

NON-CONFIDENTIAL



Borough of Tamworth

2 December 2024

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 10TH DECEMBER, 2024** at 6.10 pm in the **TOWN HALL, MARKET STREET, TAMWORTH**, for the transaction of the following business:-

AGENDA

NON CONFIDENTIAL

1 Apologies for Absence

2 To receive the Minutes of the previous meeting (Pages 5 - 12)

3 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

4 To receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive

5 Question Time:

- (i) To answer questions from members of the public pursuant to Procedure Rule No. 10.
- (ii) To answer questions from members of the Council pursuant to Procedure Rule No. 11

- 6 To consider the following motion, notice of which has been duly given in accordance with Procedure Rule No. 4.12.1 by Councillors M Couchman, L Wood, C Adams, M Clarke, H Hadley and K Norchi -

Tamworth Borough Council requests that SCC share with us their strategy to manage increased traffic demand in and around Tamworth.

How will it ensure a safe and healthy environment for residents, particularly in respect of the ever-increasing housing developments, and proposed developments?

Will the County Council share with us any strategies that they wish to implement to improve the road infrastructure in Tamworth?

- 7 **Treasury Management Strategy Statement and Annual Investment Strategy Mid-Year Review Report 2024/25** (Pages 13 - 36)

(Report of The Leader of The Council)

- 8 **Local Council Tax Reduction Scheme 2025/26** (Pages 37 - 134)

(Report of The Leader of The Council)

- 9 **Pay Policy 2024** (Pages 135 - 164)

(Report of The Leader of The Council)

- 10 **Equality and Diversity Strategy** (Pages 165 - 218)

(Report of The Leader of The Council)

- 11 **Tamworth Parliamentary Constituency – Review of polling districts, polling places and polling stations** (Pages 219 - 312)

(Report of The Chief Executive)

- 12 **Gambling Act 2005 – Review of Statement of Principles** (Pages 313 - 404)

(Portfolio Holder for Environmental Sustainability, Recycling and Waste)

Yours faithfully



CHIEF EXECUTIVE

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat.

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

Marmion House
Lichfield Street
Tamworth

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MINUTES OF A MEETING OF THE COUNCIL HELD ON 14th OCTOBER 2024

PRESENT: Councillor G Coates (Mayor), Councillors C Bain, C Adams, N Arkney, L Clarke, M Clarke, R Claymore, T Clements, M Couchman, S Daniels, C Dean, S Doyle, D Foster, H Hadley, R Kingstone, K Norchi, J Oates, P Pallett, B Price, L Smith, S Smith, N Statham, M Summers, J Wadrup, L Wood and A Wells

The following officers were present: Stephen Gabriel (Chief Executive), Lorraine Fowkes (Monitoring Officer), Nicola Hesketh (Monitoring Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Bailey, B Clarke, T Jay and P Turner

41 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10th September 2024 were approved and signed as a correct record.

(Moved by L Wood seconded by Councillor C Dean)

42 DECLARATIONS OF INTEREST

It was noted that Cllr Kingstone was the original petitioner to see a front desk returned to the town centre.

43 TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, LEADER, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE

The Mayor made the following announcement

Tonight, we are launching a piece of work from The Tamworth Unity Project, 'We are Tamworth', it's a video aimed at promoting unity across communities in Tamworth following the awful events of August 4th.

It's a great contribution by CIC our voluntary sector partners who have pulled this video together. I'm sure you will all agree that Tamworth is place where we all continue to promote unity and cohesion.

Cllr S Daniels made the following announcement:

Thank you for showing that video and this builds on this. I wanted to celebrate some of the events that have taken place in Tamworth over the Summer and Autumn and publicly thank those who have been involved in making that happen because we know it doesn't happen without hours of work and commitment. Amongst things we have had D Day Anniversary, Armed Forces Day, the key anniversary for King Athelston, We love Tamworth, Street Eats & Beats, Art for Tamworth & Dine & Devour and not to mention a wealth of events in our local villages. These only happen because a huge number of organisations, groups and individuals step up. They organise, attend and encourage people to participate in activities and in doing so, like the video they sign post what Tamworth as to offer, charities, arts projects, sports culture and I hope members and those in the audience tonight have the chance to attend at least one of them but if not, fear not, one of our Mayors events is coming up soon in our ward Bolehall, a Charity Halloween Disco and in the town centre the fireworks are on, on 2nd November but for me personally on 10th November is one of the most important events Remembrance Sunday at St Editha's and at other churches around the town centre. Historically, this is the day when many military youth groups come together to pay their respects to those who served and died so that we today can enjoy the freedom as a result of their service and their sacrifice and I especially wanted to remember that this evening because one of those freedoms is the right to freedom of expression to enter debate in a mature professional manner, and to recognise differences is what makes us stronger together. I also wanted to mention the service Mr Mayor because an important symbol of the service is the poppy. Thanks to our local branches of the Royal British Legion the Poppy appeal donations support the needs of the armed forces today and Councillor Bain and I were welcomed by the British legion selling poppy's and I will be doing so again this year. So, members we know that we are here to help our communities and volunteering for the poppy appeal is a great way to do that. Councillor Clements you are a brilliant representative for the Tamworth British Legion and I'm sure you would be happy to support anyone who would want to volunteer this year and I look forward to seeing you all at the various remembrance services our town.

44 UPDATE ON URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

The Chief Executive informed the Council of a decision made under urgent action powers regarding the appointment of a Section 151 Officer.

45 REVISED COMMITTEE ALLOCATION DUE TO THE CHANGE IN POLITICAL BALANCE

The Mayor announced the following changes to committees

Cllr R Kingstone replaces Cllr T Jay on Appointments & Staffing

Cllr Jan Wadrup replaces Cllr T Jay on Corporate Scrutiny
 Cllr J Oates will sit on Audit & Governance
 Cllr T Jay replaces Cllr T Clements on Chief Officer Conduct Committee
 Cllr T Jay replaces Cllr T Clements on Statutory Officer Conduct Committee

46 TO CONSIDER THE FOLLOWING MOTION, NOTICE OF WHICH HAS BEEN DULY GIVEN IN ACCORDANCE WITH PROCEDURE RULE NO. 4.12.1 BY COUNCILLORS M SUMMERS, P TURNER, T CLEMENTS, M BAILEY, S SMITH AND S DOYLE

Council considered the following motion, notice of which has been duly given in accordance with Procedure Rule No. 4.12.1 by Councillors M Summers, P Turner, T Clements, M Bailey, S Smith.

To give all members the chance to fully discuss the ramifications of re-opening Marmion House for a public front desk service and the intention to refurbish the old council chamber.

The following motion was put forward

Tamworth Borough Council to hold a strategic review of the current situation looking at all opportunities to relocate our head quarters including looking at purchasing and relocating to Moorgate School

(Moved by Councillor J Oates and seconded by Councillor M Summers)

Cllr M Summers called for a named vote supported by Cllr J Oates, Cllr T Clements, Cllr S Smith & Cllr B Price

For	Against	Abstain
Councillor R Claymore	Councillor C Adams	Councillor G Coates
Councillor T Clements	Councillor N Arkney	
Councillor S Doyle	Councillor C Bain	
Councillor R Kingstone	Councillor L Clarke	
Councillor J Oates	Councillor M Clarke	
Councillor B Price	Councillor M Couchman	
Councillor S Smith	Councillor S Daniels	
Councillor M Summers	Councillor C Dean	
Councillor J Wadrup	Councillor D Foster	
	Councillor H Hadley	
	Councillor K Norchi	
	Councillor P Pallett	
	Councillor L Smith	
	Councillor N Statham	
	Councillor A Wells	
	Councillor L Wood	

For 9 votes
 Against 16 votes
 1 Abstention

The motion was not carried**47 TO CONSIDER THE FOLLOWING MOTION, NOTICE OF WHICH HAS BEEN DULY GIVEN IN ACCORDANCE WITH PROCEDURE RULE NO. 4.12.1 BY COUNCILLORS J OATES, M SUMMER, T CLEMENTS, P TURNER, S DOYLE AND S SMITH**

Council considered the following motion, notice of which has been duly given in accordance with Procedure Rule No. 4.12.1 by Councillors J Oates, M Summer, T Clements, P Turner, S Doyle and S Smith.

To discuss the Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit

The following motion was moved

That this Council Notes:

1. The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit, as announced by Chancellor Rachel Reeves.
2. The estimated impact of this decision, which Age UK says will mean 2 million pensioners who badly need the money to stay warm this winter will not receive it.
3. The significant role that Winter Fuel Payments play in helping older residents of Tamworth and across the UK afford heating during the coldest months, thereby preventing 'heat or eat' dilemmas and safeguarding health.
4. The criticism from Age UK, the Countryside Alliance and other charities, highlighting the social injustice and potential health risks posed by this sudden policy change.
5. The additional strain this decision will place on vulnerable pensioners, many of whom do not claim Pension Credit despite being eligible, further exacerbating their financial hardship.

That this Council believes:

1. That the Winter Fuel Payment has been a lifeline for many older people across the UK and that restricting its availability solely to those on Pension Credit risks leaving many pensioners in financial hardship.
2. While some pensioners currently in receipt of the Winter Fuel Payment may not require it, many thousands across Tamworth sit just above the cut-off for Pension Credit and will now lose their allowance.
3. The decision to means-test Winter Fuel Payments, especially with such short notice and without adequate compensatory measures, is deeply unfair and will disproportionately affect the health and well-being of our poorest older residents.
4. The government's approach fails to consider the administrative barriers and stigma that prevent eligible pensioners from claiming Pension Credit, leaving many without the support they desperately need.

That this Council resolves to:

1. Bring forward a Council-led local awareness campaign to alert those eligible of Pension Credit which in some respects will help access to the Winter Fuel Payment for those most in need.
2. Request that the Council Leader write to the Chancellor of the Exchequer, urging a review of the decision to means-test the Winter Fuel Payment and asking the government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty.
3. Commit the Council to protect those pensioners living alone who will lose their winter fuel allowance from the potential of also losing their single persons council tax relief.
4. Commit the Council to signing the 'Save the Winter Fuel Payment for Struggling Pensioners' petition being run by Age UK and write to all members offering them the opportunity to sign the petition themselves.
5. Encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities and community organisations such as Community Together CIC to ensure that all eligible pensioners in Tamworth are supported in claiming their entitlement

(Moved by Councillor J Oates and seconded by Councillor T Clements)

Councillor C Dean moved a motion for items under that this council notes and that this council believes to be considered and voted as one item and for items under that this council resolves to be considered and voted individually.

(Moved by Councillor C Dean and seconded by Councillor J Oates)

This motion was passed

The following motions were discussed and debated

That this Council Notes:

1. The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit, as announced by Chancellor Rachel Reeves.
2. The estimated impact of this decision, which Age UK says will mean 2 million pensioners who badly need the money to stay warm this winter will not receive it.
3. The significant role that Winter Fuel Payments play in helping older residents of Tamworth and across the UK afford heating during the coldest months, thereby preventing 'heat or eat' dilemmas and safeguarding health.
4. The criticism from Age UK, the Countryside Alliance and other charities, highlighting the social injustice and potential health risks posed by this sudden policy change.
5. The additional strain this decision will place on vulnerable pensioners, many of whom do not claim Pension Credit despite being eligible, further exacerbating their financial hardship.

That this Council believes:

1. That the Winter Fuel Payment has been a lifeline for many older people across the UK and that restricting its availability solely to those on Pension Credit risks leaving many pensioners in financial hardship.
2. While some pensioners currently in receipt of the Winter Fuel Payment may not require it, many thousands across Tamworth sit just above the cut-off for Pension Credit and will now lose their allowance.
3. The decision to means-test Winter Fuel Payments, especially with such short notice and without adequate compensatory measures, is deeply unfair and will disproportionately affect the health and well-being of our poorest older residents.
4. The government's approach fails to consider the administrative barriers and stigma that prevent eligible pensioners from claiming Pension Credit, leaving many without the support they desperately need.

These motions were voted en bloc and the motions were not carried.

The following motions were voted for individually

That Council resolves to

1. Bring forward a Council-led local awareness campaign to alert those eligible of Pension Credit which in some respects will help access to the Winter Fuel Payment for those most in need.

The following amendment to this motion was moved by Councillor C Dean and seconded by Councillor J Oates that the motion be changed to:

Continue with a Council led awareness campaign to alert those eligible of Pension Credit which in some respects will help access to the Winter Fuel Payment for those most in need.

This motion was passed.

2. Request that the Council Leader write to the Chancellor of the Exchequer, urging a review of the decision to means-test the Winter Fuel Payment and asking the government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty.

This motion was not carried

3. Commit the Council to protect those pensioners living alone who will lose their winter fuel allowance from the potential of also losing their single persons council tax relief.

This motion was not carried

4. Commit the Council to signing the 'Save the Winter Fuel Payment for Struggling Pensioners' petition being run by Age UK and write to all members offering them the opportunity to sign the petition themselves.

This motion was not carried

5. Encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities and community organisations such as Community Together CIC to ensure that all eligible pensioners in Tamworth are supported in claiming their entitlement.

A motion was moved by Councillor C Dean and seconded by Councillor M Couchman to amend the wording to

5. That this Council welcomes the Government decision to extend the household support fund with a further £421 million and that we continue to support local efforts to encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities and community organisations such as Community Together CIC heart of Tamworth and Home Energy Advice Tamworth to ensure that all eligible pensioners in Tamworth are supported in claiming their entitlement.

(Moved by Councillor C Dean and seconded by Councillor M Couchman)

This amendment was passed

The motion was carried

The Mayor

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COUNCIL

TUESDAY 10th DECEMBER 2024

REPORT OF THE LEADER

TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2024/25

EXEMPT INFORMATION

None

PURPOSE

To present to Members the Mid-year Review of the Treasury Management Strategy Statement and Annual Investment Strategy.

RECOMMENDATIONS

That Council be requested to approve the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2024/25.

EXECUTIVE SUMMARY

This mid-year report has been prepared in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (revised 2021), and covers the following:-

- An economic update for the half of the 2024/25 financial year;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's Capital expenditure as set out in the Capital Strategy, and Prudential Indicators;
- A review of the Council's investment portfolio for 2024/25;
- A review of the Council's borrowing strategy for 2024/25;
- A review of any debt rescheduling undertaken during 2024/25;
- A review of compliance with Treasury and Prudential Limits for 2024/25.

The main issues for Members to note are:

1. The Council has complied with the professional codes, statutes and guidance.
2. There are no issues to report regarding non-compliance with the approved prudential indicators.
3. The investment portfolio yield, excluding property fund returns, for the first six months of the year is 5.21% (5.28% for the same period in 2023/24) compared to the

average 3 Month SONIA benchmark rate of 5.06% for the period (5.03% for the same period in 2023/24).

The aim of this report is to inform Members of the treasury and investment management issues to enable all Members to have ownership and understanding when making decisions on Treasury Management matters. In order to facilitate this, training on Treasury Management issues was delivered for Members in February 2024 and further training is planned during 2024/25.

RESOURCE IMPLICATIONS

All financial resource implications are detailed in the body of this report which links to the Council's Medium Term Financial Strategy.

LEGAL/RISK IMPLICATIONS BACKGROUND

Risk is inherent in Treasury Management and as such a risk based approach has been adopted throughout the report with regard to Treasury Management processes.

EQUALITIES IMPLICATIONS

Appendix 1

ENVIRONMENT AND SUSTAINABILITY IMPLICATIONS (INCLUDING CLIMATE CHANGE)

None

REPORT AUTHOR

Please contact Omotayo Lawal, Head of Finance, Omotayo-lawal@tamworth.gov.uk extension 246.

LIST OF BACKGROUND PAPERS

<i>Background Papers -</i>	<i>Local Government Act 2003</i>
	<i>CIPFA Code of Practice on Treasury Management in Public Services 2017</i>
	<i>Annual Report on the Treasury Management Service and Actual Prudential Indicators 2023/24 – Council 10th September 2024</i>
	<i>Treasury Management Strategy & Prudential Indicators Report 2024/25 - Council 27th February 2024</i>
	<i>Budget & Medium Term Financial Strategy 2024/25 - Council 27th February 2024</i>
	<i>Quarter 2 2024/25 Performance Report Including Financial Healthcheck</i>

APPENDICES

Appendix 1 – Investments Held at 30th September 2024

Appendix 2 - the CFR, Liability Benchmark and Borrowing

TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW

The CIPFA Code of Practice on Treasury Management (revised 2021) suggests that Members should be informed of Treasury Management activities at least twice a year, but preferably quarterly. This is the second monitoring report for 2024/25 presented to Members this year and therefore ensures the Council is embracing best practice. Cabinet and Corporate Scrutiny also receive regular monitoring reports on Treasury Management activities and risks as part of the quarterly corporate performance reports.

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the Treasury Management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the Treasury Management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

Accordingly, Treasury Management is defined as:

“The management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

Introduction

This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2021).

The primary requirements of the Code are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's Treasury Management activities.
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- Receipt by the full Council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review Report and an Annual Report (stewardship report) covering activities during the previous year. (Quarterly reports are also required for the periods ending April to June and October to December but may be assigned to a designated committee as appropriate – for this Council these reports are presented as part of quarterly performance reports to Corporate Scrutiny and Cabinet).

- Delegation by the Council of responsibilities for implementing and monitoring Treasury Management policies and practices and for the execution and administration of Treasury Management decisions.
- Delegation by the Council of the role of scrutiny of Treasury Management strategy and policies to a specific named body. For this Council the delegated body is the Audit and Governance Committee.

1. Economics and Interest Rates

1.1 Economics update

The third quarter of 2024 (July to September) saw:

- GDP growth stagnating in July following downwardly revised Q2 figures (0.5% q/q)
- A further easing in wage growth as the headline 3myy rate (including bonuses) fell from 4.6% in June to 4.0% in July;
- CPI inflation hitting its target in June before edging above it to 2.2% in July and August;
- Core CPI inflation increasing from 3.3% in July to 3.6% in August;
- The Bank of England initiating its easing cycle by lowering interest rates from 5.25% to 5.0% in August and holding them steady in its September meeting;
- 10-year gilt yields falling to 4.0% in September.
- The economy's stagnation in June and July points more to a mild slowdown in GDP growth than a sudden drop back into a recession. Moreover, the drop in September's composite activity Purchasing Managers Index, from 53.8 in August to 52.9, was still consistent with GDP growth of 0.3%-0.4% for the summer months. This is in line with the Bank of England's view, and it was encouraging that an improvement in manufacturing output growth could be detected, whilst the services PMI balance suggests non-retail services output grew by 0.5% q/q in Q3. Additionally, the services PMI future activity balance showed an uptick in September, although readings after the Chancellor's announcements at the Budget on 30th October will be more meaningful.
- The 1.0% m/m jump in retail sales in August was stronger than the consensus forecast for a 0.4% m/m increase. The rise was reasonably broad based, with six of the seven main sub sectors recording monthly increases, though the biggest gains came from clothing stores and supermarkets, which the ONS reported was driven by the warmer-than-usual weather and end of season sales. As a result, some of that strength is probably temporary.
- The government's plans to raise public spending by around £16bn a year (0.6% GDP) have caused concerns that a big rise in taxes will be announced in the Budget, which could weaken GDP growth in the medium-term. However, if taxes are raised in line with spending (i.e., by £16bn) that would mean the overall stance of fiscal policy would be similar to the previous government's plan to reduce the budget deficit. Additionally, rises in public spending tend to boost GDP by more than increases in taxes reduce it. Capital Economics suggest GDP growth will hit 1.2% in 2024 before reaching 1.5% for both 2025 and 2026.
- The further easing in wage growth will be welcomed by the Bank of England as a sign that labour market conditions are continuing to cool. The 3myy growth rate of average earnings fell from 4.6% in June to 4.0% in July. On a three-month annualised basis, average earnings growth eased from 3.0% to 1.8%, its lowest rate since December 2023. Excluding bonuses, the

3my rate fell from 5.4% to 5.1%.

- Other labour market indicators also point to a further loosening in the labour market. The 59,000 fall in the alternative PAYE measure of the number of employees in August marked the fourth fall in the past five months. And the 77,000 decline in the three months to August was the biggest drop since November 2020. Moreover, the number of workforce jobs fell by 28,000 in Q2. The downward trend in job vacancies continued too. The number of job vacancies fell from 872,000 in the three months to July to 857,000 in the three months to August. That leaves it 34% below its peak in May 2022, and just 5% above its pre-pandemic level. Nonetheless, the Bank of England is still more concerned about the inflationary influence of the labour market rather than the risk of a major slowdown in labour market activity.
- CPI inflation stayed at 2.2% in August, but services inflation rose from a two-year low of 5.2% in July to 5.6%, significantly above its long-run average of 3.5%. Food and fuel price inflation exerted some downward pressure on CPI inflation, but these were offset by the upward effects from rising furniture/household equipment inflation, recreation/culture inflation and a surprisingly large rise in airfares inflation from -10.4% in July to +11.9% in August. As a result, core inflation crept back up from 3.3% to 3.6%. CPI inflation is also expected to rise in the coming months, potentially reaching 2.9% in November, before declining to around 2.0% by mid-2025.
- The Bank initiated its loosening cycle in August with a 25bps rate cut, lowering rates from 5.25% to 5.0%. In its September meeting, the Bank, resembling the ECB more than the Fed, opted to hold rates steady at 5.0%, signalling a preference for a more gradual approach to rate cuts. Notably, one Monetary Policy Committee (MPC) member (Swati Dhingra) voted for a consecutive 25bps cut, while four members swung back to voting to leave rates unchanged. That meant the slim 5-4 vote in favour of a cut in August shifted to a solid 8-1 vote in favour of no change.
- Looking ahead, CPI inflation will likely rise in the coming months before it falls back to its target of 2.0% in mid-2025. The increasing uncertainties of the Middle East may also exert an upward pressure on inflation, with oil prices rising in the aftermath of Iran's missile attack on Israel on 1 October. China's recent outpouring of new fiscal support measures in the latter stages of September has also added to the upshift in broader commodity prices, which, in turn, may impact on global inflation levels and thus monetary policy decisions. Despite these recent developments, our central forecast is still for rates to fall to 4.5% by the end of 2024 with further cuts likely throughout 2025. This is in line with market expectations, however, although a November rate cut still looks likely, December may be more problematic for the Bank if CPI inflation spikes towards 3%. In the second half of 2025, though, we think a more marked easing in inflation will prompt the Bank to speed up, resulting in rates eventually reaching 3.0%, rather than the 3.25-3.50% currently priced in by financial markets.
- Link Group's forecast is next due to be updated around mid-November following the 30 October Budget, 5 November US presidential election and the 7 November MPC meeting and the release of the Bank of England Quarterly Monetary Policy Report.
- Looking at gilt movements in the first half of 2024/25, and you will note the 10-year gilt yield declined from 4.32% in May to 4.02% in August as the Bank's August rate cut signalled the start of its loosening cycle. Following the decision to hold the Bank Rate at 5.0% in September, the market response was muted, with the 10-year yield rising by only 5bps after the announcement. This likely reflected the fact that money markets had priced in a 25% chance of a rate cut prior to the meeting. The yield had already increased by about 10bps in the days leading up to the meeting, driven in part by the Fed's "hawkish cut" on 18 September. There is a possibility that gilt yields will rise near-term as UK policymakers remain cautious due to persistent inflation concerns, before declining in the longer term as rates fall to 3.0%.

- The FTSE 100 reached a peak of 8,380 in the third quarter of 2024, but its performance is firmly in the shade of the US S&P500, which has breached the 5,700 threshold on several occasions recently. Its progress, however, may pause for the time being whilst investors wait to see who is elected the next US President, and how events in the Middle East (and Ukraine) unfold. The catalyst for any further rally (or not) is likely to be the degree of investors' faith in AI.

1.2 Interest Rate Forecasts

The Authority has appointed Link Group as its treasury advisors and part of their service is to assist the Authority to formulate a view on interest rates. The PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 bps) which has been accessible to most authorities since 1 November 2012.

Our latest forecast on 28 May sets out a view that short, medium and long-dated interest rates will fall back over the next year or two, although there are upside risks in respect of the stickiness of inflation and a continuing tight labour market, as well as the size of gilt issuance.

Our PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 bps, calculated as gilts plus 80bps) which has been accessible to most authorities since 1 November 2012.

Link Group Interest Rate View	28.05.24									
	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27
BANK RATE	4.50	4.00	3.50	3.25	3.25	3.25	3.25	3.00	3.00	3.00
3 month ave earnings	4.50	4.00	3.50	3.30	3.30	3.30	3.30	3.00	3.00	3.00
6 month ave earnings	4.40	3.90	3.50	3.30	3.30	3.30	3.30	3.10	3.10	3.20
12 month ave earnings	4.30	3.80	3.50	3.40	3.40	3.40	3.40	3.20	3.30	3.40
5 yr PWLB	4.50	4.30	4.10	4.00	3.90	3.90	3.90	3.90	3.90	3.80
10 yr PWLB	4.60	4.40	4.30	4.10	4.10	4.10	4.00	4.00	4.00	3.90
25 yr PWLB	5.00	4.80	4.70	4.50	4.50	4.40	4.40	4.40	4.30	4.30
50 yr PWLB	4.80	4.60	4.50	4.30	4.30	4.20	4.20	4.20	4.10	4.10

2. Treasury Management Strategy Statement and Annual Investment Strategy Update

The Treasury Management Strategy Statement (TMSS) for 2024/25 was approved by Council on 27th February 2024.

There are no policy changes to the TMSS; the details in this report update the position in the light of the updated economic position and budgetary changes already approved.

3. The Council's Capital Position (Prudential Indicators)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

3.1 Prudential Indicator for Capital Expenditure

This table below shows the revised estimates for capital expenditure and the changes since the

capital programme was agreed at the Budget.

Capital Expenditure	2024/25 Original Programme	Budget B'fwd from 2023/24	Virements in Year	Total 2024/25 Budget	Actual Spend @ Period 6	Predicted Outturn	2024/25 Revised Estimate*
	£m	£m	£m	£m	£m	£m	£m
General Fund	1.868	25.711	-	27.579	11.043	22.500	27.967
HRA	11.043	4.435	-	15.477	4.833	13.512	15.327
Total	12.911	30.146	-	43.057	15.876	36.012	43.294

* Includes potential expenditure slippage into 2025/26 of £6.594m

3.2 Changes to the Financing of the Capital Programme

The following table draws together the main strategy elements of the capital expenditure plans (above), highlighting the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure. Any borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements

Capital Expenditure	2024/25 Capital Programme £m	2024/25 Predicted Outturn £m	2024/25 Budget * £m
Unsupported	1.759	2.215	4.619
Supported	11.152	33.797	38.438
Total spend	12.911	36.012	43.057
Financed by:			
Grants - Disabled Facilities	0.547	0.830	1.694
Section 106's	-	1.272	1.272
GF Receipts	0.068	10.357	12.686
GF Reserve	0.220	0.880	0.900
Sale of Council House Receipts	0.294	0.311	0.793
Future High Street Fund	-	5.310	5.310
Shared Prosperity Fund	-	0.471	0.471
Community Infrastructure Levy (CIL)	-	0.982	0.982
Other Grants/Contributions	-	0.503	0.503
MRR	4.361	4.726	4.726
HRA Attributable Debt Receipts	0.950	1.300	1.300
HRA 1-4-1 Replacements Receipts	0.100	0.632	0.632
HRA Reserve	3.462	4.727	5.437
HRA Regeneration Fund	0.710	0.782	1.017

HRA Affordable Housing Reserve	0.420	0.693	0.693
HRA Buy Back Receipts	0.020	0.020	0.020
Total Financing	11.152	33.797	38.438
Borrowing need	1.759	2.215	4.619

* includes schemes re-profiled from 2023/24 of £30.146m

3.3 Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and the Operational Boundary

The following table shows the Capital Financing Requirement (CFR), which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period, which is termed the Operational Boundary.

Prudential Indicator – Capital Financing Requirement

We are on target to achieve the original forecast Capital Financing Requirement.

Prudential Indicator – the Operational Boundary for External Debt

	2023/24	2024/25	2024/25	2024/25
	Outturn	Capital Programme	Projected Outturn	Budget
	£m	£m	£m	£m
CFR – Non Housing	4.092	7.029	5.494	7.242
CFR – Housing	70.507	72.160	71.139	72.159
Total CFR	74.600	79.190	76.633	79.400
Net movement in CFR	0.325	4.254	2.033	4.801
Operational Boundary				
Expected Borrowing	63.060	63.060	63.060	63.060
Other long term liabilities	-	-	-	-
Total Debt 31st March	63.060	63.060	63.060	63.060

3.4 Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2024/25 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

	2023/24	2024/25	2024/25	2024/25
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		Original	Projected	Budget
	Outturn £m	Estimate £m	Outturn £m	£m
Gross borrowing	63.060	63.060	63.060	63.060
Less investments	66.813	16.293	52.832	50.428
Net borrowing	-3.753	46.768	10.228	12.633
CFR (year end position)	74.600	79.190	76.633	77.400

A further prudential indicator controls the overall level of borrowing. This is **the Authorised Limit** which represents the limit beyond which borrowing is prohibited and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised Limit for External Debt	2024/25 Original Indicator	Current Position	2024/25 Revised Indicator
Borrowing	89.436	89.436	89.436
Total	89.436	89.436	89.436

4. Borrowing

The Council's estimated revised capital financing requirement (CFR) for 2024/25 is £79.190m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 3.4 shows the Council has borrowings of £63.060m and plans to utilise £13.573m of cash flow funds in lieu of borrowing. This is a prudent and cost effective approach in the current economic climate but will require ongoing monitoring climate but will require ongoing monitoring if gilt yields remain elevated, particularly at the longer-end of the yield curve (25 to 50 years).

It is not anticipated that any additional borrowing will be undertaken during 2024/25.

PWLB maturity certainty rates (gilts plus 0.8%) year to date to 30th September 2024

Gilt yields and PWLB certainty rates were less volatile than at this time last year. Overall, the 10, 25 and 50-year part of the curve endured a little volatility but finished September very much as it started in April.

