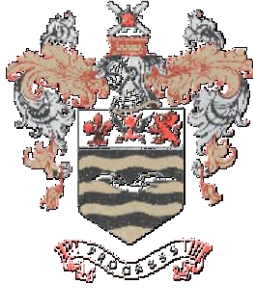


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BLACKPOOL COUNCIL

Tuesday, 23 January 2024

To: The Members of Blackpool Council

Mayor, Ladies and Gentlemen

You are hereby summoned to attend a meeting of **Blackpool Council** to be held in the Council Chamber at the Town Hall, Blackpool on Wednesday, 31 January 2024 commencing at 6.00 pm for the transaction of the business specified below.

A handwritten signature in black ink, appearing to read "David Lewis".

Director of Governance and Partnerships

Business

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 MINUTES OF THE LAST MEETINGS HELD ON 29 NOVEMBER 2023 AND 11 JANUARY 2024 (Pages 1 - 8)

To agree the minutes of the last meetings held on 29 November 2023 and 11 January 2024 as a true and correct record.

3 ANNOUNCEMENTS

To receive official announcements from the Mayor.

4 PUBLIC REPRESENTATIONS (Pages 9 - 10)

To receive a representation from a member of the public in accordance with Procedural Standing Order 9.

5 EXECUTIVE REPORTS AND COMBINED FIRE AUTHORITY REPORT (Pages 11 - 50)

To consider the following portfolio reports to Council from each Cabinet Member and the Combined Fire Authority report:

- a) Leader of the Council and Cabinet Member for Tourism, Arts and Culture
- b) Deputy Leader of the Council and Cabinet Member for Partnerships and Performance
- c) Cabinet Member for Climate Change
- d) Cabinet Member for Children's Services
- e) Cabinet Member for Levelling Up – People
- f) Cabinet Member for Levelling Up – Place
- g) Cabinet Member for Young People and Aspiration
- h) Cabinet Member for Adult Social Care
- i) Cabinet Member for Community Safety, Street Scene and Neighbourhoods
- j) Combined Fire Authority report

Members are reminded that:

- Each Executive Member* has up to three minutes to present their portfolio report (a green light will indicate there is one minute remaining, red for when the time is up). There will then be an opportunity for questions/comments.
- There will be three minutes per question/ comment from any Councillor on anything within the portfolio and no limit to the number of times a Councillor can ask a question.
- There will be no set overall maximum time for each report to be debated although the Mayor will decide when a suitable time has elapsed and move to the next report.

* or Combined Fire Authority representative

6 COUNCIL TAX REDUCTION SCHEME 2024/25 (Pages 51 - 240)

The Council to receive an update on the impact of the Council Tax Reduction Scheme since the introduction in 2013/14 and to consider the recommendations of the Executive at its meeting on 11 December 2023 on the proposals for the Council Tax Reduction Scheme for 2024/25.

7 BLACKPOOL YOUTH JUSTICE SERVICE ANNUAL PLAN 2023/24 (Pages 241 - 308)

The Council to receive an update regarding Blackpool's Youth Justice Service and to consider the recommendation of the Executive at its meeting on 11 December 2023 to approve the Youth Justice Service Annual Plan with effect until 31 December 2024.

8 COUNCIL'S POLICY IN RESPECT OF MATERNITY, PATERNITY AND ADOPTION PAY (Pages 309 - 312)

1. To note that Councillors Sarah Smith and Cllr Portia Webb will both be commencing maternity leave under the Council's Policy in respect of maternity, paternity and adoption pay.
2. To consider as a consequence the appointment to the Chair of Levelling Up Scrutiny Committee position and to agree dispensation from the requirement to attend meetings for Councillors Sarah Smith and Portia Webb (i.e. an extension to the period of six consecutive months for non-attendance at formal council / committee meetings).

9 STANDARDS INDEPENDENT PERSONS (Pages 313 - 316)

To consider an extension of the term of office for the independent persons appointed by the Council to support the standards framework.

10 MAYOR ELECT AND DATE OF SPECIAL COUNCIL MEETING (Pages 317 - 318)

To determine who should be invited to offer themselves for election as Mayor at the Annual Meeting of the Council on 15 May 2024 and to consider a change to the date of the Special Council meeting to Wednesday 13 March 2024 (was previously agreed for Thursday 14 March).

Venue information:

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

Other information:

For queries regarding this agenda please contact Sarah Chadwick, Democratic Governance Senior Adviser, Tel: (01253) 477153, e-mail sarah.chadwick@blackpool.gov.uk

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

Present:

Councillor Campbell (in the Chair)

Councillors

Baker	Critchley	Marshall	S Smith
Bamborough	Farrell	B Mitchell	Taylor
Benson	Flanagan	C Mitchell	Thomas
Boughton	Galley	D Mitchell	Warne
P Brookes	Hoyle	Roberts	Webb
S Brookes	Hugo	Roe	Williams
Burdess	Humphreys	D Scott	Wilshaw
Campbell	Hunter	Mrs Scott	
Cartmell	Jackson	Sloman	
Cooper	Jones	M Smith	
Critchley	Marshall	S Smith	

In Attendance:

Neil Jack, Chief Executive

John Blackledge, Director of Community and Environmental Services

Alan Cavill, Director of Communications and Regeneration

Antony Lockley, Director of Strategy and Assistant Chief Executive

Mark Towers, Director of Governance and Partnerships / Monitoring Officer

Sarah Chadwick, Democratic Governance Senior Advisor

Jenni Cook, Democratic Governance Senior Advisor

Jenny Bollington, Media Manager

Apologies:

Apologies for absence were received on behalf of Councillors N Brookes and Hobson who were on official Council business.

1 DECLARATIONS OF INTEREST

Councillor Benson declared a Personal Interest in agenda item 5a "Executive Member Report: Leader of the Council and Cabinet Member for Tourism, Arts and Culture" as a Director and Trustee of Blackpool Museum Trust.

Councillors Hoyle, Wilshaw and Jones declared Personal Interests in agenda item 5b "Executive Member Report: Deputy Leader of the Council and Cabinet Member for Partnerships and Performance" as Council appointed Non-Executive Directors of Blackpool Waste Services Limited (Enveco).

Councillors Webb, Benson and Taylor declared Personal Interests in agenda item 6 as members of Blackpool Civic Trust.

MINUTES OF COUNCIL MEETING - WEDNESDAY, 29 NOVEMBER 2023

2 MINUTES OF THE LAST MEETING HELD ON 20 SEPTEMBER 2023

Resolved: That the minutes of the Council meeting held on 20 September 2023 be signed by the Mayor as a correct record.

3 ANNOUNCEMENTS

The Mayor on behalf of the Council offered condolences to the family and friends of Anne Armfield, wife of the late Jimmy Armfield, Freedom of the Borough, whose funeral had taken place on Saturday 25 November.

Condolences and thoughts were also offered to Councillors Mel Fenlon and Gerard Walsh who were not in attendance at the meeting due to each having suffered family bereavements.

The Mayor highlighted the “White Ribbon” campaign to end men’s violence against women and girls and encouraged everyone to make the White Ribbon promise to never use, excuse or remain silent about men’s violence against women and girls and to wear a White Ribbon, the international symbol of ending men’s violence against women.

4 PUBLIC REPRESENTATIONS

Mr Ian White addressed Members in respect of the Council’s consultation on the expansion of the Selective Licensing Scheme, detailing the benefits that earlier schemes had brought and encouraging those potentially impacted by the scheme to share their thoughts and concerns via the Council’s website.

Councillor Mark Smith, Cabinet Member for Levelling Up – Place, responded to Mr White on the matter. Referring to Mr White’s concerns regarding “Airbnb” style properties, Councillor Smith advised that although Selective Licensing did not extend to that type of accommodation, property inspections could lead to action being taken under other legislative powers such as planning where concerns were raised.

The Mayor informed Members that the second speaker, Mr Tom Barlow from Blackpool Golf Club, had provided notification in writing that he had withdrawn his request to speak at the meeting.

5 EXECUTIVE REPORTS

The Council received reports from the Executive Members on areas within their portfolio.

Questions, comments and debate were invited from all councillors on each of the report areas.

Notes:

1. Councillor Lynn Williams, Leader of the Council and Cabinet Member for Tourism, Arts and Culture agreed to confirm to Councillor Sloman whether any Council staff working

MINUTES OF COUNCIL MEETING - WEDNESDAY, 29 NOVEMBER 2023

from home had received payments in contribution to their heating costs and whether any staff may have been using that time to engage in secondary employment.

2. Councillor Mark Smith, Cabinet Member for Levelling Up – Place, agreed to provide a written response to:
 - Councillor Galley regarding when the new Holiday Inn hotel and Talbot Road tramway extension had originally been due to open, what the original budget was, how much it had overspent by and who was paying for the overspend.
 - Councillor Sloman on whether there was any levelling up of transport planned for the north of the town, with particular reference to a lack of direct bus routes to the hospital from that area.
 - Councillor Baker on whether there were any proposals to increase bus services in the Marton Moss / Midgeland Road area.
3. In presenting the report on behalf of Councillor Jim Hobson, Cabinet Member for Children’s Services, Councillor Williams agreed to provide a written response to Councillor Michele Scott in regards to the new Regional Fostering Hub and whether foster carers would continue to be given a choice of where potential foster children came from or whether they would automatically be directed to the authority in which they resided.
4. Councillor Farrell, Cabinet Member for Levelling Up – People, agreed to provide details of the number of empty properties in Blackpool to Councillor Galley.
5. In response to a question from Councillor Warne, Councillor Burdess - Cabinet Member for Community Safety, Street Scene and Neighbourhoods - agreed to confirm how many claims had been made against the Council for damage to vehicles caused by potholes.
6. Councillor Farrell, who presented the report on behalf of Councillor Neal Brookes, Cabinet Member for Adult Social Care, agreed to provide a written response to Councillor Cooper’s query regarding adult social care, in particular whether there were any emerging themes as to why costs were increasing and whether there were any further concerns regarding costs and funding going forward.

6 MARTON MOSS NEIGHBOURHOOD DEVELOPMENT PLAN

The Council considered the recommendations from the Executive from its meeting on 6 November 2023 regarding the Marton Moss Neighbourhood Development Plan.

The report outlined that a Neighbourhood Planning Referendum had been held on 5 October 2023 at which 90.44% of the votes received voted “yes” in response to the question “Do you want Blackpool Council to use the Neighbourhood Plan for Marton Moss to help it decide planning applications in the neighbourhood area?” Members were informed that the majority “yes” vote meant the Council was now required to formally ‘make’ (adopt) the Plan.

Motion: Councillor Williams proposed (and Councillor Taylor seconded):

1. ‘To formally “make” the Marton Moss Neighbourhood Development Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the designated area.

MINUTES OF COUNCIL MEETING - WEDNESDAY, 29 NOVEMBER 2023

2. To authorise the Director of Communications and Regeneration to undertake the necessary steps for the adoption process to be completed and that delegated powers be given to the Head of Planning Strategy to make any final modifications to improve readability; correct any factual matters or typographical errors; and the final presentation of the document.'

Motion carried: The motion was submitted to the Council and carried.

7 LANCASHIRE DEVOLUTION

Members considered proposals for the creation of a Combined County Authority for Lancashire for the administrative areas covered by the three upper tier Councils, Blackburn with Darwen Council, Blackpool Council and Lancashire County Council. The deal would enable the three Councils to work more closely together in receiving devolved powers from Government and would be accountable to local residents.

Members were advised that the constituent councils recognised the importance of local consensus in relation to matters that could impact companies wholly owned by those councils and Blackpool Council's consent would be required for any decision which may have a significant impact on Blackpool Transport Services Ltd. If approved, a formal period of consultation would take place across the county before the three Councils submitted their final proposal to Government.

Motion: Councillor Williams proposed (and Councillor Taylor seconded):

- i. to note the Deal Document as announced by the Government, linked here <http://www.gov.uk/government/publications/lancashire-devolution-deal>
- ii. the draft Proposal attached at Appendix 7b to this report to create a Lancashire Combined County Authority (CCA) for the administrative areas of Blackburn with Darwen, Blackpool and Lancashire
- iii. a formal consultation on the draft Proposal with the residents and other stakeholders of the wider CCA area, in a partnership between Blackburn with Darwen Council, Blackpool Council and Lancashire County Council
- iv. the approach to the consultation as set out in the Proposal document
- v. to delegate authority to the Chief Executive to approve any minor amendments to the draft Proposal or consultation arrangements. This delegation is to be exercised in consultation with the Leader of the Council and is conditional upon such amendments being agreed by all three upper tier Councils
- vi. the draft Equality Impact Assessment at Appendix 7c
- vii. to receive and consider the results of the consultation and whether to formally submit a final Proposal document to Government at a meeting of Full Council in March 2024 and
- viii. to agree to cancel the ordinary meeting of the Council scheduled for 27 March 2024 and instead hold a special meeting of the Council on 14 March 2024 at 6pm.

Motion carried: The motion was submitted to the Council and carried.

8 SCRUTINY UPDATE REPORT

Members considered an update report from Councillor Paul Galley, Lead Scrutiny Member in relation to the achievements to date of scrutiny at the Council in the 2023/24 municipal year. The new Scrutiny Committee structure was highlighted and a summary provided of the work undertaken by each of the individual committees so far.

Motion: Councillor Galley proposed (and Councillor Williams seconded):

‘To receive the Scrutiny Update Report 2023/2024.’

Motion carried: The motion was submitted to the Council and carried.

9 AUDIT COMMITTEE UPDATE REPORT

Members considered the report from the Chair of Audit on the work undertaken so far by the Audit Committee during the 2023/2024 Municipal Year and were asked to note the Council’s compliance with the Chartered Institute for Public Finance Position Statement on Audit Committees.

Motion: Councillor Roberts proposed (and Councillor Williams seconded):

1. To receive the Audit Committee Half Yearly Report 2023/2024.
2. To note the update on compliance with the Chartered Institute for Public Finance Position Statement and agree the Council’s performance against the core functions in the Position Statement as set out in Appendix 9a.

Motion carried: The motion was submitted to the Council and carried.

Mayor

(The meeting ended at 8.11 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick, Democratic Governance Senior Advisor
Tel: 01253 477153
E-mail: sarah.chadwick@blackpool.gov.uk

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MINUTES OF COUNCIL MEETING - THURSDAY, 11 JANUARY 2024

Present:

Councillor Campbell (in the Chair)

Councillors

Baker	Critchley	Hunter	Sloman
Bamborough	Ellison	Jackson	M Smith
Benson	Farrell	Jones	S Smith
Boughton	Fenlon	Marshall	Taylor
N Brookes	Flanagan	B Mitchell	Thomas
P Brookes	Galley	C Mitchell	Walsh
S Brookes	Hobson	D Mitchell	Warne
Burdess	Hoyle	Roe	Webb
Cartmell	Hugo	D Scott	Williams
Cooper	Humphreys	Mrs Scott	

In Attendance:

Neil Jack, Chief Executive

John Blackledge, Director of Community and Environmental Services

Antony Lockley, Director of Strategy and Assistant Chief Executive

Mark Towers, Director of Governance and Partnerships

Lorraine Hurst, Head of Democratic Governance

Sarah Chadwick, Democratic Governance Senior Adviser

Jenni Cook, Democratic Governance Senior Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 ANNOUNCEMENTS

The Mayor announced that Lancashire Constabulary's Assistant Chief Constable Peter Lawson had sadly passed away and she paid tribute to his work including chairing the Lancashire Resilience Forum which had been a key partner of the Council in supporting and protecting the community during the coronavirus pandemic.

Members were also advised that former Colonel Chris Owen, Regimental Secretary for the Duke of Lancaster Regiment which had Freedom of Entry for Blackpool, had sadly passed away just before Christmas.

On behalf of the Council, the Mayor offered condolences to their families and friends.

The Mayor offered congratulations to:

- Andrew Pollock, former Director of Resources and founder of the CLEVR Money credit union, who had received an MBE for services to financial inclusion
- Antony Lockley, Director of Strategy and Assistant Chief Executive who had been awarded an OBE in the King's New Year's Honours list for services to local

MINUTES OF COUNCIL MEETING - THURSDAY, 11 JANUARY 2024

government, receiving the honour for the pivotal part he had played in Blackpool's ongoing regeneration.

3 APPOINTMENT OF HONORARY ALDERMAN

Members considered proposals for the award of Honorary Alderman of the Borough to former councillors Don Clapham, Gary Coleman and Allan Matthews for their eminent services to the borough and who had stood down at the last local election.

Motion: Councillor Williams proposed (and Councillor Galley seconded):

'To confer the title of 'Honorary Alderman' of the Borough of Blackpool under section 249(1) of the Local Government Act 1972 to former councillors Don Clapham, Gary Coleman and Allan Matthews'.

Councillors D Scott and Williams spoke in support of Don Clapham and his role as ward councillor for Bispham and in particular his support for young people as Executive Member, Chair of scrutiny and position with Blackpool Sixth Form as well as his role as Mayor.

In respect of Gary Coleman, Councillors Taylor, Mrs Scott and Bamborough paid tribute to his roles on the Council, in particular as Deputy Mayor and as Mayor in 2018-19 and to the various committee roles that he had held.

Councillors Jackson and Galley spoke in support of Allan Matthews who had served as ward councillor for Tyldesley, having lived in Blackpool all his life and paid tribute to his work on the Council and with the Council companies as well as his role as Mayor.

Motion carried: The motion was carried unanimously.

Mr Clapham, Mr Coleman and Mr Matthews were each presented with the Honorary Alderman pendant and then addressed the Council to express their thanks.

Mayor

(The meeting ended at 7.07 pm)

Any queries regarding these minutes, please contact:
Lorraine Hurst, Head of Democratic Governance
Tel: 01253 477127
E-mail: lorraine.hurst@blackpool.gov.uk

Council:
31 January 2024

PUBLIC REPRESENTATION - SPEAKER

NAME	SUBJECT
1. Tim Allan	Mr Allan wishes to address the Council in regards to the “Be who you want to be” LGBTQ+ initiative in Claremont ward.

A response will be given by Councillor Jo Farrell, Cabinet Member for Levelling Up - People. No other Councillors are permitted to speak on this item.

NOTE: The representative will be able to speak for up to a maximum of five minutes.

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Executive Member Report to the Council
31 January 2024

AGENDA ITEM 5(a)

LEADER OF THE COUNCIL AND CABINET MEMBER FOR TOURISM, ARTS AND CULTURE – COUNCILLOR LYNN WILLIAMS

Portfolio areas of responsibility:

- Tourism and marketing services
- Tourism-based regeneration
- Arts and culture
- Illuminations
- Built heritage
- Planning and land use
- Corporate Services (ICT, HR, Customer First, communications)
- Financial management

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1: Devolution

The desire for political decisions to be made as close as possible to the communities they affect has increasingly been a theme of political discussion in recent times. A constant theme of political life in Blackpool has been the need for greater local autonomy to recognise our particular issues. Since Blackpool became a Unitary Council in 1998 we have been able to control our own destiny, leading to over £2bn of investment in regenerating our town and delivering priorities which matter to local people. Now, with the passing of the Levelling-up and Regeneration Act in October 2023, we have an opportunity to access some of the economic, social and environmental benefits open to other places with devolution deals and take back power from central Government by joining a Combined County Authority.

By seeking opportunities to work together across areas such as Trade and Investment, Skills, Transport, Net Zero and Climate Change, Digital and Cyber, Culture and Tourism and Housing and Land, we will be well placed to achieve better outcomes for the residents of Blackpool. These priorities are underpinned by principles such as collaborative working, ensuring that we meet our diversity and inclusion objectives whilst reducing inequalities and seeking openness and transparency in decision-making. More practically, agreeing to join a Combined County

Authority would boost government funding, give us powers build affordable homes and to drive regeneration.

The consultation on our proposals launched countywide on 1 December 2023 and continued until 26 January. At the time of writing, I am pleased to say that the number of responses from Blackpool residents is amongst the highest in the county, reflecting the level of local interest in this key issue for our future. To supplement the online and hard copy consultation exercise, we held a public engagement event on 16 January at Central Library and a business engagement event on 26 January.

I would urge those of you reading this prior to the consultation deadline who have not yet responded to make your views heard by visiting www.lancashiredevolution.co.uk and completing the survey. The website will continue to host information about the proposals after the consultation deadline and the findings of the exercise will be communicated through all appropriate channels as soon as they are available.

We must and will pay close attention to the findings of the consultation as we look to put in place arrangements which work for the good of Blackpool and of Lancashire. The Council meeting in March will be an opportunity for us to debate the comments made and issues raised, which will be carefully considered as part of the process of preparing the final report looking at a decision to proceed.

Should all the necessary approvals be given, the Combined County Authority would be established in shadow form in Spring 2024, with formal establishment from Autumn 2024 onwards. However, we would see this not as an end point, but as the first stage in the journey. We would continue to pursue further powers and funding in line with our priorities so that we can bring decision-making ever closer to those with most to gain – our residents and businesses.

Theme 2 - Tourism

The scale of Blackpool's post-pandemic recovery has been revealed in new tourism figures, which show that the annual number of visitors in 2022 surged past 20 million. The annual STEAM (Scarborough Tourism Economic Activity Monitor) report, which analyses data from tourism and hospitality businesses, shows that the resort attracted a further 1.5 million visitors to what was a record year in 2021. STEAM is a visitor estimation model used by many Destinations Management Organisations in the UK. Blackpool's total figure of 20.33 million is more than double the figure recorded in 2020 when pandemic restrictions on tourism were at their most severe and is 12% higher than the pre-pandemic year of 2019. Across Lancashire as a

whole, the STEAM analysis shows that visitor numbers are showing strong recovery across all districts but have not yet reached pre-pandemic levels. The report shows that Blackpool accounted for more than 30% of all visits to the county in 2022 and values the resort's tourism economy at more than £1.7 billion compared to £1.4 billion in 2021, supporting in excess of 22,000 jobs.

The gains made during 2022 were fuelled by the return of large-scale events such as the Air Show Weekend, another two-month extension of the autumn Illuminations season and an expansion of the hugely successful Christmas By The Sea village. There was also a £1 million investment in a multi-media marketing campaign featuring a new TV ad starring resort ambassador, Nigel C Gull, a seagull puppet voiced by actor and comedian Johnny Vegas. The 2023 Christmas By The Sea offer has received widespread national media coverage since launching in mid-November and Blackpool has been repeatedly rated as one of the UK's most attractive winter destinations, beaten only by London and Edinburgh in one national survey. The village has again attracted visitors from across the region and was extended into the first week of January 2024 to align with many schools not reopening until 8 January. Overall visitor numbers for 2023 will be published in late autumn, 2024.

VisitBlackpool has unveiled a new destination guide for 2024 highlighting a dazzling programme of events, shows and attractions for the year ahead. The cover star of this year's guide is the famous Mirror Ball, the world's biggest of its kind. It has benefited from an extensive makeover that included replacement of the 47,000 mirror tiles and new lighting technology. The guide turns the spotlight on some of the faces behind the world-famous Blackpool Illuminations, including international designers Laurence Llewelyn-Bowen and Dr Chila Kumari Singh Burman, MBE and features some of the amazing installations that turn the Promenade into a sea of light during the autumn and winter months. Illustrated with stunning photography, the guide celebrates a very special milestone – the 85th anniversary of the Opera House in the Winter Gardens. It charts the star-studded history of a majestic theatre that has hosted an extraordinary cast of showbiz greats down the years including Charlie Chaplin, Frank Sinatra, Miley Cyrus, Lady Gaga, Bette Midler, Morecambe and Wise – and many more.

The award-winning Lightpool Festival returned for October half-term with an exciting, free-to-see programme of light installations, 3D projection shows, an art trail and live performance. The festival, which ran from 20th - 28th October, included world premieres and installations never before seen in the UK, including artworks from Australia, France, the Netherlands and Spain. It once again attracted a large number of residents as well as visitors from across the country. The trail featured larger-than-life jellyfish (shown in a five-minute slot on The One Show on BBC1 on festival opening night), a field of fireflies alongside the Cenotaph, a giant ball of wool made up

of neon yarn on the roof of the Blackpool Church and an exclusive preview of designer Laurence Llewelyn-Bowen's first digital installation. The Blackpool Tower building saw an alien-like "invasion" with giant tentacles seemingly breaking through the ballroom roof along with newly-commissioned 3D projection shows. The Tower Ballroom also hosted a performance of Carnival Magic with giant illuminated puppets played out to a capacity audience. The light festival is the only one in the UK to be a part of the Arts Council's National Portfolio. The Arts Council has just agreed to extend the investment programme for all of its NPO organisations (also including the Grundy), ensuring funding through to March 2027.

Tickets are now on sale for Blackpool's newest attraction, Showtown, after the long-awaited opening date was set for 15th March. Showtown, which is the resort's first museum, will bring a world-class interactive attraction for families to enjoy, celebrating the seaside, circus, magic, show, dance and Blackpool's world-famous illuminations over a series of six interactive exhibition zones. Visitors will also have a chance to get up close and personal with the entertainers who helped put Blackpool on the map, including the comedians, dancers, acrobats and characters who turned the resort into the home of show business. Available from the official Showtown website, tickets cost £15 for adults and £11.50 for children. Tickets are valid for a whole year, meaning visitors are welcome to return as many times as they like. Blackpool residents who pay Council Tax to Blackpool Council will also be able to get a free ticket, giving them and their family full access to the museum's exhibitions and events, as well as family-friendly facilities. Discounted tickets are also available for students and seniors and carers can go free. Showtown will also offer free trips for local schools as part of its wider education and engagement programmes.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

DEPUTY LEADER OF THE COUNCIL AND CABINET MEMBER FOR PARTNERSHIPS AND PERFORMANCE – COUNCILLOR IVAN TAYLOR

Portfolio areas of responsibility:

- Relationships with all the Council wholly owned companies and the shareholder lead Cabinet Member
- Relationships with partner organisations:
 - Blackpool Tower complex and associated buildings (Merlin)
 - Hounds Hill Shopping Centre
- Corporate strategy development and research
- Governance
- Contracts, policy and purchasing

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1: Improving Housing Quality

The Decent Homes Pilot has been live in the Central area since January 2023 and has the following three key objectives:

1. Conduct proactive inspections and take actions against current statutory standards
2. Conduct advisory inspections against potential future standards
3. Provide people related support to more vulnerable households.

The pilot team has conducted approximately 300 inspections to date and has taken action against approximately 50% of those properties for falling below minimum standards, having at least Category 1 hazard, the most serious risk of harm.

The Council is also currently consulting with local residents on our proposals to expand selective licensing schemes from next 2024 across Bloomfield, Brunswick, Claremont, Talbot, Tyldesley, Warbreck, Waterloo and Victoria. These areas have been selected as they are both in the top 10 most deprived wards in Blackpool and have the eight highest proportions of private rented sector stock within their ward boundaries, with between 35% and 57% of the stock per ward. Improving the quality of private sector properties is a key strategic housing objective for

Blackpool Council and Selective Licensing can help to improve management of privately rented properties, help to decrease levels of deprivation, anti-social behaviour and crime and support the stabilisation of communities.

Away from delivery, the Council is also preparing for full implementation of the Social Housing (Regulation) Act, which received royal assent on July 2023. Key measures include:

- Strengthening the role of the Regulator of Social Housing to enable it to carry out regular proactive inspections
- Additional Housing Ombudsman powers
- New qualification requirements for social housing managers

As a landlord of almost 5,000 social housing properties, the Act will have a significant impact on the Council. We are working hard to ensure we are able to meet the new requirements and provide high quality services to our tenants across all Council owned stock. In particular, the Council has engaged with all the requirements from the Secretary of State and the Regulator in respect of damp and mould reports and actions, both in the private rented sector and in our own housing stock and is currently conducting a proactive stock condition survey across Council homes to provide further reassurance and remediation where necessary.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

CABINET MEMBER FOR CLIMATE CHANGE - COUNCILLOR JANE HUGO

Portfolio areas of responsibility:

- Climate change
- Energy and environment
- Flood and water management
- Coastal defence schemes and sea water quality
- Strategic waste management
- Parks and green environment
- Life Events (including cemeteries and crematorium, registrars and Coroner's support)

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1: Climate Adaptation and Coastal Protection

The council has been proactively putting actions in place to tackle climate change for some years now. Whilst we must do everything we can to minimise the emissions which will compound these issues ("climate mitigation"), we can and must take action to reduce their impact ("climate adaptation"). Planning for the risks is basic common sense but even those instances where aspects of climate change can be seen positively – for example milder winters, or hotter summers bringing increasing numbers of visitors - requires the Council to think ahead so that any impacts are dealt with in a way which protects people.

We are currently working with services and our companies to prepare our first Climate Adaptation Action Plan, to ensure we have thought through the long term implications of planning for a new climate. Building on measures already in place to ensure a rapid response to any emergencies taking place, the plan aims to ensure that we think harder, earlier about the implications of our work. For example, in how we provide shade and shelter, support better drainage and reduce hotspots through better urban design. When complete, the Action Plan will set out the Council's goals and plans for adaptation over the next five years. Once approved, it will be followed by the development of a town-wide action plan, which will aim to raise awareness and build new working relationships to adapt together.

