West Berkshire Council* case, the Council is aware that if it seeks to impose legally-enforceable obligations on Nikal to carry out works specified by the Council, the arrangement risks comprising a "public works contract". Therefore, the Council's extent of control will be limited to the exercise of its planning powers and specifying desirable outcomes of the transaction, which are established principles of a land transaction and do not require a formal public procurement process to be undertaken. The Council is able to achieve its objectives of maximising growth and opportunity across Blackpool and creating a stronger community in this manner.

**8.0 Human Resources considerations:**

8.1 An appraisal of the development presented gives early indication that that scheme will create up to 1,000 new employment opportunities, with much wider benefits also being achieved to the local, regional and nation supply chain.

8.2 A comprehensive assessment of the employment benefits will be undertaken in due course.

## **9.0 Financial / Economic considerations:**

9.1 The majority of the investment in the development is expected to come from the private sector. There may however be opportunities for the Council to bid to be the operator of elements of the development, such as the car park, which may be of interest. These opportunities will be subject to a further report to the Executive where they lie outside either existing delegations or those being sought in this report.

## **10.0 Risk Management considerations:**

10.1 The proposal presented by the Developer has a strong focus on its deliverability. At this present time the majority of the development is speculative. The Developer is therefore reliant upon the market appetite for entering into pre-let agreements of the properties before construction commences on each individual building. Inherently this presents a risk in relation to the general market conditions.

10.2 Whilst the main attractions are contained within Phase 1 and discussions with Media Invest Entertainment have been extremely positive, the pre-letting agreement is yet to be signed. There are currently no other pre-lets signed at the time of writing the report.

10.3 The overarching basis of the proposal will be based upon a Land Sale (long-term lease) arrangement with the sale of each developable plot being agreed following the successful completion of the previous plot/phase, or a substantial proportion of the proceeding phase being pre-let. The timescales and certainty for each phase is therefore a risk factor that needs to be taken into consideration.

As noted the nature of the future agreement will be that of a Land Sale (long-term lease). Given this, it should be recognised that there are a number constraints which this type of legal arrangement will have once the contracts have been signed. The main factors to be noted are as follows:-

- The Council will not be able to set the specification for the works or put the buyer of the land under any enforceable development obligations to carry out works.
- The Council is therefore, only able to control delivery of the Project through specifying desirable outcomes, exercising its planning powers and non-development buy back provisions. This can be partially mitigated through conditions contained in any Sale Agreement so that land is only drawn down when the buyer is ready and has committed funds to be in a position to

commence development. The leases under which the buyer will draw down land will contain break rights in favour of the Council that can be exercised if certain milestones have not been delivered.

However, there are potential benefits of this type of arrangement, which relate to the potential for time saving and having advanced delivery on site, together with potential reduction in scheme delivery costs. In addition, as a land transaction, the Council is not required to conduct a formal public procurement process as it would be required to do in the event that it wished to specify requirements and influence the works and development to be carried out by Nikal.

- 10.4 The Council has sought initial legal advice on the proposed land sale arrangement with the Developers in order to progress the scheme and bring it forward for development. It is however anticipated that further advice will be required to firm up these proposals prior to the completion of the arrangements in February 2019.
- 10.5 As mentioned in 7.2 the Council may need to exercise its powers of Appropriation or pursue Compulsory Purchase Orders to acquire the remaining properties on the site and ensure vacant possession for the Developer. The route to either Appropriation or CPO is likely to result in additional expenditure and potential time delays to the project. Further analysis of these potential risks will be undertaken prior to entering into the Land Sale agreement with the Developer.

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**APPENDIX 7b:**

**Blackpool Central  
Masterplan Drawings**



**KEY**

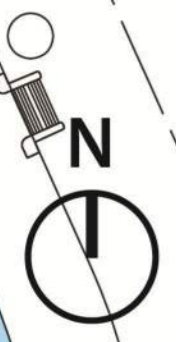
- PROPOSED BUILDINGS
- GLAZED CANOPIES
- OPEN SPACE - PLAZA
- GREEN ROOF - TERRACES
- CLQ EXCLUSIVITY AGREEMENT BOUNDARY











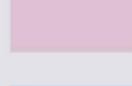
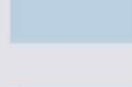