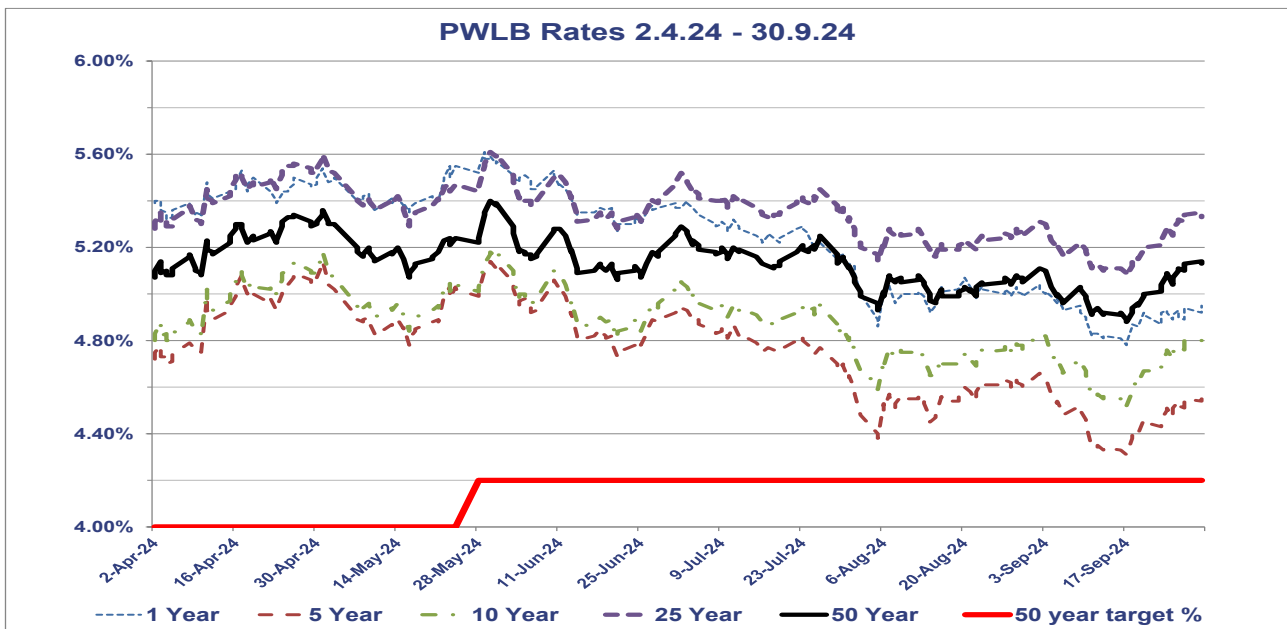
Where there was some movement downwards, this came in the shorter part of the curve as markets positioned themselves for Bank Rate cuts in the second half of 2024 and into 2025, although the continued stickiness of inflation and the prevailing tight labour market is a concern for those looking for more sizeable falls ahead.

At the beginning of April, the 5-year certainty rate was the cheapest part of the curve at 4.72% whilst the 25-year rate was relatively expensive at 5.28%. May saw yields at their highest across the whole curve.

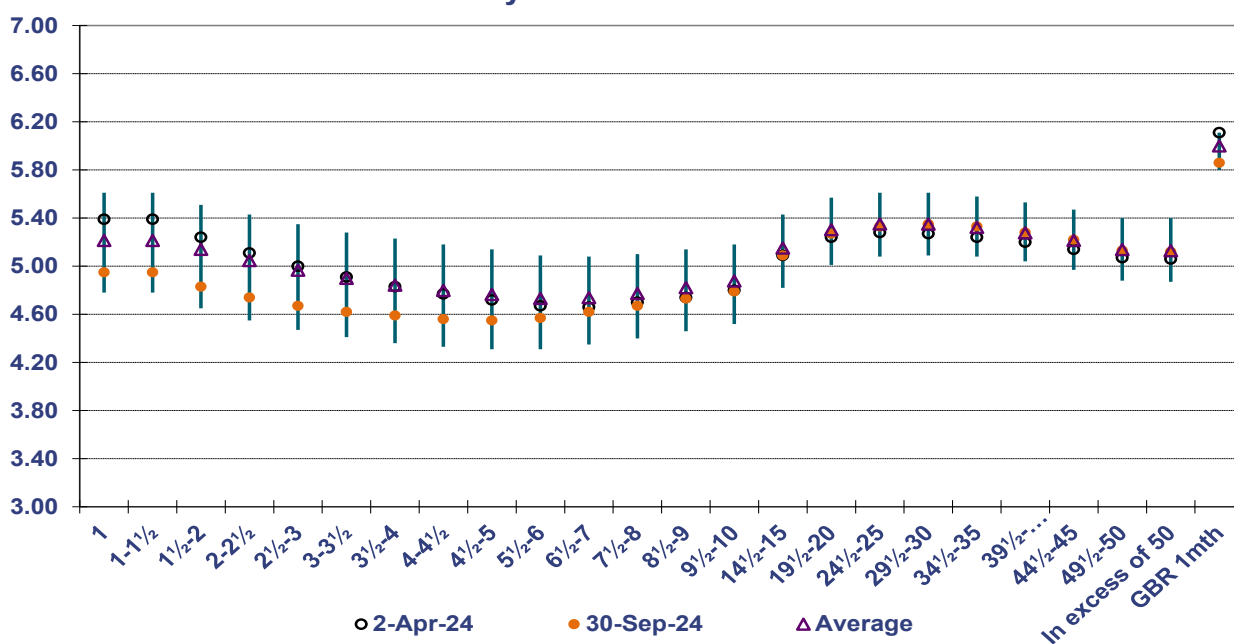
Conversely, 17 September saw the low point for the whole curve, with the 5-year certainty rate falling to 4.31% before rebounding to 4.55% by the end of the month. Similarly, the 50-year certainty rate fell to 4.88% but finished the month at 5.13%, slightly higher than at the start of April.

At this juncture, Link still forecasts rates to fall back over the next two to three years as inflation dampens, although there is upside risk to our Bank Rate forecast at present. The CPI measure of inflation is expected to fall below 2% in the second half of 2025, however, and Link forecast 50-year rates to stand at 4.20% by the end of September 2026. The major caveats are that there is considerable gilt issuance to be digested by the market over the next couple of years, and geopolitical uncertainties – which are generally negative for inflation prospects – abound in Eastern Europe and the Middle East, in particular.

PWLB RATES 02.04.24 – 30.09.24



PWLB Certainty Rate Variations 2.4.24 to 30.9.24



HIGH/LOW/AVERAGE PWLB RATES FOR 02.04.24 – 30.09.24

	1 Year	5 Year	10 Year	25 Year	50 Year
02/04/2024	5.39%	4.72%	4.80%	5.28%	5.07%
30/09/2024	4.95%	4.55%	4.79%	5.33%	5.13%
Low	4.78%	4.31%	4.52%	5.08%	4.88%
Low date	17/09/2024	17/09/2024	17/09/2024	17/09/2024	17/09/2024
High	5.61%	5.14%	5.18%	5.61%	5.40%
High date	29/05/2024	01/05/2024	01/05/2024	01/05/2024	01/05/2024
Average	5.21%	4.76%	4.88%	5.35%	5.14%
Spread	0.83%	0.83%	0.66%	0.53%	0.52%

- The current PWLB rates are set as margins over gilt yields as follows: -
 - **PWLB Standard Rate** is gilt plus 1%
 - **PWLB Certainty Rate (GF)** is gilt plus 0.8%
 - **PWLB Local Infrastructure Rate** is gilt plus 0.6%
 - **PWLB Certainty Rate (HRA)** is gilt plus 0.4%
- The **UK Infrastructure Bank** will lend to local authorities that meet its scheme criteria at a rate currently set at gilt plus 0.4%.

5. Debt Rescheduling

Debt repayment and rescheduling opportunities have increased over the course of the past six months and will be considered if giving rise to long-term savings. However, no debt repayments or rescheduling has been undertaken to date in the current financial year.

6. Compliance with Treasury and Prudential Limits

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the half year ended 30th September 2024, the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement for 2024/25. The Interim Section 151 Officer reports that no difficulties are envisaged for the current or future years in complying with these indicators.

All treasury management operations have also been conducted in full compliance with the Council's Treasury Management Practices.

7. Annual Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2024/25, which includes the Annual Investment Strategy, was approved by the Council on 27th February 2024. In accordance with the CIPFA Treasury Management Code of Practice, it sets out the Council's investment priorities as being:

- Security of capital
- Liquidity
- Yield

The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council's risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods up to 12 months with high credit quality financial institutions, using the Link suggested creditworthiness approach, including a minimum sovereign credit rating and Credit Default Swap (CDS) overlay information.

Creditworthiness.

The UK's sovereign rating has proven robust through the first half of 2024/25. The new Labour Government is expected to outline in detail its future fiscal proposals in the Budget scheduled for 30 October 2024.

Investment Counterparty criteria

The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

CDS prices

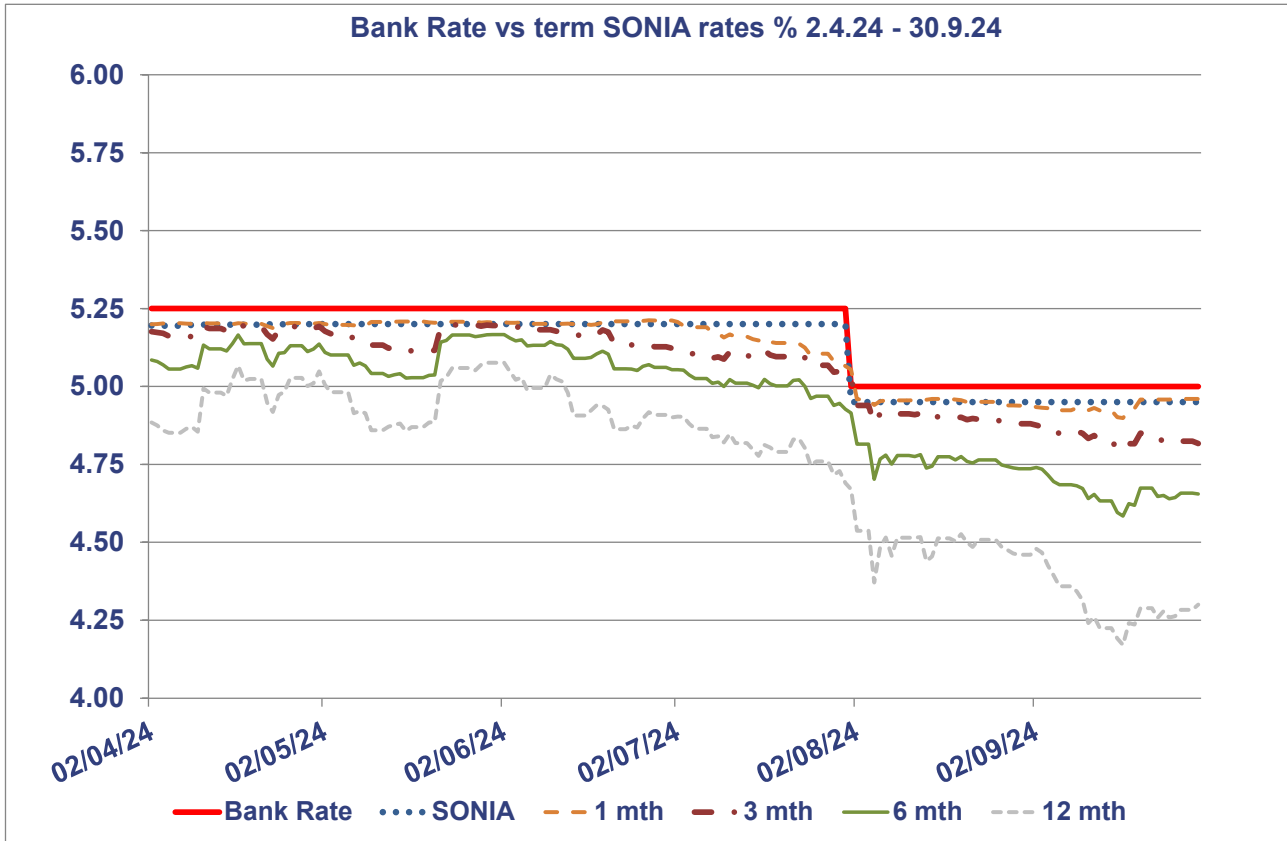
It is noted that sentiment in the current economic climate can easily shift, so it remains important to undertake continual monitoring of all aspects of risk and return in the current circumstances.

Investment balances

The Council held £62.354m of investments as at 30th September 2024, excluding investments in property funds (£59.108m at 31st March 2024) and the investment portfolio yield for the first six months of the year is 5.21% against a benchmark of the average 3 months SONIA of 5.06%. A full list of investments held as at 30th September 2024 is detailed in **APPENDIX 1**.

The Interim Section 151 Officer confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2024/25.

Investment performance year to date as of 30th September 2024



	Bank Rate	SONIA	1 mth	3 mth	6 mth	12 mth
High	5.25	5.20	5.21	5.20	5.17	5.08
High Date	02/04/2024	03/05/2024	27/06/2024	17/04/2024	31/05/2024	30/05/2024
Low	5.00	4.95	4.90	4.79	4.58	4.17
Low Date	01/08/2024	01/08/2024	17/09/2024	17/09/2024	17/09/2024	17/09/2024
Average	5.17	5.12	5.11	5.06	4.96	4.75
Spread	0.25	0.25	0.31	0.41	0.58	0.91

The table above covers the first half of 2024/25.

The Council's budgeted investment return for 2024/25 is £1.866m, and we are currently forecasting an additional £816k in investment income as at September Period 6, due to increased balances available for investment due to capital slippage, plus increasing interest rates.

Investment Counterparty Criteria

The current investment counterparty criteria selection approved in the TMSS and as approved by Council on 27th February 2024 meets the requirements of the Treasury Management function.

8.Changes in risk appetite

The 2021 CIPFA Codes and guidance notes place importance on risk management. Where an authority changes its risk appetite e.g., for moving surplus cash into or out of certain types of investment funds or other types of investment instruments, this change in risk appetite and policy should be brought to members' attention in treasury management update reports.

9. Property Funds

To date, the Council has invested £1.85m with Schroders UK Real Estate Fund, £6.057m with Threadneedle Property Unit Trust, and £4.057m with Hermes Federated Property Unit Trust, total investment £11.962m. Although the capital values of the funds did initially fall, mainly since 31st March 2020, they then recovered and as at 31st March 2022 there was an overall gain of £1.132m. However, since then capital values have fallen again, and as at 30th September the valuation stands at £10.162m, with an overall loss of £1.8m. It should be noted that investments in property are subject to fluctuations in value over the economic cycle and should yield capital growth in the longer term as the economy grows.

Fund Valuations	Investment	Valuation 31/03/2021	Valuation 31/03/2022	Valuation 31/03/2023	Valuation 31/03/2024	Valuation 30/09/2024
Schroders UK Real Estate Fund	1,848,933	1,848,933	2,139,618	1,727,176	1,567,521	1,556,636
Valuation Increase / (reduction)		0	290,685	(121,757)	(281,412)	(292,298)
Threadneedle Property Unit Trust	2,000,249	1,794,439	2,097,097	1,732,373	1,648,601	1,685,321
Valuation Increase / (reduction)		(205,810)	96,848	(267,875)	(351,648)	(314,928)
Threadneedle Property Unit Trust	4,056,536	-	4,407,163	3,640,676	3,464,625	3,546,983
Valuation Increase / (reduction)			350,627	(415,860)	(591,912)	(509,554)
Hermes Federated Property Unit Trust	4,056,500		4,450,808	3,741,712	3,462,647	3,372,814
Valuation Increase / (reduction)			394,308	(314,788)	(593,853)	(683,686)
Total	11,962,218	3,643,372	13,094,687	10,841,938	10,143,394	10,161,753
Valuation Increase / (reduction)		(205,810)	1,132,469	(1,120,280)	(1,818,824)	(1,800,465)

The following table details the dividend returns achieved from the property fund investments, which support the revenue budget. The Council received £489k in dividends from its property fund investments in 2023/24 (£458k in 2022/23), and has received £185k for the current financial year as at 30th September 2024(Q2 returns not yet received in respect of Hermes).

Fund Valuations	Investment	Dividend Returns	Dividend Returns	Dividend Returns	Dividend Returns	Dividend Returns

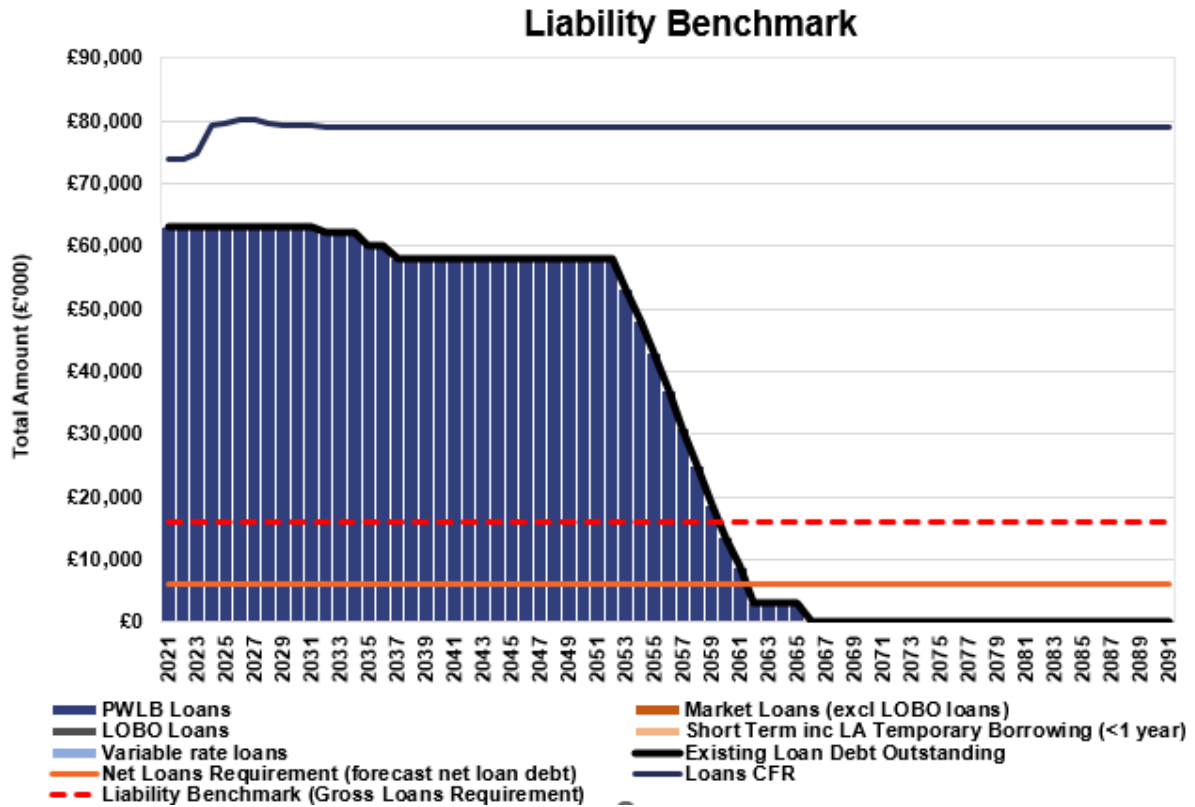
		31/03/2021	31/03/2022	31/03/2023	31/03/2024	30/09/2024
Schroders UK Real Estate Fund	1,848,933	52,898	61,655	71,962	74,005	33,469
Valuation Increase / (reduction)		157,654	219,309	291,270	365,275	398,744
Threadneedle Property Unit Trust	2,000,249	75,452	79,231	83,373	92,111	34,829
Valuation Increase / (reduction)		225,781	305,012	388,385	480,496	515,325
Threadneedle Property Unit Trust	4,056,536	-	70,417	175,213	193,576	73,195
Valuation Increase / (reduction)		-	70,417	245,631	439,206	512,401
Hermes Federated Property Unit Trust	4,056,500	-	57,352	127,182	129,515	43,487
Valuation Increase / (reduction)		-	57,352	184,534	314,050	357,537
Total	11,962,218	128,350	268,655	457,730	487,846	184,980
Annual Revenue % Return		3.3%	2.2%	3.8%	4.1%	1.5%

Investments held as at 30th September 2024:

<i>Borrower</i>	<i>Deposit £</i>	<i>Rate %</i>	<i>From</i>	<i>To</i>	<i>Notice</i>
NatWest Bank	5,000,000	5.13%	08-Jul-24	08-Jul-25	-
Birmingham City Council	5,000,000	5.25%	29-Jul-24	28-Jul-25	-
Slough Council	5,000,000	5.18%	12-Jul-24	13-Jan-25	-
Lancashire Council	5,000,000	5.35%	01-May-24	01-Nov-24	-
Crawley Council	5,000,000	5.35%	10-May-24	11-Nov-24	-
LB of Newham	5,000,000	5.40%	10-May-24	11-Nov-24	-
LB of Newham	5,000,000	5.27%	15-Jul-24	15-Jan-25	-
Medway Council	5,000,000	5.40%	24-May-24	25-Nov-24	-
Southampton Council	5,000,000	5.35%	18-Jun-24	18-Dec-24	-
Central Bedfordshire Council	5,000,000	4.92%	22-Aug-24	22-Nov-24	
West Dunbartonshire Council	5,000,000	5.00%	10-Sep-24	10-Mar-25	
MMF – Aberdeen	-	4.96%*	-	-	On call
MMF – PSDF	-	4.99%*	-	-	On call
MMF – Federated	7,354,000	5.03%*	-	-	On call
Total	62,354,000	5.21%	-	-	-
Schroders UK Real Estate Fund	1,848,933	3.61%	-	-	-
Threadneedle Property Unit Trust	6,056,785	3.56%	-	-	-
Hermes Federated Property Unit Trust	4,056,500	4.30%	-	-	-
Total	74,316,218	4.99%	-	-	-

* Interest rate fluctuates daily dependant on the funds investment portfolio, rate quoted is approximate 7 day average.

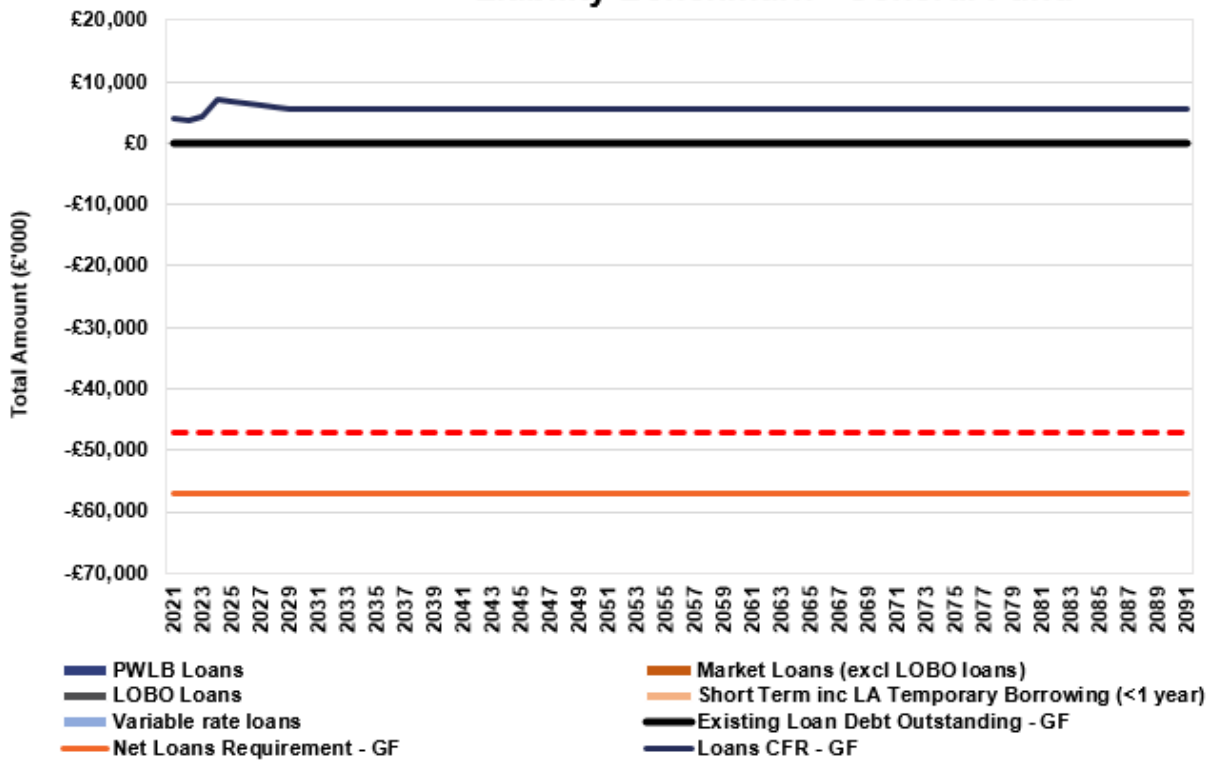
Fund	Initial Investment	Fund Value 30/09/2024	2024/25 Return to Date		
Schroders UK Real Estate Fund	£1,848,933.03	£1,556,635.51	£33,468.53	3.61%	Returns Received Monthly. Received up to Sep-24.
Threadneedle Property Unit Trust	£6,056,785.32	£5,209,979.79	£108,023.99	3.56%	Returns Received Quarterly. Received up to Sept-24
Hermes Federated Property Unit Trust	£4,056,499.57	£3,396,730.59	£43,487.14	4.30%	Returns Received Quarterly. Received up to Jun-24
Total	£11,962,217.92	£10,163,345.89	£184,979.66	3.82%	



The combined liability benchmark chart above shows the existing loan debt outstanding, the capital financing requirement, net loans requirement and liability benchmark indicator.

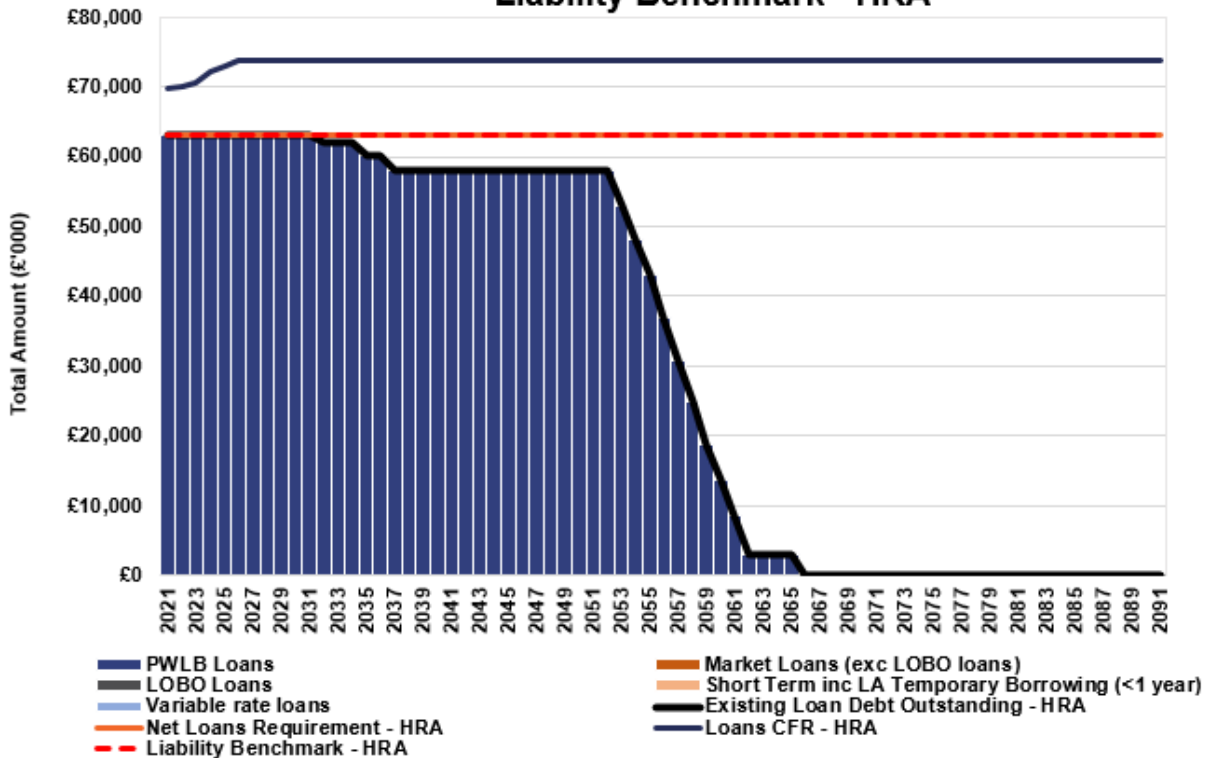
The difference between the loans capital financing requirement and existing debt indicates internal borrowing. Prior to any new borrowing, the Council will have regard to underlying assumptions of liability benchmark analysis as part of prudent treasury management.

Liability Benchmark - General Fund



The net loans requirement and liability benchmark for the General Fund is negative as this is reflective of the balance of GF treasury investments held.

Liability Benchmark - HRA



The liability benchmark for the HRA is set at the same level as the net loans requirement (£63m reflecting PWLB loans outstanding) as there is no need to maintain additional borrowing to meet liquidity needs as this falls to the General Fund.

Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 202425	
Date Conducted	8 th November 2024	
Name of Lead Officer and Service Area	Tayo Lawal, Head of Finance	
Commissioning Team (if applicable)		
Director Responsible for project /service area	Jo Goodfellow, Interim ED Finance	
Who are the main stakeholders	Corporate Management Team (CMT) and Elected Members	
Describe what consultation has been undertaken. Who was involved and what was the outcome	N/A	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	N/A	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	X
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	x
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To present to Members the Mid-year Review of the Treasury Management Strategy Statement and Annual Investment Strategy

Who will be affected and how?

The whole organisation is impacted by the report
Residents, tenants, businesses, visitors, voluntary sector and partner organisations

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?
All services/ functions are covered by this report

Part 3 – Impact on the Community

Thinking about each of the areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age		X	
Disability		X	
Gender Reassignment		X	
Marriage and Civil Partnership		X	
Pregnancy & Maternity		X	
Race		X	
Religion or belief		X	
Sexual orientation		X	
Sex		X	
Gypsy/Travelling Community		X	
Those with caring/dependent responsibilities		X	
Those having an offending past		X	

Children		X	
Vulnerable Adults		X	
Families		X	
Those who are homeless		X	
Those on low income		X	
Those with drug or alcohol problems		X	
Those with mental health issues		X	
Those with physical health issues		X	
Social inclusion Please include refugees and asylum seekers,		X	
Social inclusion: Armed Forces The Armed Forces Covenant is a pledge that together we acknowledge and understand that those who have served in the armed forces, and their families, should be treated with fairness and respect and any impact should be considered		X	
Health and Wellbeing		X	
Climate Change		X	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications. this includes climate change considerations

This is the section in which to please outline any actions to mitigate negative or enhance positive impacts in terms of economic, environmental or wider societal considerations, and actions to review and monitor the overall impact of the change accordingly.

Impact Area	Details of the Impact	Action to reduce risk

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your Community Impact Assessment, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable) : 23 July 2024

Guidance and form updated July 2023 following CMT approval.

Cabinet

21 November 2024

Council

10 December 2024

Report of the Leader of the Council

Local Council Tax Reduction Scheme 2025/26

Exempt Information

Not applicable

Purpose

The purpose of this report is to recommend that Cabinet and Council approves the Council Tax Reduction scheme from the 1 April 2025.

Recommendations

It is recommended that:

- 1. Council consider and endorse the proposed recommended changes detailed below:**
- 2. The continuation of the income banded/grid scheme for working age applicants to reduce the administrative burden placed on the Council by the introduction of Universal Credit and to increase the overall level of support for the lowest income families.**
- 3. Should material amendments be required to the scheme, Cabinet authorise the Chief Executive, Executive Director Finance, in consultation with the Leader of the Council, to make such required amendments as necessary.**

Executive Summary

Each year the Council is required to review its Council Tax Reduction Scheme in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.