Key work to address Climate Change concerns coastal defences. In line with the Blackpool Coast Protection Strategy we have been awarded funding from the Environment Agency to progress three protection schemes. The £61m Bispham scheme will replace the deteriorating existing

seawall between Little Bispham and Bispham and between Gynn Square and Cocker Square works will begin to protect the seawall and address lowering beach levels. The £57m Blackpool Beach Management scheme covers the areas from Cocker Street to South Pier and will address beach levels which are falling quicker than anticipated across 3km of seawall, ensuring that the life of the sea defences is prolonged and ensuring that it can deal with extreme storm events. Work on the Anchorsholme Coast Protection scheme firstly involves the contractor addressing, at their expense, defects in the sea wall by providing rock armour along the revetment. In addition to this, the seawall needs protecting by addressing beach levels as noted in the other two projects. As a result, a study and outline business case is being prepared to apply to the Environment Agency for funding of £10m to protect the integrity of the sea defences. Together, these projects will reduce the risk of coastal flooding for over 12,000 households.

Such work is evidence that, even before approval of the Adaptation Plan, we have taken steps to address the core issues at hand. Signing up to the cross-party UK100 organisation's Net Zero Pledge committed us to voluntary reporting of our work to the internationally-recognised Carbon Disclosure Project. In 2023 they recognised our efforts so far by awarding us an A for our work on climate adaptation, as part of an overall A-score when including our efforts on climate mitigation. With only 119 cities/towns worldwide receiving an A overall, this represents a good marker of progress and subsequent work will only strengthen our approach. Our participation in a voluntary DEFRA reporting arrangement has also led to the Minister for Nature formally inviting us to participate in a pilot programme.

The climate is changing but with some foresight and careful planning, together with towns around the world coming together to tackle the root cause of climate change, we can build a stronger town which is able to adapt and thrive.

Theme 2: The Green Environment

Tree planting not only enhances Blackpool's natural environment but also improves our resilience to extreme weather events and supports our pollution and emission reduction strategies. Our Green and Blue Infrastructure and Tree Strategies deliver actions which support work on Lancashire Local Flood Risk Management Strategy and our new Air Quality Strategy. These strategies set out the importance of tree planting alongside other greening measures and also aim to contribute to biodiversity and build tree population resilience to pests and diseases by using a mix of species and interventions. We have identified the type of trees most suitable for certain locations where they can have the most beneficial effect. So far this planting season we have organised the planting of 124 large trees and approximately 900 smaller trees by working with Envenco and a variety of partners such as Trees for Cities and LCC Treescape, with trees planted at Claremont Park, Gynn Sunken Gardens and Stanley Park. The team has

maximised the use of funding from a variety of sources, including those aimed at delivering environmental improvements at a national level, such as the Queens Green Canopy, Urban Tree Challenge Fund, Coronation Living Heritage Fund, Levelling Up Fund and Ward Councillor funding.

Further tree planting will continue in 2024 at Kingscote Park and Devonshire Rock Garden, as well as the completion of Fisher's Field tree planting. The team has opened up opportunities for Council teams wishing to contribute whilst undertaking team building exercises, with the communications team helping to plant whips at Revoe Park and more sessions planned in 2024. In total, we expect to plant 1,995 trees this planting season, with the remaining trees being planted by Envoco, our volunteer network and also as a result of engagement with local football clubs and schools to assist in planting smaller trees.

Theme 3: Parks Play Area Improvements

Over the last few years, play areas within parks have seen several small and large scale improvements which have provided improved facilities for children to engage in outdoor activities. In 2023, a new play area was installed at the new development at Grange Park and a climbing rope assault course was installed at Fisher's Field. The Fisher's Field project is part of a larger scheme which incorporates the tree planting mentioned above, as well as a rain garden providing a sustainable drainage system for water from the roof of the new changing rooms and a seating area overlooking the football pitches. The play equipment has been selected specifically to link into the park's overall development plans and make long-term management easier, with the equipment being robust and sustainable and having improved safety features.

The mix of features in play areas are designed to challenge children at various age ranges and abilities and include new swings, climbing structures, roundabouts, educational pieces, puzzle solving features and new safety surfaces. In addition, one or two play areas will see further improvements as well as the replacement of individual pieces of equipment. This has been achieved through a mix of available funding streams such as "Friends of" group contributions, Blackpool Coastal Housing and developer contributions via Planning in addition to the Parks and Open Spaces budget.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

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CABINET MEMBER FOR CHILDREN'S SERVICES - COUNCILLOR JIM HOBSON

Portfolio areas of responsibility:

- Children's social care and targeted intervention services
- Care leavers
- Early help
- Fostering/adoption/permanence planning
- Children's commissioning
- Family Hubs
- Early Years

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1 - Family Safeguarding Model

In December 2022, Ofsted rated Blackpool Children's Social Care Services overall as 'Requires Improvement', with 'Good' for children in care and care leavers. The report reinforced the need to implement the Family Safeguarding Model in Blackpool, where staff support parents to create sustained change for themselves and for their family. The model is entirely congruent with the Blackpool Families Rock approach. In June 2023, the Department for Education awarded Blackpool Children's Social Care £764,610 in order to develop multi-disciplinary, family safeguarding teams, with the aim that families address their needs and more children remain within their family networks. This extra resource will build on the current strengthening and supporting families service. Since then, the Centre for Family Safeguarding has worked alongside Blackpool Children's Social Care to implement and embed the Model through a series of workshops and training sessions.

Family Safeguarding teams have been proven to achieve better outcomes for children and families by working with partners to develop a whole family multi-disciplinary approach to safeguarding children. The implementation of whole family working will change our working culture, transforming the support offer provided to families in Blackpool, further improving social work practice to reduce the numbers of children being placed on child protection plans and becoming looked after and supporting the next phase of our improvement journey to

'Outstanding'. This will both deliver better, sustainable outcomes for children and families but also reduce intervention and placement costs.

In October 2023 we held the first Operational Transformation Board, where a cross-section of staff from Children's Social Care contributed to decisions regarding the implementation journey and provided challenge to the project team. The implementation of the Family Safeguarding Model is overseen by the Transformation Strategic Board, which has overall responsibility for our Children's Social Care journey to achieving "Outstanding", ensuring we focus on the basics and keep children and families at the centre of everything we do.

Theme 2 - Demand management: ensuring children and families are supported at the right level of intervention

Blackpool has the highest rates of children looked after and of children supported at a statutory level of intervention in the country. Our overall aim is to bring these numbers down to a level seen in similar local authorities, our statistical "nearest neighbours". The focus of our approach is to work with families at the earliest opportunity and to ensure that we intervene at an appropriate level. As part of this we are supporting partners in their early help work with children and families. Positively, this has led to an increase in the number of children and families who have received an Early Help assessment by partners from 50 to over 180. In 2023 three Family Hubs were launched creating a community resource to support children and families, delivering services such as pre-natal support parenting programmes, with more specialist work being delivered through our Targeted Early Help teams. As a result of this, our referral rate has reduced by 22% over the last six months, whilst our re-referral rate has stabilized at 19%, indicating that we are supporting children at the right level of intervention.

The culture change created through implementation of the Family Safeguarding model is also having an impact, even before staff have been recruited. In the last six months the number of children we support with a Child In Need plan has reduced by 10% and those supported by a Child Protection Plan by 6%.

The result of this work is that the number of children we are looking after is at the lowest level since 2018 and we are narrowing the gap with our statistical neighbours.

Theme 3 - Better Start extension

The National Lottery Community Fund formally confirmed in May 2023 that Blackpool Better Start could use underspend in the programme to continue for a further two years. This will

involve a full-scale continuation of Blackpool Better Start's current delivery model, which looks to change services universally accessed by families in support of three key priority areas:

1. Pregnancy to Age Four pathways of support
2. Speech, Language and Communication
3. Research, Data and Evidence

In addition, Blackpool Better Start will undertake additional work to develop both pathways into targeted services and consistent public messaging on child development. The partnership has, since day one, been planning for the sustainability and mainstreaming of services which have been proven to have a positive impact on children, families, the workforce or wider system. Extending the funded period on specific interventions will provide more time to generate evidence to inform future commissioning decisions. The additional time will also enable work to progress within areas that have not previously been ready for innovation, such as developing a new approach to reducing smoking in pregnancy.

To maximise the potential impact of the programme, it has established a new governance structure for the final years of funding. This includes a Sustainability Board, chaired by the Director of Resources for Blackpool Council, which will review all projects and mainstreaming options and make recommendations to the Finance Board, which will look at the opportunities for diverting funds or identifying funding strands to support all partners to continue to deliver the effective interventions post funding.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

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CABINET MEMBER FOR LEVELLING UP: PEOPLE - COUNCILLOR JO FARRELL

Portfolio areas of responsibility:

- Public health and health protection
- Mental health and wellbeing
- Harm reduction
- Domestic abuse
- Leisure services including leisure management, Active Blackpool, Community Sport, PE and schools' sports and outdoor pursuits
- Libraries
- Housing options and homelessness
- Decent Homes
- Housing related support and sustaining private sector tenancies
- Catering
- Equality and diversity
- Adult Learning
- Getting People into Work including Positive Steps and Business Growth Prosperity
- Relationship with Department for Work and Pensions and Job Centre Plus
- Social Value
- Welfare benefits and Council Tax Reduction Scheme

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1: Tackling tobacco addiction and creating the conditions for a smoke-free generation

The use of tobacco is the single greatest entirely preventable cause of ill health, disability and death in this country. New proposals published by central government recommend both legislation and financial investment in order to tackle this significant public health issue, with the consultation exercise closing on 6 December 2023. The Council responded to the consultation to give its full support to proposals seeking to raise the age of sale of tobacco to those born after 1 January 2009 and to restrict the marketing and sales of e-cigarettes to tackle the significant uptake amongst children and young people. Both would send a clear signal of the

issue and support our local activity to ensure age restrictions on the sale of vapes and tobacco are being upheld locally (see the cabinet member report for Community Safety, Street Scene, and Neighbourhoods).

The government has committed to funding several initiatives to improve smoking cessation support. This includes an additional £70 million annually to support local authority-led stop smoking services and £45 million over two years to roll out the national 'Swap to Stop' scheme. The new ring-fenced monies will enable our existing community-based tobacco addiction and treatment services to have sufficient leadership capacity and oversight and increased co-ordination and delivery to ensure that all of our smokers have the support that they need to quit. Blackpool will also receive an additional £281,362 which will be provided through a new section 31 grant on top of the current public health grant allocations.

Our existing stop smoking community service, Blackpool Tobacco Addiction Service, achieved 366 quits in 2022, exceeding our yearly target of 325 quits, measured by the number of smokers who have not re-started within a four-week period. Carbon monoxide verified quits also increased in 2022, with an average carbon monoxide validation rate of 71.2% compared to a national average of 15%. The service continues to work in partnership with the Acute NHS Trust's Inpatient Smokefree Service as part of the NHS Long Term Plan to ensure pathways are linked for continuity of care. The close collaboration and the integration of these services offers a bigger opportunity to deliver better outcomes for smokers quitting in Blackpool. While the 2023 report is not yet available, data so far shows that we have had 825 quit dates set up to November with a quit rate of 46.5% and 76.8% co-verification.

Theme 2: Capital investment in community sport and leisure facilities

Over the last 12 months, Leisure Services has secured a significant amount of capital investment to enhance sport and leisure facilities across the town. The £6 million Common Edge Community Sports Village development opened in June 2023 and includes a full size 3G football pitch, grass rugby pitch, training pitch and changing rooms. The project has provided significantly enhanced sport and leisure facilities as part of the Enterprise Zone Project which also included £250,000 external funding from the Football Foundation. A refurbishment of the second all-weather pitch at Stanley Park took place towards the end of 2023, which was also part-funded by the Football Foundation.

In October 2021, the government and Lawn Tennis Association announced significant investment into public tennis courts across Britain with the aim of bringing public park tennis courts in very poor or unplayable condition back to life and engaging 1 million more players in tennis. At the start of 2023, Blackpool received £214,321 investment across four locations,

including Stanley Park, Cavendish Road Park, Claremont Park and Anchorsholme Park. The athletics track at Stanley Park also received investment of £324,657, which enabled a full replacement of the running track and throwing areas, providing a safe and modern facility for residents to use and allowing large scale athletics events to continue in Blackpool.

Further investment in sport and leisure facilities across the town is planned for 2024, with funding from the Football Foundation to develop PlayZones (multi-sports playing areas) in Talbot and Brunswick. This forms part of a wider project working with the Blackpool Boys and Girls Club to build a new youth centre, with work on these two projects expected to start in spring 2024. Additionally, conversations are on-going with the Football Foundation, who are keen to invest in a redevelopment project of Boundary Park changing rooms and outdoor sports area which provide up-to-date community sports and activity spaces for local residents.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

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CABINET MEMBER FOR LEVELLING UP: PLACE - COUNCILLOR MARK SMITH

Portfolio areas of responsibility:

- Economic development based regeneration including growth and prosperity
- Enterprise Zones
- Town Deal, Levelling Up and Community Renewal Funding
- Asset management/ Council owned properties
- Strategic housing
- Strategic transport management
- Building Services
- Business Improvement District (BID)

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1: Regeneration projects delivering town centre jobs before March 2025

As we approach a new financial year, I am very pleased that many projects that have been years in the making will begin to add to the mix of facilities in our ever improving town. The first project coming to fruition should be the Showtown Museum, which will open in March. Our story as Britain's best-known seaside resort can finally be celebrated in a fitting manner, with the creation of 40 jobs allowing local people to showcase everything which makes Blackpool special.

April and May will see the arrival of the new iMax and 9-screen cinema, along with the Backlot Diner, which will greatly add to our early evening economy and further enhance the town. These businesses will also create over 40 new jobs and enhance the Coronation Street streetscape.

2024 will also see the opening of the 144-room Holiday Inn hotel and Marco's (Pierre White) New York Italian restaurant. The arrival of this global hotel chain and celebrity chef restaurant is a huge milestone in our regeneration programme and will bring almost 100 new jobs to the town. Taken together, these three projects will create around 180 new jobs in just a 3 month period.

With speedy progress already being made, as seen by the steel structure and façade already coming together, the new Civil Service Hub will be completed later in the financial year, with 3,000 office workers previously based on the outskirts of the town moving into a quality energy efficient building in the town centre and providing a significant boost to the economy.

Theme 2: Growth and Prosperity 2023 achievements and projects underway

Blackpool Council's Growth and Prosperity team was established in 2017 to lead, develop and implement an ambitious £2 billion regeneration programme to create jobs and increase opportunities for local people by attracting public and private sector investment. In addition to making great progress on the projects listed above, 2023 has been a landmark year. Our initial plans are now coming to fruition to great acclaim, with the benefits of our work being realised and Blackpool establishing itself as a serious economic hotspot.

Projects which completed or progressed in 2023 include:

- **Abingdon Street Market** - May saw the highly anticipated launch of what is now a very popular food and beverage element of the market after acquisition and refurbishment. The full opening of the retail element, providing a space for independent businesses in a key location, followed in November 2023.
- **Blackpool Airport Enterprise Zone** - The Enterprise Zone continues to drive business and economic growth, recently attracting the 2,500th new job since being granted Enterprise Zone status in 2016, with this growth showing no signs of slowing down. Other significant developments included securing electricity for 10.5 hectares of land on the zone, new plans being unveiled for a number of hangars and a new road at Blackpool Airport and the completion of a brand new 3G artificial turf pitch. Additional Council funding for the next major phase of the Enterprise Zone Delivery was also confirmed.
- **Common Edge Sports Village** - A new £6 million sports village in Blackpool, the Common Edge Sports Village has been developed as phase one of the Blackpool Airport Enterprise Zone and improving the community sports facilities allows 10.5 hectares of land to be unlocked for commercial development. The sports village includes 14 new grass football pitches, a full sized 3G football pitch, sports pavilion with changing rooms and community space, plus a grass rugby pitch and training area.
- **New Frasers Blackpool** - The new store opened its doors to the public in Houndshell Shopping Centre this November. This partnership with the Council brings together a range of exciting brands including Frasers, Flannels, Sports Direct, Game and Evans Cycles all in one place and will help increase footfall into the town centre.

- **Attracting and Managing External Funding** – Levelling Up Fund and Capital Regeneration Funding of £63 million were confirmed this year to support the Multiversity (January), former Post Office (March) and Town Centre Access Schemes (November). We also secured money for the A586 via the Safer Roads Fund and saw the approval of a £237,000 High Street Accelerator pilot in November, with ability to submit an additional £500,000 town centre “greening” bid in early 2024. Elsewhere, the Shared Prosperity Fund money allocated to Blackpool by the UK government saw the approval of 13 projects, amounting to £4.9 million of activity to support Blackpool community and business sectors.
- **Attendance at key events** such as the UK’s Real Estate Investment and Infrastructure Forum 2023, where the Council exhibited its activities and potential to developers and contractors for the second year in a row. The team also sponsored events and were reported in major regional business publications e.g. Invest North West guide with continued progress with Blackpool Makes it Work marketing campaign.

Further projects planned for 2024 include:

- **Multiversity** – £9 million of Town Deal funding is being used to acquire properties which supplements the award of £40 million from the Levelling Up Fund to develop a new Multiversity campus bringing up to 3,000 more students and staff to the area. The project progressed in 2023 via this funding and the submission of an outline planning application.
- **Delivering the Town Deal programme** - All 7 Town Deal schemes will progress substantially, including the Stanley Buildings redevelopment into units for businesses commencing in February 2024, whilst The Platform employment support project (see cabinet member for Young People and Aspiration report) will complete as a Town Deal Project March 2024 and continue as a Shared Prosperity Funded scheme from April.
- **Enterprise Zone Access Road** – work to connect Common Edge Road to Amy Johnson Way through the unlocked land will commence soon, creating access to development plots which will become available for growing or relocating businesses. The commercial units will help the Enterprise Zone to achieve its targets of creating 5,000 new, quality jobs for local people and spark £300 million of private sector investment in the town.
- **Extension to Blackpool tramway** - which will connect the Talbot Gateway and train station directly with Blackpool Promenade, alongside an underpass which will allow pedestrians to access the Holiday Inn and tramway directly from the station.
- **Devolution Deal** – subject to the Devolution Deal being formally approved, Blackpool is highly likely to secure £6 million Devolution funding for the Technology Demonstrator project to be based at the Enterprise Zone.
- **Shared Prosperity Fund (SPF)** – All 13 SPF projects will continue delivery producing key outputs and outcomes. This includes the two new business academies (Blackpool Growth

and Low Carbon), which will provide tailored advice to new and growing businesses and help to lower carbon emissions and energy costs. They will provide advice and mentoring to improve their workforce, scale their operations and drive innovation. External funding will also drive the implementation of the implementation of the **Town Centre Action Plan** and **High Street Accelerator pilot**.

- **Hotel Indigo** – The scheme to convert the former Post Office into a boutique hotel will progress, with acquisition of the existing building and redevelopment of the site.
- **Town Centre Access Scheme (TCAS)** – full scheme designs and delivery will commence further to approval in November 23.
- Continued work on finalising **multi-million pound disposals**.
- **Monitoring and Assurance** – Due to the substantial regeneration funding involved, the management, monitoring and assurance of the delivery of externally-funded schemes will continue to ensure we meet funders’ requirements. The ongoing administration of key representative groups such as the Town Deal Board will continue.

Selective Licensing

At the Council meeting on 29th November we had a public speaker who spoke about the proposed new Selective Licensing Scheme. In my reply in my role as the relevant Cabinet Member, I made reference to a property which he had referred to in his speech on Hornby Road as being up for auction. In my reply I commented that this property was shown on the auction website as being sold. I have since found out that although the website did state it was sold, this information was incorrect and the property had not been sold. I wanted to clarify this point as part of my report today.

With regard to the Selective Licensing Scheme the consultation closed on 7th January and the responses are currently being reviewed and analysed.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member’s portfolio.

CABINET MEMBER FOR YOUNG PEOPLE AND ASPIRATION – COUNCILLOR KATH BENSON

Portfolio areas of responsibility:

- Schools under LA control, community schools
- Children with Educational Needs and Disabilities (SEND)
- LEA support to academies and voluntary aided schools
- School place planning, organisation and buildings
- Education diversity and support units/service e.g. Pupil Referral Units
- Youth Services
- Youth Employment and Education

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1: Schools Update

Following its latest Ofsted report, South Shore Academy has been judged as inadequate. As South Shore is already an Academy with a previous inadequate judgement, it is now potentially in scope for re-brokering to another Trust. This process, if enacted, often takes considerable time and so the Department for Education will advise on the next steps. Two termination warning notices have been issued to Bright Futures Trust who run the school.

Foundations have been laid for the extension to Highfurlong School and the steel frame is being constructed. Planning permission for stage two, which includes a new hydrotherapy suite, has been approved and the construction of the second phase will follow-on from stage one. Both stages are expected to be complete by the end of 2024, with students on site from September 2024. The completion of the building work will mean that there will be over 40 new special school places for Blackpool children, whilst the hydrotherapy provision will also be available to some adult members of the community who require the use of such a facility.

Langdale Primary School has now closed and the pupils have moved on to new schools. The building has been acquired by Blackpool Council and will be used as a specialist SEND provision, catering for pupils who cannot manage in mainstream classrooms and struggle to attend school.

Plans are in place to use this building to provide bespoke support for children with Education, Health and Care Plans and to open the building for extended hours for community use.

Theme 2: “The Big Education Conversation” event with Bridget Phillipson MP

On 24 November 2023, students of different ages and backgrounds across Blackpool came together to engage in “The Big Education Conversation” event at Montgomery High School. This event brought together organisations including Big Change, Blackpool Youth Council, Right to Succeed and Blackpool Council in a youth-led conversation about potential changes to the English education system. Participants reflected on ideas set out in *Out of kilter: How to rebalance our school system to work for people, economy and society*, a report produced by the Progressive Policy Think Tank. The Shadow Secretary of State for Education met children and teachers as they articulated what a re-shaped school system might look like.

The debate was facilitated by The Big Education Conversation, an organisation which supports communities to talk about what education means to them and how real changes to systems can be made. Children suggested adding more practical and vocational subjects to the curriculum, such as budgeting skills, to enable young people to pursue a wider set of interests and career pathways. In the afternoon, in a more formal setting, leaders reflected that a one size fits all system may not be fit for purpose and welcomed further debate, consultation and engagement about how the system may be changed.

Theme 3: Adult Education – the success of The Platform

The Platform youth employment centre was launched in January 2022 in response to high levels of youth unemployment in Blackpool. The Platform is a bespoke youth-friendly facility focused on the needs of the 16-24 age group. It hosts a dedicated team of employment advisers and offers training and digital job search facilities. Jobcentre Plus Youth Work Coaches are co-located with the Council’s team, which means that staff can liaise to ensure an effective handover and work jointly with clients. The Platform regularly hosts workshops and jobs fairs with excellent links with Blackpool and the Fylde College and other training providers and crucially local employers who offer job opportunities, careers advice and work experience opportunities.

In December 2023, the Platform reached an important milestone in terms of directly assisting 1,000 young people with employment and training advice, with 291 young people helped into work and a further 264 into education and training. In recognition of the considerable achievements of the Blackpool delivery model, the Platform recently won the Partnership of

the Year Award from the Employment Related Services Association. This acknowledged the effective partnership working between the Council and Jobcentre Plus, as well as other supporting organisations. The Platform has received financial support from various government initiatives to enable its initial setup and to sustain the core team and activities, including the Community Renewal Fund, the Town Deal and the Shared Prosperity Fund. Its future is secured until at least March 2025 and the Council will explore all funding opportunities to continue the excellent work of this much-needed employment advice facility for young people.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

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CABINET MEMBER FOR ADULT SOCIAL CARE – COUNCILLOR NEAL BROOKES

Portfolio areas of responsibility:

- Adult provider services including Commissioned services for adults
- Adult social care assessment and support
- Adult respite, day services, Care at Home, supported living and residential services
- Adult safeguarding
- Reablement and intermediate care
- Health integration including funding and services delivery
- Regulated care sector/ inspection/ quality monitoring
- Adult mental health, learning disability, frail older people and physical disability services

Introduction

The cabinet member will present the report to Council and report on any key issues.

Blackpool Council Adult Social Services Department – Winter/Christmas/New Year Resilience Delivery

Theme 1: Adult Social Care – Health and Community Services – Throughout the winter period, our social work and social care practitioners work across Place in multi-disciplinary settings with health colleagues to avoid hospital admission where appropriate and to support timely discharges from our Acute Hospital and Clifton Hospital.

We have staff embedded within the hospital site to work with people who need some support with discharge planning. These teams, and the community services that help to deliver prompt discharges work over 7 days, ensure safe discharge for people we support and their families, as well as supporting the overall flow into and out of the hospital. They work daily with the hospital planning teams, ensuring that resource is placed wherever it is needed to support the safe and effective management of bed availability.

Our social work and social care practitioners worked closely with the Council's internal provider services across the Christmas/New Year period to ensure people receive the care and support they required at home. This included responding to keeping people safe and any safeguarding concerns. Together, our services ensured that alternative provision was available to prevent hospital admissions wherever possible. This included utilising beds at our ARC Intermediate

Care Service for admission avoidance as well as supporting prompt discharge, providing crisis support for individuals and their carers across our specialist respite estate and the provision of additional Care at Home support for people who needed some additional help to stay safe and well.

Theme 2: Adult Social Care - Community Team – Demand for a social care response was high on the days between Christmas and New Year. The team's focus was on responding to emergency/crisis requests that indicated people were at risk and/or could deteriorate if not responded to and/or required an acute admission to hospital. The team experienced high demand for responses from other partners notifying social care of people they perceived to be particularly vulnerable. Welfare visits were undertaken on those prioritised and safety plans agreed as part of the overall response. Additional practical assistance was also provided as part of the response, which included the provision of food parcels, financial assistance for essential items, rehoming of pets due to hospital admission, arranging residential short term care placements due to breakdown in living situations and arranging additional support at home.

The approach described above remained in place during the New Year week as part of our overall recovery response when services typically return and increased pressure is experienced across the whole health and care system.

Provision of Social Care:

Theme 3: Vitaline – The Council's 24 hour technology enabled care service is operational 365 days a year. When compared with previous years, the service experienced increased demand at particular points throughout the festive period. Advance planning ensured that additional staffing resource was available to provide a physical welfare response during these periods as well as cover in the Control Centre.

Between 23rd December and 1st January the Vitaline Service responded to nearly 7,000 alerts from people using their alarm equipment to ask for help and took over 4,000 calls from people across the community who needed help and support. The falls lifting service responded to 57 calls where people had fallen at home and could not get up and were able to successfully lift and support 48 people without the need for emergency services. Some of the successful lifts were undertaken as triaged diverts from the Ambulance Service, who had assessed that the person was safe to lift and would have had a lengthy wait for the stretched ambulance service. All of our lift responses were made in person within 40 minutes.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

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CABINET MEMBER FOR COMMUNITY SAFETY, STREET SCENE AND NEIGHBOURHOODS – COUNCILLOR PAULA BURDESS

Portfolio areas of responsibility:

- Public protection including environmental protection, Trading Standards, licensing, food control, health and safety, housing and planning enforcement
- Community safety, CCTV, security and civil enforcement
- Highways and traffic management
- Street lighting
- Integrated Transports Services including adults, children and Rideability Community Transport Services and school crossing patrol
- Parking services
- Private Sector Housing Licensing/ Selective Licensing
- Street cleansing including trade waste, Household Waste Recycling Centre, Local Environmental Action Team and building cleaning

Introduction

The cabinet member will present the report to Council and report on any key issues.

Theme 1: The Serious Violence Duty

The UK Government introduced the Serious Violence Duty to ensure relevant services work together to share information, ensuring they collaborate, target their interventions and plan to prevent and reduce serious violence within local communities. In response to this requirement, we have worked with partners on a county-wide Lancashire Serious Violence Duty Strategy to be adopted by all Lancashire Local Authorities and Community Safety Partnerships including ourselves.

To support detailed planning, each district within Lancashire must also prepare its own district needs assessment, which Blackpool concluded in January 2023. The assessment drills further down into the local detail of the Pan-Lancashire Strategic Needs Assessment and includes a demographic overview of the district, epidemiology of risk and protective factors for violence in the district and a violent crime problem profile for the district.

The Lancashire Violence Reduction Network leadership board has considered data which describes the local picture of Serious Violence and agreed that this should include Homicide,

Knife Crime, Gun Crime, Assault With Injury, Rape, Robbery, Aggravated Burglary, Domestic Abuse and Violence and Sexual and Criminal Child Exploitation.

Following an action planning workshop, a first draft was completed on 20 December 2023 to seek input and comments from all internal and external partners. These were incorporated into the plan and a special meeting of the Community Safety Partnership was held on 17 January 2024 to consider the plan, where all final input from partners was agreed to be included in the document by 26 January 2024.

The plan has four priority areas which are as follows:

- Prevention of serious violence;
- Enforcement;
- Cultural transformation and workforce development; and
- Evidence: data and evaluation.