**KEY**

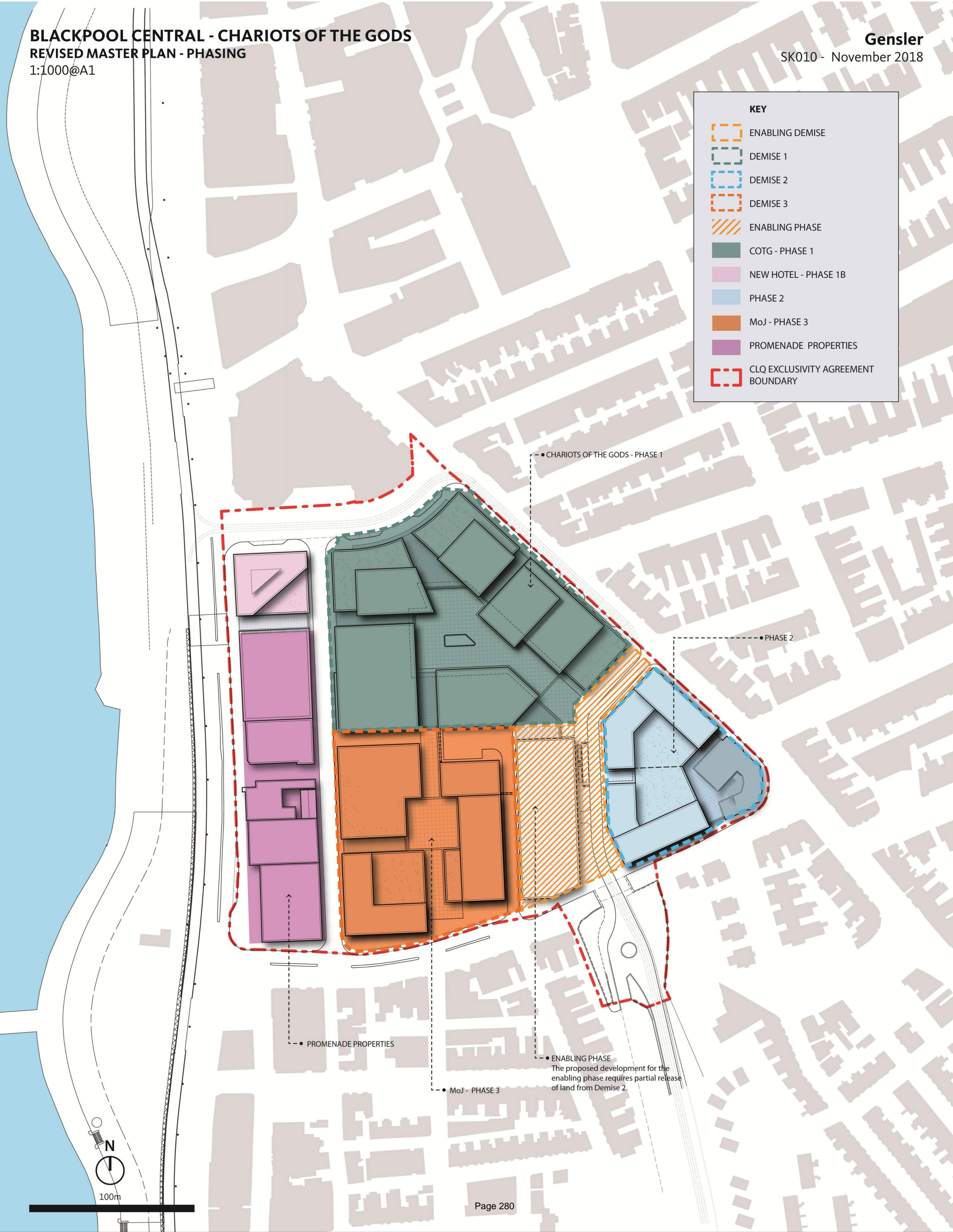
-  DEVELOPABLE PLOTS
-  CLQ EXCLUSIVITY AGREEMENT BOUNDARY



100m

**KEY**

-  ENABLING DEMISE
-  DEMISE 1
-  DEMISE 2
-  DEMISE 3
-  ENABLING PHASE
-  COTG - PHASE 1
-  NEW HOTEL - PHASE 1B
-  PHASE 2
-  MoJ - PHASE 3
-  PROMENADE PROPERTIES
-  CLQ EXCLUSIVITY AGREEMENT BOUNDARY



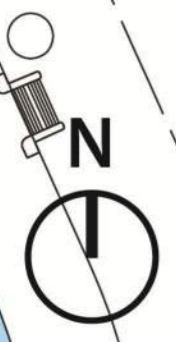
• CHARIOTS OF THE GODS - PHASE 1

• PHASE 2

• PROMENADE PROPERTIES

• ENABLING PHASE  
 The proposed development for the enabling phase requires partial release of land from Demise 2.

• MoJ - PHASE 3



100m

**KEY**

- RETAIL / F&B (A1, A3-A5)
- RETAIL / F&B ON GROUND FLOOR
- HOTEL (C1)
- RESIDENTIAL (C3)
- ASSEMBLY & LEISURE (D2)
- PARKING
- CLQ EXCLUSIVITY AGREEMENT BOUNDARY



**KEY**

- PROPOSED BUILDINGS
- GLAZED CANOPIES
- OPEN SPACE - PLAZA
- GREEN ROOF - TERRACES
- PEDESTRIAN FRIENDLY STREET
- PRIMARY PEDESTRIAN ACCESS
- SECONDARY PEDESTRIAN ACCESS
- BUILDING MAIN ENTRANCE - ACCESS
- VEHICULAR ACCESS
- RETAIL FRONTAGE
- CLQ EXCLUSIVITY AGREEMENT BOUNDARY