Local Council Tax Reduction is a way the Council can redistribute the financial burden on Council Taxpayers and provide additional support to those in financial need.

The retention of the current scheme would help to ensure that already protected claimants will not be further disadvantaged and pays due regard to the challenging financial climate.

In the first year of the revised scheme the Council has made changes to the CTR scheme for working age applicants reducing the significant administrative burden placed on the Council by the introduction of Universal Credit. This has also helped to provide support to those households on the lowest incomes. As at 1st October 2024 Tamworth has awarded £5.6m for the financial year of Council Tax Support to its residents.

Options Considered

Alternative options have not been considered for the financial year 2025/2026.

Resource Implications

The current banded scheme provides a modern, more efficient scheme which is far more straightforward for staff to administer.

A review of the scheme is carried out annually to assess the financial cost of the scheme and to ensure it remains operationally and financially viable, taking into account ongoing changes in legislation and financial requirements.

Initial financial modelling estimated a cost of £5.6m for the first year of the scheme which is borne by the Council's Collection Fund, costs are shared between the Council and the Major Precepting Authorities. This estimate has so far proven to be accurate.

Financial effectiveness and the cost of the scheme will continue to be undertaken during the coming year. The scheme has helped to provide additional support to households on low incomes.

Caseload and staffing required for Revenues and Benefits has been analysed and it is anticipated that reductions will be made for the next financial year. Staffing costs saved via natural wastage and efficiencies will be £59.8k per annum, which is an increase as initial estimates predicted a reduction of £28k per annum.

Legal/Risk Implications Background

Ministry of Housing, Communities and Local Government (MHCLG) have confirmed that consultation on the scheme is not required annually if it is not amended. Other than the early alignment of applicable amounts to those of Benefits and increasing the banding widths by the increase in Council Tax there are no other proposed changes to the LCTR Scheme for 2025/26 and therefore no consultation has been required.

Section 13 A (2) and Schedule 1A of the Local Government Finance Act 1992, as well as Schedule 1A, paragraph 16 of the Local Government Finance Act 2012 legislates that the scheme must be agreed annually by full Council.

The current scheme is performing well and is proving to provide support to the most vulnerable Council Tax payers. A copy of the current scheme is available in Appendix 1. The scheme for 2025/2026 will be updated once figures become available later on in the year.

Equalities Implications

The move to the banded scheme has had a positive effect on the majority of working age claimants.

There has been a transitional protection scheme in place for those large losers in the first year of the scheme to lessen the initial effects of these changes. Whilst this will now cease in the second year, support will be available through the Council's Exceptional Hardship Fund where applicable.

The continuation of the scheme is likely to have a positive impact on child poverty and helps our most vulnerable residents. As most of our current claimants are likely to financially benefit from the scheme it is probable that it would reduce the financial burden on such groups.

A full Community Impact Assessment has been considered is attached in Appendix 2.

Environment and Sustainability Implications (including climate change)

There are no environmental implications. However, the Council must be aware that there is an additional cost to itself and its Preceptors with this scheme.

Background Information

Following extensive consultation with the public and preceptors during 2023/24, and approval by Corporate Scrutiny, Cabinet and Council, Tamworth implemented a revised, banded Council Tax Reduction Scheme with effect from 1st April 2024, which provides support to residents who need help to pay their Council Tax. The scheme provides a modern, more efficient system which is more straightforward for staff to administer.

The current cost is £5.6 m which is borne by the Council's Collection Fund, costs are shared between the Council and the Major Precepting Authorities in the following proportions. The cost to the Council for implementing a banding scheme have been factored into the Medium-Term Financial Plan.

- Borough Council (10%);
- County Council (73%);
- Police and Crime Commissioner (13%);
- Fire and Rescue Service (4%);

The overall intention is that we will continue to provide additional support to those households on the very lowest incomes.

The simplicity of the scheme has enabled us to reduced administration costs and create more efficiencies. In addition, there is no requirement for Universal Credit applicants to apply separately for Local Council Tax Reduction. It has contributed greatly to the maintaining of high collection rates and stabilises entitlement for residents by simplifying what happens when a working age resident's income changes by a small amount during the financial year.

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List of Background Papers

Local Council Tax Reduction Scheme 2024/25, Corporate Scrutiny Committee 27 July 2023 & 8 August 2023, Cabinet 17 August 2023, Cabinet 30 November 2023, Council 12 December 2023

Appendices

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Appendix 2 Community Impact Assessment

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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 (England) (Amendment) 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 (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024; 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;
- (f) not have capital savings above £16,000; and
- (g) who has made an application for a reduction under the authority's scheme.

Class C: alternative maximum Council Tax Reduction

On any day class C consists of any person who is a pensioner:

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (d) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act and excluded from the authority's scheme;
- (e) who has made an application for a reduction under the authority's scheme; and
- (f) in relation to whom the condition below is met.

The condition referred to in sub-paragraph (f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum Council Tax Reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

The above applies to any other resident of the dwelling who:

- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (d) is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

- (a) a war disablement pension;
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

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

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

1.6 The adopted scheme for working age applicants is an income band scheme means test, which compares income against a range of discounts available. 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 **one** class of persons who will receive a reduction in

line with adopted scheme. The scheme has qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- (a) have not attained the qualifying age for state pension credit; or
- (b) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- (c) be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- (d) is not deemed to be absent from the dwelling;
- (e) not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (f) be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (g) not have capital savings above £6,000 (subject to Schedule 3 of this scheme);
- (h) not have income above the levels specified within the scheme;
- (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* is within a range of incomes specified within Schedule 1; and
- (j) has made a valid application for reduction.

Council Tax Reduction Scheme

Details of reduction to be given for working age applicants for the financial year 2024/25

2.0 Interpretation – an explanation of the terms used within this policy.

2.1 In this policy–

‘the 1992 Act’ means the Local Government Finance Act 1992;

‘the 2000 Act’ means the Electronic Communications Act 2000;

‘Abbeyfield Home’ means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

‘adoption leave’ means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

‘an AFIP’ means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004

‘applicant’ means a person who the authority designates as able to claim Council tax reduction – for the purposes of this policy all references are in the masculine gender but apply equally to male and female;

‘application’ means an application for a reduction under this scheme:

‘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;

‘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).

‘board and lodging accommodation’ means accommodation provided to a family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

‘care home’ has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services Quality Improvement and Regulation (Northern Ireland) Order 2003 or a residential care home, within the meaning of Article 10 of that Order;

‘the Caxton Foundation’ means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

‘child’ means a person under the age of 16;

‘child benefit’ has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

‘child tax credit’ means a child tax credit under section 8 of the Tax Credits Act 2002;

‘the Children Order’ means the Children (Northern Ireland) Order 1995;

‘claim’ means a claim for council tax reduction;

‘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;

‘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 Reduction scheme’ has the same meaning as ‘council tax reduction or reduction.’

‘council tax reduction (or reduction)’ means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

‘couple’ means;

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(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;

‘date of claim’ means the date on which the claim is made, or treated as made, for the purposes of this policy.

‘designated authority’ means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

‘designated office’ means the office designated by the authority for the receipt of claims for council tax reduction;

(a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; 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;

‘family’ has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;

‘the Fund’ means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

‘a guaranteed income payment’ means a payment made under article 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 policy.

‘housing benefit’ means housing benefit under Part 7 of the Act; ‘the Housing Benefit Regulations’ means the Housing Benefit Regulations 2006;

‘Immigration and Asylum Act’ means the Immigration and Asylum Act 1999;

‘an income-based jobseeker’s allowance’ and ‘a joint-claim jobseeker’s allowance’ have the 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 2007;

‘Income Support Regulations’ means the Income Support (General) Regulations 1987(a);

‘independent hospital’–

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent health care service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

‘the Independent Living Fund (2006)’ means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

‘invalid carriage or other vehicle’ means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

‘Jobseekers Act’ means the Jobseekers Act 1995; ‘Jobseeker’s Allowance Regulations’ means the Jobseeker’s Allowance Regulations 1996 and Jobseeker’s Allowance Regulations 2013 as appropriate; ‘limited capability for work’ has the meaning given in section 1(4) of the Welfare Reform Act;

‘limited capability for work-related activity’ has the meaning given in section 2(5) of the Welfare Reform Act 2007;

‘the London Bombing Relief Charitable Fund’ means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

‘lone parent’ means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

‘the Macfarlane (Special Payments) Trust’ means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

‘the Macfarlane (Special Payments) (No.2) Trust’ means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

‘the Macfarlane Trust’ means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

‘main phase employment and support allowance’ means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

‘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;

‘member of the work-related activity group’ means a claimant who has or is treated as having limited capability for work;

‘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;

‘net earnings’ means such earnings as are calculated in accordance with this scheme;

‘net profit’ means such profit as is calculated in accordance with this scheme;

‘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, and 61C the dwelling to which an applicant has moved, or is about to move, in which the applicant is or will be resident;

‘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 an applicant is a member of a couple, the other member of that couple; or
- (b) where an applicant 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;

‘pensionable age’ has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013 and Pensions Act 2014;

‘pension fund holder’ means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers, or scheme administrators, as the case may be, of the scheme concerned;

‘pensioner’ a person who has attained the age at which pension credit can be claimed;

‘person affected’ shall be construed as a person to whom the authority decides is affected by any decision made by the council;

‘personal independence payment’ has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013;

‘person treated as not being in Great Britain’ has the meaning given by section 7;

‘personal pension scheme’ means–

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- (b) an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

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

- (a) a person is a husband or wife by virtue of a marriage entered into under law which permits polygamy; and
- (b) either party to the marriage has for the time being any spouse additional to the other party.

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

‘qualifying age for state pension credit’ means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)–

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

‘qualifying contributory benefit’ means;

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

‘qualifying course’ means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker’s Allowance Regulations 1996

‘qualifying income-related benefit’ means;

- (a) income support;
 - (b) income-based jobseeker's allowance;
 - (c) income-related employment and support allowance;
- 'qualifying person' means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- 'reduction week' means a period of seven consecutive days beginning with a Monday and ending with a Sunday;
- 'relative' means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;
- 'relevant authority' means an authority administering council tax reduction;
- 'relevant week' In relation to any particular day, means the week within which the day in question falls;
- 'resident' has the meaning it has in Part 1 or 2 of the 1992 Act;
- '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.
- 'single applicant' means an applicant who neither has a partner nor is a lone parent;
- 'the Skipton Fund' means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.
- 'special account' means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker's Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;
- 'sports award' means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 out of sums allocated to it for distribution under that section;
- 'the SSCBA' means the Social Security Contributions and Benefits Act 1992
- 'State Pension Credit Act' means the State Pension Credit Act 2002;
- 'student' has the meaning prescribed in section 43;
- 'subsistence allowance' means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;
- 'reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;
- 'the Tax Credits Act' means the Tax Credits Act 2002;
- 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next;
- 'training allowance' means an allowance (whether by way of periodical grants or otherwise) payable–
- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
 - (b) to a person for his maintenance or in respect of a member of his family; and
 - (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

‘the Trusts’ means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

‘Universal Credit’ means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

‘Uprating Act’ means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014, and the Welfare Benefits Up-rating Order 2015;

‘voluntary organisation’ means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

‘war disablement pension’ means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

‘war pension’ means a war disablement pension, a war widow’s pension or a war widower’s pension;

‘war widow’s pension’ means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘war widower’s pension’ means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘water charges’ means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

‘week’ means a period of seven days beginning with a Monday;

‘Welfare Reform Act’ means the Welfare Reform Act 2007;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended.

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

- 2.4 For the purposes of this policy, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this policy, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Requirement to provide a National Insurance Number

- 3.1 No person shall be entitled to reduction unless the criteria below in 3.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming reduction.
- 3.2 This subsection is satisfied in relation to a person if–
- (a) the claim for reduction is accompanied by;
 - i. a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
 - (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.
- 3.3 Paragraph 3.2 shall not apply–
- (a) in the case of a child or young person in respect of whom council tax reduction is claimed;
 - (b) to a person who;
 - i. is a person in respect of whom a claim for council tax reduction is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
 - iii. is a person from abroad for the purposes of this scheme; and
 - iv. has not previously been allocated a national insurance number.

4.0 Persons who have attained the qualifying age for state pension credit.

- 4.1 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.

5.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control

Persons treated as not being in Great Britain

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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).
- 5.4A 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.
- 5.4B 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
- 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)
- 5.5 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;
- (zd) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon immediately before 7th October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack 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;
- (ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan 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).

5.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

5.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

5.8 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
 "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

5.9 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.

5.10 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 5.9.

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

6.0 Transitional provision

6.1 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 6.2 occurs.

6.2 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.

6.3 In this section "the Act" means the Local Government Finance Act 1992.

7.0 Temporary Absence (period of absence)

7.1 Where a person is absent from the dwelling throughout any day then no reduction shall be payable.

7.2 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 7.1.

7.3 In paragraph 7.2, a 'period of temporary absence' means—

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;

- i. the person resides in that accommodation;
- ii. the part of the dwelling in which he usually resided is not let or sub-let; and
- iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

(b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;

- i. the person intends to return to the dwelling;
- ii. the part of the dwelling in which he usually resided is not let or sub-let; and
- iii. that period is unlikely to exceed 13 weeks; and

(c) a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as

- i. the person intends to return to the dwelling;
- ii. the part of the dwelling in which he usually resided is not let or sub-let;
- iii. the person is a person to whom paragraph 7.4 applies; and
- iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

7.4 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 7.1, or
- ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;

(b) resident in a hospital or similar institution as a patient;

(c) undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

(d) following, in the United Kingdom or elsewhere, a training course;

(e) undertaking medically approved care of a person residing in the United Kingdom or elsewhere;

(f) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;

(g) in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;

(h) a student;

(i) receiving care provided in residential accommodation other than a person to whom paragraph 7.3a) 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.

- 7.5 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); and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952.
- 7.6 Where paragraph 7.5 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 7.3 b) or c), he shall be treated, for the purposes of paragraph 7.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of paragraph 7.4 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.
- 7.7 In this section;
- ‘medically approved’ means certified by a medical practitioner;
 - ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
 - (a) in a care home;
 - (b) in an independent hospital;
 - (c) in an Abbeyfield Home; or
 - (d) in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
 - ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

8.0 Membership of a family

- 8.1 Within the reduction 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'.

- 8.2 Paragraph 8.1 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.

- 8.3 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.

9.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

- 9.1 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.

- 9.2 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.

- 9.3 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.

10.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household.

- 10.1 Subject to paragraphs 10.2 and 10.3, the applicant and any partner and, where the applicant or his partner is treated as responsible 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.

- 10.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- (a) placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
 - (b) placed with the applicant or his partner prior to adoption; or
 - (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002.

- 10.3 Subject to paragraph (4), paragraph (1) shall not apply to a child or young person who is not

living with the applicant and he–

- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

10.4 The authority shall treat a child or young person to whom paragraph (3a) applies as being a member of the applicant’s household in any reduction week where;

- (a) that child or young person lives with the applicant for part or all of that reduction week; and
- (b) the authority considers that it is responsible to do so taking into account the nature and frequency of that child’s or young person’s visits.

10.5 In this paragraph ‘relevant enactment’ means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates’ Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as amended.

11.0 Calculation of income and capital of members of applicant’s family and of a polygamous marriage

11.1 The income and capital of an applicant’s partner within this scheme and for the purposes of claiming council tax reduction is to be treated as income and capital of the applicant and shall be calculated or estimated in accordance with the following provisions in like manner as for the applicant; and any reference to the ‘applicant’ shall, except where the context otherwise requires be construed for the purposes of this scheme as if it were a reference to his partner.

11.2 Where an applicant or the partner of is married polygamously to two or more members of his household–

- (a) the applicant shall be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member shall be calculated in accordance with the following provisions of this scheme in like manner as for the applicant.

11.3 The income and capital of a child or young person shall not be treated as the income and capital of the applicant.

12.0 Calculation of income and capital: persons who have an award of universal credit.

12.1 Any universal credit data or notification received by the authority may be used as a claim for reduction or in the assessment of council tax reduction including data received from the Secretary of State where the applicant no longer qualifies for a universal credit award.

12.2 In determining the income of an applicant;

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

an award of universal credit the authority may 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. The authority may use any other assessment based on the information provided by the Secretary of State.

- 12.3 The authority may adjust the amount referred to in sub-paragraph (2) to take account of
- (a) income consisting of the award of universal credit;
 - (b) any sum to be disregarded in the calculation of earnings;
 - (c) any sum to be disregarded in the calculation of income other than earnings; and
 - (d) any sum which may be disregarded as housing costs;
- 12.4 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.
- 12.5 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.
- 13.0 Calculation of income on a weekly basis**
- 13.1 For the purposes of this scheme the income of an applicant shall be calculated on a weekly basis by estimating the amount which is likely to be his average weekly income.
- 14.0 Average weekly earnings of employed earners.**
- 14.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by the authority by reference to his actual earnings over a period determined by the authority as reasonable.
- 14.2 Where the applicant is recently employed and cannot furnish the appropriate evidence, the authority may require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.
- 14.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately.
- 15.0 Average weekly earnings of self-employed earners**
- 15.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately.
- 16.0 Average weekly income other than earnings**
- 16.1 An applicant's income which does not consist of earnings shall be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately.
- 17.0 Calculation of average weekly income from tax credits**
- 17.1 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 (2)
- 17.2 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.

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

18.0 Calculation of weekly income

18.1 For the purposes of this scheme 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.

18.2 The weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

19.0 Earnings of employed earners.

19.1 Earnings means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes–

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice, or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of–
- (g) (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (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 applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;

(m) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended.

19.2 Earnings shall not include—

- (a) 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

20.0 Calculation of net earnings of employed earners.

20.1 For the purposes of this scheme, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall be his net earnings.

20.2 Net earnings shall be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- (a) any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 National Insurance contributions
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant;
- (d) less any amounts specified in Schedule 4 of this scheme in relation to child care charges.

20.3 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.

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

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

20.5 Where the earnings of an applicant are estimated an appropriate estimate of net earnings shall be determined in line with paragraph (3) above.

21.0 Earnings of self-employed earners

21.1 'Earnings', in the case of employment as a self-employed earner, means the gross income of the employment

21.2 'Earnings' shall not include any payment in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care nor shall it include any sports award.

21.3 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 trademark; or
- (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to

the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book of work concerned.

22.0 Calculation of net profit of self-employed earners

- 22.1 For the purposes of this scheme 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 this scheme; and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.2 The net profit of the employment must be calculated by taking into account the earnings for the employment over the assessment period less;
- (a) 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 calculated in accordance with section 22; and
 - iii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.3 For the purposes of paragraph (1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 22.4 No deduction shall be made under paragraph (3 a) or (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.
- 22.5 A deduction shall be made under paragraph (3 a) or (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.
- 22.6 The authority shall refuse to make deduction in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 22.7 For the avoidance of doubt—
- (a) deduction shall not be made 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

22.8 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 calculated in accordance with section 22 (and
- (c) one-half of the amount any qualifying pension contribution in accordance with (11)
- (d) less any amounts specified in Schedule 4 of this scheme in relation to child care disregards.

22.9 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner, and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

22.10 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.

22.11 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.

23.0 Deduction of tax and contributions of self-employed earners

23.1 The amount to be deducted in respect of income tax under section 28 shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

23.2 The amount to be deducted in respect of national insurance contributions under section shall be the total of–

- (a) the amount of Class 2 National Insurance contributions payable 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.

23.3 In this section 'chargeable income' means–

- (a) the earnings derived from the employment less any expenses deducted under section

22;

- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

24.0 Calculation of income other than earnings

- 24.1 For the purposes of this scheme, the income of an applicant which does not consist of earnings to be taken into account shall be his gross income and any capital treated as income under section 25.
- 24.2 There shall be disregarded from the calculation of an applicant's gross income any sum, where applicable, specified in Schedule 2.
- 24.3 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 shall be the gross amount payable.
- 24.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 24.5 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 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 24.6 'Tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 24.7 Paragraphs (7),(8), (9) and (10) apply to any applicant who is a student. Paragraph (8) and (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.
- 24.8 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 (1) in respect of a person to whom paragraph (7) applies, shall be calculated by applying the formula—
$$\frac{A - (B \times C)}{D}$$

Where;
A = the total amount of the relevant payment which that person would have received had he remained a student until he last day of the academic term in which he abandoned, or was dismissed from, his course;
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 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 reduction 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.
- 24.9 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 (1) in respect of a person to whom paragraph (8) applies, shall be calculated by applying the formula in paragraph (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.

- 24.10 In this section– ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of this scheme, ‘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 date 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.

25.0 Capital treated as income and Notional Income

- 25.1 Any payment received under an annuity shall be treated as income.
- 25.2 Any earnings to the extent that they are not a payment of income shall be treated as income.
- 25.3 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income.
- 25.4 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.
- 25.6 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of reduction or increasing the amount of that reduction.
- 25.7 Except in the case of–
- (a) a discretionary trust;
 - (b) a trust derived from a payment made in consequence of a personal injury;
 - (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - (d) rehabilitation allowance made under section 2 of the 1973 Act;
 - (e) child tax credit; or
 - (f) working tax credit,

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only

from the date on which it could be expected to be acquired were an application made.

25.8 Any payment of income made—

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

25.9 This section 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.

25.10 Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from 1st April in that year.

25.11 Where—

- (a) applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the

authority that the means of that person are insufficient for him to pay or to pay more for the service.

25.12 Paragraph (11) shall not apply–

- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- (b) in a case where the service is performed in connection with–
 - (i) the applicant’s participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations, other than where the service is performed in connection with the applicant’s participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant’s or the applicant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

25.13 ‘Work placement’ means practical work experience which is not undertaken in expectation of payment.

25.14 Where an applicant is treated as possessing any income under this section, 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.

25.15 Where an applicant is treated as possessing any earnings under this section his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this subparagraph shall be calculated on a pro rate basis;
- (b) an amount equivalent to the amount of the primary Class 1 National Insurance contributions that would be payable by him 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.

26.0 Capital limit

26.1 For the purposes of this scheme, the prescribed amount is £6,000 (subject to Schedule 3 of this scheme) and no reduction shall be granted when the applicant has an amount greater than this level.

27.0 Calculation of capital

27.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under this scheme.

27.2 There shall be disregarded from the calculation of an applicant’s capital under paragraph (1),

any capital, where applicable, specified in Schedule 3.

28.0 Disregard of capital of child and young person

28.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

29.0 Income treated as capital.

29.1 Any amount derived from employment and paid at intervals of at least one year shall be treated as capital.

29.2 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.

29.3 Any holiday pay which is not earnings shall be treated as capital.

29.4 Any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

29.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.

29.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

29.7 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.

29.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

29.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

30.0 Calculation of capital in the United Kingdom

30.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

- a. where there would be expenses attributable to the sale, 10 per cent.; and
- b. the amount of any encumbrance secured on it;

31.0 Calculation of capital outside the United Kingdom

31.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated:

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

32.0 Notional capital

- 32.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with section 33.
- 32.2 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 3; 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 Schedule 3 refers; or
 - (f) child tax credit; or
 - (g) working tax credit,
- any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.
- 32.3 Any payment of capital, other than a payment of capital specified in paragraph (4), made;
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in subparagraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- 32.4 Paragraph 32.3 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—
 - vi. 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;

- vii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- viii. 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.

32.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case;

- (a) the value of his holding in that company shall be disregarded; and
- (b) he shall 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.

32.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph (5) shall be disregarded.

32.7 Where an applicant is treated as possessing capital under any of paragraphs (1) and (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.

33.0 Diminishing notional capital rule.

33.1 Where an applicant is treated as possessing notional capital the amount which he is treated as possessing shall be reduced by the amount calculated by the authority as the weekly amount of council tax reduction lost due to the inclusion of the notional capital within the calculation.

33.1 The authority shall determine the frequency by which the notional capital is reduced.

34.0 Capital jointly held.

34.1 Where an applicant 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 applicant is treated as possessing as if it were actual capital which the applicant does possess.

35.0 Students - Student related definitions

35.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January 1st April 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

- (a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as "learner support funds", which are made available to

- students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

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

'contribution' means;

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
- (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holders 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 Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours

exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

'grant' means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary;

'grant income' means;

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

'higher education' means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; **'last day of the course'** means;

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

'period of study' means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

'periods of experience' means periods of work experience which form part of a sandwich course;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

'modular course' means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

'sandwich course' has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

'standard maintenance grant' means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

‘student’ means a person, other than a person in receipt of a training allowance, who is attending or undertaking–

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

‘student loan’ means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Student’s Allowances (Scotland) Regulations 2007

35.2 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.

35.3 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.

36.0 Students who are excluded from entitlement to council tax reduction.

36.1 Students except those define in paragraph (3) are not able to claim Council tax reduction under Classes D of the authority’s reduction scheme.

36.2 To be eligible for reduction, 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 person from abroad within the meaning of section 7 of this scheme (persons from aboard).

36.3 Paragraph 36.2 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) who is in receipt of a Personal Independence Payment;
- (d) 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;
- (e) (who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989,
- (f) 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);

- (g) 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.

36.4 For the purposes of paragraph (3(f)(i)) the student must have begun or been enrolled or accepted onto the course before attaining the age of 19.

36.5 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.

36.6 An intercalating student may be eligible for a reduction if the following circumstances are met:

- (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 (7).

36.7 The period specified for the purposes of paragraph (6) 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.

37.0 Students - Calculation of grant income

37.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs (2) and (3), be the whole of his grant income.

37.2 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 childcare costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

37.3 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.

37.4 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.

37.5 Subject to paragraphs (6) and (7), a student's grant income shall be apportioned;

- (a) subject to paragraph (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.

37.6 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.

37.7 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 shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

37.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

38.0 Students- Calculation of covenant income where a contribution is assessed.

38.1 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 (3), the amount of the contribution.

- 38.2 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 (1) by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.

39.0 Students - Covenant income where no grant income or no contribution is assessed.

39.1 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 the 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 in the 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.

39.2 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 (1).

40.0 Students - Covenant Income and Grant income – non-disregard

40.1 No part of a student's covenant income or grant income shall be disregarded under this scheme.

41.0 Treatment of student loans

41.1 A student loan shall be treated as income.

41.2 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.

41.3 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.

41.4 Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (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.

41.5 There shall be deducted from the amount of income taken into account under paragraph (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.

42.0 Students - Treatment of fee loans

42.1 A 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.

43.0 Students - Treatment of payments from access funds

43.1 A payment from access funds, other than a payment to which paragraph 43.2 applies, shall be disregarded as income.

- 43.2 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.

43.3 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.

44.0 Students - Disregard of contribution

44.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

45.0 Further disregard of student's income

45.1 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.

46.0 Students - Income treated as capital.

46.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

46.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

46.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

47.0 Students - Disregard of changes occurring during summer vacation.

47.1 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.

48.0 Maximum Council Tax Reduction

48.1 Subject to paragraphs (2) to (4), the amount of a person's maximum Council Tax Reduction in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;

- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

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

48.2 In calculating a person’s maximum Council Tax Reduction 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.

48.3 Subject to paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student who is excluded from entitlement to Council Tax Reduction applies, in determining the maximum Council Tax Reduction in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

48.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (3) shall not apply in his case.

49.0 Date on which entitlement is to begin.

49.1 Subject to paragraph (2), any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the date on which that claim is made or is treated as made.

49.2 Where a person is otherwise entitled to council tax reduction and becomes liable for the first time for the authority’s council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from the date of claim.

50.0 Date on which change of circumstances is to take effect.

50.1 A change of circumstances which affects entitlement to, or the amount of, a reduction under the authority’s scheme (“change of circumstances”), takes effect from the date on which the change actually occurs.

50.2 Where the change of circumstances is that income, or an increase in the amount of income, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

51.0 Making an application.

51.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

51.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian

- acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

51.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

51.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

51.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks' notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

51.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

51.7 The authority must;

- (a) inform any person making an application of the duty imposed on them
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

52.0 Procedure by which a person may apply for a reduction under the authority's scheme¹

52.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

52.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (d) a notification of Universal Credit or any legacy benefit from DWP, may be treated by the authority as a claim for reduction.

¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 52.3 An application which is made in writing must be made to the designated office on a properly completed form. The form must be provided free of charge by the authority for the purpose.
- 52.4 Where an application made in writing 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.
- 52.5 An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 52.6 If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
- 52.7 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.
- 52.8 If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.
- 52.9 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.
- 52.10 Where an applicant ('C') makes a claim which includes (or which C subsequently requests should include) a period before the claim is made, the authority may, at its discretion, treat the claim as made on an earlier date up to the first date of the financial year in which the request is received by the authority or up to 12 months from the date the claim is received, whichever is the earlier.
- 53.0 Date on which an application is made²**
- 53.1 Subject to sub-paragraph (7), the date on which an application is made is;
- (a) in a case where;
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,
 the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
 - (b) in a case where
 - (i) an applicant or his partner is a person in receipt of a guarantee credit,

² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) 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 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;

(d) 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 is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

- (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,
- the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which an application is received at the designated office.

53.2 For the purposes only of sub-paragraph (1)(c) 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.

53.3 Where there is a defect in an application;

(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 must 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 must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

53.4 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.

53.5 The conditions are that—
(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
(b) where an application is not on approved form or further information requested by authority applies;
(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
in either case, within such longer period as the authority may consider reasonable; or
(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

53.6 Except in the case of an application made by a person treated as not being in Great Britain, 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 that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

53.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's 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 its scheme for a period beginning not later than;
(a) in the case of an application made by;
(i) a pensioner, or
(ii) 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, 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.

53.8 In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions.

54.0 Submission of evidence electronically

54.1 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.

55.0 Use of telephone provided evidence

55.1 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.

56.0 Information and evidence³

- 56.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.
- 56.2 This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
 - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.
- 56.3 Sub-paragraph (2) does not apply;
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
 - (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.
- 56.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 56.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- 56.6 Where the authority makes a request under sub-paragraph (4), it must;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 56.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund; and
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
- 56.8 Where an applicant or a person to whom a reduction under the authority's scheme has been

³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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.

57.0 Amendment and withdrawal of application⁴

- 57.1 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 designated office.
- 57.2 Where the application was made by telephone the amendment may also be made by telephone.
- 57.3 Any application amended is to be treated as if it had been amended in the first instance.
- 57.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
- 57.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 57.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 57.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

58.0 Duty to notify changes of circumstances⁵

- 58.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
 - (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 58.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
 - (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of one month beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

58.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying;
(a) changes in the amount of council tax payable to the authority;
(b) changes in the age of the applicant or that of any member of his family;
(c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

58.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.

58.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

58.6 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances.

59.0 Decisions by the authority⁶

59.1 The authority must make a decision on an application under its scheme within 14 days or as soon as reasonably practicable thereafter.

60.0 Notification of decision⁷

60.1 The authority must notify in writing any person affected by a decision made by it under its 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.