Theme 2: Trading Standards - the illegal selling of vapes to underage children

A recent vaping test purchase operation in Blackpool resulted in 100% of the tested premises failing the underage sales test. Following this appalling finding, the Trading Standards team is taking additional steps to tackle this illegal practice. All operators of premises failing the test will be subject to intervention meetings and will be revisited within three months to ensure that they are operating legally. There are several enforcement options open to Trading Standards should businesses continue to fail the test, which ultimately could result in prosecution if the team is dissatisfied with the improvements or progress made.

The government is currently out to consultation regarding proposals to reduce youth vaping, which Blackpool Council has responded to, further details of which can be found in the Levelling Up - People report.

General questions / comments

Councillors will have the opportunity to raise questions / comments on any matter in the Cabinet Member's portfolio.

COUNCIL APPOINTED COMBINED FIRE AUTHORITY REPRESENTATIVES - REPORT TO THE COUNCIL – COUNCILLORS BAKER, HUGO AND JACKSON

This report updates the Council on the work of the Combined Fire Authority. The Fire Authority is made up of 25 Councillors (19 representatives from Lancashire County Council, three from Blackburn with Darwen Council and three from Blackpool Council).

Since the last report to Council, the Combined Fire Authority has met on two occasions, 18 September and 18 December 2023. The Combined Fire Authority has produced a summary of those meetings and the appointed representatives will update the Council on any issues.

REPORT OF THE LANCASHIRE COMBINED FIRE AUTHORITY 18 September 2023

1. Chair's Welcome and Introduction

The Chair welcomed County Councillor Matthew Salter who had replaced County Councillor Andrea Kay on the Authority. The Chair advised that CC Kay had been unwell. The Authority wished her a speedy recovery and asked that their wishes be passed on to her.

The Chair advised that the International Search and Rescue (ISAR) Team had won the Bravery Award at the BBC Make a Difference awards, following their deployment to Turkey earlier this year.

The Chair explained that, due to the devastation caused by the earthquake in Morocco, the ISAR Team (plus Search dog) had been deployed to assist with the rescue effort.

2. Member Champion Activity report

The Authority appointed its Member Champions at its Annual meeting in June and current Member Champions were:

- Community Safety – Councillor Jean Rigby
- Equality, Diversity and Inclusion – Councillor Zamir Khan
- Health and Wellbeing – County Councillor Andrea Kay (up to 30 August 2023)
- Road Safety – County Councillor Ron Woollam

Reports relating to the activity of the Member Champions were provided on a regular basis to the Authority and this report related to activity up to 31 August 2023.

Members commented on the valuable work of the Prince's Trust, in conjunction with LFRS. It was acknowledged that Lancashire had the largest delivery of the Prince's Trust programme in the UK and agreed that a presentation would be brought to a future meeting of the Fire Authority to highlight the achievements of the programme.

County Councillor Ron Woollam advised that he had attended the 'Alive to Drive' demonstration organised by the Lancashire Road Safety Partnership. He urged Members to attend future events as this was a very interesting and important campaign to raise awareness of road safety in Lancashire.

It was noted and endorsed that County Councillor John Singleton would replace County Councillor Andrea Kay as Member Champion for Health and Wellbeing.

3. Fire Protection Reports

The Authority received a report that summarised Lancashire Fire and Rescue Service prosecutions pertaining to fire safety offences under the Regulatory Reform (Fire Safety Order) 2005. One case was currently within the court system with the trial provisionally set for 16 October 2023. Protection teams continued to investigate and build files in relation to further cases where offences were believed to have been committed, which involved a number of types of premises as outlined in the report. Of those cases one had been served a summons with the first hearing scheduled for 20 September 2023. Two of the other cases had draft summonses drawn and four were currently under review by legal counsel. There was also one further case currently being investigated which might see a joint prosecution with the Health and Safety Executive.

Given the rapidly evolving regulatory change in building fire safety, an update on Fire Protection and Business Support was also provided, detailing how the Service was adapting delivery whilst developing its workforce, to ensure that it kept pace with the changes and improved public and firefighter safety within the built environment.

At the end of July 2023, circa 3,685 Business Fire Safety Checks had been undertaken across Lancashire, with 619 identifying significant fire safety concerns resulting in follow up action by Protection teams. The delivery of this valuable risk reduction work was well established across fire stations and continued to receive system refinements.

From 1 October 2023 the Regulatory Reform (Fire Safety) Order 2005, would be amended by the introduction of Section 156 of the Building Safety Act 2022 which required all responsible persons to record their fire risk assessment in full (including all findings) along with the fire safety arrangements for premises, in all circumstances. This was a significant

change for responsible persons, as the Fire Safety Order currently only required a written fire risk assessment if the business had five or more employees or required a licence. The new legislation would also introduce several additional duties on the responsible person, regarding information they must record and provide along with increasing the level of fines for some offences.

To better prepare responsible persons for these changes, LFRS continued to undertake engagement activities, which included:

- i) the production of a letter outlining all relevant changes - this was being distributed as part of the protection department's day to day interactions with businesses and premises;
- ii) digital media and digital copies of the letter were being shared via partners; and
- iii) a campaign highlighting the changes was being conducted through LFRS' social media channels and the website.

LFRS would also be supporting Business Safety Week (11 to 17 September) where specific activities, engagement and media would raise awareness and support businesses and responsible persons to prepare for change and keep fire safety a priority.

4. Operational Incidents of Interest

The Authority received a report that provided information relating to operational incidents of note since the last meeting. As this had been a very busy operational period, the report detailed only the larger deployments or more complex incidents. Full details of the following incidents were provided in the report:

- Building fire in Fleetwood
- Storage yard in Accrington
- Multiple houses on fire in Accrington
- Derelict chapel in Rossendale
- Explosives discovered during police operation in Leyland
- Commercial building fire in Haslingden
- Road traffic collision on the M6, closing the motorway in both directions due to a spillage
- Commercial building fire in Burnley
- Commercial building fire in Barnoldswick
- Commercial building fire in Blackburn

5. Re-appointment of Clerk to the Authority

The Authority approved the re-appointment of Mr Mark Nolan as Clerk and Monitoring Officer to the Lancashire Combined Fire Authority for a period of twelve months, to the September meeting of the Authority in 2024.

REPORT OF THE LANCASHIRE COMBINED FIRE AUTHORITY

18 December 2023

1. Chairman's Welcome and Introduction

Members received an update on the following:

Major Fire Incident in Lancaster

On Sunday 3 December 2023 ten fire engines from Lancashire and Cumbria were called to a derelict commercial building fire at the former SupaSkips site on Port Royal Avenue, Lancaster. The fire was deep-seated in 13,000 tonnes of compacted waste and the Service had been on site every day working with national and local partners. Lancaster City Council had provided funding to clear the site which was now expected to be before Christmas.

Gas Explosion in Blackburn

The Service had attended a gas explosion on London Road, Blackburn the previous evening. The drone and Service dog were used to assist in the rescue of a casualty from the collapsed building.

Demonstration of Hagglund Vehicle

The Chair invited Members to a demonstration of the Hagglund Vehicle on the rise of the meeting. He advised that the all-terrain Hagglund vehicle made it easier to access rural areas during extreme weather events. The Hagglund had now been converted for flood response and would be better able to support the communities in Lancashire.

Staff News

Members noted that the Service had recently celebrated the dedication and talent of over fifty staff who were honoured with long service, good conduct awards, commendations, Star Awards and for academic accomplishments. The Authority congratulated winners and those shortlisted in the Asian Fire Service Association and the Excellence in Fire and Emergency Awards.

The Clerk to the Authority and Monitoring Officer advised that this would be the last meeting for the Principal Member Services Officer who would be leaving the Service early in the New Year. The Chairman and Leader of the opposition thanked Mrs Brooks for her

dedication and reliability over the many years she had been in the role.

Presentation by Fire Cadets, Isaac Kelly and Kit Nicholls

The Assistant Chief Fire Officer was pleased to introduce Fire Cadets Isaac Kelly and Kit Nicholls who had attended the meeting to present to Members their experiences and inform of the benefits of the Fire Cadets programme from their personal perspective and for the Service. Members applauded the presentations given and on behalf of the Authority the Chair wished Isaac and Kit every success in their future careers.

2. North West Fire Control – Continuing the Collaboration

The report set out the background to North West Fire Control centre (NWFC) which was created after the collapse of a national project. NWFC served the areas of Cheshire, Cumbria, Greater Manchester and Lancashire. From May 2014 staff started answering Lancashire's 999 calls, mobilising resources to incidents and assisting operational staff with the management of incidents.

NW Fire Control Limited (the Company) as the legal entity that provided the services to the partner fire and rescue services was jointly owned by the fire and rescue authorities and liability was limited by guarantee. NWFC had been a difficult and costly exercise to create with parties to the collaboration advised that it should be seen as a long-term and 'almost permanent' arrangement, due to the complexity and cost of ending it.

The Authority was committed to continuing the NWFC collaboration and agreed increased costs associated with:

- i) shared costs (based on an apportionment model) which increased Lancashire's proportion from 25.5% to 28.05%;
- ii) the replacement of a new mobilising system; and
- iii) additional resourcing costs to deliver aspects of the business plan that supported increased expectations on the sector as a result of recommendations from the Manchester Arena Inquiry and a new Fire Standard for fire control rooms.

3. Updated Whistleblowing Policy

His Majesty's Inspectorate of Constabulary and Fire and Rescue Services had published a report on values and culture in Fire and Rescue Services in March 2023. The report recommended that Chief Fire Officers should make sure that their Service provided a confidential way for staff to raise concerns via their Whistleblowing processes by 1 October 2023. This recommendation was supplemented by the National Fire Chief Council's recommendations on values and culture. In response, the Service had established Safecall, with effect from August 2023.

4. Fire Protection Reports

Members received a report that summarised Lancashire Fire and Rescue Service prosecutions pertaining to fire safety offences under the Regulatory Reform (Fire Safety Order) 2005. There were currently three cases in the judicial system for offences with one set for trial in July 2024, one set for sentencing at Preston Crown Court in December 2023 and one plea hearing had recently been adjourned until January 2024.

Given the rapidly evolving regulatory change in building fire safety, an update on Fire Protection and Business Support was also provided, detailing how the Service was adapting delivery whilst developing its workforce, to ensure that it kept pace with the changes and improved public and firefighter safety within the built environment.

Members noted that since April 2023 there had been 1,977 business fire safety checks delivered, of which 1,702 (86%) had resulted in a satisfactory outcome, with 275 being deemed unsatisfactory resulting in follow up business safety advice. The protection department followed up activities which had resulted in three legal notices being issued, including the prohibition of two premises and around 100 informal letters issued to indicate fire safety improvements.

The new Building Safety Act came into force on 1 October 2023, requiring Responsible Persons of High-Rise buildings to register their building with the Building Safety Regulator (BSR). To date LFRS had been notified that only 30% of the county's relevant buildings had been registered. LFRS operated as part of the Northwest Region to support the Building Safety Regulator (the Health and Safety Executive) and had implemented a dedicated role within its Protection team.

Members also noted arson risk reduction included five cases of which three incidents involved youths, one defendant following a guilty plea to 'arson being reckless as to whether life is endangered' was sentenced to serve two years and ten months in prison and one defendant who also pleaded guilty received five years imprisonment.

5. Operational Incidents of Interest

The Authority received a report that provided information relating to operational incidents of note since the last meeting. As this had been a very busy operational period, the report detailed only the larger deployments or more complex incidents. Full details of the following incidents were provided in the report:

- Six fire engines attend a commercial building fire in Bamber Bridge;
- Three fire engines attend a car on fire with persons trapped;
- Ten fire engines attend a commercial building fire in Blackburn;
- Four fire engines attend disused waste storage building in Lancaster;
- Fire crews attend a fatal boat fire in Nateby;
- Six fire engines attend a commercial building fire in Blackburn;
- Four fire engines attend a fatal incident on the river Lune;
- Fire crews attend a fatal house fire near Ribchester;
- Ten fire engines attend a commercial building fire in Longridge;
- LFRS attend a suspected explosive device in Burnley.

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Report to:	COUNCIL
Relevant Officer:	Steve Thompson, Director of Resources
Relevant Cabinet Member:	Councillor Jo Farrell, Cabinet Member for Levelling Up People
Date of Meeting:	31 January 2024

COUNCIL TAX REDUCTION SCHEME 2024/2025

1.0 Purpose of the report:

- 1.1 To receive an update on the impact of the Council Tax Reduction Scheme since the introduction in 2013/14 and to consider the recommendations of the Executive at its meeting on 11 December 2023 on the proposals for the Council Tax Reduction Scheme for 2024/25. The Decision Notice EX46/2023 from that meeting can be found via this link: [Decision Notice](#)

2.0 Recommendation(s):

- 2.1 To note the impact of the Scheme to date as set out in paragraphs 6.7 and 6.8.
- 2.2 To agree the Council Tax Reduction Scheme 2024/25 as set out in Appendix 6c.
- 2.3 To agree that the reduction applied to working age claimants remains the same as the 2023/24 Scheme agreed by Council on 1 February 2023 and that the main elements and method of calculating awards will be the same.
- 2.4 To agree to continue to operate a Discretionary Discount Policy to be awarded in cases of exceptional hardship as set out at Appendix 6a.

3.0 Reasons for recommendation(s):

- 3.1 To ensure a local Council Tax Reduction Scheme is approved by 11 March 2024 and in place by 1 April 2024 avoiding the financial risks associated with the Government imposed default Scheme.
- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None, a Council Tax Reduction Scheme must be approved by the Council each year.

5.0 Council priority:

5.1 The relevant Council priority is: “Communities: Creating stronger communities and increasing resilience”.

6.0 Background information

6.1 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.

6.2 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 until 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.

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

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

6.4 For the 2019-20 Scheme, the 13.56% reduction was extended to the following groups and no further changes have been made since:

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

6.5 The initial 2013/14 funding was separately identifiable, but since then the monies have formed part of the overall total Revenue Support Grant (RSG). Analysis of the RSG would suggest that the initial £17.58m allocated for the scheme would equate to approximately £5.2m in 2020/21 and £5.2m in 2021/22 due to the continued year-on-year changes in Settlement funding. In order for the scheme to be self-funding now, the bottom-slice would need to be in excess of 100%.

6.6 The Council Tax Reduction Scheme caseload has shown a downward trend for several years since the introduction of the Scheme in 2013/14 as shown below. However, 2020/21 saw an increase in caseload due to the impact of the pandemic.

	Working Age	Elderly	Total
2013/14	14,504	8,815	23,319
2014/15	13,781	8,407	22,188
2015/16	13,610	7,985	21,595
2016/17	13,385	7,589	20,974
2017/18	13,050	7,267	20,317
2018/19	12,930	6,901	19,831
2019/20	13,147	6,622	19,769
2020/21	15,464	6,453	21,917
2021/22	14,479	6,346	20,825
2022/23	12,688	6,226	18,914
2023/24	12,072	6,190	18,262

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. The Government’s focus on getting Working Age people back into work may also be a factor.

- 6.7 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 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 2022/23 collection was 88.87% with a 71.5% collection rate for Council Tax Reduction Scheme cases, although these rates are likely to be reflective of the impact of the pandemic and inability to take court action.
- 6.8 Collection is marginally above 2022/32 rates at the moment but the overall increase in arrears has meant the Council's share of the bad debt provision for Council Tax and Council Tax Reduction Scheme has increased annually since the introduction of the Scheme and was £8.684m at 31 March 2023.
- 6.9 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 £3.85 for most benefits except Universal Credit. This means that it is not usually 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. Deductions from benefits for other debts owed can have a higher priority than Council Tax debt leading to the Council waiting for any attachment of benefits to be applied.
- 6.10 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 33.89% of the caseload.
- 6.11 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 6.2, 6.3 and 6.4) is then applied to the award at the end of the assessment.
- 6.12 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 2024/25 the value of the percentage reduction for other working age customers, who do not fall into the vulnerable or low income categories shown at 6.2, 6.3 or 6.4, should remain at 27.11%.
- 6.13 Does the information submitted include any exempt information? No

7.0 List of Appendices:

- 7.1 Appendix 6a: Discretionary Discount Policy
- Appendix 6b: Equality Analysis
- Appendix 6c: Draft Council Tax Reduction Scheme 2024/25

8.0 Financial considerations:

- 8.1 For 2024/25 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 6.2, 6.3 and 6.4, who will be subject to a 13.56% reduction.
- 8.2 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.
- 8.3 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.

9.0 Legal considerations:

- 9.1 Authority to charge Council Tax is laid down in the Local Government Finance Act 1992. Sections 13a and Schedule 1A of the Local Government Finance Act 1992 provide the necessary authority to agree a Council Tax Reduction Scheme.
- 9.2 A resolution by the full Council to adopt a Council Tax Reduction Scheme is required by 11 March 2024. The Scheme will take effect from 1 April 2024.
- 9.3 The Council Tax and Business Rates Discretionary Discount Policy has been reviewed and is attached at Appendix 6a.

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 Equalities considerations:

11.1 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 2024/25 an updated Equality Analysis is attached at Appendix 6b for Members to review.

12.0 Sustainability, climate change and environmental considerations:

12.1 None directly.

13.0 Internal/external consultation undertaken:

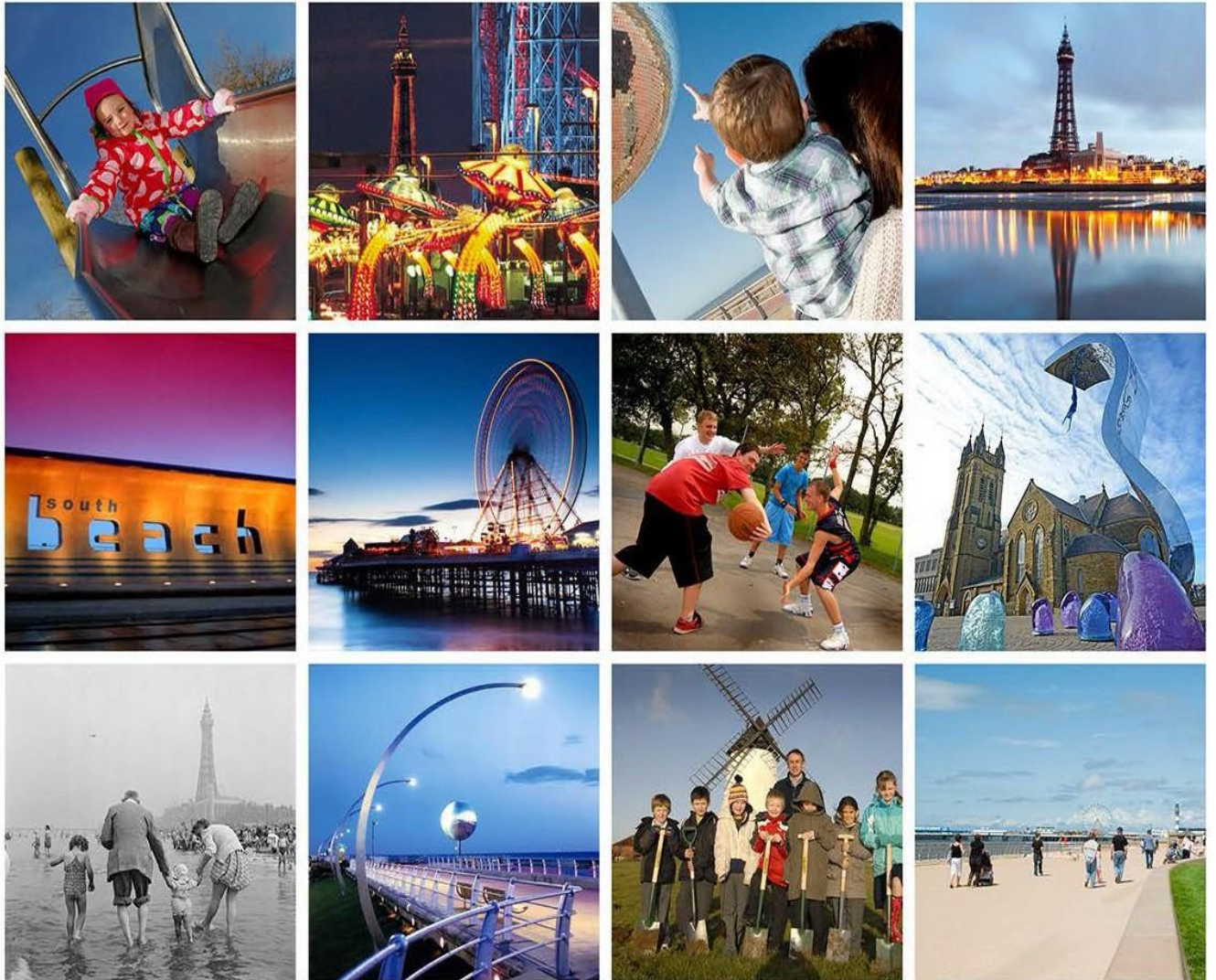
13.1 As the main elements and method of calculating awards will remain the same for 2024/25 no consultation exercise is required.

14.0 Background papers:

14.1 None.

Council Tax and Business Rates Discretionary Discount Policy 2024/25

Blackpool Council



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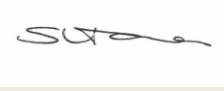
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Last edited:	15 November 2023

Record of Amendments

Date	Version	Amended by	Description of changes
08/10/2014	1.2	A. Turpin	
19/12/2014	1.3	A. Turpin	
20/10/2015	1.4	G. Ruse	Add Part Occupation Relief
24/10/2016	1.5	G. Ruse	Remove Re-Occupation Relief
15/01/2018	1.6	G. Ruse	Review Post titles
18/06/2018	1.7	D. Holmes	Reformatting of the document (no new content)
17/07/2018	1.8	D. Holmes	Clarify criteria and evidence for Hardship Relief
03/09/2018	1.9	L. Jones/ A. Turpin	Review of policy for 2019-20
13/12/2018	2.0	D. Holmes	Added Retail Discount, Local Newspaper Relief, Relief for Community and Sporting Organisations, clarified part 5, and referenced Enterprise Zone relief
17/12/2018	2.1	G. Ruse	Inclusion of Revaluation Relief and Fraud statement
29/10/2019	2.2	L. Jones / G. Ruse	Review of Policy for 2020/21
30/01/2020	2.3	G. Ruse	Amendments for 2020/21 Rate Relief Amendments
20/03/2020	2.4	D. Holmes	Amendments to Retail Discount following COVID-19 advice.
	2.5		Amendments to Council Tax Reduction following COVID-19 advice.
08/03/2020	2.6	G. Ruse	Amendments to Retail Discount following COVID-19 advice.
08/09/2020	2.7	D. Holmes	Changes to policy following a re-structure and an update to introduce COVID-19 measures, including the Expanded Retail Discount and the OFSTED Registered Nursery Discount scheme.
03/08/2021	2.8	G. Ruse	Updated content for Expanded Retail Discount and Nursery Discount.
20/10/2021	2.9	L Jones	Review for 22/23 CTRS scheme
09/11/2021	3.0	D. Holmes	The removal of the OFSTED Registered Nursery Discount scheme and the removal of the Enterprise Zone Relief, as these have now ceased. Further updates to the Expanded Retail Discount scheme.
13/01/2023	3.1	L Jones	Review for 23/24 CTRS scheme

26/01/2023	4.0	G. Ruse	RHL Relief percentage update.
28/11/2023	5.0	L.Jones	Review for 24/25 CTRS scheme (draft) and Retail Hospitality and Leisure 24/25

Approved By

Name	Title	Signature	Date
Louise Jones	Head of Revenues, Benefits and Customer Services		28 November 2023

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 since 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 1st April 2013. During the development of the scheme the Councils' Equality Analysis identified that certain groups affected by the reduction in support would be unlikely to be able to increase their income.

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 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 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.

Decision making process

Stage 1: The initial request will be dealt with by a 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 if there is relevant new information available on which to reconsider the original decision.

Stage 1: The original decision and any additional information provided will be reviewed by a different Revenues Manager who will recommend either confirming or amending the original decision.

Stage 2: The Head of Revenues, 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 Relief - Business Rates

The Council may award Business Rates relief on any case where it has been asked to do so, and where the award would be clearly in the interest of the local Council Tax payer.

The relief is available pursuant to s.47 of the Local Government Finance Act 1988, as amended by s.69 of the Localism Act 2011, and decisions are to be made on a case by case basis and dependant on the individual facts. This is often referred to as 'Localism Relief'.

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 the community for the local authority to grant a reduction, **and**
- 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.

Decision making process

Stage 1: The Decision Maker (Principal Revenues Manager or Head of Revenues, Benefits & Customer 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 only 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. Relief relating to organisations established for Sporting and Community Purposes

Pursuant to s.47(3) and s.47(5) of the Local Government Finance Act 1988 (as amended) the billing authority may make an award of up to 100% for charities and other organisations, where the following conditions apply:

- a ratepayer is a charity or trustees of a charity, and the hereditament is wholly or mainly used for charitable purposes, **or**
- the ratepayer is a community amateur sports club and is wholly or mainly used for the purposes of the club and other such clubs, **or**
- all or part of the hereditament is occupied for the purposes of one or more institutions or other organisations, none of which is established or conducted for profit and whose main objectives are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the arts, **or**
- the hereditament is wholly or mainly used for purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

The billing authority may make a decision to grant relief, only if it is satisfied that it would be reasonable to do so, having regard to the interests of the Blackpool Council Tax payers.

The below is intended only as a guide when considering applications for discretionary relief, and each case will be considered on its own merit, but the Councils expects any application for relief to cover the following points:

Community Organisations

- the organisation is not part of a charging or precepting authority, **and**
- the organisation has been specifically set up for the benefit of the young, the aged, the disabled or for ethnic minorities, **or**
- the property is for the general use of the local community without any membership and/or subscription requirements and has no specific use except for the general benefit of the community, **or**
- the property is used for the housing of vehicles used only for offshore emergency purpose, **or**
- the aims of the organisation are to educate volunteers in emergency training for the benefit of the local community.

Sporting Organisations (including Community Amateur Sports Clubs)

- the membership is open to all sections of the community, **and**
- they do not restrict membership on the grounds of ability or the availability of their facilities, **and**
- whose membership levels are not set at such a rate to preclude membership by all sections of the community, **and**
- who provide outside sporting activities, **and**
- who actively encourage participation by young people, **and**
- who make their facilities available to people other than members e.g. to schools or casual public sessions, **and**
- whose main aim is sporting rather than social, **and**
- whose membership mainly reside in the Blackpool Borough (e.g. more than 50%)

Retail premises operated by a registered charity which have been granted mandatory rate relief may, in exceptional circumstances, receive a further discretionary award of up to 100%. The Council will consider the merits of each case but such an award will be the exception rather than the rule.

Responsible officer

The responsibility for making discretionary decisions will rest with the Director of Resources, who will discharge this responsibility by the following process:

Decision making process

Stage 1: The decision making process will involve the Principal Revenues Manager or the Head of Revenues, Benefits and Customer Services, 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 and 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 only if there is relevant new information available on which to reconsider the original decision.

Stage 1: The original decision and any additional information provided will be reviewed and a recommendation made to either confirm or amend the original decision.

Stage 2: The Director of Resources 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.

Following the redetermination of a request for discretionary discount, there is no further right of appeal.

7. Hardship Relief

In exceptional circumstances the Council may award relief where it is satisfied payment of the bill will cause a business severe financial hardship.

This will only be considered 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.

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.

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 the unique and regularly required service provided.
- 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, or if the business has not yet submitted accounts then an up to date income statement and/or balance sheet will be required.
- 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.

Decision making process

Stage 1: The Principal Revenues Manager or The Head of Revenues, Benefits and Customer 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 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 where 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.

8. 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 and apply an unoccupied property exemption on the unoccupied part; thereby reducing the amount payable.

Applications must be made in writing and supported by:

- a completed application form, **and**
- detailed scaled plans which outline the whole property and indicate the partly occupied/unoccupied parts, **and**
- details of the planned period of time for the part occupation, **and**
- details of future intentions, **and**
- details of the cause for the part occupation.

A site visit will be required. 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.

Decision making process

Stage 1: The Principal Revenues Manager or The Head of Revenues, Benefits and Customer 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 where 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.

9. Expanded Retail Discount

The Government announced in the 2018 Budget that it will provide a Business Rates Retail Discount scheme for occupied retail properties in 2019/20 and this remains today, albeit the discount was re-branded as the 'expanded retail discount' during the COVID19 pandemic and extended to additionally include businesses in the leisure and hospitality sectors.

Since this discount was created the rules and amounts have varied, from an initial 33% discount in 2019/20 to a full discount during the COVID19 pandemic, irrespective of rateable value and with no award cap. During 2021/22 a "cash cap" was introduced to limit the level of relief paid to £105,000 across all of the applicants businesses. During 2021/22 there was a split award of 100% for 3 months (April to June) and then a 66% rate for the remainder of the financial year.

From 1 April 2022 until 31 March 2023 the expanded retail discount will be 50% for all occupied premises within the retail, hospitality and leisure sectors, subject to a "cash cap" of £110,000 per business.

From 1 April 2023 until 31 March 2024 the Retail, Hospitality and Leisure discount will be 75% for all occupied premises within the retail, hospitality and leisure sectors, subject to a "cash cap" of £110,000 per business.

From 1 April 2024 until 31 March 2025 the Retail, Hospitality and Leisure discount will be 75% for all occupied premises within the retail, hospitality and leisure sectors, subject to a "cash cap" of £110,000 per business.