60.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;
(a) informing the person affected of the duty imposed by paragraph 9(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.

60.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

60.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 60.5 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.
- 60.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- 60.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).
- 60.8 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(3) 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 to act for a person unable to act.

61.0 Time and manner of granting council tax reduction⁸

- 61.1 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.
- 61.2 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).
- 61.3 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

⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 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.

61.4 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).

62.0 Persons to whom reduction is to be paid⁹

62.1 Subject to paragraph (2), any payment of the amount of a reduction must be made to that person.

62.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

63.0 Shortfall in reduction¹⁰

63.1 Where, on the revision of a decision allowing a reduction under the 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 reasonably practicable, as soon as possible afterwards.

64.0 Payment on the death of the person entitled¹¹

64.1 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.

65.0 Offsetting

65.1 Where a person has been allowed or paid a sum of council tax reduction 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.

⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

66.0 Payment where there is joint and several liability¹²

- 66.1 Where;
- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
 - (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,
- it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.
- 66.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.
- 66.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment this scheme or is treated as having been so appointed, the amount of the reduction may be paid to that person.

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

- 67.1 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
- 67.2 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 requirements¹³..

68.0 Collection of information

- 68.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from–
- (a) persons making claims for council tax reduction;
 - (b) other persons in connection with such claims;
 - (c) other local authorities; or
 - (d) central government departments including the DWP and HMRC
- 68.2 The authority may verify relevant information supplied to or obtained.

69.0 Recording and holding information.

- 69.1 The authority may
- (a) may make a record of such information; and
 - (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

¹² Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

¹³ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

70.0 Forwarding of information.

70.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction 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 reduction.

71.0 Persons affected by Decisions.

71.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- (a) an applicant;
- (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction 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 reduction 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;

72.0 Terminations

72.1 The authority may terminate reduction in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
- (b) a decision as to an award of such a reduction should be revised or superseded.

72.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
- (b) a decision as to an award of such a reduction should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

73.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁴

73.1 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.

73.2 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.

73.3 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)

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

within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act¹⁵. Where, following notification under paragraph 2(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 2(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act within four months of the service of his notice.

74.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act¹⁶

74.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

74.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

75.0 Exceptional Hardship Scheme

75.1 The authority may provide additional help to an applicant who is entitled to reduction under its Exceptional Hardship Scheme.

75.2 Such payments shall be deemed to be made under S13A (1)(a) of the 1992 Act.

76.0 Interpretation for the use of electronic communication

76.1 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.

77.0 Conditions for the use of electronic communication

77.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

77.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

77.3 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.

77.4 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

¹⁵ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

77.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

77.6 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.

77.7 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.

77.8 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.

78.0 Use of intermediaries

78.1 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.

79.0 Effect of delivering information by means of electronic communication.

79.1 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.

79.2 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).

79.3 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.

80.0 Proof of identity of sender or recipient of information

80.1 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.

81.0 Proof of delivery of information

81.1 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.

81.2 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.

81.3 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.

82.0 Proof of content of information

82.1 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.

83.0 Counter Fraud and compliance

83.1 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 reduction;
- (b) Carry out investigations fairly, professionally and in accordance with the law; and
- (c) Ensure that sanctions are applied in appropriate cases.

83.2 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 reduction;
- (b) will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- (c) will actively tackle fraud where it occurs in accordance with this scheme;
- (d) will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- (e) will in all cases seek to recover all outstanding council tax.

83.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph (1) and (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

Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme.

- 1 The authority's Council Tax Reduction scheme from 2024/25 shall be calculated on the basis of the following Banded Discount Scheme:

Band	Discount (%)	Single person	Single person with one child	Single person with two children	Couple with no children	Couple with one child	Couple with two children
1	100	£0-155	£0-£210	£0-£265	£0-155	£0-£210	£0-£265
2	75	£155.01-£210	£210.01-£265	£265.01-£320	£155.01-£210	£210.01-£265	£265.01-£320
3	40	£210.01-£265	£265.01-£320	£320.01-£375	£210.01-£265	£265.01-£320	£320.01-£375
4	25	£265.01-£320	£320.01-£375	£375.01-£430	£265.01-£320	£320.01-£375	£375.01-£430
	0	Over £320	Over £375	Over £430	Over £320	Over £375	Over £430

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme.
 - The income of the applicant and partner as defined within this scheme;
 - The capital of the applicant and partner as defined within this scheme.
3. For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
4. Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, it should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
5. Any applicant whose capital is greater than £6,000 shall not be entitled to any Council Tax Reduction whatsoever (subject to Schedule 3 Capital Disregards).
6. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation decided by the Council.
7. *Where an applicant or partner is in receipt of Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.

Schedule 2

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

1. Any amount paid by way of tax on income.
2. 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.
3. 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.
3. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
4. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
5. 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.
6. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
7. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
8. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
9. Any disability living allowance or personal independence payment or AFIP
10. Any concessionary payment made to compensate for the non-payment of;
 - (a) income support;
 - (b) an income-based jobseeker's allowance.
 - (c) an income-related employment and support allowance.
11. 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.
12. Any attendance allowance.
13. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
14. (1) Any payment–
 - (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act

- 1980 (power to assist persons to take advantage of educational facilities);
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2) 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

(69) 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) 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).
- 15. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 16 (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost-of-living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 17 (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
- (70) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.

- 18. 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - l a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - l 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.

- 19. £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.

- 20. (1) Any income derived from capital to which the applicant is or is treated as beneficially entitled.

- 21. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, 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.

- 22. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
 - (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
 and the applicant makes payments by way of a contribution towards the student’s maintenance, other than a parental contribution defined within this scheme.
 - (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
 - (a) the weekly amount of the payments; or

- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.
23. Any payment made to the applicant by a child or young person or a non- dependant.
24. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.
25. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. Of such payments;
- (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. Of the excess over £20.00.
- (2) In this paragraph, ‘board and lodging accommodation’ means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
26. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to ‘income in kind’ does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
27. 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.
28. (1) Any payment made to the applicant in respect of a person who is a member of his family–
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
- (b) 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);

- (a) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
29. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under–
- (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
- (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
- (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (71) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
30. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by–
- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2) 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
31. 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).
32. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and continues to live with the applicant.
33. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis,

which are used to–

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
- (b) meet any amount due by way of premiums on–
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home, and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

- 34. Any payment of income which is to be treated as capital.
- 35. 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
- 36. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 37. 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.
- 38. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of–
 - (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death;
 - (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
 - (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.
(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;
 - (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
 - (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.
(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
 - (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person’s family; and
 - (b) the payment is made either;
 - (i) to that person’s parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

39. An amount of Universal Credit determined by the authority as the housing element or disabled child element.
40. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
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. 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).
43. (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);
I 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).
44. 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).

45. 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.
46. (1) Where an applicant's family includes at least one child or young person, £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 applicant's former partner, or the applicant'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).
47. (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 applicant's family, except where the person making the payment is the applicant or the applicant'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.
48. 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.
49. Any guardian's allowance.
50. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
 (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
51. 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.
52. 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.
- 53 (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).

54. 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

55. 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).

56. (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

(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account

57. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) ‘food’ does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

58. 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.

59. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

60. 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.

61. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the

applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.

62. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
63. Any payment of child benefit.
64. Any Windrush compensation payment.
65. Any payment made under the We Love Manchester Emergency Fund.
66. Any payment made under the London Emergency Trust.
67. The support component of Employment and Support Allowance.
68. Any amount of Housing Benefit.
69. Any payment deemed to be made by the authority under a local welfare provision.
70. Any increase in national welfare benefits made in relation to a crisis by Government which would result in a reduction in support.
71. Where the applicant or partner would have, **but for the implementation of this scheme**, received a disability premium, a further disregard of £40 shall be made from their income.
72. Any payment made under the Energy Rebate Scheme 2022 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."The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022.
73. Any payment made under by Government to compensate or redress for the victims of infected Blood.

Schedule 3
Capital to be disregarded.

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. 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.
4. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
5. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
6. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
7. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital provided that it is no more than £16,000.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
9. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
10. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction 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.

11. (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) an income-related benefit;
 - (b) an income-based jobseeker's allowance;
 - (c) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (d) working tax credit and child tax credit
 - (e) an income-related employment and reduction allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

12. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired, or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

12. Any sum—
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited, and which is to be used for the purchase of another home,
- for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

13. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.

14. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

15. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

16. (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)

(a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;

(b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);

(c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;

(d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

17. The value of the right to receive any income under a life interest or from a life rent.
18. The surrender value of any policy of life insurance.
19. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
20. 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).
21. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
22. Any social fund payment.
23. 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.
24. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
25. 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.
27. 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.
28. Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or

who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of–

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of–

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts 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 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) Any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings

Relief Charitable Fund.

28. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
- (2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.
29. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
30. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
31. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
32. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
33. The value of the right to receive an occupational or personal pension.
34. The value of any funds held under a personal pension scheme
35. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
36. 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).
37. 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.
38. 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.
39. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
(a) to purchase premises intended for occupation as his home; or
(b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
for a period of 26 weeks from the date on which he received such a grant, or such longer period

- as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
40. Any arrears of supplementary pension which is disregarded under this scheme but only for a period of 52 weeks from the date of receipt of the arrears.
41. (1) Any payment or repayment made—
 (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
 but only for a period of 52 weeks from the date of receipt of the payment or repayment.
 (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
42. 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.
43. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
44. 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.
45. 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.
46. 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.
47. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.
 (2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
48. (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.

49. 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.
50. Any payment to the applicant as holder of the Victoria Cross or George Cross.
51. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
52. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
53. (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to–
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;
- or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of–
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.
57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending–
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person–
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is–
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to–
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or

- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending–
- (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.
- (5) In this paragraph, a reference to a person–
- (a) being the diagnosed person’s partner;
 - (b) being a member of a diagnosed person’s family;
 - (c) acting in place of the diagnosed person’s parents,
- at the date of the diagnosed person’s death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph– ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
 ‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
 ‘trust payment’ means a payment under a relevant trust.
58. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
59. (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) ‘local authority’ includes in England a county council.
60. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
61. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
62. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
63. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments),
64. Any Windrush compensation payment.
65. Any payment made under the We Love Manchester Emergency Fund.
66. Any payment made under the London Emergency Trust.

67. Any payment made under the Energy Rebate Scheme 2022 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.
"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022
68. Any payment made under by Government to compensate or redress for the victims of infected Blood.
- 69. 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

Schedule 4
Sums to be disregarded in the calculation of earnings

1. Where child care charges apply, the authority may deduct an amount from the earnings of an applicant as specified in this schedule.
2. The disregard applies to applicants who are employed or self-employed.
3. For the avoidance of doubt only one disregard shall be applied per application.

Treatment of child care charges

- 4 This section applies where an applicant is incurring relevant child-care charges and;
 - (a) is a lone parent and is engaged in remunerative work;
 - (b) is a member of a couple both of whom are engaged in remunerative work; or
 - (c) is a member of a couple where one member is engaged in remunerative work and the other;
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
5. For the purposes of paragraph 4 and subject to paragraph 7, a person to whom paragraph 6 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
 - (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - (c) is paid an employment and support allowance;
 - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
6. 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.
7. In a case to which paragraph 5d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 8 Relevant child care charges are those charges for care to which paragraphs 9 and 10 apply and shall be calculated on a weekly basis in accordance with paragraph 13.
- 9 The charges are paid by the applicant for care, which is provided:
 - (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 10 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 11 and are not paid—
 - (a) in respect of the child's compulsory education;
 - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for

- whom either or any of them is responsible; or
- (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 11 The care to which paragraph 10 refers may be provided;
- (a) out of school hours, by a school on school premises or by a local authority;
- i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
- ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999;
- (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
- (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
- (e) by;
- i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
- ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
- (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- (k) by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering, or kinship carer is looking after; or
- (l) by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- (m) by a person who is not a relative of the child wholly or mainly in the child's home.
- 12 'The first Monday in September' means the Monday which first occurs in the month of September in any year.
- 13 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.
- 14 For the purposes of paragraph 4 (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.
- 15 For the purposes of paragraph 14 once paragraph 14(d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work,

that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

- 16 For the purposes of paragraph 14, once paragraph 14(e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.
- 17 For the purposes of paragraphs 9 and 11(a), a person is disabled if he is a person—
- (a) in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
 - (b) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - (c) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- 18 For the purposes of paragraph 4 a woman 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 ('the relevant period') provided that—
- (a) in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
 - (b) the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
 - (c) she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.
- 19 For the purposes of paragraph 18 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.
- 20 In these paragraphs:
- (a) **'qualifying support'** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987;
 - (b) **'child care element'** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002;
 - (c) **'relevant child care costs'** means an amount;
 - (i) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
 - (ii) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week; and
 - (d) **'remunerative work'** means an average of 16 hours per week or more undertaken by the applicants or partner.

- 21 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

Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Working Age Council Tax Reduction Scheme 2025/2026	
Date Conducted	22/10/2024	
Name of Lead Officer and Service Area	Michael Buckland, Head of Revenues and Benefits	
Commissioning Team (if applicable)		
Director Responsible for project/service area	Jo Goodfellow, ED Finance	
Who are the main stakeholders	Corporate Management Team (CMT) and Elected Members, Staff, Precepting Authorities, Working Age Council Tax Reduction applicants, Residents	
Describe what consultation has been undertaken. Who was involved and what was the outcome	Corporate Management Team to review and agree the report. No actual formal consultation is required as there have been no fundamental changes required. This is an extension to the scheme.	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	N/A	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	X
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	X
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget	<input type="checkbox"/>

	constraints / End of Contract	
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Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

The purpose of this report is to recommend that Cabinet and Council approves the Council Tax Reduction scheme from the 1 April 2025

Who will be affected and how?

Residents, customers, employees, voluntary sector, Preceptors

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

Housing , Revenues & Benefits, Customer Services

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The scheme will affect working age applicants only. Pension age applicants will not be affected as their scheme is prescribed by Government. The level of support to be provided will be maintained and the majority of working age applicants will receive the same level of support. Inevitably with any scheme there may be some losers. In the first year a transitional protection scheme was applied for large losers. Whilst this will now cease in Year 2 the applicant may apply for support under the Council's Exceptional Hardship scheme.
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The scheme will have no differential impact due to disability, the proposed scheme is designed to continue to protect the disabled by disregarding disability benefits such as Disability Living Allowance and Personal Independence Payments. The scheme will also further protect disabled applicants as it may provide a further income disregard of £40 which will reduce the level of income taken into

			account when calculating any support.
Gender Reassignment	<input type="checkbox"/>	X	The scheme applies consistent and fair treatment irrespective of gender reassignment
Marriage and Civil Partnership	<input type="checkbox"/>	X	The scheme applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	X	The scheme applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	X	The scheme will have no differential impact due to race
Religion or belief	<input type="checkbox"/>	X	The scheme will have no differential impact due to religious belief
Sexual orientation	<input type="checkbox"/>	X	The scheme will have no differential impact due to sexual orientation
Sex	<input type="checkbox"/>	X	The scheme applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	X	The scheme will have no differential impact to gypsies or travellers
Those with caring/dependent responsibilities	<input type="checkbox"/>	X	The scheme provides additional support by disregarding Housing Costs within Universal Credit along with the disabled child element
Those having an offending past	<input type="checkbox"/>	X	The scheme will have no differential impact to those with an offending past
Children	<input type="checkbox"/>	X	The scheme will have no differential impact to those with children and protects families
Vulnerable Adults	<input type="checkbox"/>	X	The scheme provides protections for vulnerable adults in the following ways: Vulnerable adults <ul style="list-style-type: none"> the scheme (as previously indicated), disregards Personal Independence Payments, Disability Living Allowance and the support component of Employment and Support Allowance; When any household has a disabled applicant, partner or dependant and additional income disregard of up to £40 may be given against income, thereby potentially increasing the level of support available.
Families	<input type="checkbox"/>	X	The scheme provides protections for families in the following ways: Families <ul style="list-style-type: none"> the scheme allows additional income levels (for the same level of support) depending on whether there is one or two (or more) dependants; the scheme disregards child benefit and child maintenance.
Those who are homeless	<input type="checkbox"/>	X	The Homelessness Team, Customer Services & Revenues & Benefits Teams ensure that any customers with a liability have access to this scheme
Those on low income	<input type="checkbox"/>	X	The scheme has been designed to assist those on the lowest incomes

Those with drug or alcohol problems	<input type="checkbox"/>	X	The scheme will have no differential impact to those with drug or alcohol problems
Those with mental health issues	<input type="checkbox"/>	X	There may be those have limited capacity to make a claim but support via Customer Services, Revenues and Benefits Teams and other partners, community groups, TAC and in direct communication with carers is available.
Those with physical health issues	<input type="checkbox"/>	X	There may be those have limited capacity to make a claim but support via Customer Services, Revenues and Benefits Teams and other partners, community groups, TAC and in direct communication with carers is available.
Social inclusion Please include refugees and asylum seekers,	<input type="checkbox"/>	X	The scheme will have no differential impact to refugees and asylum seekers. A translation service is available to ensure accessibility.
Social inclusion: Armed Forces The Armed Forces Covenant is a pledge that together we acknowledge and understand that those who have served in the armed forces, and their families, should be treated with fairness and respect and any impact should be considered	<input type="checkbox"/>	X	The scheme will have no differential impact due to The Armed Forces Covenant
Health and Wellbeing	<input type="checkbox"/>	X	The scheme will help those most in need which will in part contribute to in some cases to an improvement in their health & wellbeing
Climate Change	<input type="checkbox"/>	X	No impact as a direct result of this report

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications. this includes climate change considerations

This is the section in which to please outline any actions to mitigate negative or enhance positive impacts in terms of economic, environmental or wider societal considerations, and actions to review and monitor the overall impact of the change accordingly.

Impact Area	Details of the Impact	Action to reduce risk
N/A		

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your Community Impact Assessment, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
N/A	Full monitoring of scheme implementation on a monthly basis in line with the accepted project plan			

Date of Review (If applicable)

Guidance and form updated xxxxxx following CMT approval.

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Tuesday, 10 December 2024

Report of the Leader of the Council

Pay Policy 2024

Exempt Information

None.

Purpose

The report details Tamworth Borough Council's Pay Policy Statement so that statutory guidance as set out in Section 38 of the Localism Act is adhered to.

Recommendations

It is recommended that:

The Policy Statement 2024 is formally approved by full Council for adoption and publication in line with the Localism Act 2011.

Executive Summary

Under Section 112 of the Local Government Act 1972, the council has the "power to appoint officers on such reasonable terms and conditions as authority thinks fit". The Pay Policy Statement (Appendix 1) sets out the council's approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011.

The purpose of the statement is to provide transparency with regards to the council's approach to setting the pay of its employees by identifying:

- The methods by which salaries of all Tamworth Borough Council employees are determined,
- The detail and level of remuneration of Tamworth Borough Council's most senior staff i.e. 'chief officers', as defined by the relevant legislation,
- The committees responsible for ensuring the provisions set out in this statement are applied consistently throughout the council and recommending any amendments to full council.

Once approved by full council, this policy statement will come into effect and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time.

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 require Tamworth Borough Council to calculate and publish the pay gap between male and female employees each year. The data is based on the pay situation as of 31 March each year and is published on Tamworth Borough Council's and the Government's website.

Options Considered

Not applicable.

Resource Implications

There are no resource implications association with this report. All pay is accounted for within the approved Council budget.

Legal/Risk Implications

Section 38 of the Localism Act must be complied with, therefore, so as to mitigate the risk this report must be approved by full council.

Equalities Implications

The Localism Act was subject to consideration in terms of compatibility with the European Convention of Human Rights and contains a statement by the then Secretary of State that the provisions are compatible with equalities legislation. The pay policy statement is now part of a wider transparency and equalities framework alongside gender pay gap reporting requirements.

For the reporting period 31 March 2024, the median gender pay gap was minus1.4% which means that for the first time, women's median hourly rate is more than males and the mean gender pay gap has reduced significantly to 0.8%.

All pay is applied fairly and equally under the Council's job evaluation scheme.

Appendix 4 details the community impact assessment.

Environment and Sustainability Implications (including climate change)

Not applicable

Background Information

The council has published a pay policy on an annual basis, in line with legislation, since 2012. The first annual gender pay gap report was published in 2018 to meet new legislative requirements.

Report Author

Jackie Noble – Head of HR and OD

List of Background Papers

Pay Policy and Gender Pay Gap 2023

Appendices

- Appendix 1 Pay Policy Statement 2024
- Appendix 2 Salary scales 2024
- Appendix 3 Gender pay gap report 2024
- Appendix 4 Community impact assessment

Tamworth Borough Council
Gender Pay Gap Report 31 March 2024

Background

Tamworth Borough Council (TBC) is committed to embedding equality, diversity and inclusion in delivery of its services and in the employment of its workforce. We have a duty to comply with the Public Sector Equality Duty and Equality Act 2010. The gender pay gap information forms part of that.

We have a commitment to closing the gender pay gap and are proud of the work done since 2017 which continues to see a decline in the gap. We have published our Gender Pay Gap since 2018 to meet government requirements that employers with 250 or more employees must publish information each year to show the difference in average pay between male and female employees.

This is TBC's eighth annual report and provides data as at a "snapshot" date of 31 March 2024.

The gender pay gap report sets out Tamworth Borough Council's results in relation to 6 calculations:

Mean Gender Pay Gap	The difference between the mean hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees.
Median Gender Pay Gap	The difference between the median hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees.
Mean Bonus Gap	The difference between the mean bonus pay paid to male relevant employees and that paid to female full pay relevant employees.
Median Bonus Gap	The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees.
Bonus proportions	The proportions of male and female relevant employees who were paid a bonus during the relevant period.
Pay Quartile	The proportions of male and female full pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands.

The Council must publish its result both on its own website and the government gender pay gap service website. The data analysed relates to all employees of Tamworth Borough Council employed in temporary or permanent contracts on the reporting snapshot date (known as relevant employees). It includes those under an apprenticeship or contract to provide a service which falls under the IR35 regulations. Pay is based on ordinary pay which includes basic pay (hourly rate), contractual enhancements (such as stand by or essential car user) and sick pay. Pay excludes expenses, overtime pay, pay in lieu of leave, benefits in kind and redundancy pay.

How does Tamworth Borough Council's gender pay gap compare to previous years?

Headcount:

Tamworth Borough Council's headcount was 358 as of 31 March 2024.

232 (64.80%) of employees are female and 126 (35.20%) of employees are male. This is an increase in headcount of 17. The proportion of female employees has decreased by 1.18%.



35.20%



64.80%

	Female's earnings are
Mean gender pay gap in hourly rate	0.8% lower
Median gender pay gap in hourly rate	1.4% higher

Gender Pay Gap Outcomes

The results of the 6 required calculations are outlined below, based on data for the snapshot date of 31st March 2024 and are also compared with the data from previous years.

Gender	Full pay relevant employee count							
	31 March 2024	31 March 2023	31 March 2022	31 March 2021	31 March 2020	31 March 2019	31 March 2018	31 March 2017
Female	232 (64.80%)	225 (65.98%)	215 (63.61%)	196 (63.84%)	206 (64.58%)	216 (62.42%)	217 (63.26%)	214 (61.85%)
Male	126 (35.2%)	116 (34.02%)	123 (36.39%)	111 (36.16%)	113 (35.42%)	130 (37.58%)	126 (36.67%)	132 (38.15%)
Total	358	341	338	307	319	346	343	346

Mean Gender Pay Gap

The mean (average) gender pay gap is the difference between the mean hourly pay rate of relevant male employees and that of relevant female employees as a percentage of men's earnings.

Gender	Mean hourly rate							
	31 March 2024	31 March 2023	31 March 2022	31 March 2021	31 March 2020	31 March 2019	31 March 2018	31 March 2017
Female	17.32	15.83	14.64	14.63	13.92	13.60	13.11	13.11
Male	17.46	16.91	15.57	15.80	14.87	15.29	15.00	14.79
Mean Average	17.37	16.19	14.98	15.05	14.26	14.24	13.80	13.75
% mean hourly rate is lower for women	0.8%	6.39%	5.96%	7.42%	6.41%	11.03%	12.6%	11.37%

The mean hourly pay for female employees is £17.32 and for male employees it is £17.46. The mean gender pay gap is 0.14 pence per hour or 0.8%. The mean hourly pay gap has **decreased** by 5.59%.

Median Gender Pay Gap

The median (middle value) gender pay gap is the difference between the median hourly pay rate of the relevant male employees and that of relevant female employees as a percentage of men's earnings.

Gender	Median Hourly Rate							
	31 March 2024	31 March 2023	31 March 2022	31 March 2021	31 March 2020	31 March 2019	31 March 2018	31 March 2017
Female	15.96	14.63	13.41	13.03	12.59	12.08	11.98	12.18
Male	15.74	14.87	14.16	14.01	13.63	13.19	13.05	12.97
Median Average	15.92	14.63	13.42	13.44	12.99	12.66	12.70	12.8
% median hourly rate is lower for women	-1.4%	1.58%	5.3%	7%	7.63%	8.45%	8.2%	6.05%

The median hourly pay for female employees in £15.96 and for male employees it is £15.74. The mean hourly pay gap is -0.22 pence per hour or -1.4%. The mean hourly pay gap **decreased** by 2.98% to -1.4% which means that women's median hourly rate is now more than males.

Comparison of mean and median:



	2017	2018	2019	2020	2021	2022	2023	2024
Mean	11.37	12.19	11.03	6.41	7.42	5.96	6.39	0.8%
Median	6.05	8.2	8.45	7.63	7.7	5.3	1.58	-1.4%

Breakdown by quartile:

The breakdown of genders in each quartile shows an increase of female employees in the top quartile; 65.17% female employees compared to 64.71% in the previous year. 34.83% of employees in this quartile are male compared to 35.29% in the previous year. The percentage remains reflective of the organisation's overall gender profile with 64.80% of females making up the workforce. There has been significant progress in this quartile, with an increase of 15.85% of female employees within this quartile since reporting commenced.

The upper middle quartile is 66.29% female and 33.71% male. The percentage of females in this quartile is slightly less than the previous year. The number of females within this quartile is now slightly higher than the organisation's overall gender profile.

The lower middle quartile is 55.43% female and 44.57% male. The percentage of females in this quarter decreased by 2.22% from the previous year.

The lower quartile is 71.43% female and 28.57% male. This continues to reflect a disproportionate number of females in this quartile compared against the overall gender breakdown of the organisation.

Quartile Pay Bands

The proportions of male and female relevant employees in the four quartiles for the current and previous submissions:

Proportion of male and female by quartile:

	2024	2023	2022	2021	2020	2019	2018	2017
Lower Quartile	91	85	79	70	128	71	69	61
Lower Middle Quartile	92	85	90	82	92	102	102	109
Upper Middle Quartile	89	85	80	76	83	84	86	103
Upper Quartile	89	85	89	79	78	89	86	73

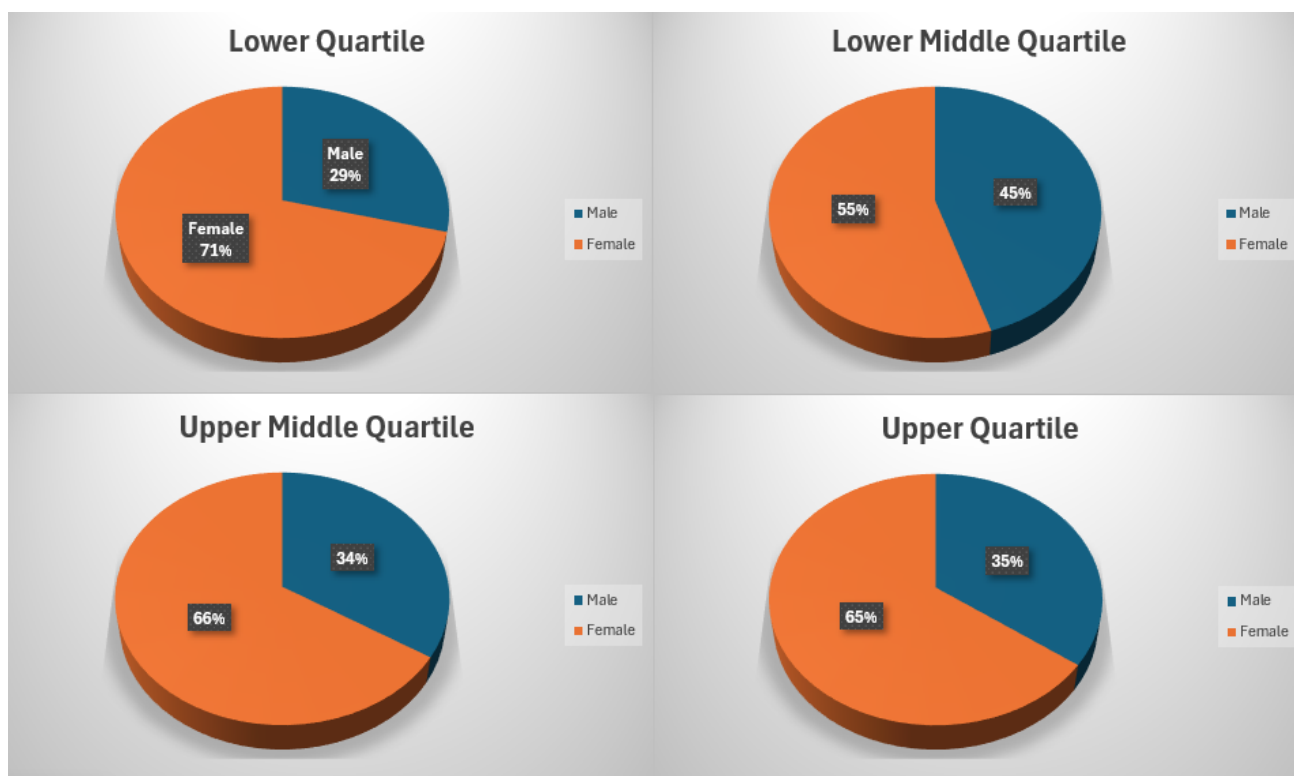
Proportion of males in each quartile

	2024	2023	2022	2021	2020	2019	2018	2017
Lower Quartile	26 28.57%	22 25.88%	20 25.32%	17 24.29%	42 32.81%	18 25.35%	13 18.84%	14 22.95%
Lower Middle Quartile	41 44.57%	36 42.35%	41 45.56%	31 37.80%	33 35.87%	42 41.17%	41 40.20%	44 40.37%
Upper Middle Quartile	30 33.71%	27 31.76%	25 31.25%	31 40.79%	31 37.5%	27 32.14%	29 33.72%	37 35.92%
Upper Quartile	31 34.83%	30 35.29%	37 41.57%	32 40.51%	33 42.31%	43 48.31%	43 50%	37 50.68%

Proportion of females in each quartile

	2024	2023	2022	2021	2020	2019	2018	2017
Lower Quartile	65 71.43%	63 74.12%	59 74.68%	53 75.71%	86 67.19%	53 74.65%	56 81.16%	47 77.05%
Lower Middle Quartile	51 55.43%	49 57.65%	49 54.44%	51 62.20%	59 64.13%	60 58.82%	61 59.80%	65 59.63%
Upper Middle Quartile	59 66.29%	58 68.24%	55 68.75%	45 59.21%	52 62.65%	57 67.86%	57 66.28%	66 64.08%
Upper Quartile	58 65.17%	55 64.71%	52 58.43%	47 59.49%	45 57.69%	46 51.69%	43 50%	36 49.32%

By pay quartile for employees of Tamworth Borough Council



The above charts show Tamworth Borough Council’s workforce divided into four equal-sized groups based on hourly pay rates, the lowest paid 25% of employees (the lower quartile) rising to the highest paid 25% (the upper quartile).