The discount is to be applied once mandatory reliefs and other discretionary reliefs have been applied.

Which properties will benefit from relief?

Properties that will benefit from the relief will be occupied hereditaments that are wholly or mainly being used:

- as shops, restaurants, cafes, drinking establishments, cinemas and live music venues,
- for assembly and leisure; or
- as hotels, guest & boarding premises and self-catering accommodation.

We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:

Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

Hereditaments that are being used for the provision of the following services to visiting members of the public: Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)

- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire
- Employment agencies
- Estate agents and letting agents
- Betting shops

Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

Hereditaments which are being used as cinemas

Hereditaments that are being used as live music venues:

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music. Although we would expect this would be clear in most circumstances, guidance on this may be found in Chapter 16 of the statutory guidance issued in April 2018 under section 182 of the Licensing Act 2003.

We consider assembly and leisure to mean:

Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs

- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

Hereditaments that are being used for the assembly of visiting members of the public.

- Public halls
- Clubhouses, clubs and institutions

We consider hotels, guest and boarding premises and self-catering accommodation to mean:

Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

- Hotels, Guest and Boarding Houses
- Holiday homes
- Caravan parks and sites

This is a test on use rather than occupation, therefore hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

What does not constitute retail, leisure or hospitality usage

The list below sets out the types of uses which we **do not** consider as being eligible for the purpose of this discount, and will therefore not qualify under this scheme.

Hereditaments that are being used for the provision of the following services to visiting members of the public

- Financial services (e.g. banks, building societies, cash points, bureaux de change, short-term loan providers)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/financial advisers)
- Post office sorting offices

Hereditaments which are not reasonably accessible to visiting members of the public

- Premises where membership is required to gain entry (e.g. affiliated social clubs)
- Premises where payment is required to gain entry

Hereditaments which are inconsistent with the Health & Wellbeing Strategy for Blackpool

- Premises used for the sale of psychoactive substances (also known as legal highs)

Amount of relief available

The total amount of government-funded relief available for each property under this scheme for 2019-20 was one third of the bill, and for 2020-21 the full bill. For 2021-22 the amount was a 100% discount for 3 months from 1st April 2021 until 30th June 2021, and a 66% discount thereafter until 31 March 2022. For the 2022/23 financial year the applicable discount is 50% and for 2023/24 and 2024/25 financial year the applicable discount is 75%. These are however subject to a “cash cap”. This relief is applied after mandatory reliefs and other

discretionary reliefs funded by section 31 grants have been applied. There is no relief available under this scheme for unoccupied properties.

A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day.

Responsible officer

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

Decision making process

The expanded retail discount was introduced as a financial package to assist those ratepayers who were expected to be adversely affected by the COVID19 pandemic, meaning awards were to be swift and without the normal requirement to complete forms and submit supplementary information in support of their application. With this in mind it was decided that:

- Where the property is occupied and the ratepayer clearly meets at least one of the above criteria for retail, hospitality and leisure sectors then the relief will be paid automatically.
- Where the ratepayer does not clearly meet at least one of the above criteria for retail, hospitality and leisure, or where the property is believed to be unoccupied, then the details will be passed to a Revenues Manager to determine whether the ratepayer is eligible for this relief.

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 only if there is relevant new information available on which to reconsider the original decision.

Stage 1: The original decision and any additional information provided will be reviewed and a recommendation made to either confirm or amend the original decision.

Stage 2: The Director of Resources 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. Following the re-determination of a request for a discretionary award there is no further right of appeal.

10. Local Newspaper Relief

The Government introduced a £1,500 Business Rate discount for office space occupied by local newspapers in England, up to a maximum of one discount per local newspaper title and per hereditament, and up to state aid limits, for 2 years from 1 April 2017. This was extended in the 2018 budget and the 2020 budget and will now apply until 31st March 2025.

The relief is to be specifically for local newspapers and by that we mean what would be considered to be a “traditional local newspaper.” The relief will not be available to magazines.

Responsible officer

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

Decision making process

In accordance with Government Guidance for the administration of the scheme, and to assist local businesses, the s151 Officer has agreed that the Council may make a number of assumptions with regard to eligibility to ensure relief is awarded to qualifying businesses as soon as possible.

Businesses awarded relief will be advised to inform the Council if they do not qualify for relief as a result of exceeding State Aid limits. Should a ratepayer believe they are entitled to the relief and it has not been awarded, an application form will be provided and relevant enquiries undertaken to determine eligibility.

Where an application form is sent and a response is received, a Revenues Manager will confirm eligibility and seek a decision from the Director of Resources.

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 where 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.

11. Fraud

Where a ratepayer falsely applies for any relief or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

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Equality Analysis (EA) (formally Equality Impact Assessment) Record Form 2024/25

Department: Revenues, 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 2024/25 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 2023 -Jul 2023
Start Equality Analysis based on proposed scheme	Jul 2023 – Oct 2023
Develop EA Action Plan to mitigate impact of the changes	Oct 2023
Send EA with Council Report to decide the scheme	Jan 2024

3. Please outline any proposals being considered.

Continue with the existing 23/24 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.
- 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 3rd party organisations providing support and advice to a wide range of customers

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

The proposed scheme will continue with the aims as set out in previous years Equality Analysis as no changes are proposed for 2024-25.

STEP 2 - CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU

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

Data/ information

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

- Billing and Recovery of Council Tax
- Awarding Council Tax Reduction

- Census data including index of deprivation
- Benefits caseload data to establish trends
- Information held by the Office of National Statistics

Research or comparative information

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

- The **Child Poverty Act 2010**, which imposes a duty on local authorities to have regard to and address child poverty and their partners, to reduce and mitigate the effects of child poverty in their local areas.
- The **Disabled Persons Act 1986**, and **Chronically Sick and Disabled Persons Act 1970**, which include a range of duties relating to the welfare needs of disabled people.
- The **Housing Act 1996**, which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups.

Local evidence

Population

Blackpool has a resident population of 141,040, some 38,610 (27.4%) of which are aged 60 and over. There are 64,790 households in Blackpool. [Census 2021](#)

Deprivation

Blackpool ranks as the most deprived local authority in England in terms of average deprivation scores. 39 (41.5%) of the 94 LSOAs in the local authority 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. [IMD19](#)

Housing

There is a high percentage of private rented dwellings in Blackpool and a slightly lower owner-occupier rate than seen nationally. [Census 2021](#)

- 57.8% - owner occupied (England: 62.3%)
- 31.9% - privately rented (England: 20.6%)
- 10.3% - social rented (England: 17.1%)

Household Compositions

38.0% of households in Blackpool single person households of which 15.1% are aged over 66. (England: 30.1%)

33.9% of households are couples or families aged 65 or under. (England: 42.0%)

13.7% are lone parents to dependent children. (England: 11.1%)

7.7% are households with all adults aged over 66. (England: 9.2%)

Disability

As of February 2023, 6,626 people in Blackpool claim Employment Support Allowance.

22,318 claim Personal Independence Payments, Disability Living Allowance or Attendance Allowance. [DWP](#)

Universal Credit

22,620 people claim universal credit; almost 1 in 3 people on universal credit are currently in or seeking employment. [DWP](#)

15,447 have no work requirements and this is the majority (68.3%) of the total number of people on universal credit. [DWP](#)

Pension Credit

Blackpool has 5,959 claimants in receipt of Pension Credit. [DWP](#)

Child Poverty

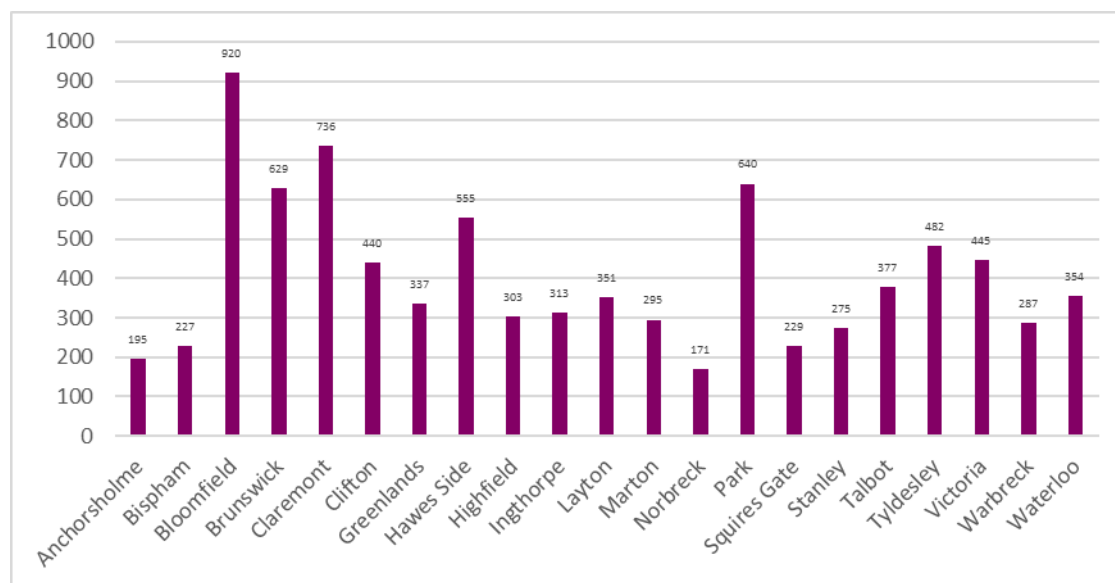
In 2022, 8,559 children lived in relative low income families and of this group 5,743 children lived in absolute low income families. [DWP](#)

Family Demographics

58.3% of children in relative low income live in working households.

49.9% of children in relative low income live in lone parent families.

Ward Distribution Children in relative low income 2022



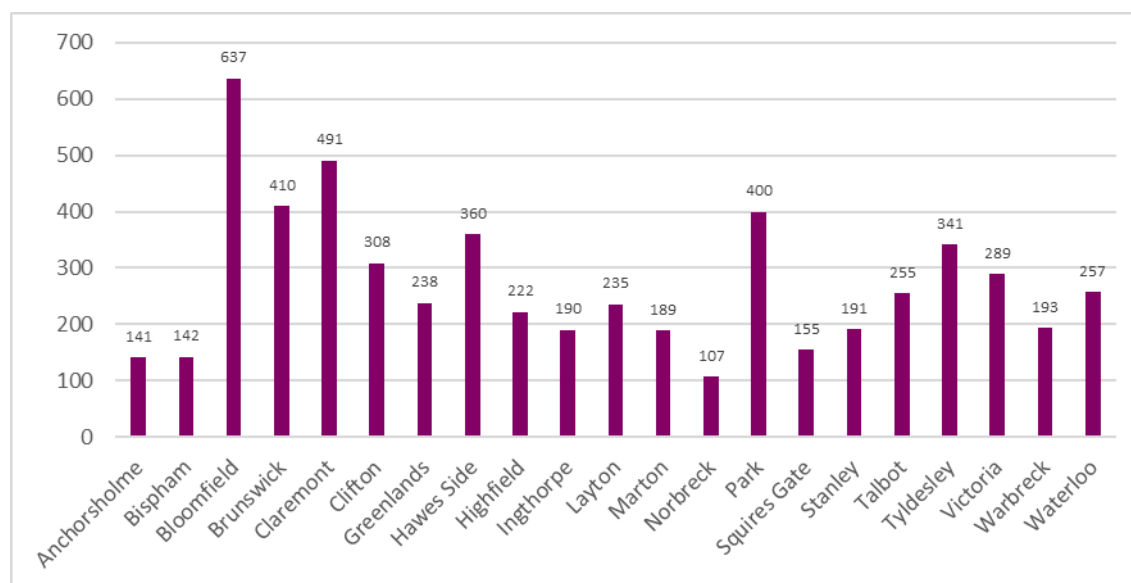
[DWP](#)

Family Demographics

52.2% of children in absolute low income live in working households.

50.0% of children in absolute low income live in lone parent families.

Ward Distribution Children in absolute low income 2022



[DWP](#)

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 passported 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

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 18,246 Council Tax Reduction recipients (as at 26/10/2023) of whom 5,097 are single and of pension age. In addition we have 1,391 couples over 60 in receipt of Council Tax Reduction. Of those 50 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.

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 i.e. the move from Housing Benefit to Universal Credit will affect the same group of Working Age customers.

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax. If residents find themselves in financial difficulty, they could be assisted through the Council Tax Reduction hardship fund.

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

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain 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 fairer 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 2024/25 scheme is the same as 2023/24 scheme, no further specific

consultation has been carried out with these groups.

Blackpool Council's preferred option continues to be a bottom slice i.e. maintaining the current benefit rules but reducing the level of council tax reduction by the same amount for all working age Council Tax Reduction recipients. This will be a fairer option for all affected customers and would enable disability benefits to continue to be disregarded in the calculation of Council Tax Reduction. However, someone with a disability would still have something to pay under the new scheme.

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.

Applications can be made to the Council Tax Reduction hardship scheme for anyone who is struggling to pay their Council Tax and an income and expenditure calculation will be completed.

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 3,215 couples in receipt of Council Tax Reduction. Of these: 1,116 (35%) had child dependents, and 2,099 (65%) had no child dependents.

There are 2,133 couples in receipt of Council Tax Reduction who are of working age, of whom 1,099 (52%) had child dependents and 1034 (48%) had no child dependents.

The proposed 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 continuation of the scheme will have any other adverse effect on this group.

Pregnancy and Maternity

Potential Impact

The proposed 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 continuation of the scheme will have any other adverse effect on this group.

Race

Potential Impact

The proposed 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 continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

Religion and Belief

Potential Impact

The proposed 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 proposal for 2024/25 will adversely impact people with particular religions or beliefs.

Sex

Potential Impact

The latest figures show that in Blackpool there are 15,031 single people in receipt of Council Tax Reduction. Of these, 8,820 (59%) are female, and 6,211 (41%) are male.

Of the 8,820 female recipients, 2,700 (31%) are lone parents and of the 6,211 male recipients, 318 (5%) are lone parents.

If we look only at those of working age, 47% 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, 90% are female and 10% 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 2024. However, given the higher number of female recipients (47%) in Blackpool, continuation of 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 proposed scheme will have any other adverse effect on this group.

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 continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

Child Poverty

It is believed that by continuing to disregard Child Benefit and Child Maintenance in the calculation of Council Tax Reduction 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 2024

The 2024/25 Council Tax Reduction scheme will come in from 1st April 2024. 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 continued rollout of Universal Credit full service in Blackpool*

For all the above categories, residents can apply to the Council Tax Reduction Discretionary Scheme for additional support, subject to income and expenditure review.

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 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 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.

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 claim form

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 2024/25 proposed scheme.

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.

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.

2020/21 Scheme

No changes to scheme therefore no consultation required.

2021/22 Scheme

No changes to scheme therefore no consultation required.

2022/23 Scheme

No changes to scheme therefore no consultation required.

2023/24 Scheme

No changes to scheme therefore no consultation required.

2024/25 Scheme

No changes to scheme therefore no consultation required.

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.

2024/25

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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 to the fund for Owner Occupiers 3. Review criteria to apply to 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, if appropriate	Jan 24 Jan 24 Jan 24 Apr 24 – Mar 25 Apr 24 – Mar 25 Apr 24– Mar 25 Apr 24 – Mar 25	Benefits Service Discretionary Team Advice team	Agreed
Monitor legislation progress in case there are changes to the proposed amendments to Housing Benefit, in which case alignment to HB rules may not apply	If this client group is no longer impacted by the changes the EA will need to be revisited	1.Review Equality Analysis in light of any legislation changes, if appropriate	Apr 24 – Mar 25	Benefits Service	Agreed

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Take Up Campaign	There will be a number of customers who are not claiming the other Benefits they should be doing therefore a take-up campaign is proposed to help them increase their income.	<ol style="list-style-type: none"> 1. All frontline staff are aware of the potential that customers are not claiming all the benefits they are entitled to and where to signpost customers to. 2. The Advice Team maximise the take up of Council Tax Reduction when they see a client 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 	Apr 2024 – Mar 2025	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 2024 - Mar 2025	Benefits Service	Ongoing
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 for 2025/26	May 2024– Jul 2024 Jan 2025	Benefits Service	Ongoing

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Date completed: 6th October 2023

Signed:



Name: Louise Jones

Position: Head of Revenues, Benefits and Customer Services

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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 1st April 2024.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2024 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 (Prescribed Requirements) (England) (Amendment) Regulations 2018;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023; 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 His Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - d. a guaranteed income payment;
 - e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

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

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

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;
- a. has not attained the qualifying age for state pension credit; or
 - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.
- 1.7 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an

¹ Section 5 of this scheme

- income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
 - d. is not deemed to be absent from the dwelling;
 - e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
 - f. be somebody in respect of whom a maximum Council Tax Reduction² amount can be calculated;
 - g. not have capital savings above £16,000³;
 - h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
 - i. has made a valid application for reduction⁶.
- Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- g. be somebody in respect of whom a maximum Council Tax Reduction⁸ amount can be calculated;
- h. not have capital savings above £16,000⁹;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*¹⁰ is **more** than their *applicable amount*¹¹;
- j. have made a valid application for reduction¹²;
- k. be a person in respect of whom amount A exceeds amount B where
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

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

The Standard Deduction

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

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

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

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

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

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

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

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 if they were a married couple or civil partners;
 - 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 2004¹³;

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

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

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

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

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

‘qualifying contributory benefit’ means;

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

‘qualifying income-related benefit’ means

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

‘qualifying person’ means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, 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-

¹³ 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 amended¹⁴; and **'young person'** has the meaning prescribed in section 9(1).

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

¹⁴ 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 Number¹⁵

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

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

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

4.3 Paragraph 4.2 shall not apply–

- a. in the case of a child or young person in respect of whom council tax support is claimed;
- b. to a person who;
 - i. is a person in respect of whom a claim for council tax support is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
 - iii. is a person from abroad for the purposes of this scheme as defined in section 2.2; and
 - iv. has not previously been allocated a national insurance number.

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

5.1 This scheme applies to a person if:

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

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

¹⁵ 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;
- (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;

- (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 (5) of that regulation 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).

7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
- (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
- (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.

7.4B Paragraph (4A)(b) does not apply to a person who—

- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)

7.5 A person falls within this paragraph if the person is—

- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
- (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (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);
- (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;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971

- (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
- (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; or
- (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).

7.6 A person falls within this paragraph if the person is a Crown servant or member of His 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 His 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 the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
 "EEA national" has the meaning given in regulation 2(1) of the EEA Regulations;
 "family member" has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
 "relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and
 "His Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

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

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

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

7A.0 Transitional provision

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

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

7A.2 The events are—

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

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

8.0 Temporary Absence (period of absence)

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

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

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

- a. a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,
 where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and
- c. a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

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

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

8.3B A person who is temporarily absent from a dwelling he occupies as his home and is absent outside of Great Britain as a member of the armed forces away on operations, a mariner or a continental shelf worker shall be treated as occupying that dwelling as his home whilst he is

temporarily absent, for a period not exceeding 26 weeks beginning with the first day of that absence from Great Britain, provided that—

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

8.3C This paragraph applies where—

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

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

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

8.4 This paragraph applies to a person who is;

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

8.5 This paragraph applies to a person who is:

- a. detained in custody pending sentence upon conviction or under a sentence imposed by

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

- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—
- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
- c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.7 In this section;

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

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

- a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage
- ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
 - a. in a care home;
 - b. in an independent hospital;
 - c. in an Abbeyfield Home; or
 - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998
- ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

Sections 9 - 11

The family for Council Tax Support purposes

9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. 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 2002¹⁶ 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.

¹⁶ 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 1st May 2016 or where the applicant would have become entitled to the family premium on or after 1st May 2016.**
 - i) Sub paragraph (c) shall not apply to a person who, on 30th April 2016, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
 - (ii) (i) above does not apply if—
 - (a) sub-paragraph 12.1 c (i) (a) or (b) of that paragraph ceases to apply; or
 - (b) the person makes a new claim for Council Tax Reduction.
 - (iii) For the purpose of this section "child", "polygamous marriage" and "young person" have the same meaning as in section 2 of this scheme;
 - d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
 - e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
 - f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

- 13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:
- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
 - b. an amount equal to the amount within paragraph 1 (3) (c) of Schedule 1 of this scheme in respect of each of his other partners;
 - c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
 - d. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium). **No family premium will be awarded where an application for reduction is received on or after 1st May 2016 or where the applicant would have become entitled to the family premium on or after 1st May 2016.**
 - i) Sub paragraph (d) shall not apply to a person who, on 30th April 2016, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(i) above does not apply if—

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

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

- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

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

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

- (a) who has, or
- (b) whose partner has, or
- (c) who (jointly with his partner) has,

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

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

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

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

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 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

- c. constituted under section 2 of the Local Government (Scotland) Act 1994; or
- c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

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

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

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

- a. the date that leave ends;
- b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

- a. 'qualifying support' means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations; and
- b. 'child care element' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element).

18.17 In this section 'applicant' does not include an applicant;

- (a) who has, or
- (b) who (jointly with his partner) has, an award of universal credit

19.0 Average weekly earnings of employed earners

19.1 Where a claimant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 19.1 a i) or ii) applies, where a claimant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

19.2 Where the claimant has been in his employment for less than the period specified in paragraph 19.1 a)(i) or (ii)

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment

- his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the claimant's employer to furnish an estimate of the claimant's likely weekly earnings over such period as the authority may require and the claimant's average weekly earnings shall be estimated by reference to that estimate.

19.3 Where the amount of a claimant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

19.4 For the purposes of this section the claimant's earnings shall be calculated in accordance with sections 25 and 26

20.0 Average weekly earnings of self-employed earners

20.1 Where a claimant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

20.2 For the purposes of this section the claimant's earnings shall be calculated in accordance with section 27 to 29 of this scheme

21.0 Average weekly income other than earnings

21.1 A claimant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise an authority to disregard any such income other than that specified in Schedule 4 of this scheme.

21.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.

21.3 For the purposes of this section income other than earnings shall be calculated in accordance with paragraphs 30 to 32 of this scheme

22.0 Calculation of average weekly income from tax credits

22.1 This section applies where a claimant received a tax credit.

22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3

22.3 Where the instalment in respect of which payment of a tax credit is made is;

a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;

b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;

c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;

d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

22.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

23.0 Calculation of weekly income

- 23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;
- a. does not exceed a week, the weekly amount shall be the amount of that payment;
 - b. exceeds a week, the weekly amount shall be determined—
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.
- 23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of a claimant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

24.0 Disregard of changes in tax, contributions etc.

- 24.1 In calculating the applicant's income the appropriate authority may disregard any legislative change
- a. in the basic or other rates of income tax;
 - b. in the amount of any personal tax relief;
 - c. in the rates of national insurance contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small profits threshold in relation to Class 2 contributions);
 - d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
 - e. in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective

25.0 Earnings of employed earners

- 25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—
- a. any bonus or commission;
 - b. any payment in lieu of remuneration except any periodic sum paid to a claimant on account of the termination of his employment by reason of redundancy;
 - c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - e. any payment by way of a retainer;
 - f. any payment made by the claimant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the claimant's employer in respect of—
 - g. travelling expenses incurred by the claimant under arrangements made for the case of a member of his family owing to the claimant's absence from home;
 - h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - i. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);

- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the claimant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended¹⁷.

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

¹⁷ 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—

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

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 deductions¹⁸

- 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, $\text{£}14.15 \times 1/7$;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\text{£}4.60 \times 1/7$.
- 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 $\text{£}236.00$, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
 - (b) not less than $\text{£}236.00$, but less than $\text{£}410.00$, the deduction to be made under this section shall be $\text{£}9.40 \times 1/7$
 - (c) not less than $\text{£}410.00$, but less than $\text{£}511.00$, the deduction to be made under this section shall be $\text{£}11.80 \times 1/7$;
- 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—

¹⁸ The amounts shown within this section shall be updated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- a. a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- b. other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
- c. the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

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

- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
- (b) receiving in respect of himself
 - (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 ¹⁹

61E.1 Where;

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

¹⁹ 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 claim²⁰

- 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 scheme²¹

- 69.1 Paragraphs 2 to 8 apply to an application for a reduction under an authority's scheme.
- 69.2 An application may be made—
- (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of Schedule 7 Council

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

²¹ 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.
(3) The authority may accept any notification of universal credit from the Secretary of State as an application for a reduction.

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 information²²

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

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

- 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 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 claim²³

73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the offices of the authority.

73.2 Where the application was made by telephone in accordance with this scheme, the amendment may also be made by telephone.

73.3 Any application amended in accordance with paragraph (1) or (2) will be treated as if it had been amended in the first instance.

73.4 A person who has made an application may withdraw it at any time before a decision has been made on it by notice to the offices of the authority.

73.5 Where the application was made by telephone in accordance with this scheme, the withdrawal may also be made by telephone.

73.6 Any notice of withdrawal given in accordance with paragraph (4) or (5) shall have effect when it is received.

74.0 Duty to notify changes of circumstances²⁴

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

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

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

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 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 authority²⁵

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 decision²⁶

76.1 The authority must notify in writing any person affected by a decision made by it under this scheme

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- (a) informing the person affected of the duty imposed by paragraph 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 68.2.
- c) a person appointed by the authority under paragraph 68.3

77.0 Time and manner of granting council tax support²⁷

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

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

²⁷ 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 ²⁸

- 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.

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

79.0 Shortfall in support / reduction²⁹

79.1 Where, on the revision of a decision allowing a reduction under an authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled³⁰

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82 – 90.0 Not used

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

³⁰ 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 His Majesty's Revenues and Customs (HMRC)

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

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements³¹.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from–

- (a) persons making claims for council tax support;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

93.0 Recording and holding information

93.1 The authority may

- (a) 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.

³¹ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Support

95.0 Persons affected by Decisions

- 95.1 A person is to be treated as a person affected by a relevant decision of the authority 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 authority³²

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- a. the person's entitlement to a reduction under its scheme, or
 - b. the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 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 Act³³.

³² Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

³³ 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 Act³⁴

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

³⁴ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³⁵
Electronic Communication

³⁵ Inserted by Council Tax Reductions 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), His Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts³⁶

³⁶ The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£84.80
b) is aged not less than 25	£84.80
c) is aged not less than 18 but less than 25	£67.20
2. Lone Parent	£84.80
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£133.30
b) Where one member is aged not less than 18	£133.30
c) For each additional spouse who is a member of the same household as the claimant	£48.50

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;	£77.78
(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.	£77.78
(c) third or subsequent dependent child or young person whose date of birth falls on or after 1 st April 2017	NIL

(2) In column (1) of the table in paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be

- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;
- b. in any other case, £18.53;
- c. **No family premium will be awarded where an application for reduction is received on or after 1st May 2016 or where the applicant would have become entitled to the family premium on or after 1st May 2016.**
 - i) Sub paragraph (c) shall not apply to a person who, on 30th April 2016, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
 - (c) (i) above does not apply if—
 - (a) sub-paragraph 3 c (i) (a) or (b) of that paragraph ceases to apply; or
 - (b) the person makes a new claim for Council Tax Reduction;

Premiums

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

Disability Premium

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

Additional Condition for the Disability Premiums

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

Severe Disability Premiums

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

Enhanced Disability Premium

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

Disabled Child Premium

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

Carer Premium

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

Persons in receipt of concessionary payments

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

Persons in receipt of benefit for another

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

Amounts of Premium

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

Premium	Amount
Disability Premium	£39.85
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	£56.80
Severe Disability Premium	£76.40
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	£76.40
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	£152.80
Disabled Child Premium	£74.69 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£42.75 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006

Premium	Amount
Enhanced Disability Premium	(a) £30.17 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) £19.55 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) £27.90 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

The components

17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
18. The amount of the work-related activity component is £33.70. The amount of the support component is £44.70. The component **will not** apply where the applicant has been awarded Employment and Support Allowance on or after 1st April 2017 **and** been placed in the Work Related Activity Group.

Transitional Addition

19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2

Not Used

Schedule 3

Sums to be disregarded in the calculation of earnings³⁷

³⁷ The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

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 earnings³⁸

³⁸ The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by 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 His 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. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
 - (a) an applicant's entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022
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 disregarded³⁹

³⁹ The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

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. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
(c) an applicant's entitlement to a reduction under the scheme; or
(d) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022
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).
- 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.

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Report to:	COUNCIL
Relevant Officer:	Victoria Gent, Director of Children’s Services
Relevant Cabinet Member	Councillor Kath Benson, Cabinet Member for Young People and Aspiration
Date of Meeting:	31 January 2024

BLACKPOOL YOUTH JUSTICE SERVICE ANNUAL PLAN 2023/24

1.0 Purpose of the report

- 1.1 To provide an update regarding Blackpool’s Youth Justice Service and to consider the recommendation of the Executive at its meeting on 11 December 2023 to approve the Youth Justice Service Annual Plan with effect until 31 December 2024. The Decision Notice EX47/2023 from that meeting can be found via this link: [Decision Notice](#)

2.0 Recommendation(s)

- 2.1 To approve, as one of the key partners, the Youth Justice Annual Plan 2023/24 with effect until 31 December 2024.