Within the council, 71% of the employees in the lower quartile are women and 29% are men. A disproportionate number of women are within this quartile, which is known as occupational segregation, where more women than men are concentrated in certain occupations. Historical societal factors, such as gender stereotypes, affect career choices. In TBC’s case roles such as

cleaners, castle visitor service assistants and customer service assistants are the lowest pay grade within the council and are still predominantly female.

Bonus pay gap

Tamworth Borough Council does not pay bonus payments to employees in line with the criteria within the scope of the data requirements and therefore we are unable to report on this element.

How does Tamworth Borough Council's gender pay gap compare with that of other organisations?

The Office of National Statistics (ONS) Annual Survey of hours and earnings report the median pay gap for 2023 was 7.7%.

Within the public sector, it was 12.1%, within the private sector it was 8% and within non-profit bodies it was 2.7%. The Local Government's gender pay gap was 1.8%.

Local Government Authority research found; women in English local authorities were paid 3.5% less than men in **mean** pay and 1.7% less than men according to **median** pay. The median pay gap in the West Midlands region was 3.7%.

Neighbouring Borough and District Councils reported for April 2023 as follows:

	Mean	Median
Tamworth Borough Council	6.39	1.58
Lichfield District Council	-4.3	-1.9
Cannock Chase District Council	11.5	23.3
East Staffordshire Borough Council	1.1	-1.8
Stafford Borough Council	2.4	-4.0
Newcastle Under Lyme Borough Council	0.2	2.8
South Staffordshire Council	4.9	7
North Warwickshire Borough Council	2%	0%
Rugby Borough Council	-0.1%	0%
Nuneaton and Bedworth Borough Council	0.9%	3.2%
Hinckley and Bosworth Borough Council	3.1%	6.7%

What are the underlying causes of Tamworth Borough Council's gender pay gap?

Incremental progress has been made since 2017 when we were first required to report on the gender pay gap.

Under employment legislation, men and women must receive equal pay for:

- The same or broadly similar work;

- Work related as equivalent under a job evaluation scheme; or
- Work of equal value.

Tamworth Borough Council is therefore confident that its gender pay gap does not stem from paying men and women differently for the same or equivalent work. Rather its gender pay gap is the result of the roles in which men and women choose to apply for within the organisation and the salaries that these roles attract.

Across the UK economy as a whole, men are more likely than women to be in senior roles (especially very senior roles at the top of organisations), while women are more likely than men to be in front line roles at the lower end of the organisation. Women are more likely than men to have had breaks from work that have affected their career progression, for example to bring up children. They are also more likely to work part time, and many of the jobs that are available across the UK on a part time basis are relatively low paid.

The last two pay awards, effective from 1 April 2022 and 1 April 2023 has favourably impacted on the gender pay gap. All employees received a lump sum payment of £1,925 (FTE), which amounted to a pay award ranging from 10% for those occupying the lowest graded roles, to 1.0% for the highest graded role. As females occupy more roles in the lowest quartile, their salaries increased more percentage wise, thus reducing the median gender pay gap.

What is Tamworth Borough doing to address its gender pay gap?

Tamworth Borough Council is an inclusive and fair employer, committed to the principle of equal opportunities and equal treatment for all employees, regardless of sex, race, religion or belief, age, marriage or civil partnership, pregnancy/maternity, sexual orientation, gender reassignment or disability. It has a clear policy of paying employees equally for the same or equivalent work, regardless of their sex (or any other characteristic set out above). As such, job roles are evaluated to determine pay grades irrespective of the post holder's gender.

To date, Tamworth Borough Council has taken steps to promote gender diversity in all areas of its workforce. The council has considered all aspects of the employee life cycle; attraction, recruitment, on boarding, development, retention and separation, including the following:

- All vacancies are eligible for part time and full time staff.
- Recruitment is standardised with a structured interview and often with tasks to reduce bias.
- Recruitment adverts ensure inclusivity and are not gender biased.
- Our SMART working strategy continues to assist to attract and develop the best talent.
- Applicants are shortlisted with their personal details anonymised.
- Governance is in place to ensure starting salaries above the minimum spinal column point for the grade are fair and equitable.
- All job roles are evaluated via nationally recognised mechanisms.
- The executive levels of the organisation are appointed to spot a salary which limits the opportunity to negotiate and thus removes bias.
- Leave policies promoting flexible working; including part time, job share, flexible start and finish times for all staff and new entrants.
- TBC supports parents with maternity leave, shared parental leave and adoption leave.
- Male and female employees receive the same enhancements for overtime and allowances.
- Employees with caring responsibilities are supported with carer's leave

- Training and development (including professional qualifications) is available to all staff.
- We will continue to encourage and monitor the take up of mandatory Diversity and Inclusion training to further minimise discrimination.
- We will provide a leadership and management development programme to establish a talent pipeline for leaders and managers of the future.
- Performance is not linked to pay awards. Research has proven men are more successful at negotiating higher performance ratings.
- Exit interviews are carried out and any areas of concern are examined.

Work continues to deliver the actions above.

Future actions

Tamworth Borough Council is committed to reporting on an annual basis on what it is doing to resolve the gender pay gap and the progress it is making. Furthermore, all TBC policies are community impact assessed to minimise unfavourable treatment on staff. Tamworth Borough Council continues to be committed to report on an annual basis on what it is doing to reduce the gender pay gap and maintain the progress made. Tamworth Borough Council will continue to embed equality and diversity within everything we do.

Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Pay Policy statement 2024	
Date Conducted	27 September 2024	
Name of Lead Officer and Service Area	Jackie Noble, Head of HR and OD	
Commissioning Team (if applicable)		
Director Responsible for project/service area	Anica Goodwin, Executive Director Organisation	
Who are the main stakeholders	All employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	None. The report details payments made to employees to comply with the Localism Act.	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	
	A policy	x
	A function, service or project	
What kind of assessment is it? Indicate with an 'x' which applies	New	
	Existing	
	Being reviewed	x
	Being reviewed as a result of budget constraints / End of Contract	

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

Pay Policy and Gender Pay gap annual report
Outcomes include transparency, fairness, consistent and non-discriminatory pay, compliance with legislation, application and accountability

Who will be affected and how?

All employees

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

Allowances and honorariums

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age		X	Not a factor
Disability		X	Not a factor
Gender Reassignment		X	Not a factor
Marriage and Civil Partnership		X	Not a factor
Pregnancy & Maternity		X	Not a factor
Race		X	Not a factor
Religion or belief		X	Not a factor
Sexual orientation		X	Not a factor
Sex		X	Not a factor. Pay modelling included an impact assessment to ensure our salary scales were not discriminatory on the grounds of sex
Gypsy/Travelling Community		X	Not a factor
Those with caring/dependent responsibilities		X	Not a factor
Those having an offending past		X	Not a factor

Children		X	Not a factor
Vulnerable Adults		x	Not a factor
Families		X	Not a factor
Those who are homeless		X	Not a factor
Those on low income		X	Not a factor
Those with drug or alcohol problems		X	Not a factor
Those with mental health issues		X	Not a factor
Those with physical health issues		X	Not a factor
Social inclusion Please include refugees and asylum seekers,		X	Not a factor
Social inclusion: Armed Forces The Armed Forces Covenant is a pledge that together we acknowledge and understand that those who have served in the armed forces, and their families, should be treated with fairness and respect and any impact should be considered		X	Not a factor
Health and Wellbeing		X	Not a factor
Climate Change		X	Not a factor

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications. this includes climate change considerations

This is the section in which to please outline any actions to mitigate negative or enhance positive impacts in terms of economic, environmental or wider societal considerations, and actions to review and monitor the overall impact of the change accordingly.

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living & subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your Community Impact Assessment, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Pentana			

Date of Review (If applicable)

Guidance and form updated July 2023 following CMT approval.

Tamworth Borough Council Grade Structure		01.04.24 New Salary	01.04.24 hourly rate	01.04.24 monthly rate
Grade	Spinal Column Point			
A	2	23656	12.2615	1971.33
B	3	24027	12.4538	2002.25
C	4	24404	12.6492	2033.67
	5	24790	12.8493	2065.83
	6	25183	13.0530	2098.58
D	7	25584	13.2609	2132.00
	8	25992	13.4723	2166.00
	9	26409	13.6885	2200.75
	10	26835	13.9093	2236.25
	11	27269	14.1342	2272.42
	12	27711	14.3633	2309.25
	13	28163	14.5976	2346.92
Not used	14	28624	14.8366	2385.33
	15	29093	15.0797	2424.42
	16	29572	15.3280	2464.33
E	17	30060	15.5809	2505.00
	18	30559	15.8395	2546.58
	19	31067	16.1029	2588.92
	20	31586	16.3719	2632.17
	21	32115	16.6461	2676.25
	22	32654	16.9254	2721.17
F	23	33366	17.2945	2780.50
	24	34314	17.7859	2859.50
	25	35235	18.2632	2936.25
	26	36124	18.7240	3010.33
	27	37035	19.1962	3086.25
	28	37938	19.6643	3161.50
G	29	38626	20.0209	3218.83
	30	39513	20.4806	3292.75
	31	40476	20.9798	3373.00
	32	41511	21.5163	3459.25
H	33	42708	22.1367	3559.00
	34	43693	22.6472	3641.08
	35	44711	23.1749	3725.92
	36	45718	23.6969	3809.83

Not used	37	46731	24.2219	3894.25
	38	47754	24.7522	3979.50
I	39	48710	25.2477	4059.17
	40	49764	25.7940	4147.00
	41	50788	26.3248	4232.33
	42	51802	26.8504	4316.83
	43	52805	27.3702	4400.42
J	44	54070.08	28.0260	4505.84
	45	55390.40	28.7103	4615.87
	46	56703.27	29.3908	4725.27
Assistant Directors	AD1	69753.74	36.1552	5812.81
	AD2	71446.80	37.0328	5953.90
	AD3	73139.40	37.9101	6094.95
	AD4	75396.60	39.0801	6283.05
Executive Director	EX2	100224.24	51.9489	8352.02
Executive Director - Head of Paid Service	EX1	105,866.84	54.8736	8822.24
Chief Executive	100	128437.34	66.5725	10703.11

2024 % increase
5.768
5.674
5.581
5.489
5.399
5.310
5.222
5.136
5.050
4.966
4.882
4.800
4.719
4.640
4.561
4.484
4.407
4.332
4.258
4.185
4.113
4.022
3.906
3.800
3.703
3.609
3.520
3.455
3.375
3.292
3.207
3.115
3.042
2.971
2.904

2.839
2.776
2.720
2.661
2.606
2.554
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2.50%
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Pay Policy Statement 2024

Document Status: Final

Document Ref: HRPP2021

Originator: Jackie Noble

Owner: Zoe Wolicki/ Anica Goodwin

Version: 01.01.11

Date: October 2024

For Approval by Full Council

Classification: SEC1 - Routine

Document Location

This document is held by Tamworth Borough Council, and the document owner is Anica Goodwin. Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
17.01.13	2013	Update figures and spinal column points
09.01.14	2014	Reviewed & updated with 2013 pay settlement
10.02.15	2015	Updated following 2015 settlement
04.03.15	2015	Finalised figures based on recommendations of Leader & Appointments & Staffing Committee 26.2.15
17.02.16	2016	Reviewed & Updated
16.02.17	2017	Reviewed and updated
20.03.17	2017 final	Finalised for Full Council Approval
13.04.18	2018	New format, reviewed information and updated with 2018 pay settlement Addition of gender pay information
04.04.19	2019	Reviewed information and updated with 2019 new grade structure and gender pay information
24.08.20	2020	Reviewed and updated
07.09.20	2020	Updated to take into account 2020 pay settlement
17.05.21	2021	Reviewed and updated with 2021 pay settlement
23.05.22	2022	Reviewed and updated with 2022 pay settlement
24.11.23	2023	Reviewed and updated with 2023 pay settlement
27.09.24	2024	Reviewed and updated with gender pay gap and pay settlement

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appointments & Staffing	Head of Paid Service	
Full Council	Leader of the Council	

Approval Path

Major Change

Anica Goodwin

Stephen Gabriel

Trade Union Liaison Group

Appointments & Staffing

CMT / Cabinet

Full Council

Action

Submission

Sponsor

Consultative Group

Approval

Corporate Approval

Council Approval

Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

Distribution

The document will be published on our internet site.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council staff and business partners.

1. Purpose and Scope of the Policy Statement

- 1.1 Section 38 (1) of the Localism Act 2011 requires the council to prepare an annual pay policy statement.
- 1.2 The purpose of this statement is to provide transparency about the council's approach to setting the pay of its employees by identifying:
- The detail and level of salary for each of the chief officers as defined by relevant legislation
 - The salary of the lowest paid employee
 - The relationship between the salaries of chief officers and other employees
 - The methods by which salaries and grades of employees are determined
 - The committee responsible for ensuring the provisions set out in this statement are applied consistently throughout the council and recommending any amendments to full council
- 1.3 In determining the pay of all employees, the council will comply with all relevant employment legislation. This includes the:
- Equality Act 2010 (incorporating the Gender Pay Gap Regulations 2017)
 - Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000,
 - Agency Workers Regulations 2010 (amended 2020)
 - Transfer of Undertakings (Protection of Earnings) Regulations 2006
 - National Minimum Wage (Amendment) Regulations 2018
- 1.4 This Pay Policy Statement applies to the council's chief officers. It addresses the legal requirement to set out how pay is determined for this group. This includes the following posts within Tamworth Borough Council:
- Chief Executive
 - Executive Directors
 - Assistant Directors
- 1.5 This Pay Policy Statement is a supplement to Tamworth Borough Council's overarching pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:
- Tamworth Borough Council Pay Policy
 - Job Evaluation Scheme
 - NJC Terms and Conditions of Employment (Green Book)
 - JNC Terms and Conditions for Chief Executives (Chief Executive and Deputy Chief Executive are appointed to these terms and conditions)
 - JNC Terms and Conditions for Chief Officers (Executive Directors and Assistant Directors within Tamworth Borough Council are appointed to these Terms and Conditions).
 - Honorarium, Acting Up and Ex gratia Policy
 - Travel, Subsistence & Expenses Policy

- Flexible Retirement Policy
- Additional Payments Policy
- Other Payments Policy including long service award
- Employer Pension Discretion Policy
- Smart Working policy including home working allowance

Once approved by full council, this policy statement will come into immediate effect and will be subject to review on a minimum of an annual basis.

2. Arrangements for officer pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief executive, executive directors and assistant directors - JNC for chief officers of local authorities,
- All other employee groups - NJC for Local Government Services

2.2 The council uses two forms of job evaluation to identify officer pay. This is either through the council's Gauge job evaluation scheme or the Hay evaluation scheme. The Hay job evaluation scheme is used to evaluate the following roles within the council:

- Chief Executive
- Executive Directors and Assistant Directors
- Heads of Service are evaluated under Gauge and Hay (this is due to the cross over point of the two schemes).

All other posts within the council are evaluated under the Gauge evaluation scheme in accordance with the agreed policies.

TBC conforms with the Local Government Association "Diverse by Design Guide" which provides a range of steps to positively influence a culture of equality and inclusion. In order to have a transparent and fair reward and recognition scheme, the job evaluation scheme brings equity and fairness to the way TBC values and rewards jobs, it brings pay transparency and reduces pay inequality by providing a framework which is applied consistently. Job evaluation evaluates the job and not the person and judges the demands of the job in a way that is as objective as possible. Furthermore, it removes any element of discretion, which can introduce bias.

2.3 Based on the application of the relevant job evaluation process; the council uses the nationally negotiated pay spine as the basis for its local grading structure. The council remains committed to adherence with national pay bargaining in respect of the national pay spine and any annual cost of living increases negotiated within this.

2.4 The pay award for JNC and Chief Officer employees, effective from 1 April 2024, was agreed on 22 July 2024 for and processed for payment in August 2024. The pay award was 2.5%. The pay award for employees on spinal column points 2 to 43 inclusive and chief executives was agreed on 22 October 2024 and will be paid in November 2024. It was 2.5% for chief executives, 2.5% for spinal column points 44 to 46 inclusive and a lump sum of £1,290 for spinal

column points 2 to 43 inclusive.

- 2.5 **Appendix 1** details the council's pay scale effective from 1 April 2024.
- 2.6 In determining its grading structure and setting remuneration levels for all posts, the council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.
- 2.7 The Executive Director Organisation (Head of Paid Service) under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers.
- 2.8 The Council also recognises that it may need to make additional payments to individuals taking on temporary assignments and responsibilities as a honorarium or acting up payment using the job evaluation scheme to measure the additional responsibilities. Where the level of remuneration cannot be determined using the job evaluation framework, this may be a discretionary payment as an ex gratia payment. The council retains the right to make payments not set within the pay scale, where these can be objectively justified.
- 2.9 All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council Policy. The Acting Up, Honoraria and Ex gratia Payments Policy specify such payments that may be made.
- 2.10 For the year commencing 1st April 2024 the annual payment has been calculated as £6,636.12, with 70% of this amount paid to the Deputy Returning Officer.
- 2.10 New appointments will normally be made at the lowest point of the relevant grade, although this can be varied where necessary to secure the best candidate with approval from the Head of Paid Service and will be subject to an equality impact assessment. Employees who transfer within the organisation to a job of the same grade will transfer on their current spinal column point.
- 2.11 Tamworth Borough Council employees enjoy the benefit of a company paid healthcare cash plan at a cost of £4.33 per month per employee.
- 2.12 In exceptional circumstances the council may make a payment to an individual under a settlement agreement. Such agreements protect the council where there is a risk of compensation and/or damages claim, which could have high financial impact and/or damage the council's reputation. Payments for all officers would be authorised by the head of paid service. In the event a settlement agreement involving the chief executive or head of paid service, the decision would be made by full council.

3. Chief Officer Remuneration

3.1 For the purposes of this statement, senior management means chief officers as defined within S43 of the Localism Act. The posts falling within the statutory definition are set out below, with details of their basic salary and allowances as of 1 April 2024.

Job Type / Allowance	Scale Point	Salary	Car Allowance
Chief Executive Returning Officer Fee	CE1	128,437.34	963
Executive Director, Head of Paid Service and Deputy Chief Executive	EX1	105,866.84	963
Executive Director	EX2	100,224.24	1239
Executive Director	EX2	100,224.24	963
Assistant Director	AD4	75,396.60	1239
Assistant Director	AD3	73,139.40	
Assistant Director	AD4	75,396.60 Exgratia £11,276.16	1239
Assistant Director	AD4	75,396.60 Exgratia £11,994	963
Assistant Director	AD4	75,396.60	1239
Assistant Director	AD4	75,396.60 Exgratia £11,787.48	963
Assistant Director	AD1	69,753.74	1239

4. Additions to salary of chief officers

- 4.1 In the event that a chief Officer vacancy is covered by the distribution of duties to other chief officers ex gratia payments will be made.
- 4.2 The salary details given in **3.1** also provides details of additional payments made to chief officer salaries including:
- Essential car user allowances as determined by the council’s travel, subsistence and expenses Policy and reviewed and updated in line with NJC rates.
 - Home working allowance
 - Returning Officer/Registration of Electors duties are determined by Electoral Registration Officer Section 8 Representation of the People Act 1983 and Returning Officer Section 35 Representation of the People Act 1983. They are based on the size of the electorate multiplied by a figure set by County Council on an annual basis.
- 4.3 The council does not apply any bonuses to its chief officers.

5. Relationship between the remuneration of chief officers and others

- 5.1 In comparing the chief executive pay with the wider workforce the council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the council at the date of assessment.
 - The median: the mid -point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.
 - This excludes those employed on casual contracts of employment, but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes apprentices who are employed on the Tamworth Borough Council apprentice pay grade, which mirrors age related national minimum wage.

Statutory guidance recommends that the most appropriate metric for measuring the relationship between pay rates as a multiple of chief executive pay to median salary. Tracking this multiple will allow the council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. Note, this is the ratio for 2023/24 as the 2024/25 pay award has not been processed at the time of writing this policy.

	Annual salary	Ratio to highest
Highest salary	£125,304.72	
Median (mid-point) value	£28,770	1:4.4
Lowest full time salary	£14,450	1:8.7

6. Lowest Paid Employee

- 6.1 The lowest paid persons employed under a contract of employment with the council are employed on full time 37 hours equivalent salaries in accordance with the minimum spinal column point currently in use within the council's grading structure. As of 1 April 2024, the lowest spinal column point is spinal column point 2, £22,366. Please note the 2024/25 pay award has not been settled yet for all employees.

The council employs apprentices who are not included within the definition of 'lowest paid employees' as they are paid the age related apprenticeship rate. From 1 April 2024 the national living wage (for 23 and over) and national minimum wage rates paid are:

23 and over	21 to 22	18 to 20	Under 18	Apprentice
£11.44	£11.44	£8.60	£6.40	£6.40

7. Recruitment of chief officers

- 7.1 The council's policy and procedures with regard to recruitment of chief officers is set out within the officer employment procedure rules as detailed in Part 4 / Schedule 8 of the Constitution. When recruiting to all posts the council will take full and proper account of its own Equality and Diversity, Recruitment and Selection, Employment Stability and Re-engagement Policies. The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with the pay structure.
- 7.2 Where the council remains unable to recruit chief officers under a contract of service, or there is a need for interim support to provide cover for a vacant substantive chief officer post, the council will, where necessary, consider and utilize engaging individuals under 'contracts for service' (subject to the relevant tests for compliance with IR35 Intermediaries Regulations). These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money in securing the relevant service.

8. Payments on termination - chief officers

- 8.1 The council's approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. We have chosen not to adopt Regulations 12 and 13 of the Local Government Pension Scheme (benefits, membership and contribution) Regulations 2007.
- 8.2 Any other payments falling outside the provisions (such as settlement agreements) or the relevant periods of contractual notice shall be subject to a formal decision made by the chief executive and head of paid service with delegated authority to approve such payments. With regards to any proposed payment to the chief executive or head of paid service, to prevent a conflict of interest, it is expected that the payment should be approved by a panel including at least two independent persons.

9. Special severance payments (Exit pay cap)

- 9.1 Payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011.
- 9.2 Payments of £20,000 and above, but below £100,000 must be personally approved and signed off by the head of paid service, with a clear record of the leader's approval through a scheme of delegation and that of any others who have signed off the payment.
- 9.3 Payments below £20,000 must be approved according to the scheme of delegation.

10. Gender pay gap reporting

- 10.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 require Tamworth Borough Council to calculate and publish the gender pay gap between male and female employees each year.
- 10.2 The data based on the pay situation as at 31st March 2024 and indicates a mean hourly gender pay gap of 0.8% and a median hourly gender pay gap of -1.4%. **Appendix 2** details the gender pay gap report in more detail.

11. Accountability and Decision Making

- 11.1 In accordance with the constitution of the council, the Appointments and Staffing Committee are responsible for decision making in relation to employment policies including recruitment, pay, terms and conditions and severance arrangements in relation to employees of the council. Where appropriate, implementation of these policies may be delegated to the chief executive or head of paid service in accordance with the scheme of delegation.

12. Publication

- 12.1 Once approved by full council, this policy statement and any subsequent amendment will be published on the council's website. Human Resources will be responsible for the annual review to ensure an accurate pay policy is published each financial year and that the council remains compliant with legislation.
- 12.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts must include pay details of senior officers (as defined by the Accounts and Audit (England) Regulations 2015) where the salary is above £50,000 per annum. The following aspects must be included:

- Salary, fees or allowances paid to or receivable by the person in the current and previous year;
- Any sums payable by way of expenses allowance that are chargeable to UK income tax;
- Any compensation for loss of employment and any other payments connected with termination;

- Any benefits received that do not fall within the above – including contribution to the person's pension.

The Council complies with this requirement and publishes the data on the Tamworth Borough Council website.

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Tuesday 10 December 2024

Report of the Leader of the Council

Equality and Diversity Strategy

Exempt Information

None.

Purpose

This report provides an updated Equality and Diversity strategy which gives assurance that Tamworth Borough Council is committed to equality and diversity both within the organisation and in the service it delivers to the Borough. The council will also remain compliant with the public sector duty.

Recommendations

It is recommended that Council endorse the Equality and Diversity Strategy 2025-2028, the action plan and Equality, Social Inclusion and Health Impact Assessment and recommend it for formal approval and publication.

Executive Summary

The council's Equality and Diversity Strategy outlines how we will promote equality and diversity in the delivery of our services.

The council is required to ensure continued compliance with the specific duties in place for the public sector known as the Public Sector Equality Duty. The requirements are that a public sector body must:

- Publish information annually
- Publish equality objectives and review every four years

Options Considered

The report provides a refreshed Equality and Diversity strategy which is designed to set out the council's statutory obligations under the Equality Act and Public Sector Duty. No other practicable options were identified.

Resource Implications

Budget for training is already in place and there is no further financial investment required for the delivery of the action plan.

Legal/Risk Implications

The equality objectives together with the delivery of the action plan will ensure Tamworth Borough Council remains compliant with the Public Sector Equality Duty and equality legislation. HR will continue to monitor government policy on all associated matters.

Equalities Implications

There are no adverse equality implications as a direct result of this policy. A full community impact assessment is included with the strategy.

Environment and Sustainability Implications (including climate change)

The Equality, Social Inclusion and Health Impact Assessment considers environmental factors when considering the impact of any policy, process or procedure.

Background Information

The Equality and Diversity strategy 2025 – 2028 follows the Local Government Association Equalities Framework which outlines four areas of focus for equality, diversity and inclusion.

Understanding and working with your communities – by basing our policies, procedures and actions on sound evidence and research around the needs of our communities.

Leadership, partnership and organisational commitment – Strategic leadership and working in partnership to improve equality outcomes.

Responsive services and customer care – Meeting the needs of vulnerable people or communities and delivering good equality outcomes.

Diverse and engaged workforce – HR policies and procedures reflect good equality practice, and anyone who applies to the organisation or who works for it feels confident that they are treated fairly.

Each area has priorities and actions.

The strategy has been updated to include emerging awareness around intersectionality, equity, misogyny and misandry. Furthermore, the strategy incorporates the initial feedback from the corporate peer challenge, to bring equality and diversity and community cohesion to the fore.

Community Impact Assessments will be renamed Equality, Social Inclusion and Health Impact Assessment. The assessment goes further than the nine protected characteristics and includes a number of socio-economic elements including safeguarding the vulnerable, social inclusion, armed forces covenant, health and environment. This is so we are thinking as carefully and completely as possible about all Tamworth groups and communities when creating or updating policies, procedures and strategies and to inform decision making.

Report Author

Jackie Noble – Head of HR and OD

List of Background Papers

Diversity and Equality Scheme 2020 - 2024

Appendices

Appendix 1 – Equality and Diversity Strategy 2025 – 2028

Appendix 2 – Equality, Social Inclusion and Health Impact Assessment template

Appendix 3 - Equality, Social Inclusion and Health Impact Assessment guidance



Equality and Diversity Strategy
2025 – 2028

Document Status: Draft

Document Ref : HRPOL –

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: October2024

Approved by Cabinet / Council

Classification: Official

Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
October 2024	1	Complete rewrite of the previous scheme.

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Cabinet		
Council		

Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

Approval Path

Major Change

	Action
Originator	HR
Owner	Head of Paid Service
TULG	Consultative Group
CMT	Corporate Approval
Appts & Staffing Committee	Council Approval

Minor Change

HR	Submission
TULG	Consultative Group
Director	Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute as a MANDATORY policy and will also be available on the Intranet.

Security Classification

This document is classified as Official with access restricted to Tamworth Borough Council Staff and business partners.

Equality and Diversity Strategy 2025 – 2028

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1 Statement of intent

Tamworth Borough Council (TBC) recognises the importance of involving the wider community in the development of services which are accessible and reflect people's needs. The council's values go further to specify the promotion of equal opportunities and to celebrate diversity.

By making equality and diversity a core element of all things that we do, we will be best placed to achieve our vision.

Where barriers exist which prevent us from achieving our goals, we have a moral and legal obligation to break them down.

The strategy goes to the heart of the council's work in tackling inequalities and in creating a truly inclusive town for everyone. The strategy is about action and not just words.

To develop this strategy and resultant action plan we have used the Local Government Association Equalities Framework, which outlines four areas of focus for equality, diversity and inclusion:

Understanding and working with your communities – by basing our policies, procedures and actions on sound evidence and research around the needs of our communities.

Leadership, partnership and organisational commitment – Strategic leadership and working in partnership to improve equality outcomes.

Responsive services and customer care – Meeting the needs of vulnerable people or communities and delivering good equality outcomes.

Diverse and engaged workforce – HR policies and procedures reflect good equality practice, and anyone who applies to the organisation or who works for it feels confident that they are treated fairly.

We will incorporate these themes into our work, and we are committed to further action to put these at the heart of everything we do.

The starting point and primary focus are this council's vision. The vision is currently "Tamworth – celebrating our heritage, creating a better future" and will be achieved through our strategic priorities:

1. The environment
2. The economy
3. Infrastructure
4. Living in Tamworth
5. Town Centre

These in turn translate into the council's strategic plans and intentions and form the basis of the corporate and local plans, the sustainability strategy and the medium-term financial strategy.

A new corporate plan is being developed to cover 2025 – 2030 with a vision of "Building a better Tamworth". The priorities will be:

1. Council
2. Prosperity

3. Place shaping
4. Environment
5. Community Wellbeing

We strive to deliver equality across the nine protected characteristics and demonstrate how equality considerations are embedded in our decision-making processes, and how they can influence both our service delivery and employment practices.

We are going beyond the nine protected characteristics, our Equality, Social Inclusion and Health Impact Assessment includes other elements including safeguarding of the vulnerable, social inclusion, armed forces covenant, health and wellbeing and environmental issues. This ensures we are thinking as carefully and holistically as possible about all of Tamworth's groups and communities.

However, the most important aspect of our strategy is not the words but the actions and outcomes we have set ourselves.

2 Introduction

The strategy outlines how we will promote equality and diversity in the delivery of our services provided both directly by ourselves and in conjunction with our partners. Considering UK legislation, our strategy clearly addresses our duties and responsibilities to:

- Age
- Disability
- Gender reassignment
- Race
- Sex
- Religion or belief
- Sexual orientation
- Pregnancy or maternity
- Marriage and civil partnership*

The above are known as protected characteristics within the Equality Act 2010.