3.0 Reason for recommendation(s)

- 3.1 To have oversight of the Youth Justice Partnership plan to provide scrutiny, challenge and support to aid development and ensure positive outcomes for children are achieved.
- 3.2 Local authorities have a statutory duty to submit an annual youth justice plan and deliver against the priorities set out in their plan.

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

3.4 Is the recommendation in accordance with the Council’s approved budget? Yes

4.0 Other alternative options to be considered

- 4.1 No other alternative options to be considered.

5.0 Council priority

5.1 The relevant Council priority is: 'Communities: Creating stronger communities and increasing resilience'.

6.0 Background and key information

6.1 The Youth Justice Partnership plan attached at Appendix 7a outlines the strategic vision and unwavering dedication to providing exceptional support to children and families involved in the youth justice system. Building upon the progress partners have already made; our goal is to ensure that the children and families partners serve thrive away from the Youth Justice system.

6.2 Blackpool's Youth Justice Partnership acknowledges and supports the research-backed notion that children should be treated in a manner that considers their age, level of comprehension, and overall circumstances. This approach considers their needs and holistic well-being. Blackpool Youth Justice multiagency Executive Board believe the children who display harmful behaviour, and the communities in which they live, are best served by identifying and addressing the underlying welfare and support needs that drive much of this behaviour. The Partnership understands that children are inherently vulnerable by virtue of age, levels of maturity and other factors and as such their rights should be protected.

6.3 The Youth Justice Partnership plan along with performance and resource data is monitored quarterly via the Blackpool's Youth Justice Executive Board providing a multidisciplinary strategic focus on the impact of service delivery on children's outcomes. The Executive Board ensures our Youth Justice Partnership is provided with clear and coordinated strategic governance to support with the delivery of high-quality youth justice services with a focus on:

- Ensuring a Child First approach to Youth Justice provision in Blackpool
- Ensuring sure children and young people are safe
- Reducing the likelihood of reoffending
- Reducing the risk of harm that children and young people can cause to other people and themselves.

The annual Executive Board Development Day was held in April 2023 and the outcomes from this have contributed to the development of the plan.

6.4 The priorities outlined in the plan include:

Priority One: Our Youth Justice Partnership will continue to strive to ensure that the Executive Board is efficient and effective, securing positive outcomes for children and families.

Priority Two: Our Youth Justice Partnership will increase prevention and diversion ensuring children receive support at the earliest opportunity to reduce the number of First Time Entrants in Blackpool.

Priority Three: Our Youth Justice Partnership will ensure our Youth Justice workforce have access to appropriate development opportunities and resources to reduce the risk of re-offending.

Priority Four: Our Youth Justice Partnership will ensure the educational needs of children open to the service are understood and appropriate action taken to ensure that they have access to high quality education and training services that met their individual needs.

Priority Five: Our Youth Justice Partnership will seek to reduce the number of children in custody.

6.5 In addition to Blackpool Youth Justice multiagency Executive Board the national Youth Justice Board (YJB) monitor the operation of the youth justice system. The Youth Justice Board also monitor the provision of youth justice services and the extent to which the system aims are being achieved and any such standards met. In April 2023 the Youth Justice Board introduced a new Oversight Framework to increase understanding of performance across the system and assure value for money from the Youth Justice Core Grant. As part of the new framework performance quadrant assessments are undertaken quarter. The assessments review service delivery, service leadership, local strategic priorities and continuous improvement. Blackpool Youth Justice partnership is currently in performance quadrant 2 deemed satisfactory performance.

6.6 Does the information submitted include any exempt information? No

7.0 List of appendices

Appendix 7a: Blackpool Youth Justice Plan 2023-24

Appendix 7b Youth Justice Board oversight framework service classification and support.

Appendix 7c: Case Study

8.0 Financial considerations

8.1 Costs and contributions 2022-23

Agency	Staffing Costs	Other delegated funds	Total
Police	58,336	0	58,336
Probation	24,608	5,000	29,608
Health	39,974	15,442	55,416
Local Authority	345,016	103,807	448,823
YJB	435,178	54,251	489,429
Other			0
Total	903,112	178,500	1,081,612

9.0 Legal considerations

9.1 Local authorities have a statutory duty to submit an annual youth justice plan, relating to their provision of youth justice services, to the Youth Justice Board. Section 40 of the Crime and Disorder Act 1998 sets out the youth justice partnership's responsibilities in producing a plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out how youth justice services in their area are to be provided and funded, how they will operate, and what functions will be carried out.

10.0 Risk management considerations

10.1 There are no issues of concern as appropriate governance arrangements are in place.

11.0 Equalities considerations and the impact of this decision for our children and young people

11.1 The young people supported by the Blackpool youth justice service in 22/23 were mainly White ethnic background (89%), 8% of young people were mixed ethnicity/heritage which is similar to Blackpool population. The large majority were boys (84%) vastly disproportionate to overall population however similar to national Youth Justice Service pattern (86%). 20% of children assessed by the youth justice service in 22/23 had been in care at some point in their lives (a reduction on 21/22 which stood at 25%).

12.0 Sustainability, climate change and environmental considerations

12.1 There are no sustainability, climate change or environmental factors to consider.

13.0 Internal/external consultation undertaken

13.1 Blackpool's Youth Justice Service recognise that children and families are more likely to feel motivated to engage with support when they feel understood, valued, and heard. Capturing the voice of the child and using this to inform individual plans and the continued development of our service is a fundamental part of the services function. Please see Appendix 7c for an example case study.

14.0 Background papers

14.1 None.

Blackpool Youth Justice Plan 2023-24

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Introduction, Vision and Strategy

Introduction:

We are proud to present Blackpool’s Youth Justice Partnership Business Plan for the upcoming year. This plan outlines our strategic vision and unwavering dedication to providing exceptional support to children and families involved in the youth justice system. Building upon the progress we have already made; our goal is to ensure that the children and families we serve thrive away from the Youth Justice system. Through outlining our planned activities and initiatives, we aim to become an “Outstanding” service that consistently delivers positive outcomes.

Blackpool’s Youth Justice Partnership acknowledges and supports the research-backed notion that children should be treated in a manner that considers their age, level of comprehension, and overall circumstances. This approach considers their needs and holistic well-being. Our Executive Board believe the children who display harmful behaviour, and the communities in which they live, are best served by identifying and addressing the underlying welfare and support needs that drive much of this behaviour. We understand that children are inherently vulnerable by virtue of age, levels of maturity and other factors and as such their rights should be protected- it is our duty to uphold this. Our annual Executive Board Development Day was held in April 2023 and the outcomes from this have contributed to the development of this plan.

The vision for our Youth Justice Service (YJS) is:

- 1. Diverting children from the youth justice system where appropriate:** We recognise the importance of diverting children away from the criminal justice system when it is suitable. Our focus is on early intervention and finding alternative pathways for their development.
- 2. Preventing and reducing offending behaviour by children:** Our goal is to address the root causes of offending behaviour, providing targeted interventions and support, including health and education to support children steer away from the criminal justice system. By focusing on prevention, we aim to reduce reoffending rates and create safer communities.
- 3. Promoting a pro-social identity that continues into adulthood:** We believe in nurturing the strengths and capacities of children, helping them develop a positive self-identity that aligns with prosocial values to which education, training and employment is central. Our approach emphasises constructive engagement and future-oriented planning, empowering children to make positive contributions to society.
- 4. Ensuring the safety, fair treatment, and care of children in the justice system:** It is our utmost priority to ensure the safety and well-being of children who enter the justice system. We are committed to treating them fairly, with dignity and respect, providing the necessary support and care, including health care they require. We consistently strive to uphold their rights and protect them from harm.
- 5. Always remembering we are working with children:** We support the evidence base that children should be treated with regard to their age and understanding, in a manner that takes account of their holistic circumstances and needs. Their unique needs and vulnerabilities are at the forefront of our decision-making processes and service provision.

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Local Context:

It is important to understand Blackpool’s context alongside our vision.

Blackpool is a vibrant town of 140,954 people with an estimated 27,810 children under 18, with 12,641 of those being aged 10 to 17 (95 of the population). Blackpool is the most deprived Local Authority with over 40% of our residents living in the 10% most deprived neighbourhoods in the country.

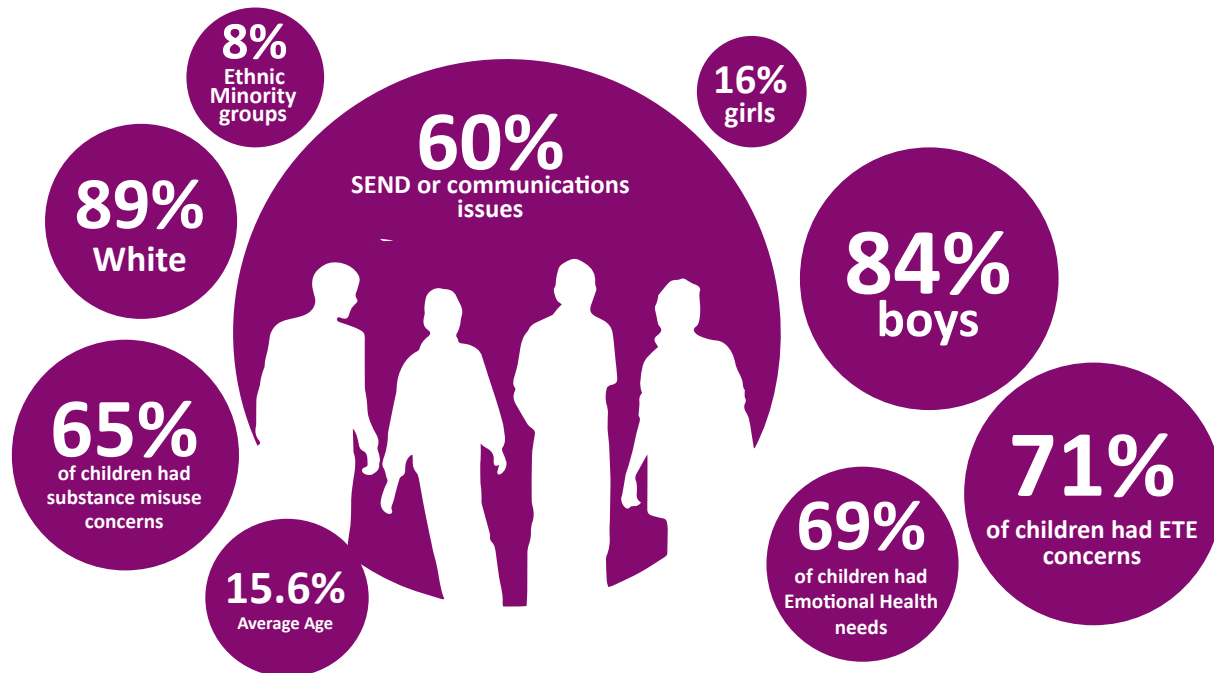
As a deprived town Blackpool has prominent levels of child poverty with an estimated 30.7% of children living in income deprived families, compared to 17.1% nationally. The life expectancy of males born in Blackpool is 73.9 – this is below the Northwest life expectancy of 77 and 78.7 in England. Similarly, the life expectancy of females born in Blackpool is 78 – this is also below the Northwest life expectancy of 81 and 82.6 in England (2020). In 2021/2022 40.4% of school aged children were eligible for free school meals compared to 22.5% nationally.

Currently less than 70% of our working age population are in employment and only 80% of our 16/17-year-olds are ‘in learning’.

We have 33 registered Children’s Homes in Blackpool, offering more than 70 beds for children across the town. We have a high volume of children in our care.

In March 2022 there were 609 looked after children at a rate of 218 per 10,000 of the population, the highest in the country. 3,401 children had an episode of need at some point in 2021/22 at a rate of 1,168.3 per 10,000 (twice the national average of 587.7 per 10,000); this does not include those open to early help provisions.

Infographic



Child First

CHILD FIRST

i) Child First approach

As a Youth Justice Service (YJS), we continue to strive to achieve positive outcomes for the children we support. A Child First, Trauma Informed approach is woven throughout our practice and is evidenced in the positive relationships our staff build with children and their families; advocating in their best interests when they are faced with multiple challenges. We continue to promote a child first approach with our partner agencies whilst recognising challenges of competing service requirements and ideologies – it is through this shared vision of ‘Child first’ that we have brokered the opportunity for mentoring with Lancashire Constabulary. This is for a child open to the YJS, who is well known in the community and to the constabulary for anti-social and offending behaviour. The aims being to deliver a restorative approach in addressing damaging choices, building a rapport, and altering negative perceptions of people in positions of authority and enforcement.

Treat children as children

We know that offending behaviour in children is often as a result of other challenges or adverse experiences within their lives. Adopting a holistic approach during

assessments allows us to explore internal and external vulnerabilities that impact on behaviour and a child’s choices. This assists in developing co-produced plans that consider individual and family needs.

Our practitioners take the time to get to know the children open to our service, seeing things from their perspective. This knowledge has supported us to support other agencies to understand and acknowledge a child’s vulnerabilities. This has led to increased trauma informed collaboration. This is an area that we recognise needs continued multi-agency investment and will form a large part of our development plan for the next 12 months.

We strongly align with the Lancashire Violence Reduction Network’s objective for Lancashire to become a trauma-informed county. Embracing a trauma-informed approach is more than just a practice—it becomes an integral part of our culture. It influences our beliefs, values, way of life, and the overall organization of our society. It shapes the relationships we build, the language we use, and our perception of the environment. The commitment to being trauma informed permeates every aspect of our culture.

Building a Pro-social Identity

Our practitioners are supported to have autonomy, flexibility, and time to apply a relational approach to their work with children in the YJS. This approach enables them to establish trusted and secure relationships based on care, empathy, and kindness. By deeply understanding the unique strengths of each individual child, our practitioners assist them in cultivating a positive and hopeful outlook for the future, dissociated from an identity tied to offending behaviours.

To facilitate the holistic development of the children we serve, our practitioners collaborate with both internal colleagues and external providers. Together, they create opportunities for children to enhance their skills and explore their interests. These initiatives open doors to new friendships, enriching learning experiences, and exposure to positive role models. Our efforts have encompassed diverse activities such as photography, music, and jujitsu; fostering a wide range of possibilities for children’s growth and well-being.



Encourage active participation, engagement, and wider social inclusion

We have widened our approach to encouraging participation and engagement delivering services in our children's local communities, which can negate difficulties in travelling to one central location, considers the child's individual needs and promotes children feeling safe and comfortable when delivering interventions.

The Adolescent Service has been involved in developing a multi-agency approach to community-based activities

for children and young people, including children working with the Youth Justice Service. The aim of these activities is for children to develop a sense of belonging in their community, promote a positive identity and tackle anti-social and offending behaviours. We are currently establishing a task and finish group who will be responsible for organising activities and community fun days during the school holidays. This will include the active participation of children open to the YJS or known within the local community in the planning and delivery of these events, further promoting positive community and agency presence in our 'hotspot' areas.

In addition to our 'end of intervention interviews' we are developing a method of virtual communication through online resources such as surveys to promote participation and honest feedback from children, families and victims. Our practitioners ensure regular consultation with children, parents and carers ensuring active involvement in the production and delivery of plans so that we can continuously improve services for children.

Promote a childhood removed from the formal Youth Justice System

Blackpool Youth Justice Service continues to promote collaborative working to strengthen and develop

services for children that diverts them away from the criminal justice system. We contribute to this by the following:

- **Turnaround:**

In Blackpool we see our implementation of the Turnaround Programme as a fundamental resource to divert our children away from offending by offering whole family holistic assessment and support. With the additional funding received from the Ministry of Justice we have created a time bound staffing resource allowing the opportunity to develop a small early intervention provision that sits within the Youth Justice Service, to oversee and deliver the Turnaround programme.

- **Youth Partnership:**

Blackpool is developing a coordinated and flexible youth offer led by a Youth Partnership consisting of Local Authority leads and third sector youth partners. Going forward, via a newly created service, the Local Authority will coordinate and support third sector partners to deliver on the objectives outlined within our recent youth review, focusing on collaboration and partnership working to increase the range and reach of youth provision across Blackpool.

- **Child Resolution Panel**

Blackpool continue to hold fortnightly multi agency scrutiny panels which aims to divert children from the criminal justice system through informal measures. The multi-agency panel promotes constructive and productive discussions from a wider agency perspective; considering risk, vulnerability and support needs and the most appropriate provisions to support them.

- **Anti-Social Behaviour (ASB) Youth Partnership**

Our previous development plan references our partnership response to emerging ASB via a strategic task and finish group. These multi-disciplinary meetings continue to take place monthly; promoting effective information sharing, constructive challenge, agreed actions to tackle emerging ASB and future planning for local activity that balances a supportive and enforcement presence within the community. We have successfully worked with partners to tackle emerging anti-social behaviour, coordinating outreach and community activities in hotspot areas in line with school holidays and other key dates.

- **Multi Agency Scrutiny Panel**

A multi-agency scrutiny panel is being developed to identify learning and best practice when reviewing our first-time entrants. The first was held on 14/04/2023 and received positive feedback from

attendees. Findings were shared at our Executive Board Development Day earlier this year and will contribute to the business and development plans across all services involved.

- **Early Help Collaboration**

To promote diversion from the formal YJS our partnership strategic response to early help as set out in our Early Help strategy it details our town wide approach and plans for developing the way that we work with children and families. This strategy supports our ambition to work with families early in the life of a problem and move away from over-dependence on statutory and specialist services. This approach is morally, ethically, and financially the right thing to do and fits well with embedding the Blackpool Families Rock model of practice (Appendix 4), and restorative approaches to the way we work with our children and families. Fundamentally Early Help should be seen as everyone's business and be part of all that we do. We have a wide range of services and provision in Blackpool and there is a strong ambition to support children and their families to aspire and achieve by providing the right help, at the right time in the right place, by the right people.

Blackpool's Adolescent Service and Early Help Hub are developing a shared resource directory containing evidence-based practice that can be used across Children's Services when supporting those who are becoming involved in negative behaviours. This will further strengthen Blackpool's Early Help strategy by upskilling the wider workforce in early intervention techniques and promotes the Early Help strategy.

- **Adolescent Service**

Our YJS sits within the wider Adolescent Service, led by one Head of Service. As a result, the children open to Youth Justice have direct access to designated family workers and practitioners who specialise in supporting the following: Access to Education, Training and Employment, Awareness of Substance Misuse and specific interventions, Sexual Health & Healthy Relationships, Restorative Justice Practice (see Resources and Services section for further details).

Voice of the Child

We recognise that children and families are more likely to feel motivated to engage with support when they feel understood, valued, and heard. Capturing the voice of the child and using this to inform individual plans and the continued development of our service is a fundamental part of our function and 'Blackpool Families Rock (See Appendix 4).

- **Self-assessments**

To ensure that children working with the YJS have a voice our practitioners utilise their skills to support children to explore the reasons that they have become involved in offending behaviour. Each child completes a 'What do you think' self-assessment as part of the AssetPlus. The self-assessments assist in capturing the child's perspective of their circumstances, their strengths, and vulnerabilities in their own words. We also encourage parents, carers and family members to contribute where possible, which informs a holistic whole family approach to addressing risk, identifying unmet need, and providing support.

Our practitioners undergo comprehensive training in motivational interviewing techniques, which they effectively integrate into their daily practice. However, we acknowledge that there is always room for improvement, and as part of our commitment to quality assurance, we will be incorporating dip

sampling of self-assessments. This framework will focus specifically on how the voice of the child influences our practice. By implementing further Quality Assurance, we aim to gather valuable insights into the effectiveness of our approach and identify areas where we can further enhance our engagement with the children we serve. We recognise the importance of listening to and valuing the perspectives of the children, ensuring their voices shape and inform our practice. Through this continuous evaluation process, we strive to create an environment that prioritises the active participation and influence of the children, leading to improved outcomes and a more responsive and child-centred service.

- **Record the voice of the child following every contact**

The YJS continue to use the ACORNS method (Aim, Content, Outcome, Risk, Next Steps & Safeguarding) for recording following every intervention and to promote consistency in recording; ensuring the child's views, wishes and feelings are captured.

- **Live Reflective Feedback**

We have a process that allows Team Managers to undertake end of order feedback ensuring that they hear directly from children and their families. This allows us to develop an understanding of the child's journey within the YJS.

We are currently developing this to include feedback on the child's experience as their involvement commences and at the halfway or review point in their Order. Information from this feedback will then be incorporated into monthly operational performance meetings and further inform our development of the service based on 'lived experience'

- **Reflective Supervision:**

In line with the whole of Blackpool Children's Services Blackpool YJS undertakes regular reflective supervision on every child they support. Policy, guidance, templates, and prompt cards have been developed and training delivered that ensures consideration is given to the child's voice, their daily lived experience and that interventions provided are meaningful.

- **Peer Reflective Supervision:**

We continue to develop our peer led Learning Circles around key areas of practice. These forums serve to promote knowledge across the team so that there is a shared understanding and consistent high standard of practice within our service. We have used this forum to recognise and celebrate creative methods of engagement as well as share learning from audit findings and case reviews. The team are encouraged to share their experiences so that any challenges are acknowledged and shared with leaders and relevant partner agencies to strengthen collaboration.

• Example: **Not Just a Scrunchie**

A) "I have been supporting a child who finds it difficult to speak with adults/professionals. She has completed her out of court disposal. For her last session, I have bought her a rainbow coloured scrunchie (from Claires costing £2.50) to support an exit plan.

B) I am going to encourage her to wear it on 'off days' either in her hair or around her wrist to signal to her carers that she is not feeling herself or it is not a good day.

C) It means that she does not need to talk, because her carers will already know what it means and she can decide with them in advance what action she would like them to take (i.e., keep a closer eye on her, go out for a drive, do some self-care)."

Youth Justice Social Worker



MY GREEN SPACES

Personal reflections; by members of the Blackpool Boys and Girls Club



Governance, Leadership and Partnership Arrangements

The YJS Executive Board ensures our Youth Justice Partnership is provided with clear and coordinated strategic governance to support with the delivery of high-quality youth justice services with a focus on:

- Ensuring a Child First approach to Youth Justice provision in Blackpool
- Ensuring sure children and young people are safe
- Reducing the likelihood of reoffending
- Reducing the risk of harm that children and young people can cause to other people and themselves

The Board meets quarterly and comprises of senior representatives from the statutory partners across the Youth Justice partnership. The Board currently has an experienced independent chair, Linda Clegg, with a view to transition to the Director of Children's Services. The Board has several responsibilities which include providing financial governance for the partnership, to oversee and drive delivery of the improvement plan, removing barriers where appropriate, to raise the standard of the service and improve outcomes for children and young people informed by quality assurance frameworks. The board is well established and provides the service with appropriate challenge and scrutiny.

This year the Board is keen to develop a multi-disciplinary Operational Board to replace the existing Youth Justice Team Shadow Board. It is envisaged that the Operational

Board will mirror the Executive Board in terms of agency representation who sit at an appropriate operational level. The aims of the Operational Board will be:

- To provide the Executive Board with a comprehensive understanding of the service's progress and challenges. This multiagency perspective will offer insights into broader issues, emerging themes, and ideas to strengthen the service. By incorporating this frontline perspective, the Executive Board can gain valuable information to address challenges effectively and support the service's continuous improvement.
- To ensure engagement and use of the wider workforce's experience and expertise. By creating opportunities for the workforce to contribute their insights and ideas, the planning moving forward can be informed by their frontline experiences. This collaborative approach empowers the workforce, enhances their sense of ownership, and promotes a more effective and sustainable service delivery model.
- To further prioritise the voice of children. By involving young people who have direct experience with the service, their perspectives, ideas, and feedback can significantly contribute to shaping policies, procedures, and initiatives. This involvement ensures that the service remains child-centered and responsive to their needs, ultimately leading to better outcomes for the children and families we serve.

Board Development

Annually, members of the board, come together for a development day with the Youth Justice Team to review the business and improvement plan and to steer future developments within the service. This collaborative approach means that there is shared vision and understanding of the strengths and needs of the children and families we are supporting at every level.

Please see appendix 2 for all information linked to Executive Board attendance

Blackpool Children's Safeguarding Assurance Partnership

Blackpool is currently transitioning from a Pan-Lancashire Children's Safeguarding Assurance Partnership (CSAP) arrangement to Blackpool CSAP. The Blackpool CSAP will oversee the strategic delivery of Blackpool's safeguarding priorities which include Early Help, Contextual Safeguarding, Domestic Abuse, Request for Support and Neglect. Our new governance arrangements will also bring together Adult Safeguarding and the Community Safety Partnership ensuring a holistic approach to improving outcomes and safeguarding children, vulnerable adults, and local communities across our town. The 3 boards and the Children, Young People and Families Partnership Board will be supported via a new Blackpool Joint Partnership Board.

Resources and Services

The Youth Justice Service sits within the wider Adolescent Service, a multidisciplinary service supporting vulnerable children and young people under age 25, led by our Head of Adolescent Service who reports to the Assistance Director of Children's Services. In addition to our YJS, the service also includes:

- **Our Drug, Alcohol & Sexual Health Team** which provides psychosocial, non-clinical support, for young people at risk of poor sexual health outcomes and young people misusing substances up to the age of 25 years old. The team facilitate access to clinical support including, prescribing, community and residential detox and rehabilitation. The team also provides a single point of contact for Awaken, Supporting Our Children and Youth Justice.
- **Our Leaving Care Team** which provides corporate parenting support for our care experienced young people up to 25 years old, providing a statutory duty to enable 'Our Children and Young People' to achieve their potential and to prepare for independence.

- **Our Family Worker Team** provides holistic support for children aged 16 & 17 who are homeless following a joint assessment of need via Children's Services and Housing. The team also provides destination tracking for young people, as part of a statutory duty, to promote the effective participation in Education, Training or Employment.
- **Our Youth Advisers Team** made up of young people who work alongside professionals to develop Employment and Skills support and influence systems change.



Progress on Previous Plan

Our progress on the previous plan 2022/23 includes:

- Blackpool Youth Offending Team re-branded to Blackpool Youth Justice Service, logo and documentation updated to ensure young people have a clear understanding of what to expect from the Service.
- Youth Justice Practitioners have undertaken Adolescent Trauma Training, delivered by Research in Practice (RIP), and all team members have been provided with access to Research in Practice (RIP) library of interventions and have incorporated into their practice.
- Cycle of audits and reflection including peer audits complete to support the evaluation of the effectiveness of interventions to ensure they are meeting children's need.
- Youth Justice Education, Training and Employment (ETE) Practitioner has created and launched a preparation for ETE resources increasing the tools practitioners have access to. Further developing our children's Personal and Social needs.
- Learning Circles delivered to support team development re plans to keep other people safe and contingency planning if issues in the child's life increase the likelihood of harmful behaviour.
- Pan-Lancashire Contextual Safeguarding Strategy 2022-2024 launched.
- Prevention offer increased through the Youth ASB partnership to divert children away from the Criminal Justice System.
- Further Appropriate Adult training and development to grow and support are pool of advocates.
- 'My target' plans embedded and focus on the impact on the young person. There is evidence of good practice in planning and the practitioners knowing the young people well. Effective plans continue to be a focus and reviewed through supervision.
- Turnaround Project launched and holistic whole family Early Help Support implemented.
- All operational staff have completed training in the use of the Enhancing Communication Tool (ECT). This assessment is now routinely completed with all children we have contact with. On completion of this assessment all practitioners have access to a consultation with a speech and language therapist who sense checks the assessment and offers practical support, hints and tips on working effectively with children and young people based on their assessed communication needs.

Performance

The Youth Justice Board (YJB) has, until recently, used four Key Performance Indicators (KPIs) to understand the performance of the Youth Justice Service:

- First time entrants to the youth justice system
- Binary reoffending rate
- Frequency of reoffending
- Use of custody

Detailed information about the performance of the YJS in Blackpool is contained within Appendix 7.

Headlines include:

Blackpool have seen an increase in First Time Entrants (FTEs) in 2022. Per 100,000 10–17-year-old population Blackpool is nearly double that of the England average.

Blackpool has seen an increase on 94% in proven offences and 40% proven offender on previous year but less than 2020/21. Offence types remain broadly in line with national patterns in terms of proportion.

Blackpool has also seen an increase in the use of custody in 2022. Per 1,000 10–17-year-old population Blackpool is nearly triple that of the England average.

Blackpool has seen the lowest proportion of children who reoffend (2020/21) cohort in recent history. In addition, the rate of offences per offender and re-offenses per reoffender are slightly lower than previous year and broadly in line with England average.

The performance of a YJS is complex. It is impacted by socio-economic and other contextual factors, and by the activity of a wide range of partner agencies including children’s social care, education, the police, the wider criminal justice system (courts etc) and a host of other organisations working around support, prevention, and diversion. In recognition of this, and that youth justice services are working with increasingly complex caseloads, the Ministry of Justice introduced a series of new KPIs with effect from 1st April 2023.

In addition to the left statistics, future reporting will include areas such as education and employment, special educational needs, mental health, substance misuse, out-of-court disposals, serious violence and victim information.

Priorities

Restorative approaches and victims

We have recently refreshed and launched our policies and procedures linked to restorative approaches and victims. This has given a clear focus to this area of work to ensure that children and their families are able to engage appropriately with restorative approaches at the same time as ensuring that victims of youth crime receive a good service. Restorative approaches are considered at every available opportunity and are embedded in our practice. It also forms part of our early interventions with children. Where there are concerns linked to risk of harm our approach to restorative work is included in assessments and risk management approaches to ensure victim safety. These approaches are reviewed throughout the life of our involvement and are commensurate to the child's levels of consequential thinking skills.

The YJS workforce has undertaken Trauma Informed practice training to ensure that they adopt this approach to assessment, considering the child's own lived experience where they may have been a victim themselves.

At this time there is no data available linked to victims, however, the Youth Justice Service has recently refreshed and launched our policies and procedures linked to restorative approaches and victims..

There is a clear audit schedule in place which is linked to Key Performance Indicators (KPIs). All information linked to victims is recorded in the relevant COREPLUS module and the pending upgrade will inform our recording practice moving forward.

Turnaround

Blackpool YJS will provide early intervention support to 42 children in 2023/2024 who are not open on our statutory caseload. Through consultation with our policing colleagues, we have collectively agreed to focus our initial efforts on the following eligibility criteria which may be extended as the programme evolves:

- Those who have come to notice of agencies with enforcement powers for repeated involvement in anti-social behaviour (ASB);
- Those involved in anti-social behaviour who have received: Community Protection Warning/Notice (CPW/N);
- Acceptable Behaviour Contract (ABC);
- Those who have come to notice of agencies with enforcement powers for repeated involvement in anti-social behaviour (ASB)
- Those who are subject to No Further Action (NFA) decision;
- Those who are subject to a Community Resolution

We are currently supporting 10 children and their families to address the underlying issues and building on the family's strengths to support a life away from statutory services with a view to support 40+ in 2023/24.

"I lead on Alternative Provisions at St Georges. I wanted to acknowledge the excellent effort and support we have received from (Turnaround Early Help Practitioner) regarding some of our students. Kevin has been instrumental in helping two of our students improve their school attendance significantly in a short time. He has also provided invaluable assistance to a student who was at risk of becoming homeless due to family issues. (Turnaround Early Help Practitioner) provided support to the young person and helped the school with referrals for higher social care involvement, resulting in a positive outcome that we have been fighting for. Although the (Turnaround) project is a new initiative, it has already proven to be successful for our students. I am excited about the opportunity to continue working with (Turnaround Early Help Practitioner) and your service in the future."

Feedback from Education about our Turnaround Early Help Practitioner

Children from groups that are over represented

Blackpool, as a town is not culturally diverse and as a result, we do not have an over-representation of black and ethnic minority groups within our YJS. Our children are similar in gender to the national cohort and generally reflective of local ethnicity demographics (89% White British).

Although reducing we are aware that there are too many children being supported by the Youth Justice Service who are in our care (Our Children). Children’s Services has co-produced its own model of practice Blackpool Families Rock. We are strengthening our Early Help and Support offer across the town to intervene early and reduce the number of children coming into our care where they are at an increased risk of contact with the Police and Youth Justice Service.

Education

We know from research and experience that Education is one of the largest protective factors in supporting desistance from offending behaviour. Working with multiple education providers and academy chains poses a challenge in meeting the individual educational needs of children supported by the YJS. Blackpool’s ten-year education plan outlines the clear vision of how Blackpool will improve educational outcomes for children underpins everything we are striving to achieve for the residents and the town of Blackpool. The Educational Vision highlights the need to focus on improving outcomes at all ages and phases, so that children thrive and achieve their potential in adulthood. Through this strategy the educational outcomes for

children supported by the YJS will be improved.

The YJS has a dedicated Education, Training and Employment practitioner who acts as a conduit between educational establishments and the Youth Justice Service to promote access to a child’s full educational entitlement. They also broker provision and advocate for the individual needs of children to ensure that they can access a provision that meet’s their educational need. The practitioner has developed some bespoke resources linked to the development of key life skills to support YJS Practitioners direct work with children.

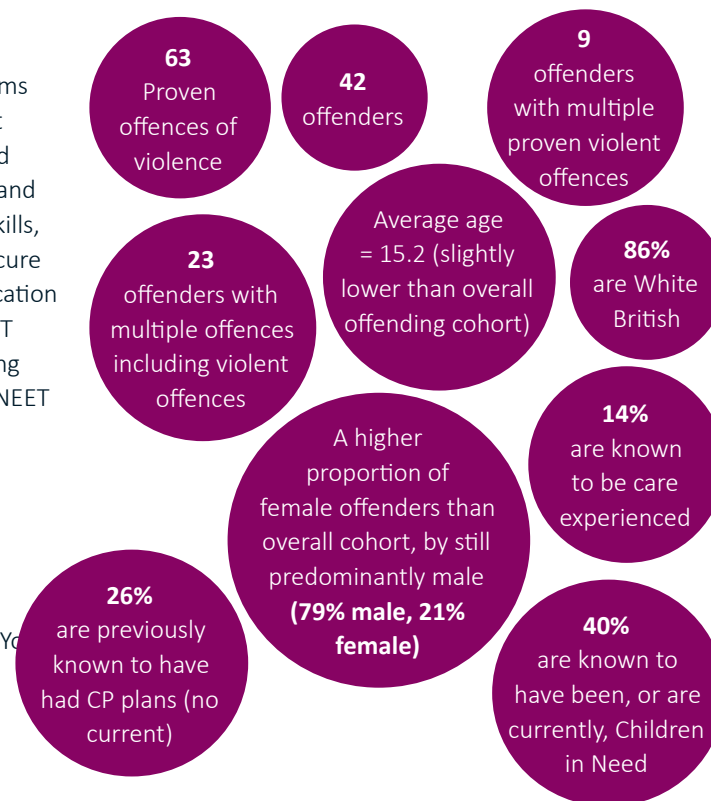
Blackpool Adolescent Service is a key driver of Blackpool’s Employment and Skills strategy and aims primarily to reduce the levels of young people not in education, employment, or training (NEET) aged 16- 24 in Blackpool. Our vision is that all children and young people in Blackpool have the knowledge, skills, confidence, and networks that enable them to secure and sustain employment, training, or further education when they finish school. Our aim is to reduce NEET levels by providing the right interventions for young people, to prevent young people from becoming NEET by improving careers advice and guidance across all educational settings and sustain young people education and employment while developing a sustainable town wide approach.

See Appendix 7 for data linked to the Education, Training and Employment of children open to the Youth Justice Service.

Serious violence

In 2021/22 Blackpool had the highest volume of serious violence in Lancashire, with a rate of 62.4 violent offences per 1,000 population compared to 29.5 nationally, and 34.5 regionally (2020/21) District Needs Assessment January 2023.

Headlines – Violent Offences Cohort 2022/2023:



We continue to support the work of the Violence Reduction Network locally to ensure that the YJS is exercising their responsibility as outlined in the Serious Violence Duty and are a key partner in ensuring the delivery of the Serious Violence Duty 2023 needs assessment and strategy ready for the January 2024 deadline.

Youth Justice Managers are a key member of the Daily Exploitation Meeting (DEM). A multi-agency forum chaired by AWAKEN (contextual safeguarding team) that seeks to ensure that those children who are missing from home, at risk of, or being exploited criminally and/or sexually, and any adults of concern are discussed with clear actions and lines of accountability. This meeting allows for intelligence sharing and disruption planning allowing for a clear multi-agency response to safeguarding children. Evening and weekend outreach also serves to ensure that there are interactions with children who are at risk of or being exploited to build positive relationships, integrate them into community activities and disrupt adults of concern. Interactions are fed into the DEM to support the formation of robust actions related to exploitation.

Youth Justice Leaders represent the service at Blackpool's 'Awaken Scrutiny Panel' for any child known to the YJS where there are contextual safeguarding concerns. The panel consists of a multi-agency panel of senior managers, chaired by the Head of Service for Awaken/Assessment and Support, it meets monthly to examine high risk and high-profile children and young people. This provides opportunity at a senior level to discuss key facets and enables multi agency partners

to come together to enhance the support for the child with senior managers, who have decision making capacity, are present. Multi-agency partnership work at both operational and strategic levels enables the best interests and outcomes for our children, whilst also providing a forum for challenge. The independent child Trafficking Guardian Service is also represented at this panel to ensure that a referral to the National Referral Mechanism (NRM) is always considered, where appropriate and ongoing support is in place.

Detention in police custody

To support children who are detained by the Police, Blackpool YJS has bought their appropriate Adult Service in house. Trained members of the service are responsible for covering this duty during core working hours and a team of trained sessional staff carry out these duties outside of core hours. This means that Blackpool children receive a consistent, high level of support during the time that they are detained; ensuring that any key issues are addressed, families are signposted to support services and their rights are advocated for. For example, staff now have access to feminine hygiene products to appropriately meet the need of females who have been detained.

Our local PACE (Police and Criminal Evidence) procedures have been refreshed and shared with the Emergency Duty Team (EDT) ensuring that children who are detained are treated in accordance with the Police and Criminal Evidence Act (1984). One of the YJS Practitioners have supported in developing their understanding of the child's rights and police responsibilities by delivering at a Team Meeting for EDT.

Remands

The joint protocol between the YJS and Children's Service has recently been refreshed; this document has been produced to outline the joint responsibilities for both Children's Services and the YJS in relation to children, young people, and their families ensuring that any children who are remanded to the care of the local authority receive a high level of support. It reflects the introduction of the Legal Aid, Sentencing and Punishment of Offender (LASPO) Act 2012, specifically in relation to young people on remand and details the responsibilities of the two organisations at various stages. This means that all children receive the same high level of service and ensures that their individual needs are met during any period of remand to the Local Authority.



Use of custody

Blackpool Youth Justice Service are skilled in advocating for children in Court and presenting detailed pre-sentence reports to outline to support sentencers in understanding the most complex and vulnerable children to prevent the use of custody. Staff are committed to the children and families that they work with, and individual practitioners will attend Court to present their report and support children.

We know that custody should always be a last resort for children, however, there may be times where a Court does not assess that a community sentence is commensurate with the seriousness of their offending behaviour. Where a child has been sentenced to a period of detention, they are discussed at a multi-agency Custody Panel. This is a learning panel that seeks to reflect on the Court's decision and what could have been done differently to support an alternative to custody. Learning from this panel is feedback to the practitioner to support their individual learning and development, but also to develop the wider service in.

In Blackpool we have seen a rise in the use of custodial sentences, over the period following the pandemic (See appendix 7). Our Custody Panel review all children and findings shared.

Constructive Resettlement

Children who are sentenced to a period of detention are the most complex and vulnerable children in society. Therefore, we need to ensure that planning for their release and resettlement is robust and considers a range of factors, building on a child's strengths. In Blackpool we work to the mantra of 'Begin with the end in mind'. This means that from the point of entering any period of detention we are planning for their release, utilising a range of resources and services to do this, including release on temporary licence (ROTL), enhanced family support, accommodation and education, training, and employment opportunities. Practitioners continue to work with children in custody and build positive relationships to support the transition to the community and beyond. This approach to resettlement means that the child can re-enter the community they may have harmed, safely and allow them to develop a pro-social identity away from offending behaviour. Some of the ways that we do this include the following:

- Offering sessional worker support to ensure regular contact with the family
- Ensuring frequent visits by the YJS Practitioner in between sentence planning meetings to build and maintain relationships
- Ensuring parents attend sentence planning meetings to have their input

- Strong advocating of intervention whilst children are in Youth Detention Accommodation to address their offending behaviours
- Education, Training and Employment Officer attends all meetings and works with the YJS Practitioner to ensure appropriate provision on release
- Planning for suitable accommodation upon release
- Joint working with Leaving Care and Probation.



Workforce Development

Ensuring a highly skilled and knowledgeable workforce is key in ensuring that practitioners can assess and deliver interventions to prevent and reduce offending behaviour in children. There have been some key activities undertaken to upskill the workforce which includes monthly Core+ clinic that are led by audit outcomes, key performance indicators, change to data recording and legislative changes. These clinics are designed to ensure that there is consistent, high-quality information and data stored on the child's record.

One of our Youth Justice Service Practitioner's has undertaken the 'Train the Trainer' Training around Asset+ and they are responsible for periodically delivering Learning Circles to ensure that all staff are completing comprehensive, child focussed and address those factors supporting desistance from offending behaviour.

Practitioners offer each other peer support on a regular basis and the Performance and Support meetings provide a forum for this. We are also developing the use of Problem-Solving Circles where practitioners can discuss complex children where the practitioner is experiencing difficulties where colleagues can offer child focussed holistic solutions and approaches.

All staff receive regular 'Personal Supervision' where they are provided with a safe space where they can talk about their wellbeing in work and ensure that Team Managers are appropriately supporting them. Conversely the Service Manager also ensure that Team Managers wellbeing is appropriately supported which has included protected focus time.

Over the past 12 months the team have been able to access a range of training and development opportunities. This has included:

- Team Managers access to the Leadership Academy
- Trauma Informed approaches and Motivational Interviewing
- Delivering Restorative Justice
- Members of the wider Adolescent Service have undertaken UNITAS Effective Practice Certification
- UNITAS Child First Training

We have completed a skills and needs analysis with Youth Justice Practitioners to understand their perception of the strengths and needs to support workforce development planning for 2023/2024.



Evidence-based practice and innovation

Blackpool's Youth Partnership:

Effective youth work plays a vital role in enhancing the life chances of young people. By providing safe spaces for exploration, encouraging decision-making, boosting confidence, fostering interpersonal skills, and promoting critical thinking, youth work enables young individuals to make informed choices, positively change their activities, and experience improved outcomes. Quality youth services are essential for supporting young people's overall life outcomes and contribute to a broader ecosystem of services aimed at developing their capabilities.

To ensure that youth provision meets the needs of children and young people Blackpool in collaboration with the National Youth Association (NYA) conducted a comprehensive review. This review incorporated various research methods, including desktop research, stakeholder engagement, and analysis of effective practices in the field. Its purpose was to inform future youth provision and identify areas for improvement. As a result, the review recommends a coordinated approach to enhance the town's youth offer.

To implement these recommendations and improve the quality and consistency of youth provision across Blackpool a Youth Partnership has been developed. This collaborative effort involves Local Authority leads

and third-sector youth partners coming together to work towards a common goal. The aim is to develop, promote, and co-produce youth provision that aligns with the objectives outlined in the recent youth review. Collaboration and partnership working will be emphasized to broaden the range and increase the reach of youth services across Blackpool.

By adopting a coordinated approach and involving young people in decision-making processes, the Blackpool Youth Partnership aims to enhance the overall youth provision in Blackpool. This collaborative effort between the Local Authority and third-sector partners is expected to bring about positive changes and ensure a more comprehensive and effective support system for children.

The youth provision partnership, supported by the Youth Justice Service has collaborated on a bid from the Youth Endowment Fund which will provide two years additional funding to work with children to provide positive activities in local communities to address externalising behaviours.

This will include a focus on:

- Building and maintaining relationships
- Promoting community connectedness
- Opportunities for Education, Training and Employment
- Positive and pro-social identities
- Managing and regulating emotions



Challenges, Risks and Issues

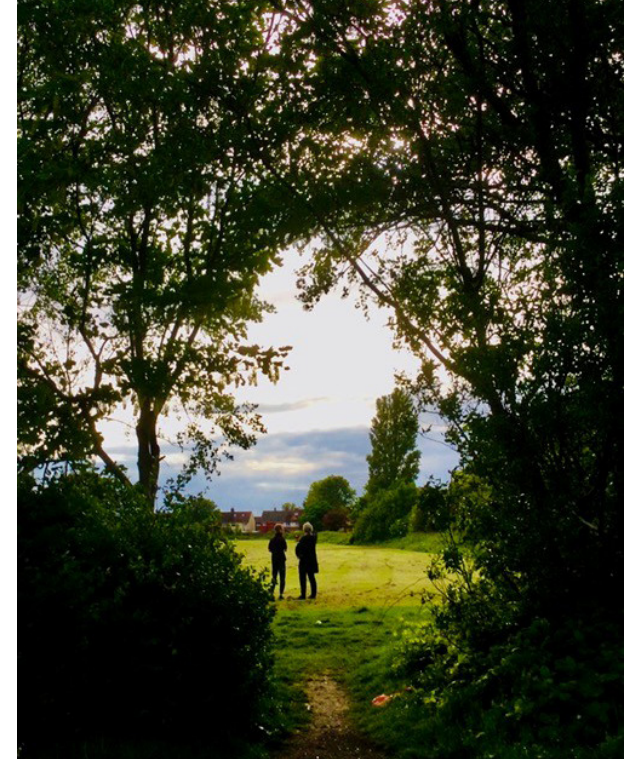
Budget pressures and funding uncertainties for Blackpool YJS is a challenge and a risk for the 2023/2024 and beyond. Within the last 12 months we have faced the challenges of ongoing efficiency agenda at national and local levels and find ourselves in a cost-of-living crisis. This impact on Blackpool will be particularly felt given that it is one of the most deprived towns in England. This has already resulted in a significant reduction in our core budget due to no longer receiving police contributions in 2021/22.

We recognise that our partners will have similar pressures, impacting on resource and joint delivery

Blackpool Children's Social Care, Lancashire Constabulary and other key partners have pledged their commitment to demonstrate trauma informed practice within their organisations. Whilst this vision is clear amongst strategic leaders, it is recognised that competing service requirements and ideologies impact on operational staff's ability to consistently meet this aspirational commitment.

Child Exploitation is becoming more apparent in our local communities and is having a noticeable impact on our ability to deliver positive outcomes for some of our most vulnerable children. We recognise that a percentage of children who are assessed as high risk are also known to Awaken (contextual safeguarding team) as victims of exploitation and are often groomed into a life of criminality that is difficult to escape. Close collaboration with our internal and external partners is crucial to ensure our children's safety and strengthen community resilience.

Education, Training and Employment opportunities is a key priority for the partnership. Challenges include children aged 16+ who are not equipped with the necessary skills required to access opportunities available and high numbers of children not accessing their full educational entitlement. In addition to limited alternative provisions that provide a variety of creative workshops/ lessons to develop new and existing skillsets.



Service development plan

To enable the Youth Justice Partnership to drive improved outcomes for children at risk of offending and re-offending, a range of strategic and operational priorities that reflect national drivers, local need, national standards self-assessment and HMIP inspection findings have been incorporated into one action plan (appendix 6). Progress on the plan is reviewed at every Executive Board meeting to challenge performance and assist with the continued shaping of delivery of the Blackpool Youth Justice Service. The development of an Operational Board will support the delivery of the strategic plan by driving forward key activity at an operational level. The plan focuses on our current priorities:

Our Priorities

Priority One: Our Youth Justice Partnership will continue to strive to ensure that the Executive Board is efficient and effective, securing positive outcomes for children and families

Priority Two: Our Youth Justice Partnership will increase prevention and diversion ensuring children receive support at the earliest opportunity to reduce the number of First Time Entrants in Blackpool.

Priority Three: Our Youth Justice Partnership will ensure our Youth Justice workforce have access to appropriate development opportunities and resources to reduce the risk of re-offending.

Priority Four: Our Youth Justice Partnership will ensure the educational needs of children open to the service are understood and appropriate action taken to ensure that they have access to high quality education and training services that met their individual needs.

Priority Five: Our Youth Justice Partnership will seek to reduce the number of children in custody.

Sign off, Submission and Approval



Director of Children's Services – Vicky Gent

26/06/2023



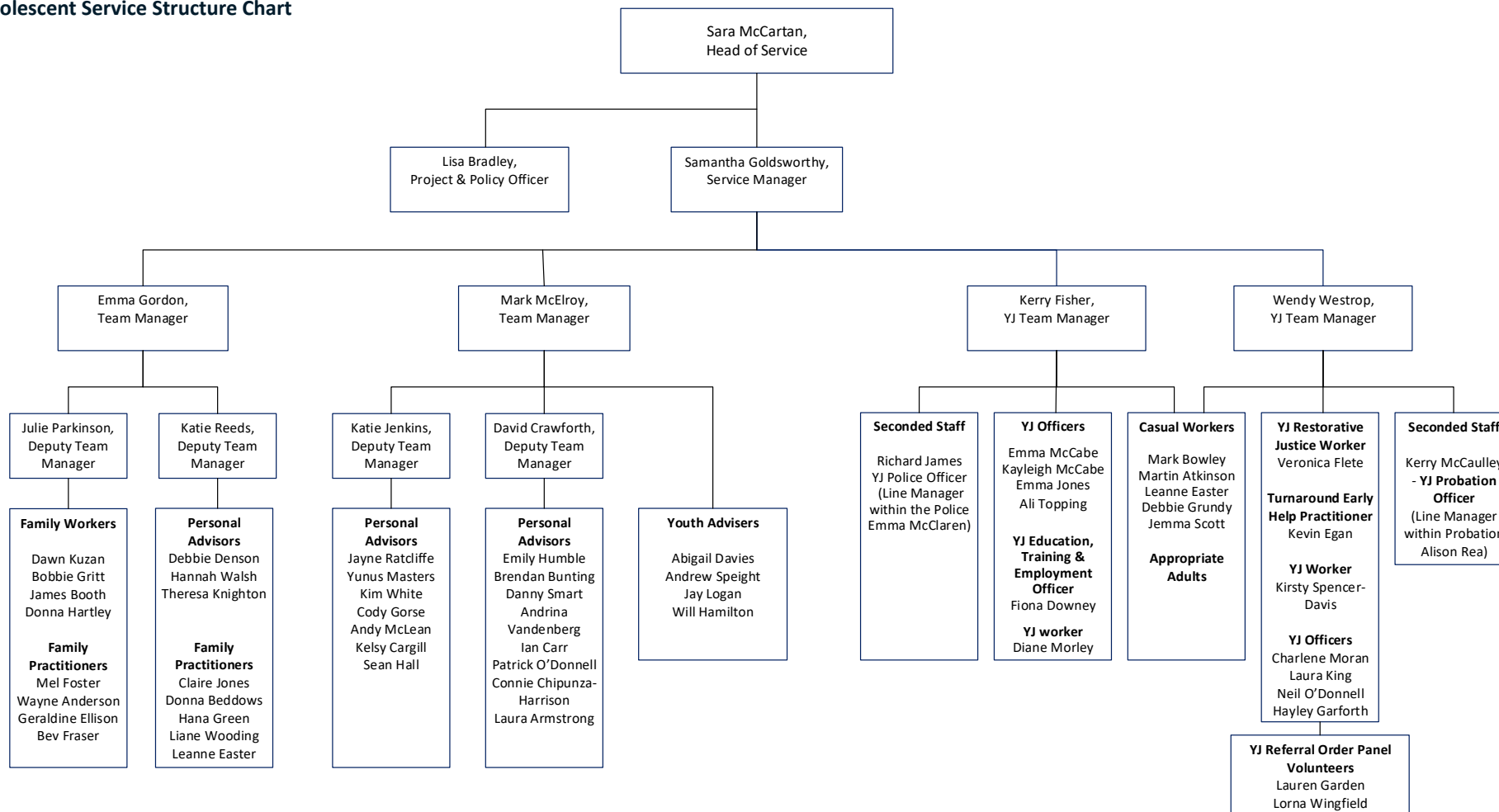
**Interim Chair of the Youth Justice Service
Executive Board – Linda Clegg**

26/06/2023

Appendix 1

Staffing structure for the Youth Justice Service

Adolescent Service Structure Chart



ADDITIONAL RESOURCES

Administration Assistants Judy-Anne Runciman, Kim Peake, Rhys Davies

Co-located Mental Health Practitioner Stephanie Webster

Co-located Employment Officer Linda Aiken
(Line Managed via Positive Steps)

Specialist Health Practitioner Support, Speech & Language Therapist Consultation and Psychology Service Consultation (Contextual Safeguarding Team)

YJ Information Officer Nicola Wilson
(Line Manager Sara Coombs, Systems & Intelligence Manager)

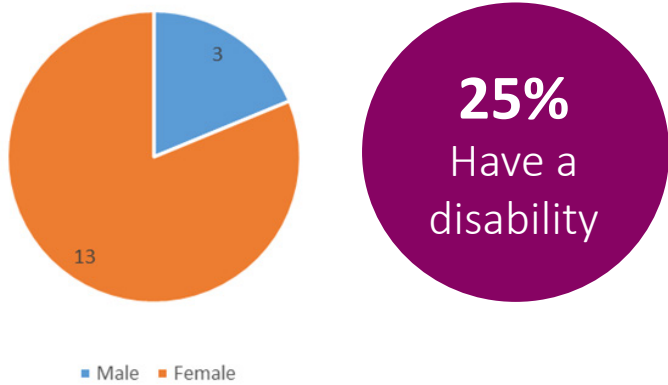
Additional Staffing Information

Blackpool Youth Justice Service consists of:

Number	Role	Ethnicity
2	Team Manager	White British
5	YJS Officers (Social Worker)	
3	YJS Officers (Equivalent qualification)	
1	Early Help Turnaround Practitioner (seconded)	
1	Education, Training and Employment Officer	
1	Restorative Justice and Victim Worker	
1	Specialist Health Practitioner Support from the Contextual Safeguarding Team	
1	Seconded Probation Officer (PT)	
1	Seconded Police Officer	
12	Appropriate Adults	
2	Referral Order Panel Members	
4	Sessional Workers	

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Gender of Staff



Appendix 2

Youth Justice Executive Board Membership and Attendance

✓ Attended

A- Apologise

Name	Role					
		May 2022	July 2022	October 2022	January 2023	April 2023
Independent	Independent Chair	✓	✓	✓	✓	✓
Blackpool Council	Chief Executive for Blackpool Council	A		A	✓	✓
Blackpool Council	Director of Children's Services	✓	✓	✓	✓	✓
Blackpool Council	Assistant Director of Children's Services	Not in post	✓	✓	✓	✓
Blackpool Council	Assistant Director of Children's Services (Education)	A	A	✓		
Blackpool Council	Cabinet Member for Inclusion, Youth, Schools, and Transience	A	A	A	✓	✓
Youth Justice Board	Head of Region, Northwest Youth Justice Board for England, and Wales	A			✓	✓
Blackpool Council	Head of Adolescent Services	✓	✓	✓	✓	✓
Blackpool Council	Adolescent Service Manager – Youth Justice	A	✓	✓	Gap in post	✓
Blackpool Teaching Hospital	Head of Safeguarding, Blackpool Teaching Hospitals, NHS Foundation Trust	A	A	A	✓	✓
	Associate Director SEND, NHS Lancashire and South Cumbria Integrated Care Board	✓	✓	✓	✓	✓
Lancashire Constabulary	Head of Criminal Justice, Lancashire Constabulary	✓		A	✓	✓
Blackpool Council	Head of Corporate Delivery, Performance and Commissioning	A			✓	✓
Blackpool Council	Head of Children's Services		Deputy Attended	✓		✓
Blackpool Council	Performance, Systems, and Intelligence Manager	✓	✓	✓	Vacant Post	
National Probation Service	Head of Northwest Lancashire, NPS	✓	✓	A	✓	✓
HM Courts and Tribunal Service	Chair Youth Court Magistrates (Lancashire)	A	✓	A		

Name	Role					
		May 2022	July 2022	October 2022	January 2023	April 2023
HM Prison Service	Head of Re-settlement HMYOI Weatherby	A		✓	✓	✓
HM Courts and Tribunal Service	District Crown Prosecutor	A				
Lancashire Constabulary	Director Lancashire Violence Reduction Network	A		✓	✓	✓
Police and Crime Commissioner	Policy and Partnership Support Officer	A	A	A		
National Probation Service	National Probation Service			✓	✓	
Lancashire Constabulary	Superintendent, Operations Manager			✓	✓	
Lancashire Constabulary	Chief Inspector		✓			
HM Courts and Tribunal Service	Legal Team Manager, Preston Magistrates Court	A	✓			
Blackpool Council	Shadow Board Representatives	✓	✓	✓	✓	✓
Blackpool Council	Delivery Development Officer	✓			A	
University of central Lancashire	Researcher			✓		
University of central Lancashire	Researcher			✓	A	
Blackpool Council	Democratic Governance Senior Adviser		✓			
Blackpool Council	Democratic Governance Advisor	✓				
Blackpool Council	Democratic Governance Advisor				✓	

Appendix 3

Budget Costs and Contributions 2022/23

Agency	Staffing Costs	Other Delegated Funds	Total
Police	58,336	0	58,336
Probation	24,608	5,000	29,608
Health	39,974	15,442	55,416
Local Authority	345,016	103,807	448,823
YJB	435,178	54,251	489,429
Other	-	-	0
Total	903,112	178,500	1,081,612

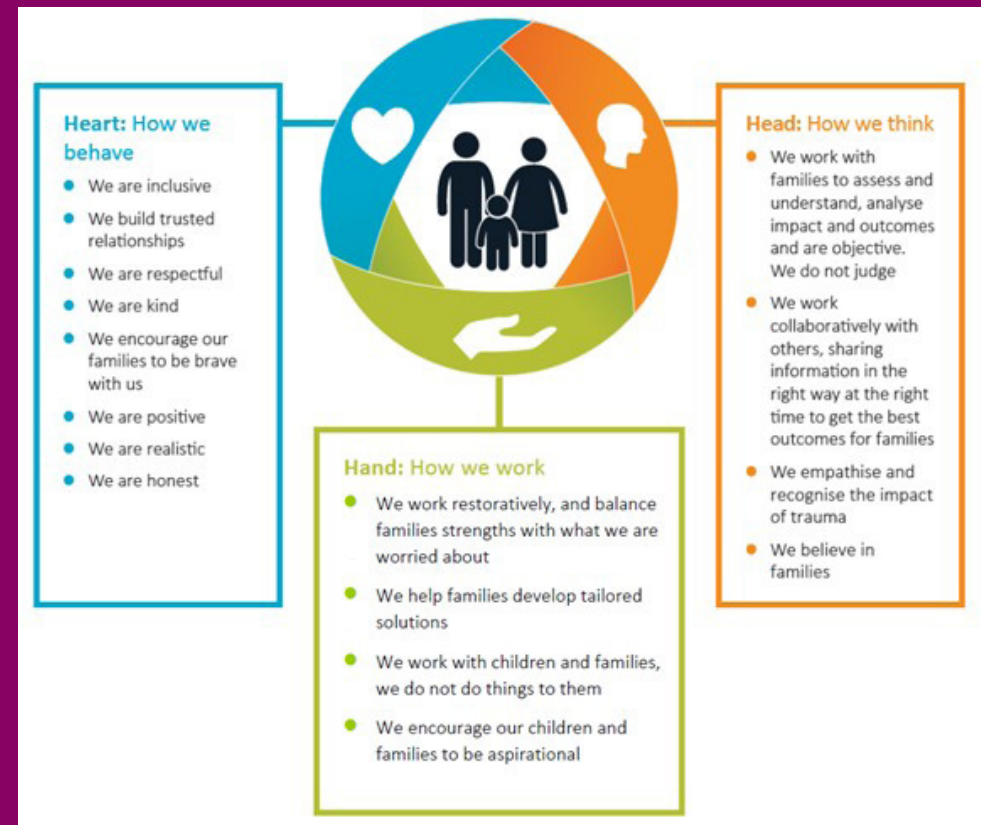


Appendix 4

Blackpool Families Rock – Model of Practice

In 2019, we worked with Blackpool families to co-produce our practice guidance principles that the group believed social workers should work to. These practice principles/behaviours shared a vision that families have the potential to be active agents of change, with social workers positively supporting them in effecting this change. The group used Social Pedagogy concepts – Head (knowledge), Heart (feelings) and Hand (physical doing) in which to place their co-created practice principles. The Head, Heart and Hand are inseparable, and by using them synergistically within practice, social workers are better able to support the well-being, learning, growth or change for families. Social Pedagogy requires social workers to engage in relationship centred practices with the families they support, which then enhances their well-being, resourcefulness, and inclusion in society. The group wanted to build on the belief that “we are all human; we all make mistakes”, which is as relevant to a family as it is to the professional social worker, and if we keep this in our hearts, it helps us to better understand and accept the other person. The group believed that by holding these principles within their practice, social workers and families would best work towards change through strength-based ideologies and promoting each individual’s potential.