Intersectionality is not yet in everyday usage, but awareness is growing. The term is used to refer to the multiplying effects where two or multiple grounds operate simultaneously and interact in an inseparable manner, producing distinct and specific forms of discrimination. Recognising intersectionality stops people being required to choose between bringing a claim of, for example, racism or sexism as they could not state they were being discriminated against due to the combined effects of race and sex.

The Equality and Human Rights Commission advocates the concept of intersectionality by developing their own definition. "Intersectionality is an analytical tool that we use for the purpose of equality and human rights monitoring to show the distinct forms of harm, abuse, discrimination and disadvantage experienced by people when multiple categories of social identity interact with each other."

For example, a disabled elderly resident will be covered under two protected characteristics – disability and age, a black lesbian will be at risk of experiencing sexism, racism and homophobia.

The strategy recognises evolving case law in relation to belief. The Equality Act 2010 states that belief means any "religious or philosophical belief and any reference to belief includes a reference to a lack of belief". A philosophical belief must be:

- genuinely held and not just an opinion or point of view based on the present state of information available;
- be a belief about a weighty and substantial aspect of human life;
- have a level of cogency, seriousness, cohesion and importance; and
- worthy of respect in a democratic society, compatible with human dignity and not conflicting with the fundamental rights of others.

Examples of protected beliefs include humanism, pacifism, atheism and a belief in man-made climate change. An employment tribunal found veganism to have met the threshold for a philosophical belief under the Equality Act 2010.

This strategy reflects our commitment to the wider equality agenda while ensuring that the strict duties that are placed upon us under the provisions of the Equality Act.

Tamworth Borough Council reaffirms its commitment to racial equality. Employees, elected members and the organisation have a responsibility to ensure that no person is treated differently because of their race.

Tamworth Borough Council will not tolerate sex-based discrimination or harassment. Misogyny is defined as dislike of, or contempt for, or ingrained prejudice against women. Misandry is defined as dislike of, contempt for, or ingrained prejudice against men.

The easy access to technology has increased misogynistic radicalisation at a pace, Misogyny and misandry in the workplace or in the services we deliver to members of the community will not be tolerated.

With increased partnership working, commissioning and procurement of services, the strategy also sets out the expectations placed on partners, suppliers and the voluntary sector to contribute to the council's equality and diversity agenda.

The aim of the strategy is to integrate the council's equality and diversity activities into normal service delivery mechanisms, while at the same time encouraging departments to deliver their products and services in an innovative and creative way. We will scrutinise and improve access to our services ensuring we treat people fairly, provide our customers with equal opportunity, and that we gain business benefits from our services being accessible to the maximum number of people. Our Equality, Social Inclusion and Health Impact Assessment is embedded in our planning and decision-making process.

The action plan will be reviewed annually and reported to Cabinet through the performance management framework.

3 Policy Statement

We aim to create and maintain a community that embraces change and welcomes diversity; diversity helps to build such communities by celebrating differences and combining our talents.

To achieve this, the council continues to be committed to removing discrimination from public life. This includes major commitments that establish the council as a community leader.

- The council is committed to ensure that it does not discriminate against employees or members of the public.
- We want Tamworth to have a workforce that reflects the community it serves and to be seen as an employer of choice that values diversity and the perspectives it brings.
- The council is working to make Tamworth a place free from discrimination
- People are proud to be who they are.
- We strive to ensure that the contribution of all groups is valued.
- Differences between people are welcomed.
- Removing barriers to ensure that all groups have the same chances of success.
- The council will provide services that are inclusive and designed to meet customer needs, including those most vulnerable.

The council will support anyone who shares the same aims, including community groups, the voluntary sector, trade unions and partner organisations.

Tamworth Borough Council is committed to providing value for money and accountability which will underpin the delivery of all corporate themes. Working with others, the council will deliver services that are well governed, ethical, effective, efficient and economically viable.

We are committed to building a fairer, greener town in which everyone can thrive. We value diversity and seek to find ways to bring communities together. We want to ensure all of Tamworth's residents have fair opportunities.

4 What are our legal duties?

4.1 Equality Act 2010 (Amendment) Regulations 2023

The Act brings together, harmonises and extends previous equality law. The Equality Act replaced all previous discrimination law with a single act. The majority of the Act came into force on 1 October 2010. Within the Act there is a public sector equality duty which came into force on 6 April 2011. The public sector equality duty applies to public bodies and others carrying out public functions.

Within the Act is a socio-economic duty to consider how our decisions impact socio-economic disadvantage and aim to reduce inequalities associated with occupation, education, place of residence or social class.

The Act was updated on 8 November 2023 and its changes came into effect on 1 January 2024. Its purpose was to update the existing legislation and enshrine protections from EU law, which would have otherwise ceased. Amongst the amendments to the legislation are:

- Clarifications that discrimination relating to breastfeeding amounts to sex discrimination within the workplace, and that more favourable treatment on the grounds of maternity is permitted.
- Discrimination claims for the protected characteristics of pregnancy and maternity discrimination may arise where the individual has an entitlement to maternity leave which is equivalent to compulsory, ordinary and additional maternity leave.
- Indirect discrimination (where a practice, criterion or provision places a group with a protected characteristic at a particular disadvantage) can be claimed by association, where an individual without the protected characteristic suffers together with that group, nonetheless.
- The codification of the 'single source' test in equal pay claims, which allows workers to compare their pay to someone working for a different employer, so long as there is a single body responsible for setting or continuing their terms.
- Clarification on the definition of disability, to confirm that the ability to 'carry out normal day to day activities should be considered with reference to the individual's ability to participate in their professional life 'on an equal basis with other workers'.
- Increased protection from discrimination in recruitment, in which there is not an active recruitment process taking place (for example, statements about 'not wanting to recruit people that share certain protected characteristics').

4.2 The Public Sector Equality Duty

The Public Sector Equality Duty consists of a 'general duty' and specific duties which apply to the Council.

The General Duty requires the council to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;

- Advance equality of opportunity between people from different groups; and
- Foster good relations between people from different groups.

This means the council is required to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The specific duties underpin the general duty, they require the council to:

- Publish its equality objectives and review them at least every four years, and
- Publish information on employees and those affected by the council's policies at least annually, this can be found at www.tamworth.gov.uk

The council's objectives are:

- To use customer insight to develop accessible services, particularly aimed at those demonstrating the greatest need.
- To ensure all council strategies, policies and procedures consider the impact on our diverse community/workforce to ensure maximum inclusion.
- To ensure that the council is an inclusive and diverse employer.
- TBC leading the town as an organisation that tackles discrimination and promotes equality.

4.3 Gender, ethnicity and disability pay gap

Legislation came into effect in 2017 requiring employers to publish figures on the gender pay gap. We use our data on a yearly basis to continually review all areas of the organisation to identify the barriers, and drivers, for appointing women, particularly at senior levels.

Although not required by law yet, the Labour government has made a commitment to bring in legislation to make reporting on the disability and ethnicity pay gap mandatory. Our action plan includes a commitment to introduce disability and ethnicity pay gap reporting. We want to go beyond our statutory duty and truly represent the people we serve.

4.4 Modern day slavery act

Legislation requires us to prepare a slavery and human trafficking statement each financial year, publish it on our website and tackle slavery wherever we find it. We recognise that we have a responsibility to ensure that our services and supply chains understand the issue and can transparently demonstrate ways that they protect against modern day slavery.

5 What do we mean by equality and diversity?

The two concepts of equality and diversity are very different and together form a whole that is larger in many respects than the sum of its individual constituents. Diversity recognises that we can only achieve equality by considering the different needs of the communities, equality is impossible to achieve without recognising diversity.

Equality refers to outcomes, making sure that all social groups benefit equally from our activities. For example, by comparing take up for services with the census information, a Local Authority may become aware that some community groups are under-represented. Equality would only be achieved if service uptake is in the same proportion to the numbers of people in the district from different communities.

6 Equality versus equity

The words equity and equality are used interchangeably, yet they are different concepts. More recently, there has been a shift from equality to equity by addressing the different needs and circumstances of people. Equity can be challenging to implement because it requires a deeper understanding of the needs and challenges of different groups, as well as a commitment to allocate resources accordingly. Our updated Equality, Social Inclusion and Health Impact Assessment and Reasonable Adjustment for Customers policy seeks to have a more detailed understanding of needs in order to provide equity and be responsive.

Equality refers to situations where everyone is treated the same or providing the exact same opportunities and resources to all individuals or groups regardless of need. It focuses on uniformity and equal treatment without necessarily considering the specific needs, circumstances, or historical disadvantages that individuals may face.

Equity refers to fairness and justice and recognises that different individual groups may require different levels of support or accommodations to achieve a level playing field. Equity aims to address historical and systemic disadvantages and achieve equality of opportunity; by giving resources and support based upon their levels of need.

Put simply, equality is giving everyone a shoe. Equity is giving everyone a shoe that fits.

Tamworth Borough Council strives to go further than providing equality. For example:

Religion – equality means giving every religion the same rights and freedoms. Equity means giving every religion the respect and support they need to thrive in a diverse society.

Public policy – Equality means applying the same rules and policies to everyone. Equity means applying rules and policies to different groups to address their specific needs and challenges. For example, providing financial support to those in greater need due to factors such as unemployment, disability or poverty.

Recruitment – Equality means treating every job candidate the same way. Equity means ensuring every job candidate has a fair and equal opportunity to showcase their skills and qualifications, regardless of their background or identity.

Environmental Justice – in an equity scenario, more trees and park spaces are created in environments that are more polluted or have less access to green spaces whereas equality will plant the same number of trees in every neighbourhood.

7 What is discrimination?

Discrimination is a type of negative treatment that affects a whole group of people or an individual because they belong to a group.

The best way to understand discrimination is to set it against other types of negative treatment. Negative treatment edges into discrimination when the person on the receiving end is being badly treated by someone else who assumes a dominant or superior position.

Reasons for bad treatment	Who it affects
Individuality	Individuals, such as personality conflicts, or aspects of a person that lead to them being harassed or bullied (i.e. a response to a person's personal behaviour)
Life circumstances/condition	People who have a change of life circumstances that leads to temporary bad treatment (i.e. becoming homeless or losing a job and seeing how other people's behaviour changes towards them and armed forces veterans and their families as they adjust to life after active service.
Social Identity	A person's basic identity (who they are) is abused. The target is something about the individual which they share with a whole group and cannot change. This affects: <ul style="list-style-type: none"> • Ethnicity and Nationality • Sex • Gender • Sexuality • Disability • Religion and cultural identity • Age • Immigration/Citizen status

Discrimination affects whole groups in the following ways:

- Discrimination is a prejudiced reaction to a person's social identity (such as their gender or race).
- Discrimination is systemic, or institutional (i.e. it is embedded in laws, policies, and in everyday culture).
- Discrimination leads to negative patterns (i.e. continuing pay gap between men and women, or continuing link between disability and lack of employment).

Equality law recognises two types of discrimination

- Direct discrimination: this is when there is a conscious intention to discriminate.
- Indirect discrimination: this is when discrimination is an unintended result of a decision or action.

An example of direct discrimination

A council introduces a free advice service for single mothers who are employees. A male single parent objects on the grounds of sex inequality and is told that there is insufficient demand to extend this discretionary service to male employees.

An example of indirect discrimination

A council introduces an employee support group for single parents. After a year the council carries out a monitoring exercise of the group and finds that all members are female. This is despite the fact that there has been an increase in male single parents who are employees. The council refuses to consult with male single parent employees on the grounds that all employees know about the group. The result is that the council is not able to find out why the pattern has emerged that only women are using the group.

8 Monitoring the strategy

The strategy will be reviewed annually to check progress against actions and refresh the action plan for the following year. Progress will be reported to Cabinet on all diversity and equality matters annually this will be done via the council's performance management system, Ideagen. Furthermore, one action in the strategy's action plan is the formation of an equalities steering group chaired by the executive director organisation and an assigned Member lead for equality. The group will meet on a bi-monthly basis and monitor the strategy's progress.

9 Consultation, communication, input and Involvement of the community and partner organisations

A key element of the council's overall programme of services, which forms an integral part of the Equality and Diversity strategy is customer involvement. The ability to access groups and individuals who face barriers and discrimination, which can provide a positive input to the development of services, is vital. Consultation and involvement with people are an essential part of the current equality legislation. Consultation has been undertaken with community leads and within the organisation and continues through regular engagement and their views were considered when formulating the action plan.

In forming this strategy Tamworth Borough Council sought feedback from:

- Leaders within Tamworth Borough Council
- The Tenant Consultative Group
- Incorporated feedback from consultees on the Corporate Plan
- Equality representative from West Midlands Combined Authority
- Support Staffordshire

- Community Together CIC
- Representatives from Tamworth African Caribbean Association, Heart of Tamworth, Jasjid Mosque, Seventh Day Adventist Church, St Editha's Church, St Andrew's Church, Belgrave Community Allotment and Garden, Tamworth Elim Church, Soulpath (young adults with learning disabilities), Rooted Community Church and Dementia Caring

10 Communication

A copy of the strategy will be issued to all employees and elected members via Astute in an effort to ensure it is put into practice. In addition, it will be placed on the council's internet and intranet.

The strategy will also be included with tender information and contracts for work undertaken for Tamworth Borough Council by external organisations and individuals. Our policies, including those relating to equality and diversity, will upon request be made available for translation and/or in another medium where required.

Our procurement strategy makes specific reference to our commitment to ensure that all procurement practices comply with equality legislation.

11 Equality, Social Inclusion and Health Impact Assessment (ESI&HIA)

The Public Sector Equality Duty requires the council to assess the impact on equality of strategies, policies and procedures. Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010. Our Equality, Social Inclusion and Health Impact Assessment goes further than just the nine protected characteristics and includes a number of socio-economic elements including safeguarding of the vulnerable, social inclusion, armed forces covenant, health and the environment. This is so we are thinking as carefully and completely as possible about all Tamworth groups and communities, including people who we may describe as vulnerable.

12 Programme of Training and Development

Equality and diversity training is a mandatory requirement for all employees and elected members. All staff and elected members will attend a workshop and subsequent refresher training on a 3-year cycle.

TBC has a comprehensive Equality and Diversity awareness training workshop which is mandatory for all new staff within the first six months of employment, employees then undertake refresher training. The programme is delivered by diversity and equality specialists appointed through our procurement processes and is refreshed to ensure employee learning is current, reflective of emerging needs.

Employees are also given the opportunity to attend external training events.

We recognise each year that our elected members may change and as such we need to ensure that their knowledge and skills in this area is current. Elected members should attend a diversity awareness workshop within six months of being elected and subsequently attend annual refresher training.

Managers keep equality and diversity live through team engagement to ensure the council delivers in its commitment to equality and diversity and through reflective practice ensure learning takes place from feedback.

13 Breaches

The council has robust harassment policies in place to deal with discriminatory behaviour. In addition, our Comments, Compliments and Complaints process is in place to report concerns from our residents.

14 Responsibilities

Cabinet Members: are responsible for approving the policy and monitoring the performance via the performance management framework and ensuring all strategic policies are impact assessed.

Leader of the Council: has responsibility for equality and diversity. The portfolio holder is required to work closely with the Council's designated officers and champion the strategy and its contents with elected members.

Chief Executive: is responsible for ensuring that the council is complying with the Public Sector Equality Duty.

Executive Director Organisation: is the organisation's equality champion and is responsible for ensuring equality activities are co-ordinated and carried out in the authority.

Executive Directors/Assistant Directors: will ensure that policies presented to Cabinet for approval and supporting strategies and procedures are impact assessed as per the requirements of the Equality and Diversity strategy.

Safeguarding Officer: is the council's lead officer for safeguarding children and adults at risk of harm. The Safeguarding and Vulnerable Adults Protection policy can be found on the council's intranet site Infozone.

Human Resources: will advise on the strategy and policies, organise delivery of necessary training, monitor and produce employee profiles and workforce data and liaise with all service delivery managers to ensure awareness and compliance.

Managers: are responsible for delivering equality in their area of responsibility, embedding it into policy and delivery of the services provided and for undertaking Equality, Social Inclusion and Health Impact Assessments. Managers will also be responsible for ensuring breaches of the strategy are brought to the attention of the relevant Director for any necessary action.

All employees: have a responsibility to treat people fairly, take account of different people needs, challenge inappropriate behaviour and not knowingly discriminate,

harass or victimise anyone and attend relevant training with regard to equality and diversity.

Contractors, suppliers, partners and consultants are expected to meet equality requirements within contracts and service level agreements. The council will not award contracts without an appropriate level of equality commitment from contractors.

Volunteers: are expected to comply with, and be treated in line with, the principles of this policy.

Audit: are expected to carry out reviews of the scheme as specified by the annual audit plan.

15 Reporting discrimination or harassment

We have established systems for employees to raise any issues around harassment or discrimination via our Grievance and Anti Bullying and Anti Harassment policies.

We have also reviewed our arrangements for the reporting of incidents of harassment or suspected discrimination from members of the public in relation to service provision. The scheme covering this is known as the Harassment, Assaults and Threat (HAT) policy and is available on the council's website [HAT policy | Infozone \(tamworth.gov.uk\)](http://tamworth.gov.uk/Infozone).

16 Complaints, comments and compliments

We encourage feedback from the community and undertake to investigate complaints thoroughly in accordance with our procedures.

The council has a comments, compliments and complaints procedure, which is operated in accordance with our equality and diversity agenda.

We are committed to:

- Dealing with complaints and comments quickly and effectively.
- Using feedback to review and improve our services.
- Encourage feedback from all sections of the community and undertake to investigate complaints thoroughly in accordance with our procedures.
- Ensuring complaints, comments and compliments are fed back to the service area.
- Ensuring that information from complaints are captured and monitored with the diversity agenda in mind.
- Key employees responding to complaints receive plain english training to ensure communication is clear and simplified so that it can be easily understood by the reader.

17 Our employees: key facts

We aim to provide an inclusive, respectful and discrimination free environment for all our employees. We want all our employees to feel respected, appreciated and to be able to do a good job to the best of their ability.

We regularly collect information relating to our employees and this helps us monitor and adapt to changes in our workforce profile and needs.

The data was taken from our people and payroll systems as of 31 March 2024. Employees are given the option of not responding or choosing 'prefer not to say'.

Full time equivalent (FTE) employees 365 headcount, 318.73 FTE

Sex Split:

Male	127	34.8%
Female	238	65.2%
Non binary	0	0

Contractual status:

Male	Full time	112	30.68%
Male	Part time	15	4.11%
Female	Full time	145	39.73%
Female	Part time	93	25.48%

Sex by grade:

	Grade*												
	A	B	C	D	E	F	G	H	I	J	AD	ED	CE
F	14	5	9	53	56	25	21	8	9	1	6	2	0
M	1	3	46	25	19	9	6	6	5	2	1	1	1

*(A = lowest grade)

Age profile:

Age	Number	Percentage
16-19	1	0.27%
20 – 25	15	4.11%
26 – 30	14	3.83%
31 – 35	27	7.4%
36 – 40	31	8.49%
41 – 45	36	9.86%
46 - 50	62	16.98%
51 - 55	71	19.45%
56 – 60	53	14.52%
61 – 65	41	11.23%
65+	14	3.83%

Disability

18 employees (4.9%) self-disclosed a disability.

Grade	Number
A	3
B	2
C	2
D	4
E	3
F	1
G	1
H	0
I	1
J	0
Corporate Management Team	1

Ethnicity

	% of workforce
Asian or Asian British	3.51%
Asian – Bangladeshi	0.27%
Asian – Chinese	0.27%
Asian - Indian	1.08%
Asian - Pakistani	0.54%
Asian – Any other Asian background	1.35%
Black, African, Caribbean, or Black British	2.43%
African background	0.27%
Caribbean	1.08%
Any other black, black British or Caribbean background	1.08%
Mixed or multiple ethnic groups	0.81%
White and Black African	-
White and Black Caribbean	0.27%
White and Asian	0.54%
Any other mixed or multiple ethnic background	-
White	91.35%
English, Welsh, Northern Irish, Scottish or British	88.11%
Irish	1.08%
Gypsy or Irish traveller	-
Any other white background	2.16%
Other ethnic group	0%
Prefer not to say	1.89%

Sexual Orientation

Data not held	126	34%
Bisexual	4	2%

Gay man	3	0.8%
Gay woman	2	0.5%
Heterosexual	222	60%
Other	2	0.5%
Prefer not to say	7	1.9%

Gender identity

Data not held	272	74.3%
Does not apply	55	15%
Prefer not to say	2	0.5%
Same identity as birth	37	10.1%

Religion

Atheist	8	2.18%
Buddhist	1	0.27%
Christian	125	34.15%
Hindu	1	0.27%
Islam	1	0.27%
No religion	98	26.84%
Other	7	1.91%
Prefer not to say	9	2.45%
Sikh	2	0.54%
Data not held	114	31.15%

18 Our community

Understanding who lives in our Borough helps us to understand the needs of our local communities and gives us information to help us make our services accessible.

18.1 Key facts – our tenants

Sex	2166 (38.55%) of our tenants are men and 3453 (61.45%) are women
Ethnicity	We know the ethnicity 81.38% of our tenants. White British, 78.89% Unknown, 18.35% Black, 0.55% Asian, 0.34% Mixed, 0.39%
Age	We know the age of 96.57% of our tenants. Age 18-24, 2.35% Age 25-34, 12.1%

	<p>Age 35-44, 16.8%</p> <p>Age 45-54, 17.4%</p> <p>Age 55-64, 16.1%</p> <p>Age 65+, 32.4%</p> <p>Unknown, 2.87%</p>
Disability	<p>We know that 23.71% of our tenants have a disability. Where tenants have indicated a disability, it is broken down as:</p> <p>Learning disability: 8.06%</p> <p>Mental health: 37.23%</p> <p>Physically impaired: 12.89%</p> <p>Speech impaired: 0.90%</p> <p>Visual impaired: 8.06%</p> <p>Wheelchair user: 5.58%</p>
Religion	<p>We know the religion of 45.95% % of our tenants. Of those that provided detail:</p> <p>Christian, 46.2%</p> <p>No religion, 41.17%</p> <p>Prefer not to say, 4.19%</p> <p>Other religion, 3.82%</p> <p>Roman Catholic, 2.37%</p> <p>Hinduism, 0.11%</p> <p>Jehovah's Witness, 0.89%</p> <p>Muslim, 0.37%</p> <p>Sikhism, 0.07%</p> <p>Buddhist, 0.3%</p> <p>Jewish, 0.04%</p>
Sexual Orientation	<p>We know the sexual orientation of 50.26% of our tenants. Of those that provided detail:</p> <p>Heterosexual, 88.8%</p> <p>Prefer not to say, 8.78%</p> <p>Bisexual, 0.92%</p> <p>Lesbian or gay, 0.6%</p> <p>Asexual, 0.53%</p> <p>Other, 0.39%</p>

18.2 Tamworth and its citizens: key facts

The 2021 census indicates:

78,647 people live in Tamworth.

Sex

The number of males and females living in the Borough is almost equal. In 2021 the split was:

Total female population	39,900 (50.76%)
Total male population	38,700 (49.24%)

Age profile:

Age ranges	Residents	
Total age under 5	4,442	5.6%
Total age 5-9	4,667	5.9%
Total age 10 – 15	5,748	7.3%
Total age 16-19	3,360	4.3%
Total age 20-24	4,204	5.3%
Total age 25-34	10,733	13.6%
Total age 35-49	14,989	19.1%
Total age 50-64	15,591	19.8%
Total age 65-74	8,570	10.9%
Total age 75-84	4,826	6.1%
Total age 85+	1,516	1.9%

Housing:

14.1% rent privately
 18% live in socially rented housing
 67% own their own home

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities. The 2024 amendment extends this to include the individual's ability to participate in their professional life 'on an equal basis with other workers'.

In 2021, 19% of people living in the borough had a limiting long-term illness.

Disabled and limited a lot	8.1%
Disabled and limited	10.9%
Not disabled	81%

Tamworth Borough Council is committed to making sure that our disabled customers are not disadvantaged when accessing or using our services. We are committed to providing a high standard of accessibility to our services and our commitment extends further to customers who are not disabled but have a need. We have a Reasonable Adjustments Guidance for Customers which is available on the council's website and referenced in our customer communications.

Health

Residents described their health as:

Very good health	44.6%
Good health	35.2%
Fair health	14.3%
Bad health	4.5%
Very bad health	1.4%

Religion

Religion refers to any religion, including a lack of religion. Belief refers to any religion or philosophical belief and includes a lack of belief.

No religion	44.3%
Christian	49.1%
Buddhist	0.2%
Hindu	0.3%
Jewish	0%
Muslim	0.5%
Sikh	0.2%
Other	0.4%
Not answered	5%

Marital status

Residents described their marital status as:

Not married	35.5%
Married/Civil Partnership	45.9%
Separated	2.3%
Divorced	10.1%
Widowed	6.2%

Ethnic Origin

Residents described their ethnic origin as:

Asian, Asian British, Asian Welsh	1081	1.4%
Black	492	0.6%
Mixed or multiple ethnicity	1472	1.9%
White	75,309	95.8%
Other ethnic origin	288	0.4%

Country of birth

Top 5 country of birth:

England	91.6%
Romania	1.9%
Poland	1.1%
Scotland	0.8%
Wales	0.7%

Sexual orientation

The residents that identified as gay or lesbian was 1.22%. This is similar to the proportion in England.

Gender

0.14% of all people who responded to the gender identity question reported an identity different from the sex they were registered with at birth.

19 How life has changed in Tamworth between the last two censuses held in 2011 and 2021.

Between the last two censuses, the population of Tamworth increased by 2.4%, from just over 76,800 in 2011 to around 78,600 in 2021.

In 2021, Tamworth was home to around 18.2 people per football pitched sized piece of land, compared with 17.8 in 2011. This area is amongst the top 25% most densely populated English local authority areas at the last census. Tamworth has a total green space coverage of 4.14%, this is higher than the national average across England of 2.22%.

The population increased by a smaller percentage than the overall population of the West Midlands (6.2%), and by a smaller percentage than the overall population of England (up 6.6% since the 2011 census).

With regards to education, 66% have a qualification in English and maths which is lower than the average of 78.75%.

With regards to health, 7.95% are cigarette smokers which is lower than the average of 12.4%, adult obesity prevalence is 35.9% which has increased from 26.4%. Tamworth is similar to the national average for anxiety, life satisfaction and feeling life is worthwhile and higher than the national average for happiness, scoring 7.8 out of 10.

In 2021, 8.1% of Tamworth residents were identified as being disabled and limited a lot. The figure decreased from 10.2% in 2011. In 2021, just under one in nine (10.9%) were identified as being disabled and limited a little, compared to 10.6% in 2011. The proportion of Tamworth residents who were not disabled increased from 79.3% to 81%. Residents describing their health as good fell from 35.6% to 35.2%.

Residents describing their health as very good increased from 42.6% to 44.6%. 12.5% of residents were diagnosed with chronic depression, the second highest in the county. This could be attributed to social, economic or cultural factors.

There was a rise in private renting. In 2021, 14.1% of Tamworth households rented privately. The figure increased from 11% in 2011. In 2021, just over one in six households (18%) lived in socially rented housing compared to 19.3% in 2011.

The percentage of Tamworth households that owned their own home decreased from 68.2% to 67%. Tamworth has a higher level of home ownership than the national average, with the average house price of £246,081 which is lower than the national average.

18.25% of households have no access to a car or van, which is less than the proportion in 2011.

Tamworth has a digital exclusion risk index (DERI) of 3.03. This means that Tamworth has a similar digital exclusion risk to England (3.00). This is derived from three components: age, broadband access and deprivation. 83.8% have gigabit capable broadband.

The median age increased by one year, from 39 to 40 years of age. Tamworth had a similar average (median) age to the West Midlands as a whole in 2021 (40 years) and had a similar average (median) age to England (40 years). The number of people aged 65-74 rose by just under 2,100 (an increase of 31.6% while the residents between 35 and 49 years fell by around 1,800 (10.9% decrease). The share of residents aged between 65 and 74 years increased by 2.4% between 2011 and 2021.

In 2021, 4.3% of Tamworth residents (aged five years and over) reported providing up to 19 hours of unpaid care each week. The figure decreased from 6.7% in 2011. In 2021, around 1 in 50 people (2%) reported providing between 20 and 49 hours of unpaid care each week, compared to 1.6% in 2011. The proportion of Tamworth residents (aged 5 and over) that provided at least 50 hours of weekly unpaid care remained at 3.3%.

Census 2021 was undertaken during the coronavirus pandemic. This may have influenced how people perceived and managed their provision of unpaid care and may have affected how people chose to respond.

In the latest census, around 72,000 Tamworth residents said they were born in England. This represented 91.6% of the local population. The figure has decreased from just under 72,400 in 2011, which at the time represented 94.2% of Tamworth's population. Romania was the next most represented, with just over 1,500 Tamworth residents reporting this country of birth (1.9%). This figure was up from fewer than 50 in 2011. The number of Tamworth residents born in Poland rose from just under 600 in 2011 (0.8% of the local population) to just over 900 in 2021 (1.1%).

2.75% of households have no people that have English as a main language, which is less than the proportion in England of 5.02%.

In 2021, 44.3% of Tamworth residents reported having no religion, up from 29.3% in 2011. In 2021, 49.1% of people in Tamworth described themselves as Christian, down from 63.3%.

There are many factors that can cause changes to the religious profile of an area such as changing age structure or residents relocating for work or education. It may also be caused by differences in the way individuals chose to self-identify between censuses. Religious affiliation is the religion with which someone connects or identifies, rather than their beliefs or religious practice.

The percentage of households including a couple without children in Tamworth decreased by 1.4% from 19.9% to 18.5%. The percentage of adults who have never married or registered a civil partnership increased by 3.8% from 31.7% to 35.5%.

There was a fall in employment, 58.3% said they were employed, down from 60.6% in 2011. Tamworth had the region's third highest percentage of people aged 16 years and over who were employed. Census 2021 took place during the coronavirus pandemic, a period of rapid change; the national lockdown and furlough measures will have affected the labour market and the Census's ability to measure it. The largest employment sector in Tamworth is defined as 'elementary' occupations at 15.94%. Elementary occupations consist of simple and routine tasks, which mainly require the use of handheld tools and some physical effort or unskilled or semi-skilled work. Skilled trades were 11.99% and professional occupations at 11.63%. The smallest employment sector is 'caring, leisure and other services at 8.68%.

In 2021, 95.8% of people in Tamworth identified their ethnic group within the 'white' category, compared to 97.3% in 2011. 1.4% identified their ethnic group within the Asian category, compared to 1% in the previous decade. The percentage of people who identified their ethnic group within the black category increased from 0.5% in 2011 to 0.6% in 2021.

20 Current challenges and their impact on equality, diversion and inclusion

The financial outlook for all local government is challenging. We strive to support our community within our resources and where possible provide free access.

From 30 July to 5 August 2024 far right, anti-immigration protests and riots occurred in England and Northern Ireland, including Tamworth.