Our Co-produced “Blackpool Families Rock” Values



Appendix 5

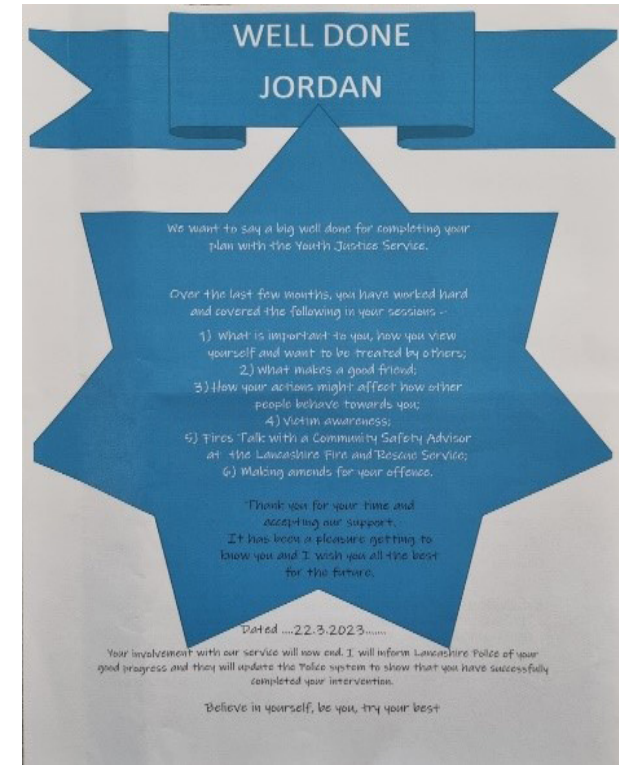
Child First Approach in Blackpool –
Promoting Community Connectedness
and self-identity



A trip to the Knife Angel to raise awareness around the risk of carrying a knife



Restorative Justice with the Fire Service to understand the important role that fire fighters have



End of Order Certificate Celebrating the achievements of young people

Appendix 6

Action Plan

Central to our Business and Improvement plan is our Child First approach which is underpinned by the Youth Justice Boards (YJB) Child First Principles and the plan seeks to ensure these principles act a golden thread woven throughout:

1

Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.

2

Promote children’s individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.

3

Encourage children’s active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.

4

Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

Priority One: Our Youth Justice Partnership will continue to strive to ensure that the Executive Board is efficient and effective, securing positive outcomes for children and families

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Notes
Executive and Operational Boards informed by an analysis of partnership wide youth justice data.	Practice across the partnership improved via the support and challenge of the partnership.	Outcomes for children monitored by the board, support and challenge given to improve and maintain.	Chair of the Boards with support from Head of Adolescent Service.	New KPI set scrutinised quarterly from Sept 2023 onwards. Data Analysis commissioned June 2023. Linking of analysis across the partnership and partnership data pooled Summer 2023.	
Executive Board Terms of Reference (ToR) to be refreshed, ensure strategic representation and gain commitment to Child First principles with strategic leads.	The ToR provided clarity on the direction of the board, strengthening collaboration and a proactive response to emerging need.	The exec board can influence change that ensures Children and Families receive a consistently high standard of support during times of need.	Chair of the Board with support from Democratic Services.	All partners to have sight of and agree with the content of the ToR with a scheduled implementation plan of 04/09/2023 Quarterly monitoring via new KPI evidence appropriate representation from all key strategic leads. Evidence of Child First principles being embedded into services.	

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Notes
Multi-disciplinary Operational Board to be established.	The operational board provides valued feedback on the experiences of the workforce and emerging needs within Blackpool which informs the Exec Board and assists with influencing positive change.	The challenges/ barriers and emerging needs of the Children and Families of Blackpool are accurately represented at the Exec Board.	Head of the Adolescent Service with support from Executive Board Members	<p>Membership of the Board to be established.</p> <p>Meeting scheduled for the year and first meeting held by 30/09/2023.</p> <p>Terms of Reference will be in place.</p> <p>Routine feedback to and from the Executive Board starting November 2023.</p>	

Priority Two: Our Youth Justice Partnership will increase prevention and diversion ensuring children receive support at the earliest opportunity to reduce the number of First Time Entrants in Blackpool.

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Notes
Turnaround Programme to be embedded within Youth Justice and across the partnership.	Prevention and Diversion is strengthened in Blackpool Youth Justice service – practitioners are confident in assessing the holistic needs of the family and identifying a multi-agency response, thus reducing behaviours linked to offending.	Families receive the ‘right service, at the right time’ - their holistic needs are considered, and support implemented to reduce the likelihood of crisis situations	Adolescent Service Manager with support from Lancashire Constabulary.	<p>Deputy Manager and Youth Justice Practitioner appointed by 31/07/23.</p> <p>Turnaround prevention and diversion referral form and pathway to be launched by 31/07/2023 (inc internal briefing).</p> <p>Prevention and Diversion assessment tool to be incorporated into Early Help Assessment prompts to evidence youth justice element in practice.</p>	

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Notes
				<p>Quarterly Monitoring returns to the MoJ, (Q1 by 28/07/2023) and Executive Board (04/09/2023)</p> <p>Develop a shared resource directory of Evidence Based Practice between Youth Justice and Early Help & Support by 01/01/2024.</p>	
Implement and develop a Multi-disciplinary Scrutiny Panel linked to understanding the high levels of First Time Entrant (FTE)	The partnership have a clear understanding of themes linked to the higher-than-average number of children who are FTE in Blackpool and learning shared to develop practice.	Families receive the 'right service, at the right time' - their holistic needs are considered and support implemented to reduce the likelihood of crisis situations.	Adolescent Service Manager with support from Lancashire Constabulary, Early Help & Support, Childrens Social Care and Education.	<p>Quarterly scrutiny panels to be scheduled in line with Exec Board meeting</p> <p>Panel findings shared in a report with key learning, action planning and review dates.</p>	

Action	Impact on Quality of Practice	Outcomes for children and Families	Accountable Person(s)	Milestones	Notes
Youth Partnership to coordinate and lead on Blackpool's Youth Offer	Partnership collaboration and co-production with children and families is providing a proactive response to identified and emerging need within local communities	<p>Children have a sense of belonging in their local communities.</p> <p>Children have access to range of extracurricular activities that promote pro social identities.</p>	Head of the Adolescent Service & Assistant Director of Community & Environmental Services (Community & Wellbeing).	<p>Grant applications submitted by or through the Youth Provision Partnership.</p> <p>Youth Provision Partnership meeting regularly and connecting with partners from across Blackpool to proactive response to identified and emerging need within local communities.</p> <p>Development of a 'Youth Offer' capturing the Youth Provision Partnership delivery of youth provision to young people.</p>	

Action	Impact on Quality of Practice	Outcomes for children and Families	Accountable Person(s)	Milestones	Notes
				Development of a 'Youth Offer' capturing the Youth Provision Partnership	
Promote Learning and practice development in line with the Prevention and Diversion research	Staff understand research linked to prevention and diversion and how this influences practice to achieve positive outcomes for children and families	Children and Families are in receipt of the right support, at the right time, from the most appropriate service.	Adolescent Service Manager with support from Early Help Service Manager.	<p>Participate in UCLAN prevention and diversion services.</p> <p>Early Help Spoc to be identified for the Adolescent Service – identifying and signposting to wider early provisions within the wider town.</p> <p>Create shadowing opportunities for Youth Justice within Early Help.</p> <p>Whole team access Turnaround MOJ webinars and learning events to share practice.</p>	

Action	Impact on Quality of Practice	Outcomes for children and Families	Accountable Person(s)	Milestones	Notes
Strengthen the core function of the Youth ASB Partnership to promote a collaborative response to ASB	Practitioners are effectively sharing Information in a timely manner. Agreed actions are proportionate and proactive in responding to emerging need.	Children and families receive a supportive yet proportionate response to issues of ASB The Local community have confidence in agencies responsible for supporting them	Adolescent Service Manager ASB, Prevention & Problem-Solving Command unit Youth Provider (relevant to local area)	Monthly Task and Finish group- agree a Multi-Agency response in hotspot areas. Focus being on relational practice alongside enforcement.	
Ensure that wider children's services have a clear understanding of trauma informed practices linked to our children's lived experience to support in the reduction of our children known to the Youth Justice Service	Identifying potential triggers and vulnerabilities will ensure that practitioners are able to respond appropriately to reduce offending behaviours	Developing a proactive response to emerging need across Supporting Our Children and the Youth Justice Service to reduce offending/re-offending by our children	Multi-disciplinary representation	Thematic audit to focussing on First Time Entrants of Our Children Audit findings to be shared across wider children's services to inform and develop actions	

Priority Three: Our Youth Justice Partnership will ensure our Youth Justice workforce have access to appropriate development opportunities and resources to reduce the risk of re-offending.

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Milestones
Continue to evaluate the effectiveness of interventions to ensure that they are meeting children's needs and reduce re-offending (HMIP recommendation)	<p>Practitioners deliver purposeful interventions</p> <p>Voice of the child is captured and used to influence service developments</p> <p>Staff provide an efficient response to allocation ensuring the child is seen at the earliest opportunity.</p>	<p>Wrap around support is available to reduce vulnerabilities linked to re-offending</p> <p>Children can meet and build the foundations of a trusting relationship with their key worker.</p>	Youth Justice Team Managers with support from Youth Justice Practitioners	<p>YJS practitioners to review existing interventions to identify gaps in service</p> <p>YJS workforce develop their understanding of evidence-based intervention based on the Youth Endowment Fund (YEF)</p> <p>Re-launch of Children's Service's Library with the YJS</p> <p>Evaluation schedule to be implemented at the point of allocation, review and end of order to capture feedback</p> <p>Relaunch the 'Start of Order Procedures' and embed into performance reviews.</p> <p>RJ worker to provide monthly update re RJ delivered and promote across the partnership.</p>	

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Milestones
Develop a step down and across process with Early Help to ensure continued whole family support at the point children's Court Orders expire	<p>Effective exit plans are in place to ensure continued multi agency support where needed.</p> <p>Reduction in the number of children who re-offend</p>	<p>Wrap around support is available to reduce vulnerabilities linked to re-offending</p> <p>Trauma informed Practice is embedded in exit plans so that families only tell their story once.</p>	Adolescent Service Manager with support from Early Help Service Manager.	<p>Develop a shared understanding of Early Help and Continuum of Need.</p> <p>YJS practitioners to attend Early Help Clinics where continued service support is required, strengthening exit plans for families.</p> <p>YJS practitioners to support wider partnership to take on Early Help support as part of exit planning.</p>	
Develop our Restorative Justice (RJ) and Victim Work	<p>Restorative Justice and Victim work will have clear management oversight</p> <p>Audit findings are used to develop practice</p>	<p>Increase in the number of victims who access the support.</p> <p>Victims receive a quality service.</p> <p>Children and victims have access to high quality and creative RJ.</p>	Adolescent Service Team Managers with support from RJ and Victim Practitioner	<p>Online platforms will be used to capture victim feedback.</p> <p>Monthly victim audits undertaken that inform quality assurance framework.</p> <p>Monitored via new KPIs.</p>	

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Milestones
<p>Ensure that, in all children's records, there is a plan to keep other people safe and contingency planning if issues in the child's life increase the likelihood of harmful behaviour. Where risk to the child's safety or wellbeing is identified, put in place clear contingency planning for circumstances where the risk may increase. Where risk to other people are identified, put in place clear contingency planning for circumstances where the risk may increase (HMIP recommendation)</p>	<p>Staff will have a clear vision as to how plans will support desistance</p>	<p>Reduction in re-offending rates</p>	<p>Youth Justice Team Managers with support from PDL</p>	<p>Risk of harm training to be commissioned to support assessment in the Explanations and Conclusions section of AssetPlus, including contingency planning</p> <p>All YJS staff to undertake annual refresh of the Safeguarding Children training as part of the wider Adolescent Service workforce development</p> <p>All staff to have access and use the Youth Justice Interactive Learning platform</p> <p>Themed audit- Assessment and planning linked to risk of harm and safety and wellbeing to be undertaken. Findings from the audit to inform workforce development planning.</p>	

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Milestones
<p>Updated Quality Assurance Framework embedded</p> <p>Routine audits to review effective initial assessment of children's health and educational needs (HMIP recommendation).</p>	<p>Good practice is celebrated, and areas of development built into the improvement plan on an individual and team level</p>	<p>Children and Families receive a good quality service</p>	<p>Adolescent Service Manager with support from Team Managers.</p>	<p>Audit fortnights to be completed and fed into Heads of Service Performance Quality Assurance Meetings starting June 2023.</p> <p>Individual feedback provided to practitioner.</p> <p>Learning circles to be utilised when areas of development are identified, and key findings shared with Partners.</p> <p>Establish peer audit cycle with Blackburn and feedback to Boards,</p>	
<p>Complete the National Standards Self-Assessment: At Court</p>	<p>The board will have a clear understanding of our performance in the Court arena to celebrate good practice inform improvements required.</p>	<p>Clear actions will be in place to improve the work in Court</p>	<p>Youth Justice Team Managers</p>	<p>NS self-assessment complete by 31/10/23</p>	

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Milestones
Embed Enhance Case Management, Multi-agency case formulation and trauma informed practice	<p>Assessments and intervention informed by trauma informed practice.</p> <p>Increase in specialist support for children working with the YJS</p>	<p>Children receive the trauma informed support.</p> <p>Reduction in/desistance from offending behaviour linked to SMU</p>	<p>Head of the Adolescent Service and Adolescent Service Manager.</p> <p>With support from CAMHs & Public Health</p> <p>With support from LVRN</p>	<p>Introduce case management with psychological consultation Commission, Embed and Review by March 2024</p> <p>Adolescent Service Mental Health Practitioner Induction June 2023. Advice and guidance sessions implemented Summer 2023.</p> <p>Deliver multi-disciplinary Adolescent Development Day focussing on evidence base 23rd June 2023</p> <p>Develop the role of a Substance Misuse Specific Person and Contact (SPOC) within the YJS Monitor via new KPI</p> <p>Learning Lunch with Contextual Health Practitioners. Increase co-location Summer 2023.</p>	

Priority Four: Our Youth Justice Partnership will ensure the educational needs of children open to the service are understood and appropriate action taken to ensure that they have access to high quality education and training services that met their individual needs.

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Notes
Ensure Education has an effective response to the ETE status of children working with the YJS, understanding the link between ETE provision, vulnerability, and risk of harm	Children supported by the YJS will have access to appropriate Educational Provision providing a strong protective factor to support desistance	There will be a clear increase in the number of children in appropriate ETE provision More children will be in receipt for their statutory entitlement	Adolescent Service Manager Deputy Team Manager	Data to be scrutinised in monthly performance mtgs, commentary discussed with Operational Board and presented to Exec Board to support. Drive systems change via Youth Futures Foundation Connect Futures Programme.	
Ensure plans linked to SEND, Education, Health and Care Plans and personal educational plans are integrated into Pathways and Planning section of AssetPlus	Key educational information is recorded in the assessment and will inform planning to ensure that it is accessible to children	SMART plans will be in place that identify the educational needs of children, linked to offending behaviour and tailored approaches to interventions	Education, Training and Employment Officer with support from Education Colleagues.	SEND Team to deliver a workshop around innovative approaches to working with children who are SEND Head of Virtual School to deliver a workshop to raise awareness of the work of the Virtual School and how they can support YJ interventions	

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Notes
Reduce the number of children of school age who are not receiving their statutory educational entitlement	Children working with the YJS will have good educational outcomes and positive aspirations for the future	Increase in the number of children engaged in appropriate educational provision	Head of Adolescent Service with support from Assistant Director	ETE Officer to maintain tracker of education at allocation and at end of intervention. Foster stronger links: Meeting with virtual schools June 2023.Meeting with AP Head July 2023. Share data sets with Blackpool Educational Improvement Board (BEIB).	
Reduce the unacceptably high NEET rates for young people over-16 by getting more children into further education provision and vocational training, including access to services where children can gain the personal, life, and social skills they need to work towards employment (HMIP Recommendation)	Children working with the YJS will have positive aspirations for the future	Increase in the number of children engaged in appropriate ETE provision	Head of Adolescent Service Deputy Team Manager and Education, Training and Employment Officer	ETE Officer to maintain tracker of employment at allocation and at end of intervention. Share data sets with Employment and Skills Board. Evaluate effectiveness of suite of life skills intervention. Draw on best practice through Youth Futures Foundation Connect Futures Programme.	

Priority Five: Our Youth Justice Partnership will seek to reduce the number of children in custody.

Action	Impact on Quality of Practice	Outcomes for children and families	Accountable Person(s)	Milestones	Notes
Ensure that the Executive Board and the YJS have a clear understanding of the root causes for offending and the pathways into custody for young people via Custody Review Panels	Practitioners can confidently manage children in secure accommodation and effectively plan for their resettlement.	Children are not unnecessarily held in secure accommodation and are released to accommodation that meets their needs.	Head of Service for Request for Support Hub, Awaken and Assessment and Support Team with support from Youth Justice Team Manager	Review custody panel template in with NS by 31/08/2023. Expand membership to ensure multidisciplinary. Bi-monthly review panels.	
Deliver a Learning Circle to YJS Practitioners, based on findings of custody panels to develop, skills in managing children in secure accommodation with particular reference to resettlement planning.	Practitioners can confidently manage children in secure accommodation and effectively plan for their resettlement.	Children are not unnecessarily held in secure accommodation and are released to accommodation that meets their needs.	Youth Justice Team Manager and Leaving Care Team Manager	Learning circle will be delivered. Plan and deliver learning circles to wider children’s services around the importance of resettlement planning and provision of appropriate accommodation Share finding from ADCS and Youth Custody task and finish group re resettlement.	

Appendix 7

Blackpool Youth Justice Performance

Blackpool Council

Blackpool Youth Justice Performance and Analysis 2022/23

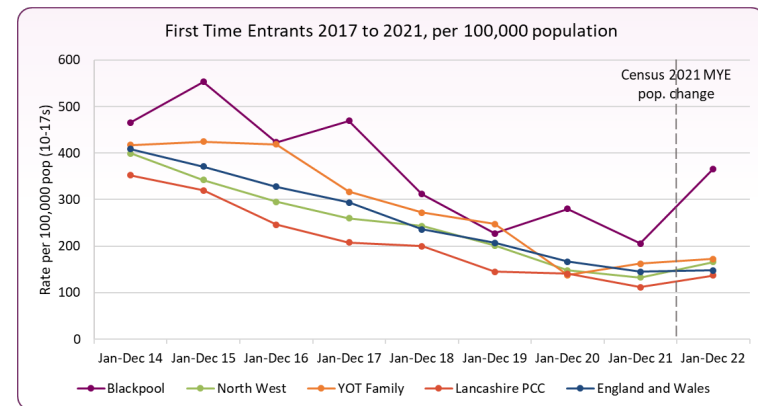
Key Performance Measures in Most Recent National Dataset
and
'First Cut' Year End Analysis

The Blackpool Population: Context

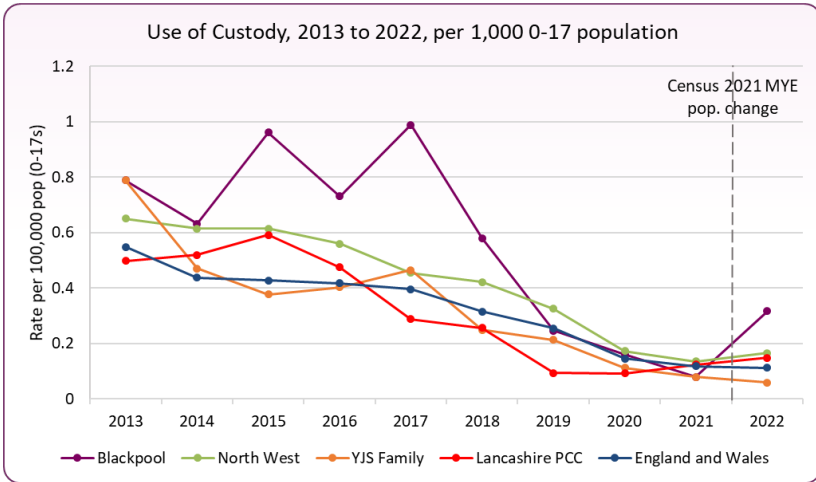
- As at June 2021 there were an estimated 140,954 people living in Blackpool
- An estimated 27,810 young people are aged under 18 (19.7% of the population), with 12,641 young people aged 10 to 17 (9% of the population)
- Blackpool is the most deprived local authority in England (IMD, 2019) with 41.3% of residents living in the 10% most deprived neighbourhoods in the country
- An estimated 30.7% of children live in income-deprived families, compared to 17.1% nationally (IDACI, 2019)
- In 2021/22 7,980 school children (40.4%) were eligible for free school meals, compared to 22.5% nationally
- At March 2022 there were 609 looked after children in Blackpool at a rate of 218 per 10,000, the highest in the country
- 3,401 children had an episode of need at some point in 2021/22 at a rate of 1,168.3 per 10,000 (twice the national average of 587.7 per 10,000)

First Time Entrants and Custody 2022/23

Source: YJB YDS Reports



First Time Entrants	Jan-Dec 14	Jan-Dec 15	Jan-Dec 16	Jan-Dec 17	Jan-Dec 18	Jan-Dec 19	Jan-Dec 20	Jan-Dec 21	Jan-Dec 22
Blackpool	59	69	52	57	38	28	35	26	46
Lancashire PCC	480	433	331	282	272	201	200	162	203
% of Lancashire	12.3%	15.9%	15.7%	20.2%	14.0%	13.9%	17.5%	16.0%	22.7%



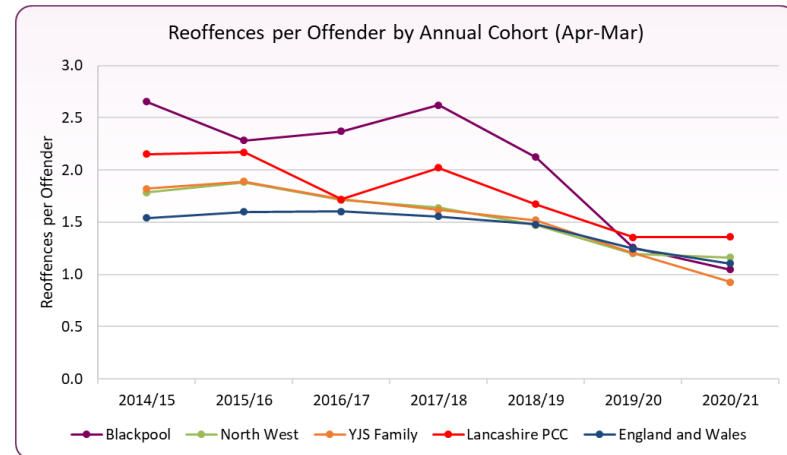
Reoffending 2022/23

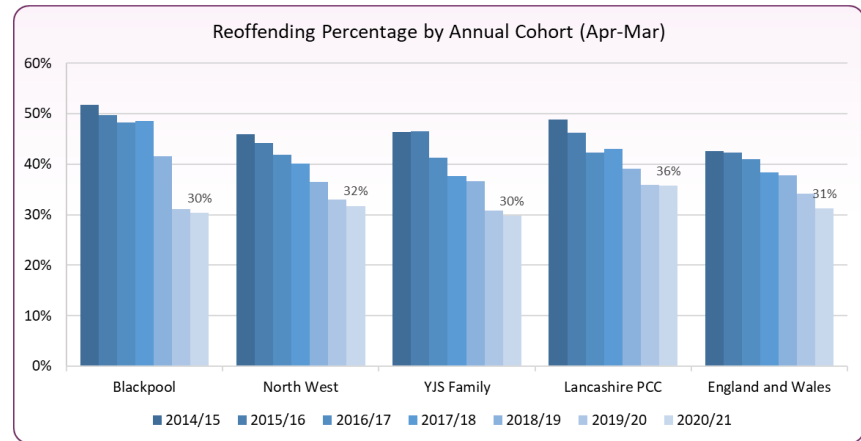
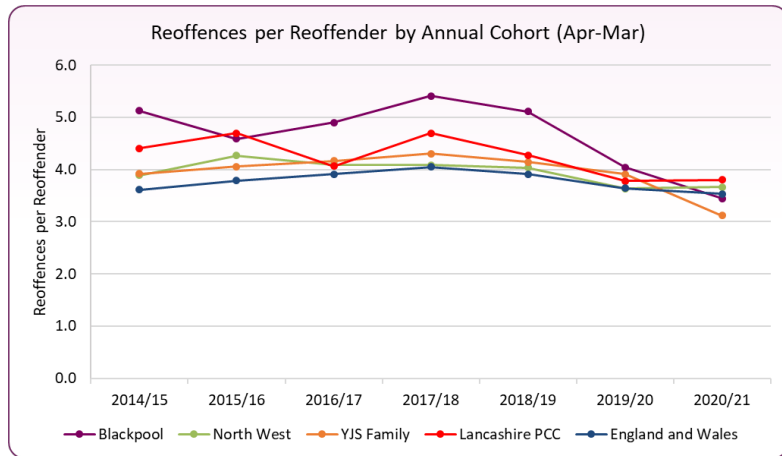
Source: YJB YDS Reports

Reoffending trends in Blackpool: Annual cohorts

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Yr Change
Number in Cohort	197	167	149	132	106	74	89	+20%
Reoffenders	102	83	72	64	44	23	27	+17%
Reoffences	523	381	353	346	225	93	93	0%
Reoffences per Reoffender	5.1	4.6	4.9	5.4	5.1	4.0	3.4	-15%
Reoffences per Offender	2.7	2.3	2.4	2.6	2.1	1.3	1.0	-17%
Percentage Reoffending	51.8%	49.7%	48.3%	48.5%	41.5%	31.1%	30.3%	-0.7%