In response to this, the council is focussing on community cohesion, including commissioning 'Honest conversations community cohesion commission'. this will engage our communities with key outcomes of;

- Promoting social integration and inclusion
- Fostering an environment where individual from diverse backgrounds feel included
- Strengthen community engagement and participation by encouraging active involvement from all community members in community building initiatives
- Address inequalities and promote fairness by identifying systemic inequalities and barriers that prevent certain groups from fully participating in community life
- Foster intercultural and intergenerational dialogue
- Building resilient and supportive communities
- Enhancing community spirit and increase participation in community activities by cultivating a shared sense of pride and identity with the community that transcends individual differences when considering the town's diverse

heritage.

21 Delivering equality in our services

Workforce

We continue to foster an inclusive and supportive culture. Our People and Organisational Development strategy and policies puts inclusion and respect at the heart of the council's culture.

Community

We work more closely with community groups, listening to residents and an increased focus on addressing the causal issues. Furthermore, we have close links with partnership agencies.

Leaders within the community are also committed to cohesiveness. Some examples of collaborative inclusive work include; a local church is voting to decide whether they wish to register for same sex marriages, this will be the first church in Tamworth to do this, a launch of an Inclusive Church at the Helping Hands café for openly queer, neuro diverse, disability friendly congregation, registering as an Inclusive Church with the Inclusive Church network and organising a social event for the polish community.

Black Lives Matter

The Black Lives Matter (BLM) movement in the summer of 2020 is actively anti racist and not simply against racism.

Religious Discrimination

Tamworth Borough Council is committed to eradicating religious hatred and intolerance for all religions and faith and also recognises the impact of wider world conflicts on our community.

Tamworth Borough Council has adopted the international Holocaust Remembrance Alliance (IHRA) definition of Anti-Semitism.

Deprivation

There is deprivation with the community which impacts on health and wellbeing. Working with partners we have supported deprived areas. For example, providing free sport and fun activities during the summer holiday and free to access community archaeology in school holidays, re-enactment events such as the Saxon longboat and Offa procession. Access to free and very low-cost activities remain a key objective for the museum service to ensure that residents can engage with their local history, heritage and culture. These opportunities are increasingly difficult to fund and require the service to focus resources and generate income.

Immigration

We are proud to welcome and support people from other countries and have provided active support to refugees. More recently nationally we have seen migration from areas of conflict, including Syria, Iraq, Afghanistan, Hong Kong and Ukraine. What all have in common is a need to access council services equitably, for housing, community spaces, transport and employment opportunities. As people from other countries, they may need extra support to use our service, integrate into our communities and understand their rights and responsibilities. They may have experienced significant trauma in their home countries or during their stay in the United Kingdom. This coupled with the stress of adapting to a new country can increase the risk of mental health problems. We have worked with asylum seekers and have also offered a weekly wood carving workshop as part of the heritage crafts project. This has engaged people from other countries with the local environment and provided regular wellbeing opportunities.

Our Environmental Health team are all trained in modern day slavery to be aware of the signs when carrying out inspections on commercial premises. The team have been working with immigration officers from the Home Office to identify premises that may be operating with illegal workers/in modern day slavery. Officers use Language Line for an interpretation service for any persons whose first language is not English.

We deliver a range of services, which we adapt and review to meet local needs and opportunities, and to take account of our funding situation. We offered a range of services that particularly support our community, the list is not exhaustive:

- A range of grants to support the voluntary and community sector to deliver local projects within the community
- We have commissioned a financial wellbeing, debt and generalist advice service and an outreach service with Citizens Advice Mid Mercia
- Tamworth Castle's heritage craft project takes craft activities into community spaces such as sheltered accommodation, libraries and community spaces to reduce financial and physical barriers to accessing heritage engagement.
- Increased outreach activities and digital access to our museum collections.
- Sheltered Lifeline Services – an adaption to support living independently. The lifeline service supports those older tenants to live independently, providing a simple and effective way to communicate with their scheme manager or lifeline operator.
- Tamworth Advice Service offered welfare benefits and debt advice
- Community Infrastructure Levy (CIL) and Section 106 (s106) agreements: We work with developers to secure contributions towards appropriate infrastructure to mitigate the impact of development within Tamworth. The fund contributed £10,000 towards a project to surface an existing popular footpath in the north of the borough. The newly tarmacked surface now means safer and smoother journeys for pedestrians, pushchairs, and wheelchair users, all year round.
- We provided a successful winter relief project for Rough Sleepers and those homeless.
- We opened up Tamworth Assembly Rooms to provide a safe warm space in the winter and assisting residents in fuel poverty.
- We achieved the Silver standard of the Armed Forces Covenant by providing support to veterans and their families. We have close links with the Armed forces champion in the Department of Work and Pensions DWP to support

veterans and those leaving the forces to assist them with housing via the Council's housing register. Our Disabled Funding Grants team prioritise disabled veteran's needs.

- Supported the launch of Tamworth's park run.
- Provided free fun and sports activities to children in school holidays
- We were successful in achieving the Football Foundation grant which enabled a 3G football facility to open at Anker Valley which will target females into football and encourage wellbeing with walking football and active wellbeing sessions.
- Housing Solutions commissioned a further extension to the Tamworth Advice Centre contract delivering a satellite surgery at Sacred Heart to provide debt and generalist advice to the most vulnerable in our society.
- We successfully worked with Staffordshire County Council on the Homes for Ukraine scheme, securing accommodation, sometimes in an emergency and preventing homelessness from hosts for people fleeing a worn torn country
- Supporting wider refugees via the Afghan and Syrian resettlement scheme applying to the housing register.
- Carried out direct matches and higher banding awards for those in need of more suitable accommodation i.e those with disabilities that are unsuitably housed.
- Comply with the Social Housing Regulation Act, retaining housing stock that has disabled access i.e. Level access showers, wider doors, for those who need it.
- Housing Solutions Officers deal with clients every day who are homeless or threatened with homelessness of which many of this cohort have protected characteristics.
- A dedicated rough sleeper outreach officer who works closely with the same clients as above and those most disadvantaged in our community.
- We are signed up to the Staffordshire wide protocol to assist care leavers and homeless 16/17-year-olds.
- We have close links with partners supporting those recovering from substance misuse and addictions.
- We have close links and work with partners supporting victims of domestic abuse.
- All new policies and processes are Community Impact Assessed.
- Our websites comply with web content accessibility guidelines.
- Our graphic designs take care to show diversity in the images and photos used to represent Tamworth.
- We offer different formats for letters or information, in addition to offering a translation service including braille. In addition we have launched language line with access to translators and British sign Language interpreters.
- Revenues and Benefits staff undertake welfare visits to our most vulnerable customers
- Revenues and Benefits have implemented a Local Council Tax Reduction Banding scheme to assist our most vulnerable customers. We refer to debt advise agencies and engage with local partners to look to assist those who require debt advice and assistance
- Subtitles are used in all our videos shared online, enabling diverse communities to access the content.
- We supported PRIDE by flying the PRIDE flag in June for PRIDE month, demonstrating the Council is an LGBTQ+ ally.
- We supported awareness days, lighting the castle or flying the flag to mark important days, to highlight the issue/celebration and to show support e.g.

Holocaust memorial day, dementia awareness week, Armistice Day, Diwali, World Cancer Day.

- Held and supported Women's International Day involving local businesses to share, celebrate and promote women in the workplace.
- The council's annual survey is made available in a number of ways to make it accessible. It is available digitally, by completing a hard copy and completing over the telephone with a member of the team.
- We have a reasonable adjustments policy for customers to request adjustments to meet their needs.
- Our car parks include 39 accessible parking spaces across the town centre, we allow free parking for blue badge holders and we are continuing to review our parking facilities to make them more accessible for all.
- The Tamworth Enterprise Centre provides accessible office accommodation for small businesses to start up and grow.
- Regeneration projects including Future High Streets Fund are aimed at improving Tamworth, especially the town centre for all including making it a more accessible and inviting space. Specific improvements to come include widening the bridge from Market Street to the Castle grounds thus improving access, re-leveling St. Editha's square as part of the re-development of the public realm in Tamworth, and creating a second enterprise centre with further business spaces with greatly improved accessibility such as installation of a lift and more level access across floors.
- We introduced an annual Tamworth Civic Pride event which celebrates local heroes in the community representing a wide range of minority and voluntary groups that make a difference in Tamworth.
- We are a disability confident committed employer.
- We monitor and report on our progress against the gender pay gap.

22 Diversity and equality action plan 2025 – 2029

Priority areas for action:

The Local Government Association has outlined four areas of focus for equality, diversity and inclusion. We already incorporate these cross-cutting themes into our work, and we are committed to further action to put these at the heart of what we do.

This strategy outlines our priorities in delivering each strand of work and the context that each of these operates.

Priorities and actions will be reviewed annually to ensure the strategy meets changing legislative and operational priorities.

Area 1 - Understanding and working with our communities:

A focus on equality, diversity and inclusion is central to our community relationships. It is vital to understand that protected groups may have differing needs and what we can do to meet those, to prevent conscious or unconscious discrimination and unfairness.

Priorities:

Providing inclusive services, understanding and addressing barriers to accessing our services and community assets.

Action:

- Marmion House reception and council chamber refurbishment is accessible
- Providing alternative access to services for those who are digitally excluded
- Continue to use feedback from our community to develop our services
- Report on our comments, compliments and complaints and take positive action to address any equality, diversity and inclusion issues.
- Publicising an AccessAble guide for Tamworth
- Sports club engagement for adapted sports provision to ensure sport is inclusive and accessible for all
- Continuing to embed use of ALT text on images, and expanding accessibility pages on our websites and venues
- Working with the deaf community to better understand their needs

Priorities:

Promoting partnership working and actively engaging with diverse community groups to understand their needs and perspectives.

Action:

- To continue to work with the community to reduce exclusion
- Undertake the Community Cohesion survey and deliver on the actions and recommendations from the Community Cohesion 'Honest Conversations' Commission/Community Cohesion Plan, the working plan will commence in May 2025

- Having a more inclusive and representative Tenants Consultative Group
- Continue to work with partners to support emerging communities and new arrivals

Area 2 - Leadership and organisational commitment

The council has a key role to play in demonstrating leadership on equality, diversity and inclusion. We are responsible for providing investment and services that tackle inequalities. EDI runs through our strategies and will be a key part of our business and service plan.

Priorities:

Challenging discrimination: using our voice, our services and our economic influence to challenge prejudice and institutional discrimination.

Actions:

- We require our suppliers to show they operate in the highest standards, such as tackling modern day slavery
- Work with partners to be a leader in equality, diversity and inclusion
- Continuing equality and diversity training
- Deliver training on tackling hate crime by being an ally
- We will train elected members of equality and diversity issues so that they are well informed

Priorities:

Improving service design: building in a strong equality, diversity and inclusion process at the onset of policy and service design so that we meet the needs of our residents.

Actions:

- Use best practice to inform council policies and activity
- Explore attaining 'Compassionate Communities' status or 'City of Sanctuary'
- Our new Equality, Social Inclusion and Health Impact Assessment will ensure new policies and services fully consider the impact on protected groups.
- We will monitor the equality outcomes on new or updates services or policies.
- Develop a repository for Equality, Social Inclusion and Health Impact Assessments.

Area 3 - Responsive services and customer care

The needs of residents is at the heart of everything the council does. It is vital that our services and our staff can respond and adapt to the needs of all residents. We are committed to high levels of customer care and our HR policies outlines the standards and values we expect our workforce to uphold for each other and our customers.

Priorities:

Ensuring our services are accessible physically and digitally to ensure every contact counts

Actions:

- Champion digital inclusion and accessibility as we move towards digital by default services, working with partners to ensure access to devices, connectivity and skills development.
- Champion plain English in our correspondence
- Continue to drive a culture change towards empathy and a caring council
- Monitor and analyse data collected on harassment and hate crime and take appropriate actions to address issues identified
- Work with local partners and authorities to benchmark and share best practice around customer service delivery and inclusion
- Champion support networks for residents
- Explore proposal for residents to access multiple services in one place, through plans for Marmion House reception, Council office offer
- Explore developing Orchard/IT systems to capture required reasonable adjustments
- Working with the deaf and hard of hearing community to improve service accessibility
- Collating more comprehensive data on our tenants so that there is a greater understanding of their needs which is aligned to census data
- Being accessible to the community through offering face to face appointments to those who are digitally excluded
- Provide opportunities for individuals and groups to provide input to decision making processes
- To work with the community to reduce exclusion
- When services are reviewed and changes are proposed, we will carry out Equality, Social Inclusion and Health Impact Assessments to ensure the full impact of the changes are understood before decisions are made and maximum inclusion is achieved.

Area 4 - Diverse and engaged workforce

Equality and diversity will be prioritised internally. This includes commitments on recruitment, development and retention to ensure the workforce reflects the makeup of the town. Equality, diversity and inclusion will be embedded within our policy making and service delivery.

Priorities:

Becoming an inclusive employer: setting and promoting policies and providing training to foster an inclusive working culture

Actions:

- Establish an Equalities Steering Group
- Implement and embed the council's strategy and Equality Action Plan

- Publication of workforce data on an annual basis and compare against the community to ensure the organisation is reflective of the community it serves
- Publication of annual gender pay gap
- Develop and publish annual ethnicity pay gap
- Develop and publish annual disability pay gap
- Equality and diversity training is reviewed to ensure it is fit for purpose, addressing current themes or challenges
- Safeguarding and modern slavery training is delivered to all employees
- Publicising the council's zero tolerance of all forms of harassment in the workplace

Priorities:

Attract, recruit, develop and retain a diverse workforce

- Improve our data collection to help us understand the barriers and opportunities to recruiting, training and developing talented people from diverse backgrounds.
- Use staff surveys to collect information about our employees and use it to check that employment procedures and practices are fair, inclusive and transparent and continues our commitment towards creating a skilled and diverse workforce.
- Empowering employees to create staff networks that represent their interest and their experiences. Utilising staff networks to promote wellbeing and diversity and use them as a consultation group for relevant policies.

Feedback

We welcome all feedback on the content of this strategy.

You can contact us by emailing enquiries@tamworth.gov.uk, telephone 01827 709709.



Part 1 – Details	
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Diversity and Equality
Date Conducted	October 2024
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees and residents
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members
Outline the wider research that has taken place (E.G.	

commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

<p>Part 2 – Summary of Assessment</p> <p>Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.</p> <p>To comply with the Equality Act 2010 which will ensure TBC’s employees and services it offers are not discriminatory.</p> <p>Who will be affected and how?</p>
--

All employees - This policy provides guidance for of support.			
Are there any other functions, policies or services linked to this impact assessment?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If you answered 'Yes', please indicate what they are? All employees Landlord Services Health Inequalities Policy Housing Strategy TBC Corporate Objectives			

Part 3 – Impact on the Community			
Thinking about each of the Areas below, does or could the Policy function, or service have a <u>direct</u> impact on them?			
Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment

Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There may be a negative impact as some roles/taxi licences require a clean DBS
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor

Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Social inclusion. Please include refugees and asylum seekers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The strategy has a positive impact on refugees and asylum seekers with a greater emphasis on community cohesion
Social inclusion: Armed Forces The Armed Forces Covenant is a pledge that together we acknowledge and understand that those who have served in the armed forces, and their families, should be treated with fairness and respect and any impact should be considered	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Health and Wellbeing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The strategy has a positive impact on health and wellbeing
Climate Change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor

Part 4 – Risk Assessment		
From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications		
Impact Area	Details of the Impact	Action to reduce risk
Criminal record	Some roles require a clean DBS	Utilising the government’s DBS checker to ensure the role isn’t over vetted

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable)

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Equality, Social Inclusion and Health Impact Assessment (ESHIA)

An ESHIA is a review of a new or existing policy, strategy, project, report or service change to establish whether this has a differential impact on specific equality groups and identifies how we can improve equality of opportunity for different groups of people.

An ESHIA aims at improving Tamworth Borough Council’s work, by promoting equality, social inclusion, health and wellbeing by ensuring that the proposed or existing policy promotes equality and can benefit a wide range of people.

Details

Title of the proposal		
Director responsible for the project or service area		
Officer completing the assessment		
Date conducted		
Who are the main stakeholders?		
What is being assessed?	A decision to review or change a service	
	A strategy, policy, report or procedure	
	A function, service, or project	
What kind of assessment is it?	New	
	Review of existing	

Part One - Initial screening:

This section should be used to carry out an initial screening of changes or decisions to help to decide whether a full ESHIA is required.

The following six screening questions are designed to assess whether this proposed change is likely to have an impact on equality, social inclusion, health and wellbeing.

		Yes	No
1	Does this new or revised project, proposal, policy, report, procedure likely to have an impact?		
2	Does the proposal seek agreement to a key decision involving allocation of resources, such as changes in funding or resources, initiation of a new programme or project or procurement?		
3	Does the proposal seek agreement on restructuring or reorganising of staffing?		
4	Will this policy or proposed change have any impact on potential suppliers?		

5	Does this policy or proposed change impact on any HR policy or practice within the council?		
6	Does this policy or proposed change have any implications for equalities, social inclusion and health and wellbeing not covered above?		

1. If the answer is **no** to all the questions, please provide a summary below outlining why this conclusion has been reached.
2. If the answer is **yes** to any of the questions, please conduct the full ESHIA as detailed in Part two.

If you are unsure of any of the answers, please seek advice from Human Resources.

Summary of initial screening outcome:		
Decision	Yes	No
Initial screening only		
Proceed to Part Two, full assessment		

Initial screening completed by	
Date	

Full screening completed by	
Date	

Equality, Social Inclusion and Health Impact Assessment (ESHIA)

Part Two: Full assessment

Section 1

The purpose of the project, proposal or decision required. Set out the aims, objectives, purpose and outcomes of the area being impact assessed. Are any other functions, policies or services linked to this assessment?

Section 2

Evidence used and considered. Include analysis of any missing data.

Section 3

Consultation undertaken with interested parties who will/may be affected proposal? What were the outcomes of the consultation?

Section 4

What are the potential or actual impacts of the proposal? Please consider both the direct and indirect impact and refer to the guidance for additional information.

Impact Area	Impact? Positive (P) Negative (N) Neutral (Ne)	Details of the impact	Action to address negative impact
Protected Characteristic, as outlined in the Equality Act 2010			
Age			
Disability			
Gender reassignment			
Marriage and civil partnership			
Pregnancy and maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			

Are there socio-economic groups likely to be affected? If yes, please provide detail below			
Other social exclusion			
Digital exclusion			
Veterans and serving members of the armed forces and their families			
Young people leaving care			
Health and Wellbeing: Individuals and communities in Tamworth	Impact: Positive (P) Negative (N) Neutral (Ne)	Explanation	Action to address negative impact
Will the proposal have a direct impact on an individual's health, mental health and wellbeing?			
Will the proposal directly impact on housing?			
Will there be a likely change in demand for or access to public services such as health and social care services?			
Will there be an impact on diet and nutrition?			
Will there be an impact on physical activity?			
Will there be an impact on transport, travel and connectivity?			
Will there be an impact on employment and income?			

Will there be an impact on education and skills?			
Will there be an impact on community safety?			
Will there be an impact on the environment, air quality, climate change?			

If there are no adverse impacts or any issues of concern or you can adequately explain or justify them, please move to section 6.

Section 5

Where a potential negative impact has been identified, can continuation of the proposal be objectively justified? If yes, please explain your reasons.

Section 6: Decisions or actions proposed

The assessment may result in some recommendations or suggestions to mitigate any negative impact and maximise positive impacts or actions to reduce the risk of an adverse impact.

Section 7: Monitoring arrangements

Who will be responsible for monitoring	
Frequency of monitoring	
Where will the impact assessment be reported to?	
Where this impact assessment will be stored in line with the council's retention schedule.	

Section 8: Summary of actions to mitigate negative impact (if required)

Impact Area	Action required	Lead officer/responsible person	Target date	Progress

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Equality, Social Inclusion and Health Impact Assessment (ESHIA) Guidance

Introduction

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our may take and is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Tamworth Borough Council does this using a template called Equality, Social Inclusion and Health Impact Assessment (ESHIA). This provides:

- A mechanism to systematically assess the possible effects that a policy, project or decision is likely to have on different people. It can assist to identify possible discrimination by analysing policies, projects, practices, processes, procedures, services and decision, to make sure they do not discriminate or disadvantage people and will help towards improving or promoting equality.
- An opportunity to identify any mitigating action that can be taken to improve outcomes
- A mechanism for contributing to compliance with the Public Sector Equality Duty.

ESHIA forms part of the committee paper documentation for elected members to consider in decision making processes and are a crucial component within such considerations as well as demonstrating an open and transparent approach. For committee reports it will be presented as an appendix to the committee report.

The legal context

The Equality Act 2010, together with the Human Rights Act 1998, forms a framework for equality, diversity, social inclusion and human rights.

Tamworth Borough Council seeks to ensure that, like other public authorities, it is compliant with the Public Sector Equality Duty. The Public Sector Equality Duty (PSED, or "the duty") requires public authorities to have due regard to certain equality considerations when exercising their functions and making decisions. The Equality Duty can be found in sections 149 to 157 of the Equality Act 2010.

Government guidance was last updated in December 2023. The statutory duty ensures that organisations consider how their functions will affect people with different protected characteristics. The protected characteristics are:

1. Age
2. Disability
3. Gender reassignment

4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion or belief
8. Sex
9. Sexual orientation

There is also intersectionality between the protected characteristics. For example, a person with a disability would be in the groupings for 'age' and 'disability', and if they described themselves as having a faith they would then also be in the grouping of 'religion and belief'.

These functions include their policies, programmes and services. The duty supports good decision making by helping decision makers understand how their activities affect different people. It also requires public bodies to monitor the actual impact of the things they do.

Government guidance states that the officer undertaking the screening must determine how much weight should be given to the various factors informing the decision. The duty does not mean that decisions cannot be made which disadvantage some people, provided it does not constitute unlawful discrimination, but the officer should be aware of the equality impacts of these decisions and consider how they could positively contribute to the advancement of equality and good relations. The officer should consider ways of preventing or balancing the effects that their decision may have on certain groups. They should decide which mitigations, if any, they might want to put in place in reconsidering the decision. The mitigation should be proportionate. It is a legal requirement, making decisions without due regard is unlawful.

Responsibility for complying with the general duty falls with the decision maker which is usually the elected members where reports are presented to committee. It is therefore essential that the decision maker sees the assessments that officers have made to ensure compliance with the general duty.

What is the duty?

The general duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

1. Eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act.
2. Advance equality of opportunity between people who share and people who do not share a relevant protected characteristic.
3. Foster good relations between people who share and people who do not share a relevant protected characteristic.

Having 'due regard' means properly considering the three aims identified in the Act, and how they relate to the function being exercised and then deciding what weight to give them. A proportionate approach should be taken to the resources spent on duty compliance, depending on the circumstances of the case and the seriousness of the potential equality impacts on those with protected characteristics.

Eliminating unlawful conduct prohibited by the act means eliminating discrimination, harassment, victimisation, failure to make reasonable adjustments and any other conduct that is prohibited under the act.

Advancing equality of opportunity means having due regard, in particular to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the different needs of people who share a relevant protected characteristic.
- Encourage participation in public life or any other activity by underrepresented groups.
- Take steps to meet the different needs of disabled persons.

Considering people's different needs and taking steps to meet those needs can be relevant to avoiding indirect discrimination.

Fostering good relations means having regards to the need to deal with prejudice and support understanding. For example, some decisions have the power to bring divided groups together and to support their mutual understanding. Other decisions may inadvertently cause people with one protected characteristic to blame people with another for a social problem.

The local context:

Our ESHIA goes further than just the protected characteristics and includes several other elements including safeguarding of the vulnerable, social inclusion, armed forces, health, the environment and climate change.

This is so we are thinking as carefully and completely as possible about all Tamworth groups and communities, including people who we may describe as vulnerable, for example due to low income or due to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

Incorporating health, wellbeing and social inclusion means data can be collected and analysed more proactively. This equips service areas to have due regard to the three aims when considering and planning service changes, and to link in with climate change considerations.

The ESHIA also brings health and wellbeing more to the fore, as part of the work we do and through the work we do with partners to ensure that health is within all our policies. It demonstrates Tamworth Borough Council is working to address health inequalities within our communities.

Almost every aspect of our lives impacts our health and ultimately how long we will live. This includes our jobs and homes, communities, access to education and public transport and whether we experience poverty or discrimination. These factors are often referred to as the 'wider determinants of health'.

We have a duty to improve the health of the local population in Tamworth. In effect this means that health is everyone's business. Therefore, the potential health and health inequalities impact of new strategies, policies, plans and programmes should always be carefully considered to maximise the positive impacts.

Health is also both an enabler and opportunity for us all. A healthier population will mean more people in work, a stronger economy, better attainment at school, and less demand on health and care services.

The health section of the assessment will consider individual factors, like lifestyle, as well as the wider determinants of health such as education, housing, green spaces, environment, and employment. It can create “win-win” solutions e.g. good spatial planning has many non-health benefits but if designed appropriately it can increase physical activity, improve mental health and reduce carbon emissions, all of which improve health.

It also provides the opportunity to amend the design of a proposed plan, strategy, policy, or project if necessary and can be used to assess the positive aspects of a proposal (e.g. the creation of good jobs), and the negative effects (e.g. air pollution impacting vulnerable groups). It is particularly focused on looking at how disadvantaged groups may be affected, to minimise the risk of widening inequalities.

Ultimately it will inform decisions on how we can maximise the positive and minimise the negative health impacts. It informs decisions as to whether the impact on health of a particular proposal is acceptable or not. It assists the decision-makers by giving them better information, but it does not make the decision for them. The approach uses a range of quantitative, qualitative, and participatory techniques.

Stage 1 – initial screening to identify adverse impact

The aim of this stage is to help to identify whether there may be any potential adverse impact on people from a protected characteristic or other groups that we have included. Where equality issues are not affected, or there is little impact on people of the policy or service change, we only complete this initial stage or the form.

Stage 2 – full analysis

This stage provides an opportunity to explore whether there may be a positive, negative or neutral impact on different groups of people and decide if any action needs to be taken to design out, minimise or enhance it.

Stage 3 – develop an action plan

Undertaking stage 2 analysis helps to identify whether there will be any significant impact resulting from our practice or service change decision. The action plan will help to develop measurable interventions that will help ensure we mitigate or remove any impact.

Why should an ESHIA be undertaken?

- Understanding the likely impact of action you propose to take will help you to ensure that you are using Council resources as efficiently and fairly as possible.
- Where the assessment identified potential inequality or inefficiency you have an opportunity to make changes to mitigate any potential adverse impact identified.

- Findings can be used in assessing cumulative impact of a number of policies for particular protected groups.
- It enables you to identify and take action to reduce the likelihood of possible unlawful discrimination which might otherwise result from the implementation from the policy.
- It supports us in considering how we can advance equality of opportunity and foster good community relations between people who share one or more of the protected characteristics.
- Service user consultation.

At what stage should the ESHIA be carried out?

- As soon as there is enough detail to carry out meaningful analysis and consultation.
- While it is still possible for findings to influence final proposals.
- Where significant changes to an existing policy or service is under consideration.
- When a planned review is being carried out.
- When you become aware of significant changes in the target recipients for an existing policy.
- The assessment should be undertaken at timely points in the development and implementation of a proposed change. This enables energies to be focussed on review, monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

How much time and other resources should be allowed for completion of the ESHIA?

- This will depend upon the scale and complexity of the proposals. Resources allocated should be in proportion to the business change proposal and the number of people likely to be affected. It should be undertaken at the formative stage so that it is integral to the decision-making process for change.
- The outcome of the ESHIA is only one factor in the overall decision-making process. Other factors such as financial or legal matters may have equal or greater influence over the decision.

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Tuesday, 10 December 2024

Report of the Chief Executive

Tamworth Parliamentary Constituency – Review of polling districts, polling places and polling stations

Purpose

In accordance with the Electoral Registration and Administration Act 2013, every council in England and Wales must undertake and complete a review of all of the polling district and polling places in its area.

Guidance produced by the Electoral Commission sets out the process for a review, and this has been followed.

Appendix A to this report provides a list of the recommended polling districts, polling places and polling stations, showing the changes which have been made since the last review.

Recommendations

It is recommended that:

1. That the Council adopts the polling districts and polling places as listed in **Appendix A** to this report.
2. That the Council sets the polling place as the polling district plus any adjacent polling district(s).
3. That the Council endorses the polling stations proposed by the Returning Officer as listed in **Appendix A** to this report.

Executive Summary

The Electoral Registration and Administration Act 2013 (ERA 2013) introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. It stipulates that the next compulsory review must be completed between 1 October 2023 and 31 January 2025 (inclusive).

The review process began with the publication of the Notice of Review of Polling Districts and Polling Places 2024. Notices were placed on the council's website and council offices along with press releases and social media posts inviting electors to submit comments. The associated consultation period ran from Monday 9 September to Monday 14 October. Potentially interested organisations were written to along with local political parties. **Appendix B** outlines the organisations and individuals contacted. Regard was given to those with specific experience of assessing access for persons with different disabilities. During the consultation period 55 submissions were received covering the 10 wards of the Borough. These are summarised in **Appendix C**.

The Borough of Tamworth is currently divided into 50 polling districts covered by 52 polling stations. Polling districts, the geographic subdivisions of each wards, as well as polling places for each of these districts were within the scope of this review. The review considered the continued suitability of existing arrangements and where necessary, has made proposals for:

- The creation or removal of polling districts;
- "Change" or "no change" to the boundaries of polling districts;
- "Change" or "no change" to the referencing of those polling districts;
- "Change" or "no change" to the polling stations within those polling districts.

Borough ward boundaries, county council boundaries and parliamentary constituency boundaries were not in the scope of this review. The legislation requires that ward/county boundaries are reviewed by the Local Government Boundary Commission for England and the Electoral Commission and not by Local Authorities themselves. We do not have a mandate to suggest alterations to the boundaries between wards.

The review therefore, did not consider comments regarding local authority boundaries, neighbouring parliamentary constituencies, the name of local authority or other electoral areas within or bordering Tamworth Borough Council.

Following the conclusion of the review, certain persons have a right of appeal and may make such representations to the Electoral Commission. If, on receipt of such representations, it is found that a local authority's review did not:

- meet the reasonable requirements of the electors in the constituency, or a body of them, or
- take sufficient account of the accessibility for disabled persons of a polling station/ polling stations within a designated polling place

then the Electoral Commission may direct the authority to make any alterations that they think are necessary and, if the alterations are not made within two months, the Electoral Commission may make the alterations themselves.

The terms used as part of this report and their meaning can be found in **Appendix D**.

Options Considered

As set out in **Appendix A**.

Resource Implications

There are no financial implications as a result of this report. However, should an appeal be received there may be a financial risk to the Authority.

Legal/Risk Implications

The review is a statutory obligation and has been conducted in accordance with the necessary legislation.

Equalities Implications

Accessibility regarding polling stations is a key factor that has been taken into account when deciding on suitable polling locations.

The completed Community Impact Assessment can be found in **Appendix E**.