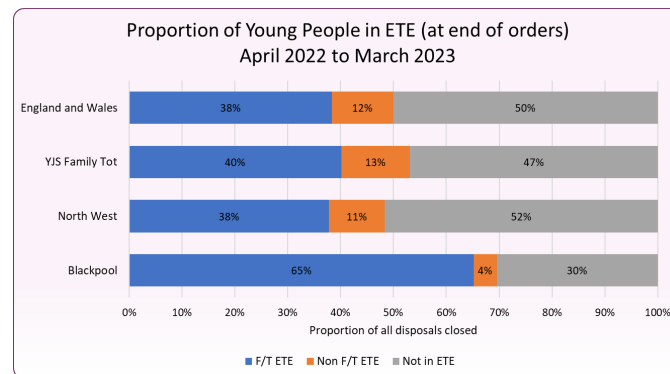
- Numbers of reoffenders from the 2020/21 cohort slightly up from previous year, but lower than pre 2019/20 levels
- Number of reoffences same as 2019/20 cohort, with rate of reoffences per offender and reoffences per reoffender slightly lower. These are both similar to national levels.
- 30.3% of 2020/21 cohort reoffended, the lowest proportion in recent history



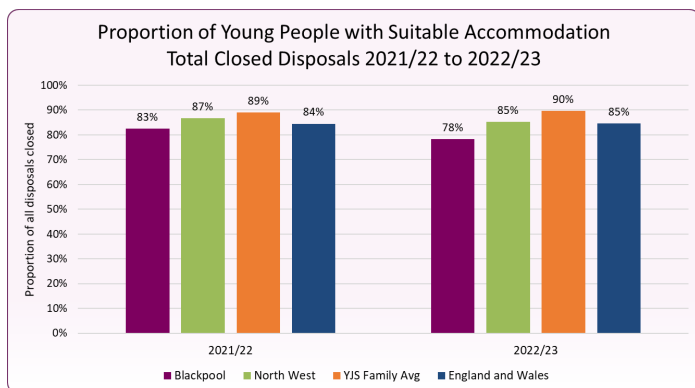


Education, Training & Employment and Accommodation

Source: YJD YDS reports



- In 2022/23 15 out of 23 young people (65.2%) were in full-time education, training or employment at the end of referral orders, YROs or on DTO license
- All school age children were in full-time ETE at this point



- In 2022/2023 (Apr-Mar) 18 out of 23 disposals closed were with suitable accommodation (78.3%), compared to 33 out of 40 (82.5%) in 2021/22

2022/23 AssetPlus Assessments

The Basics

- 108 children received an AssetPlus assessment by Blackpool YJS in the last year
 - 10 cases were completed by other YJS and transferred into Blackpool, with two of these receiving an assessment locally in 2022/23
- This compares to 104 assessments in 2021/22 (plus 13 transferred in)
- 84% were male (88% in 2021/22) – vastly disproportionate to overall population, but similar to national YJS pattern (86% male)
- 89% identified as White British (88% in 2021/22) – similar to Blackpool population (90.4%)
 - 8% were of mixed ethnicity / heritage
- Average age at completion of assessment = 15.6 (16.3 in 2021/22)

Children’s Social Care Involvement

- 20% of assessed young people had been in care at some point, compared to 25% in 2021/22
- 13% (n=14) are currently subject to a care order, accommodated by voluntary agreement, remanded to LA accommodation and / or remanded to youth detention
- 35% have been subject to a Child Protection Plan at some point (50% in 2021/22)
- 49% have been identified as a Child in Need at some point (59% in 2021/22)
- 32% had parental care and supervision concerns, 22% with parent mental health concerns
- 34% had family behaviour or situational concerns (44% in 2021), and 40% had assessed concerns around significant relationships

2022/23	Child in Need		CP Plan		CiN or CP Plan	
	no	%	no	%	no	%
Currently	14	13%	<5	--	14	13%
Previously	39	36%	36	33%	44	41%
Never	54	50%	67	62%	48	44%
Yet to Clarify	<5	--	<5	--	<5	--
Total	108		108		108	

Family and Relationships

- 32% had assessed parental care and supervision concerns (same as 2021/22)
 - 22% were known to have parent / carer mental health concerns (21% in 2021/22)
 - 12% were known to have parental / carer alcohol concerns (15% in 2021/22)
- 34% had assessed family behaviour or situational concerns (44% in 2021/22)
 - 21% were known to have witnessed domestic violence or abuse (23% in 2021/22)
 - 12% had identified concerns regarding care or supervision (16% in 2021/22)
 - 9% were known to experienced parent / carer violence or abuse
- 40% had assessed concerns around significant relationships (22% in 2021/22, 50% in 2020/21)
 - 20% had loss of contact with significant people (25% in 2021/22)
 - 17% had reported aggression / violence by the young person to family members (13% in 2021/22)
 - 16% had experience of loss / bereavement (16% in 2021/22)
 - 16% reported offending by family members (15% in 2021/22)

Criminal & Sexual Exploitation, and Safety Concerns

- 32% (n=37) of young people were considered to be vulnerable to criminal exploitation – 31 males and 6 females. This is down from 40% (n=47) in 2021/22.
- 16% (n=18), all males, were considered to be involved, at risk of being involved or previously involved in County Lines activity
- 10% were considered at risk of sexual exploitation, 7 males and 5 females (28% of all females assessed in 2022/23). This is an overall reduction from 15% in 2021/22 and 20% in 2020/21.
- 27% (n=29) of young people were assessed as having high or very high overall safety wellbeing concerns (25% in 2021/22), with 61% of young people having some safety concerns (67% in 2021/22)
- 57% (n=36) young people evidenced substance misuse at assessment (61% in 2021/22)

Offending History and Likelihood to Reoffend

- 27% had previous convictions – 41% in 2021/22 and 50% in 2020/21
 - For those with previous convictions, the average number was 2.3, most commonly only one previous offence
 - Average age at first conviction of 15.5 (15.3 in 2021/22)
 - Average age at time of sentence of 14.5 (15.2 in 2021/22)
 - Average age at first sanction was 14.6 (same as 2021/22)
- There is evidence in 40% of cases that the young person may commit offences
- 9% have a high reoffending likelihood (13% in 2021/22) and 38% have a medium likelihood (32% in 2021/22)
- 13% of young people have a high or very high risk of serious harm judgement (18% in 2021/22)

Mental and Physical Health

- 69% of assessed cases have one or more mental health issue (73% in 2021/22), and for 36% this is identified as a risk or concern (38% in 2021/22)
 - 14% have a formally diagnosed mental health condition
 - 48% have had contact with mental health services
 - 13% receive prescribed medication
 - 41% suffer from anxiety, stress or irritability
 - 27% have a history of self-harm
 - 15% have previously attempted suicide
 - 12% have current thoughts of self-harm or suicide
- 18% have a diagnosed physical health condition (12% in 2021/22)
- There is evidence of a substance misuse concern in 65% of assessments (70% in 2021/22)
- 48% are identified as putting their health at risk by their own behaviour

Special Education Needs and Communication Issues

- 60% of assessed cases determine that the young person has SEND or communication concerns (77% in 2021/22)
 - 32% young people have family member-expressed concerns about social communication skills
 - 24% have professional or family member-expressed concerns about learning needs
 - 5% have been diagnosed with social communication difficulties
- Half of those assessed had difficulty thinking about thoughts a feelings of others, with 36% having difficulty showing emotions
- 40% had difficulty explaining things
- 24% had problems reading or writing
- 12% need support in daily living skills (9% in 2021/22)

Accommodation

- 79% (n=85) were living at home at time of assessment (73% in 2021/22)
- 13% were living in residential units (LA, Private or Secure)
- Several young people were homeless or living with friends
- 23% (n=24) of those with assessments completed have concerns about current accommodation
- Of those with accommodation concerns:
 - 63% were living at home
 - 21% were in residential units

Education, Training and Employment (ETE)

- 71% (n=82) of the cohort had education, training or employment concerns at the point of assessment (up from 64% in 2021/22 and 46% in 2020/21)
- 44% (n=51) had complex ETE histories, with multiple moves, disruptions and / or previous exclusions (36% in 2021/22 and 17% in 2020/21)
- 24% had concerns about undiagnosed need or difficulties (16% in 2021/22)
- Of those with any SEN identified at assessment, 84% (n=48) had education, training and employment concerns at the point of assessment

Offences and Outcomes 2022/23

Offences and Offenders 2022/23

- Total offences (n=335) in 2022/23 up by 75% on 2021/22
- Total (suspected or proven) offenders (n=108) up 29% on 2021/22
- Proven offences (n=180) up 94%, but fewer than 2020/21
 - However, 64 offences reported with no outcome at present
- In 2021/22 Blackpool's rate of proven offences was 73.6 per 10,000 10-17 population (compared to 58.4 in England and Wales). For 2022/23 it is currently 142.4 per 10,000 (England & Wales rate not yet available).
- Proven offenders (n=70) up 40% on 2022/23, but fewer than in 2020/21
- Of 108 suspected offenders, 7 offenders are associated with a third of offences (n=112)
- Similarly, of 70 proven offenders, 5 offenders are responsible for a third of offences (n=59) and three are responsible for almost a quarter (n=44)

	2020/21	2021/22	2022/23
Number of Offences	276	191	335
No of suspected offenders	92	84	108
Proven offences	195	93	180
No of offenders - proven offences	75	50	70

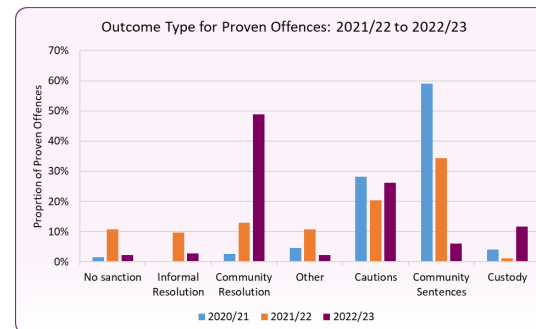
Proven Offences by Type

Proven Offences by Type (2022/23 data as at June 2023)	2022/23		2021/22	2021/22 to	England and Wales
	n	%	%	2022/23 % change	% (2021/22)
Burglary	16	9%	8%	+1%	3%
Other	23	13%	9%	+4%	9%
<i>Vehicle Theft</i>	14	8%	3%	+5%	
<i>Other (incl Breach of Bail and 'other')</i>	9	5%	5%	0%	
Breach of Statutory order	<5	--	13%	--	2%
Criminal Damage	22	12%	8%	+5%	9%
Drugs	10	6%	5%	+0%	10%
Motoring offences	14	8%	3%	+5%	12%
Public order	12	7%	11%	-4%	6%
Robbery	<5	--	2%	--	6%
Sexual offences	<5	--	5%	--	3%
Theft and handling Stolen Goods	13	7%	1%	+6%	7%
Violence against the person	63	35%	35%	-0%	35%
Total	180				

Violent Offences Cohort 2022/23

- 63 Proven offences of violence
- 42 offenders
 - 9 offenders with multiple proven violent offences
 - 23 offenders with multiple offences including violent offences
- Average age = 15.2 (slightly lower than overall offending cohort)
- A higher proportion of female offenders than overall cohort, by still predominantly male (79% male, 21% female)
- 86% are White British
- 14% are known to be care experienced
- 26% are previously known to have had CP plans (no current)
- 40% are known to have been, or are currently, Children in Need

Outcomes of Proven Offences by Offence Type



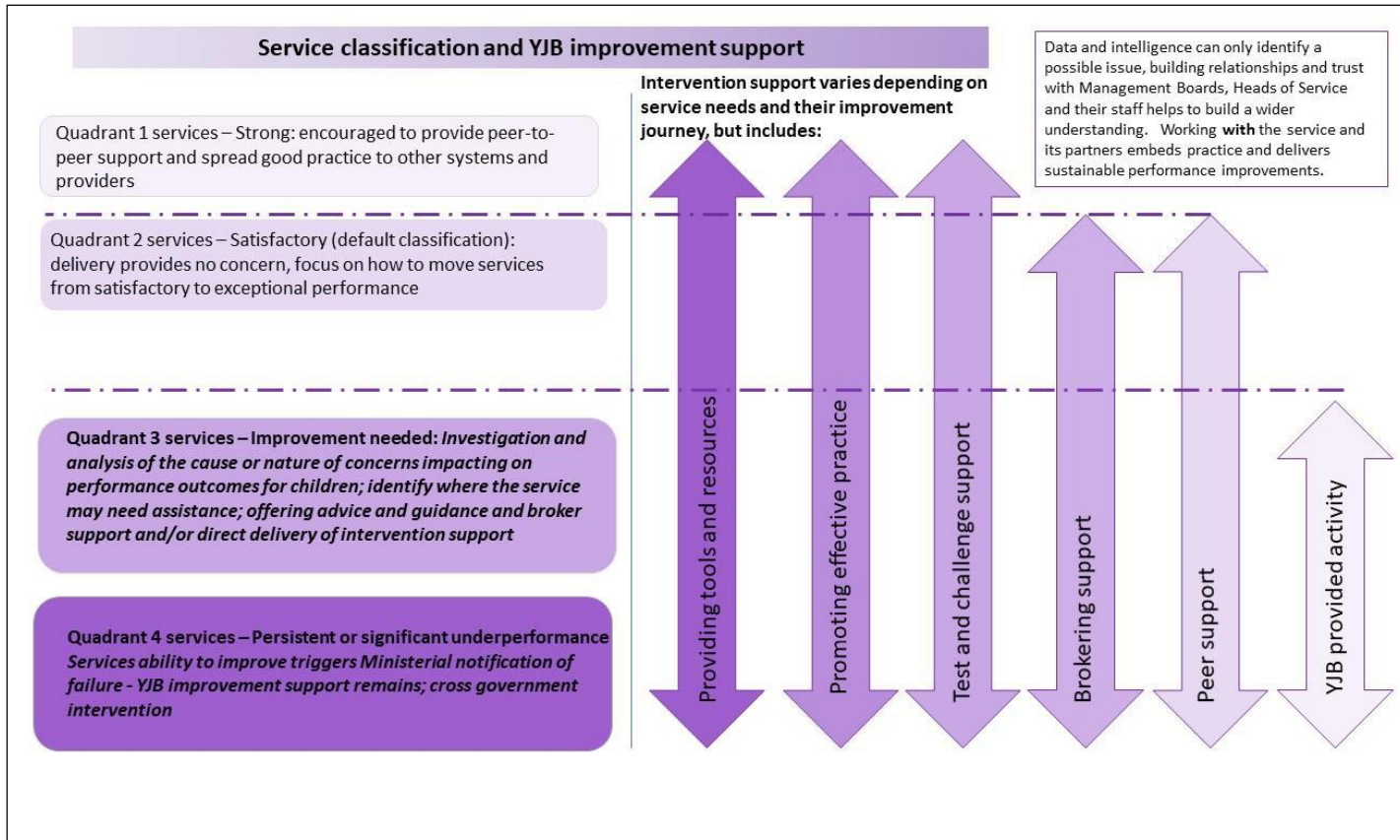
Numbers of Offences*	2020/21	2021/22	2022/23
No sanction	<5	10	<5
Informal Resolution	<5	<10	<10
Community Resolution	<10	12	88
Other	<10	10	<5
Cautions	55	19	47
Community Sentences	115	32	11
Custody	<10	<5	21
Total	195	93	180

*previous years based on historical annual reporting. Subsequent completed / proven offences may lead to variation (increase) in figures. Exact values redacted. Values '<10' are those ranging between 5 and 9

Conclusions

- Youth offending cohort similar in gender to national cohort (84% male), and generally reflective of local ethnicity demographics (89% White British)
- Increases in total offences, proven offences and offenders with proven offences compared to previous year, though similar to 2020/21 levels
 - Some recent increases in violent offences and possession of knives / offensive weapons
- Possible contributory factors include recording changes / improvements (e.g. in relation to community resolutions) and impact of Covid-19 (reduced activity, recording and processing lags etc.), though increases remain cause for concern
- Subsequent rise in number and rate of first time entrants, moving towards pre-2018 levels
- Number / rate of custodial sentences similarly rising, though numerically small.
- Annual reoffending rates in line with, or better than, national levels, though recent quarterly rates show slight upturn due to reoffences by a relatively small number of offenders.
- Offence types remain broadly in line with national patterns in term of proportion, with some (relatively small) figures sensitive to individual offending profiles.
- Outcomes shows considerable shift away from community sentences towards community resolutions

Youth Justice Board oversight framework service classification and support.



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X's Story

The initial Incident

X aged 15 was involved in an assault against another pupil at his school; which caused significant physical harm to the victim.

What happened

X was charged and attended Blackpool Youth Court where he was made subject to a 12 month Referral Order which included:

- Relationship building with X Youth Justice Officer.
- X to continue with his positive interests/activities.
- Referral to Divert Youth for mentoring support and football coaching opportunities.
- X to complete a Parachute Project to develop skills to handle problems and conflict without resorting to violence.
- Explore with X his knowledge and understanding of victims and reparation.
- X to develop a plan for making amends.
- All professionals to promote a sense of optimism about the future and encourage X future aspirations.

How is it going

X has worked alongside his Youth Justice Officer for 10 months now and has not received and further convictions. X has successfully completed all of the goals on his intervention plan, with excellent attendance and engagement.

X participated in weekly Parachute Sessions to:

- *Develop self-awareness and self-control*
- *Promote positive social skills*
- *Teach pro-social problem-solving skills*
- *Increase confidence and self esteem*
- *Improve decision making*

X contributed to victim awareness raising sessions.

Following intervention X shared 'I feel like I've matured'.

Last month X supported by his family took part in the Colour Run 2023.

Mum: 'X has tried so hard to be a nicer better person, he has changed and grown in the last few months. He is caring and loving. I'm very proud of him and so is his dad. At times, X has felt his whole world has ended because of this incident and not wanted to move forward but he has made changes and tries every day to better himself. He puts all his energy into football and training and he is looking forward to the future. He has been keeping his head down at school and hopes to get five GCSE's, he would have been able to achieve more had he gone back to mainstream. He has applied to college. He knows what he did was wrong and wouldn't ever do anything like that again'.

The Colour Run

In order to make amends for his offending behaviour X agreed to take part in community reparation.

We agreed that a charity run would be perfect for X as it would be meaningful to him and allow him to make a positive contribution.

X and his family worked hard with getting sponsorship and donations. X raised £175 for Trinity Hospice.

'I'm proud of my medal',

'I would do something like that again',

'It was good to give something back and to help others'.

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Report to:	COUNCIL
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Date of Meeting:	31 January 2024

COUNCIL'S POLICY IN RESPECT OF MATERNITY, PATERNITY AND ADOPTION PAY

1.0 Purpose of the report:

- 1.1 To note that Councillors Sarah Smith and Cllr Portia Webb will both be commencing maternity leave under the Council's Policy in respect of maternity, paternity and adoption pay.
- 1.2 To consider as a consequence the appointment to the Chair of Levelling Up Scrutiny Committee position and to agree dispensation from the requirement to attend meetings for Councillors Sarah Smith and Portia Webb (i.e. an extension to the period of six consecutive months for non-attendance at formal council / committee meetings).

2.0 Recommendation(s):

- 2.1 To note that both Councillor Portia Webb and Councillor Sarah Smith will be going on maternity absence and under the Council's Policy in respect of maternity, paternity and adoption pay, will have their special responsibility allowances protected for a six month period as set out in the report.
- 2.2 To approve the dispensation from the requirement to attend meetings under Section 85 (1) of the Local Government Act 1972 and in doing so extend the period of non-attendance at formal Council/committee meetings to 31 October 2024.
- 2.3 To delegate to the Monitoring Officer the authority to agree mechanisms as to how ward enquiries are allocated and councillor funding is applied for whilst on maternity leave in line with paragraph 6.5 of this report and to agree the extension of the protected special responsibility allowances beyond the six months in line with the policy.
- 2.4 That following the completion of the maternity leave of absence the Monitoring Officer, in consultation with the two members, reviews the Council's Policy in respect of maternity, paternity and adoption pay and reports back to Council accordingly.

2.5 To consider the appointment of a replacement Chair of Levelling Up Scrutiny Committee and the nomination of Councillor Matthew Thomas for the role.

3.0 Reasons for recommendation(s):

3.1 Councillors Sarah Smith and Portia Webb are due to start maternity leave from February 2024 for an expected period of six months. The Council is required to agree in advance any dispensation from non-attendance at meetings beyond a period of six months. Retrospective approval cannot be given when the six-month period has expired.

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

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

4.0 Other alternative options to be considered:

4.1 Alternative dispensation may be considered.

5.0 Council priority:

5.1 All Council priorities are addressed.

6.0 Background information

6.1 Under the Council's Policy in respect of maternity, paternity and adoption pay agreed by Council on 26 June 2019, all pregnant members shall be entitled to take up to one year's (52 weeks) maternity leave, or as much of that period as they wish to take (reviewable at six-months in accordance with the policy and a dispensation granted by Council for non-attendance at meetings). The objective of the policy is that insofar as possible the position of Members is comparable with employees of the Council, noting that councillors are public office holders and not employees and do not benefit from forms of entitled leave which employees do nor employment law rights.

6.2 Two elected members - Councillors Sarah Smith and Portia Webb - have notified the Head of Democratic Governance of their intention to have a maternity leave of absence under this policy for a period of six months. Both are in receipt of Special Responsibility Allowances (SRAs) - Councillor S Smith as Chair of Levelling Up Scrutiny Committee appointed by Annual Council in May 2023 and Councillor Webb as a Cabinet Assistant.

- 6.3 A six month leave of absence for Cllr S Smith would mean a replacement Chair of Scrutiny would need to be appointed now and then again at the Annual Meeting. This is a matter for Council but the rationale in developing the policy is that any leave of absence under the policy would have minimal impact on the working arrangements of council and therefore it is suggested that a replacement is appointed from the same group as Councillor Smith. As such, the Leader of the Council has nominated Councillor Matthew Thomas for the role.
- 6.4 On Councillor Smith's and Councillor Webb's return to Council business (i.e. on the return date notified by them or earlier), then their SRA protection would cease and it would be up to the relevant appointing individuals or bodies as to whether they return to their previous SRA roles.
- 6.5 Under the policy, at paragraph 2.6 there is a reference to the annual meeting as a possible end date to any protection of a SRA. This would be applied where there are any changes to a political management structure – in this case it is anticipated that the Levelling Up Scrutiny Committee would continue and therefore protection of the SRA would be in place for a six month period (or beyond if this is extended).
- 6.6 Under the maternity leave of absence to maintain the SRA protection and protect their leave of absence then councillors would not be able to attend formal council and committee meetings nor take a proactive role in council business. There are notably some 'grey' areas with this such as reallocating ward enquiries or spending ward councillor budgets amongst others that may arise. It is recommended that authority be delegated to the Monitoring Officer to agree mechanisms as to how these would work so as not to disadvantage the councillor on a maternity leave of absence (e.g. they may nominate another councillor to spend their ward councillor budget on their behalf but only after consultation with them). Both Councillors will also be able to have "keeping in touch" days with their group leader and other relevant individuals.
- 6.7 The law states that where a Council member fails throughout a period of six consecutive months from the date of their last attendance at a Council related meeting to attend any meeting of the authority then, subject to certain provisions, he/she ceases to be a member unless the failure was due to some reason approved before the expiry of that period.
- 6.8 As the last attendance at a formal Council/committee meeting is likely to be end January 2024 for Councillors S Smith and Webb, the six-month period for attendance would expire at the end of July 2024 while both councillors would still be on maternity leave. The Council is therefore asked to extend the period to 31 October 2024.
- 6.9 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 Under the Policy in respect of maternity, paternity and adoption pay for councillors agreed by Council as part of the Members' Allowances Scheme, councillors are entitled to continue to receive their basic allowance and special responsibility allowance for a period of six months. This will be met from the budget for Members Allowances.

9.0 Legal considerations:

9.1 Section 85 of the Local Government Act 1972 sets out that if a member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall cease to be a member of the authority, unless the failure was due to some reason approved by the authority before the expiry of that period.

10.0 Risk management considerations:

10.1 Agreeing dispensation at this juncture will ensure that Councillors S Smith and Webb will resume their Council position when the period of maternity leave has finished, subject to the appointing individuals / bodies. The ability to appoint replacement members to special responsibility positions ensures business continuity in these areas.

11.0 Equalities considerations and the impact of this decision for our children and young people:

11.1 Agreeing dispensation from meetings in line with the policy allows as much as possible the position of Members to be comparable with employees of the Council, noting that councillors are public office holders and not employees and do not benefit from forms of entitled leave which employees do nor employment law rights.

12.0 Sustainability, climate change and environmental considerations:

12.1 None associated with this report.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

Report to:	COUNCIL
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Date of Meeting:	31 January 2024

STANDARDS INDEPENDENT PERSONS

1.0 Purpose of the report:

1.1 To consider an extension of the term of office for the independent persons appointed by the Council to support the standards framework.

2.0 Recommendation(s):

2.1 Pursuant to Section 28 (7) of the Localism Act 2011, to extend the appointment of Mrs Helen Broughton, Mr Peter Clements and Mr Brian Horrocks as Independent Persons until 28 February 2027.

3.0 Reasons for recommendation(s):

3.1 The three independent persons have developed a sound knowledge and experience of the standards framework.

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

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

4.0 Other alternative options to be considered:

4.1 A recruitment process could be conducted to replace the current members however this is not being recommended as all three Independent Persons are well versed in the Code of Conduct and standards process and are willing to continue in the role.

5.0 Council priority:

5.1 All Council priorities are addressed.

6.0 Background information

6.1 The role of Independent Person is required in law as part of the standards process in dealing with allegations of member misconduct. All three of the current Independent

Persons were recruited in line with the criteria (i.e. no formal political party affiliation, not be an employee of or an elected member of Blackpool or Fylde Councils (as it is a position jointly held with Fylde Borough Council) and not be currently a close friend/relative of an elected member of Blackpool or Fylde Council).

6.2 Each independent person has served in the role for varying lengths of time during which they have supported the Council (and Fylde Council) in dealing with matters under the standards framework, as well as helping to develop standards codes, protocols and processes. Their term of office was extended by Council in February 2021 and it is recommended that a further three year extension is agreed. A similar recommendation is due to be considered by Fylde Borough Council.

6.3 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 The Members' Allowances Scheme provides for special responsibility allowance for Independent Persons.

9.0 Legal considerations:

9.1 Section 28 (7) of the Localism Act 2011 states the requirement to appoint at least one Independent Person for standards matters.

10.0 Risk management considerations:

10.1 There are no significant risk management considerations other than not having sufficient members to serve as part of the standards process.

11.0 Equalities considerations and the impact of this decision for our children and young people:

11.1 None associated with this report.

12.0 Sustainability, climate change and environmental considerations:

12.1 None associated with this report.

13.0 Internal/external consultation undertaken:

13.1 All three Independent Persons have indicated their willingness to stay in the role subject to approval by Council.

14.0 Background papers:

14.1 None.

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Report to:	COUNCIL
Date of Meeting	31 January 2024

MAYOR ELECT AND DATE OF SPECIAL COUNCIL MEETING

1.0 Purpose of the report:

- 1.1 To determine who should be invited to offer themselves for election as Mayor at the Annual Meeting of the Council on 15 May 2024 and to consider a change to the date of the Special Council meeting to Wednesday 13 March 2024 (was previously agreed for Thursday 14 March).

2.0 Recommendation(s):

- 2.1 To agree that Councillor Peter Hunter is invited to offer himself for election as Mayor at the Annual Meeting on 15 May 2024.
- 2.2 To agree that the special Council meeting takes place on Wednesday 13 March 2024 at 6pm.

3.0 Reasons for recommendation(s):

- 3.1 It is practice that the Council at its first meeting in the New Year, identifies one of its members to be appointed 'Mayor Elect' to assist in planning for the Mayoral year ahead and in particular the Annual Meeting in May 2024.

4.0 Background Information

Mayor-Elect

- 4.1 At the first Council meeting each calendar year, the Mayor Elect is usually identified based on length of service and those councillors who have not served as Mayor before. Consultation has taken place with those at the top of the seniority list, some of whom have declined to offer themselves to the role on this occasion.

- 4.2 Councillor Peter Hunter, as the next in line on the seniority list has been approached and has indicated that he would like to take up the position.

Date of special Council meeting

- 4.3 At the Council meeting on 29 November 2023, members agreed to hold a special meeting to consider the outcome of the consultation exercise on the draft devolution proposal and next steps in terms of Lancashire devolution.

- 4.4 The meeting was agreed to be held on Thursday 14 March 2024 however this date clashes with another Council event. Members are therefore asked to consider moving the date of the meeting to Wednesday 13 March 2024 at 6pm. The Mayor and Group Leaders have been consulted and support this proposed change and the Levelling Up Scrutiny Committee due to take place on 13 March will be rescheduled accordingly. Monitoring officers from Lancashire County Council and Blackburn with Darwen Council have also been consulted as it is envisaged that the agenda for this meeting will be published on the same date as for their respective Councils.

List of Appendices:

None.

5.0 Legal considerations:

5.1 None.

6.0 Equalities Considerations:

6.1 None.

7.0 Financial considerations:

7.1 The Members Allowances Scheme provides for special responsibility allowances for the Mayor.

8.0 Risk management considerations:

8.1 None associated with this report.

9.0 Sustainability, climate change and environmental considerations:

9.1 None.

10.0 Internal/ External Consultation undertaken:

10.1 With regard to the appointment of a Mayor Elect, consultation has taken place with those at the top of the seniority list and with the Group Leaders. Group Leaders have also been consulted on the proposed change to the date of the special Council meeting.

11.0 Background papers:

11.1 None.