Environment and Sustainability Implications (including climate change)

These have been considered as part of the review along with disability and equality legislation in order to arrive at the recommendations given in the report.

Background Information

In accordance with the requirements set out in legislation a full review of the polling districts, polling places and polling stations has been carried out.

Report Author

Bernadette Flanagan – Electoral Services Manager

List of Background Papers

Representation of the People Act 1983

Electoral Administration Act 2006

Electoral Registration and Administration Act 2013

Appendices

Appendix A – Recommendations by Ward

- Amington Ward
- Belgrave Ward
- Bolehall Ward
- Castle Ward
- Glascote Ward
- Mercian Ward
- Spital Ward
- Stonydelph Ward
- Trinity Ward
- Wilnecote Ward

Appendix B – List of Consultees

Appendix C – Summary of Submissions Received with Acting Returning Officer's comments

Appendix D – Glossary of Terms

Appendix E – Community Impact Assessment

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Recommendations Report

Introduction

Local Authorities must comply with a number of legislative requirements regarding the location and accessibility of Polling Districts and Polling Places. The mandatory review process comprises a number of specified steps set out in Schedule A1 to the Representation of the People Act 1983, which includes a public consultation.

The last review for Tamworth Borough Council was conducted in 2019. A full polling place and polling district review commenced on Monday 9 September 2024 and ended on Monday 14 October 2024.

The review considered any representations from local residents and stakeholders in the borough, including any issues regarding access to premises or facilities for persons with disabilities. Any elector could make their views known and the process for doing so was publicised. In addition, the review considered the impact of the next four years' worth of planned residential developments.

In encouraging views, it is of course the case that the availability of suitable polling places is the key determining factor in the makeup of polling districts. Therefore, in asking for comments, we requested that alternative proposals should include suggestions for polling station locations.

It is the Returning Officer's role to select the polling stations. It will be Full Council which will make the decisions on any proposed changes to polling districts or polling places. The final scheme for polling arrangements will be adopted in accordance with the Council's constitution.

The polling districts, polling places and polling stations finally decided on will be in use for any polls called after 1 January 2025.

Scope of the review

Tamworth is currently divided into 50 polling districts covered by 52 polling stations. Polling districts, the geographic subdivisions of each ward, as well as polling places for each of these districts were within the scope of this review. The review considered the continued suitability of existing arrangements and, where necessary, will make proposals for: "Change" or "no change" to the polling stations within those districts.

- The creation or removal of polling districts;
- "Change" or "no change" to the boundaries of polling districts;
- "Change" or "no change" to the referencing of those polling districts;
- "Change" or "no change" to the polling stations within those polling districts.

Not in scope

Borough ward boundaries, county council boundaries and parliamentary constituency boundaries were not in the scope of this review.

The legislation requires that ward/county boundaries are reviewed by the Local Government Boundary Commission for England (LGBCE) and the Electoral Commission (EC) and not by Local Authorities themselves. We do not have a mandate to suggest alterations to the boundaries between wards.

The review did not consider comments regarding local authority boundaries, neighbouring parliamentary constituencies, the name of local authorities or other electoral areas within or bordering Tamworth Borough Council.

Glossary of Terms

Polling District

A polling district is a geographical subdivision of an electoral area. For example, a parliamentary constituency or a borough ward.

Polling Place

A polling place is the area in which the Returning Officer selects the polling station. In Tamworth, it is recommended that polling places represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located.

Polling Station

The polling station is the room or building where the poll takes place. This location is selected by the Returning Officer.

Accessing information

The report presents information for each ward of the borough. These are presented in alphabetical as follows:

- Amington
- Belgrave
- Bolehall
- Castle
- Glascote
- Mercian
- Spital
- Stonydelph
- Trinity
- Wilnecote

To illustrate those recommendations for each ward, maps of the existing arrangements as well as maps of our proposed arrangements are available on our polling station page:

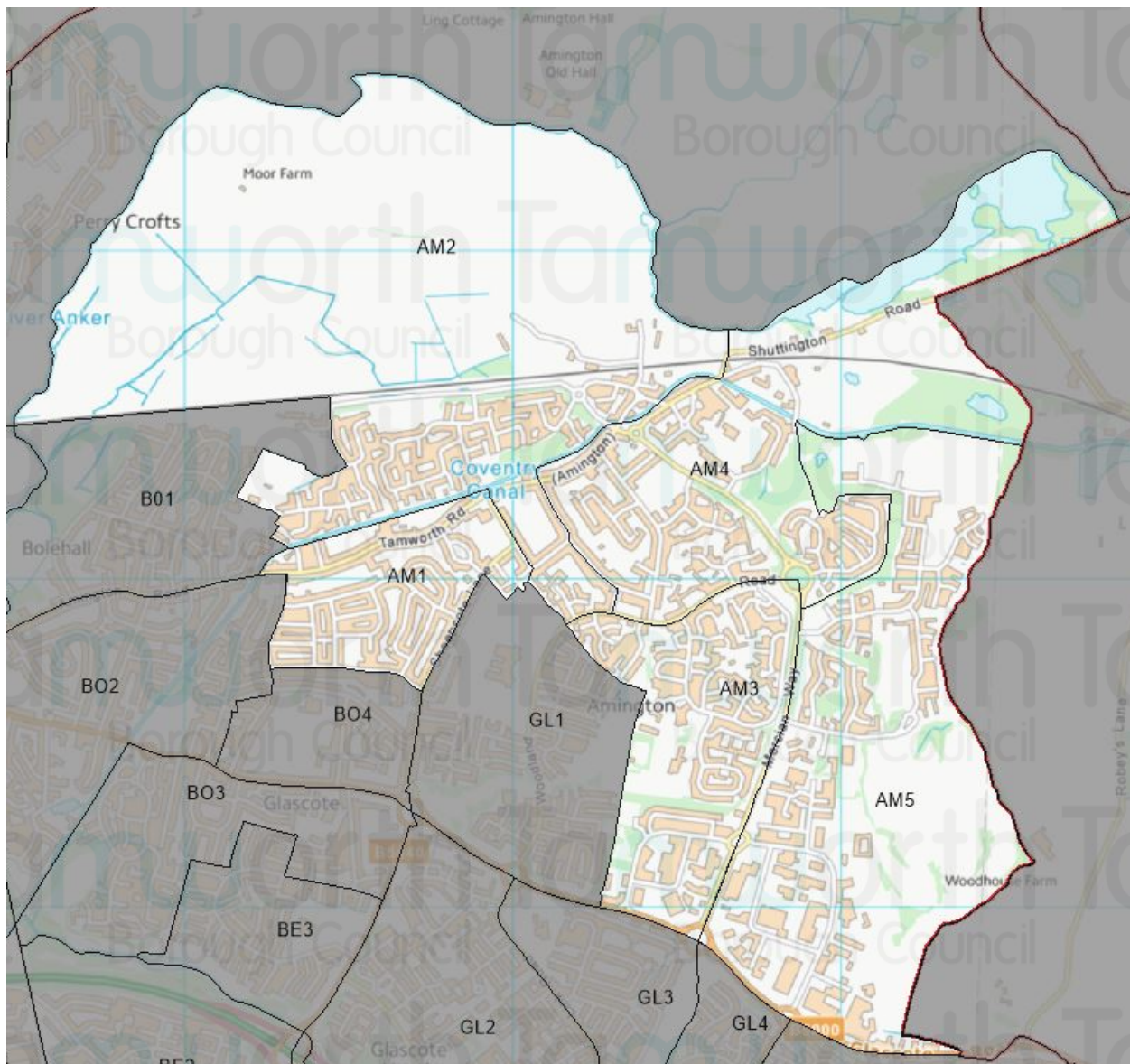
[Polling District, Polling Place & Polling Station Review Consultation | Tamworth Borough Council](#)

In the polling district information tables provided for each ward, the word “Electorate” refers to the total number of registered voters in the district, as of September 2024.

In the polling station information tables provided for each ward, the expression “Polling Station Electorate” refers to the total number of registered voters in the district who have opted to attend a polling station to vote, as of September 2024. This figure excludes electors from the district who may have opted to vote by other means. This figure informs us of the maximum number of electors who may attend the polling station on polling day.

Amington Ward

Existing Polling Districts



<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
AM1	Florendine Primary School	1,209	No change.
AM2	Florendine Primary School	1,642	No change.
AM3	Amington Heath Primary School	1,191	No change.
AM4	Amington Band Welfare Centre	1,491	No change.
AM5	Amington Band Welfare Centre	1,239	No change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Florendine Primary School	AM1	881	Yes	No change.
Florendine Primary School	AM2	1,295	Yes	No change.
Amington Heath Primary School	AM3	1,066	Yes	No change.

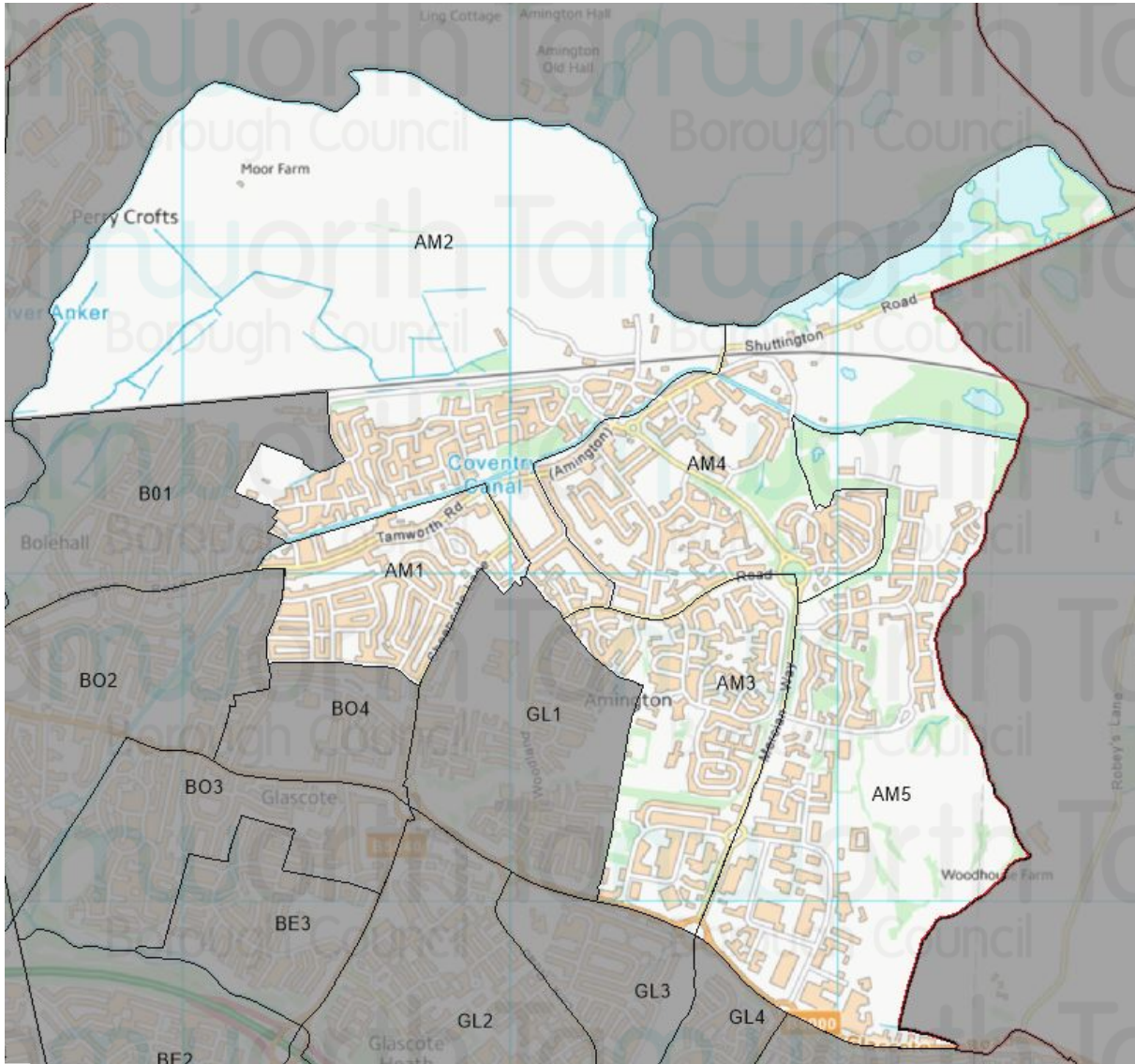
<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Amington Band Welfare Centre	AM4	1,202	Yes	No change.
Amington Band Welfare Centre	AM5	1,058	Yes	No change.

Recommendations

No alternatives to the current polling district and polling place scheme were suggested as part of the consultation. No complaints have been received from any electors regarding the provision of polling places or the polling station facilities provided. Therefore, it is recommended that no changes are made to the polling districts within the Amington Ward.

It is also recommended that the polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



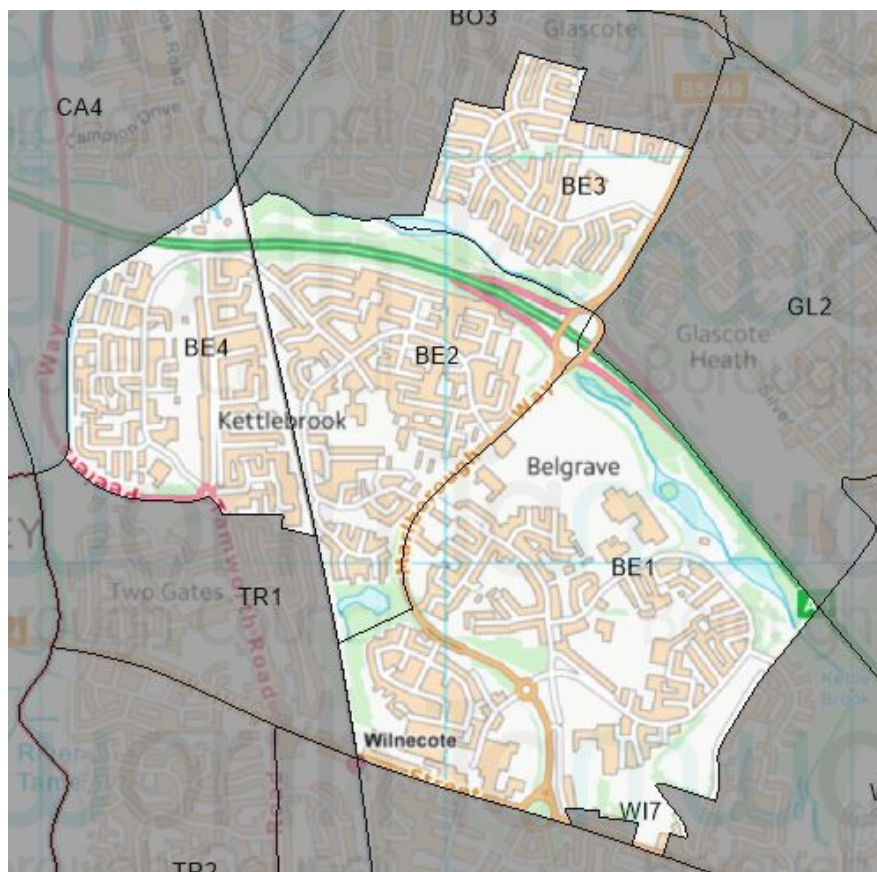
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate¹</i>	<i>Estimated Polling Station Electorate²</i>	<i>No of polling stations</i>
AM1	Florendine Primary School	Florendine Street, Amington, B77 3DD	1,233	1,011	1
AM2	Florendine Primary School	Florendine Street, Amington, B77 3DD	1,667	1,367	1
AM3	Amington Heath Primary School	Quince, Amington, B77 4EN	1,210	992	1
AM4	Amington Band Welfare Centre	Sharpe Street, Amington, B77 3HY	1,536	1,260	1
AM5	Amington Band Welfare Centre	Sharpe Street, Amington, B77 3HY	1,473	1,207	1

¹ Estimated Electorate = Number of Properties x average number of electors in polling district

² Based on the average of 82% of electors choosing to attend a polling station.

Belgrave Ward

Existing Polling Districts



<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
BE1	The Sports Centre, Tamworth Enterprise College	1,825	No change.
BE2	Tamworth Baptist Church	1,525	No change.
BE3	Lakeside Primary School	946	No change.
BE4	Park Farm Community Centre	1,369	Change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
The Sports Centre, Tamworth Enterprise College	BE1	1,550	Yes	No change.
Tamworth Baptist Church	BE2	1,325	Yes	No change.
Lakeside Primary School	BE3	779	Yes	No change.
Park Farm Community Centre	BE4	1,140	Yes	No change.

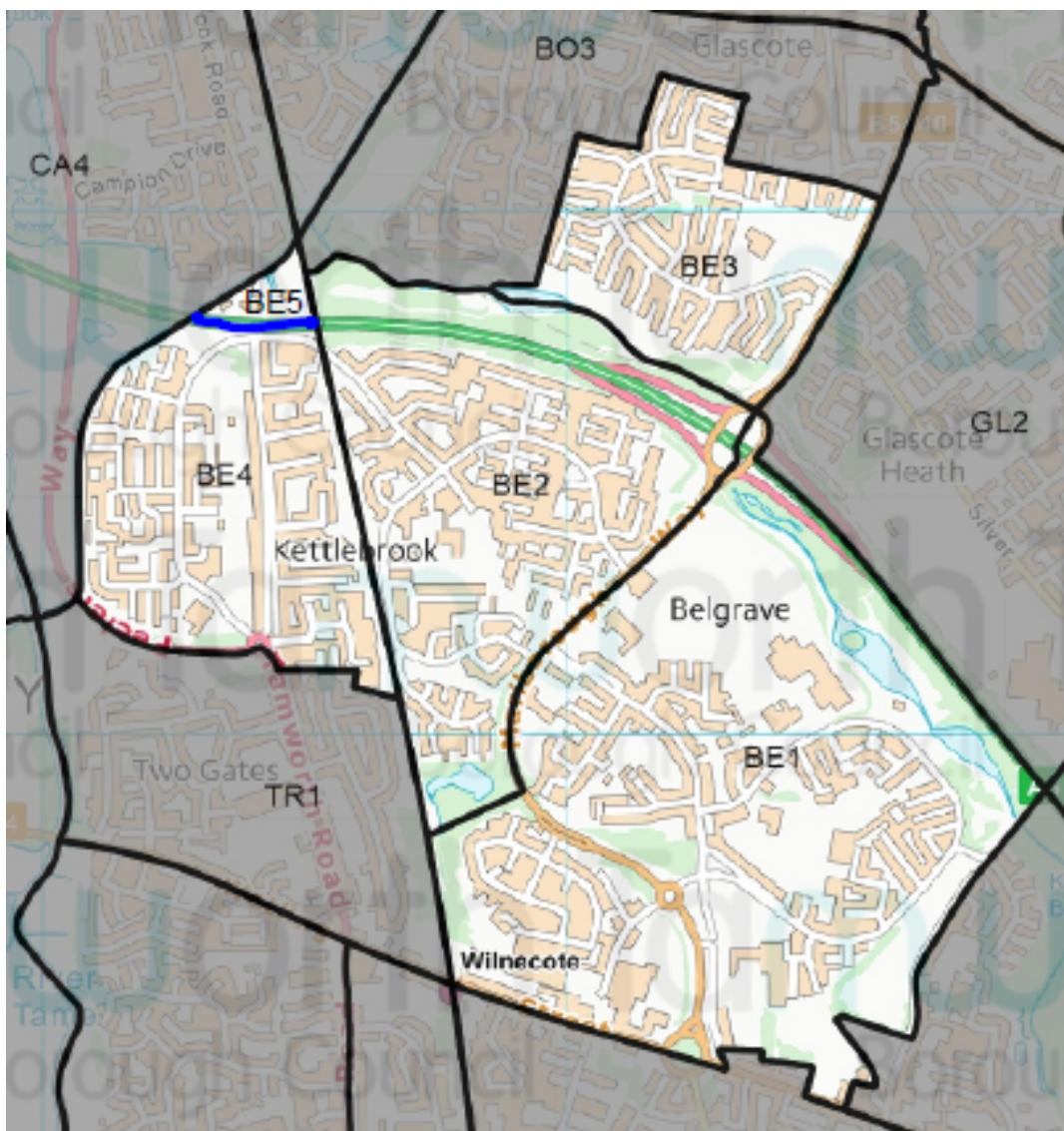
Recommendations

No alternatives to the current polling district and polling place scheme were suggested as part of the consultation. No complaints have been received from any electors regarding the provision of polling places or the polling station facilities provided.

It was noted that some electors would benefit having their properties moved from BE4 into a new polling district to allow them to access a polling location nearer their homes. Therefore, it is recommended that a new polling district with the reference BE5 is created to allow for properties located at the far end of Kettlebrook Road (numbers 234 to 252) to vote at the Sea Cadet Centre rather than having to travel to the Community Centre located at Greatmead. No other changes to polling districts, polling places or polling places are proposed.

It is also recommended that the polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



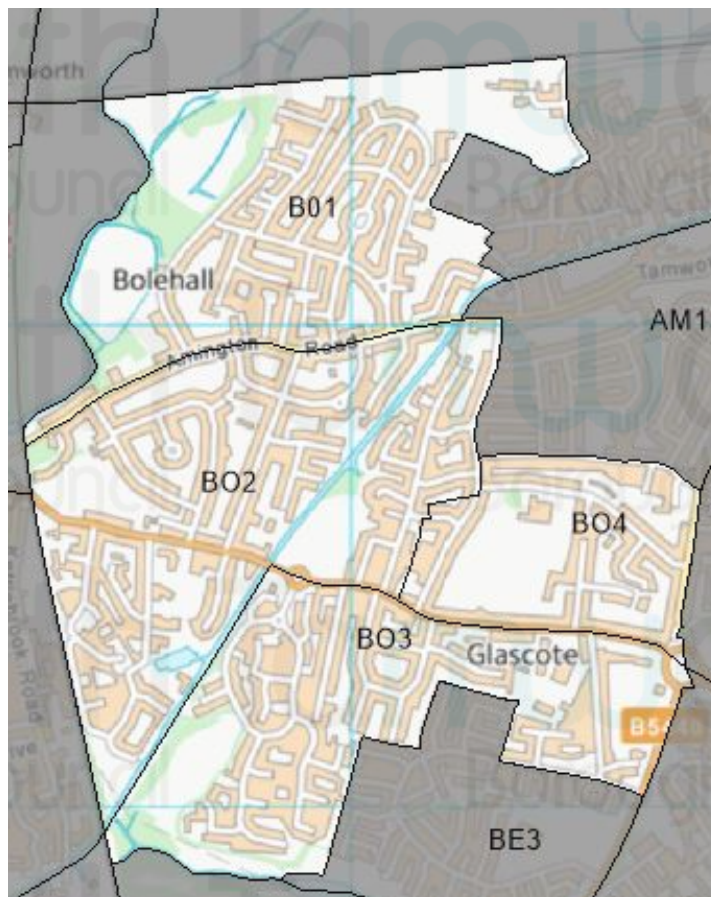
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate³</i>	<i>Estimated Polling Station Electorate⁴</i>	<i>No of polling stations</i>
BE1	The Sports Centre, Tamworth Enterprise College	Birds Bush Road, Belgrave, B77 2NE	1865	1529	1
BE2	Tamworth Baptist Church	Derwent, Off Field Farm Road, B77 2LD	1561	1280	1
BE3	Lakeside Primary School	Leyland Road, B77 2SA	977	801	1
BE4	Park Farm Community Centre	Greatmead, Kettlebrook, B77 1DL	1399	1147	1
BE5 (NEW)	Sea Cadet Centre, West Street	West Street, Kettlebrook B77 1AU	19	16	Electors in this polling district will attend the polling station with the CA4.

³ Estimated Electorate = Number of Properties x average number of electors in polling district

⁴ Based on the average of 82% of electors choosing to attend a polling station.

Bolehall Ward

Existing Polling Districts



<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
BO1	Bolehall Swifts Social Club	1,301	No change
BO2	William Macgregor Primary School	2,183	No change
BO3	Glascote Meeting Rooms	1,428	No change
BO4	Woodlands Primary School	738	No change

Existing Polling Stations

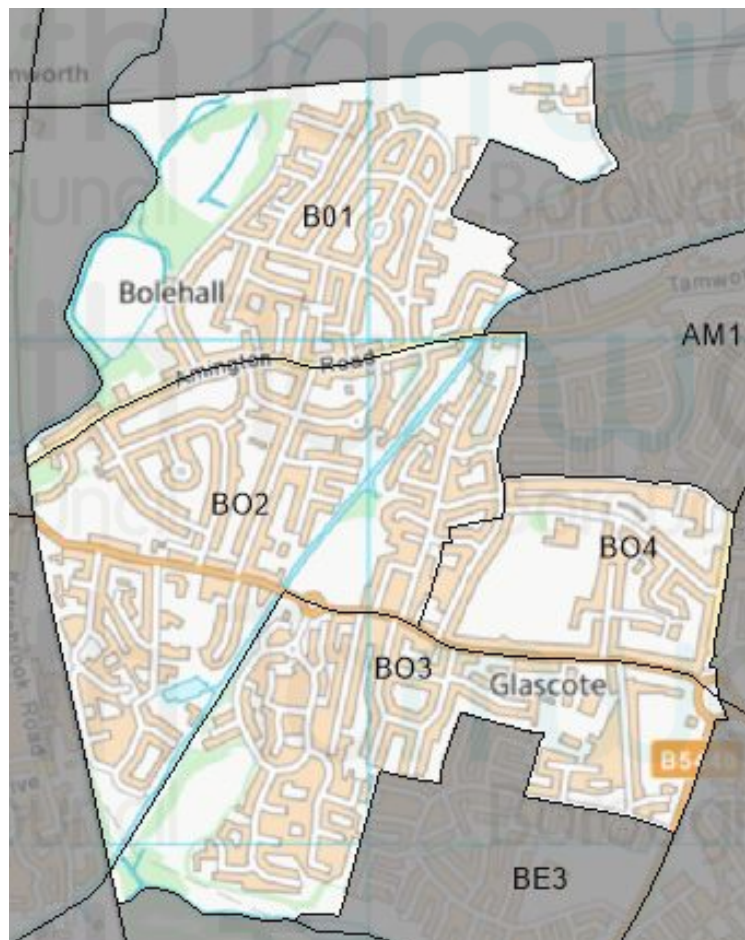
<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Bolehall Swifts Social Club	BO1	1,084	Yes	No change
William Macgregor Primary School	BO2	1,827	Yes	No change
Glascote Meeting Rooms	BO3	1,224	Yes	No change
Woodlands Primary School	BO4	625	Yes	No change

Recommendations

No alternatives to the current polling districts or polling place scheme were suggested as part of the consultation. No complaints have been received from any electors regarding the provision of polling places or the polling station facilities provided. Therefore, it is recommended that no changes are made to the polling districts within the Bolehall Ward.

It is also recommended that polling the place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



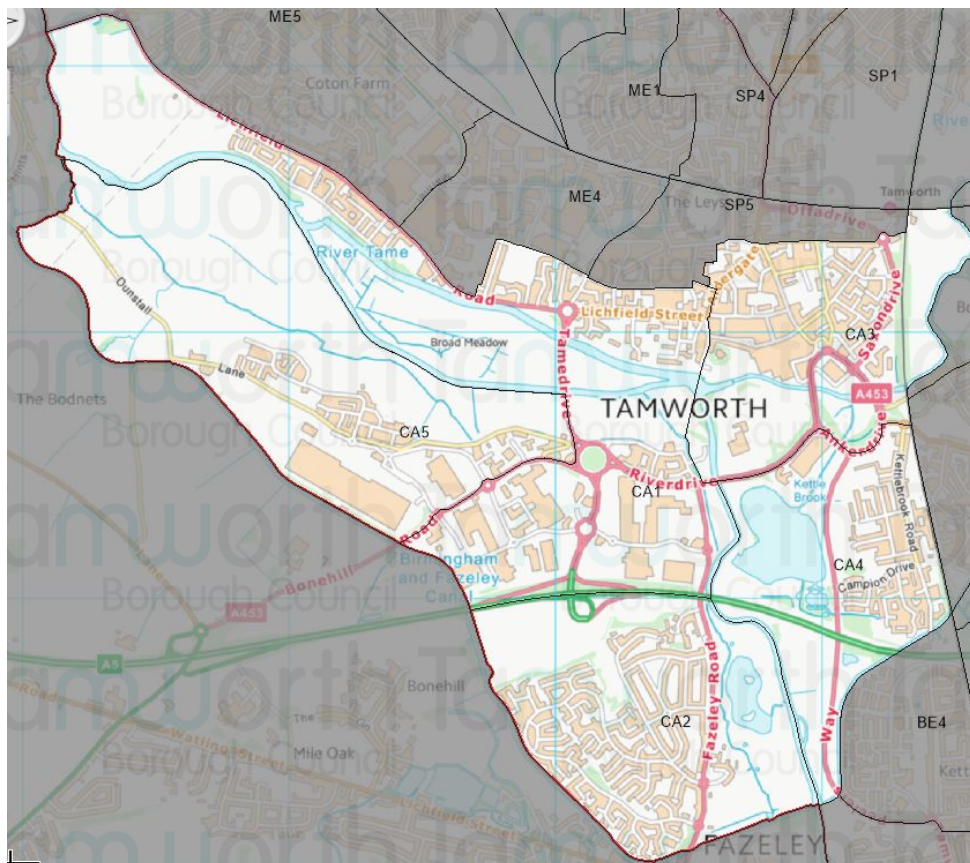
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate⁵</i>	<i>Estimated Polling Station Electorate⁶</i>	<i>No of polling stations</i>
BO1	Bolehall Swifts Social Club	Rene Road, Bolehall, B77 3NW	1325	1087	1
BO2	William Macgregor Primary School	Glasgote Road, B77 2AF	2224	1823	2
BO3	Glasgote Meeting Rooms	Dumolos Lane, B77 2AU	1456	1194	1
BO4	Woodlands Primary School	Canning Road, Glasgote, B77 3JX	748	613	1

⁵ Estimated Electorate = Number of Properties x average number of electors in polling district

⁶ Based on the average of 82% of electors choosing to attend a polling station.

Castle Ward

Existing Polling Districts



<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
CA1	Sunset Close Community Centre	1,749	No change.
CA2	The Green (Durham Close) – Temporary Station	2,093	No change.
CA3	Community Meeting Room, St John’s RC Church	964	No change.
CA4	Sea Cadet Centre	892	No change.
CA5	Sunset Close Community Centre	1,172	No change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Sunset Close Community Centre	CA1	1,368	Yes	No change
The Green (Durham Close) – Temporary Station	CA2	1,686	Yes ⁷	No change
Community Meeting Room, St John’s RC Church	CA3	795	Yes	No change
Sea Cadet Centre	CA4	740	Yes	No change

⁷ Although temporary stations are suitably equipped to enable access for all voters (ramps and handrails for disabled access) there are still ongoing concerns due to inherent characteristics of mobile units, such as their narrow entrance and limited internal area.

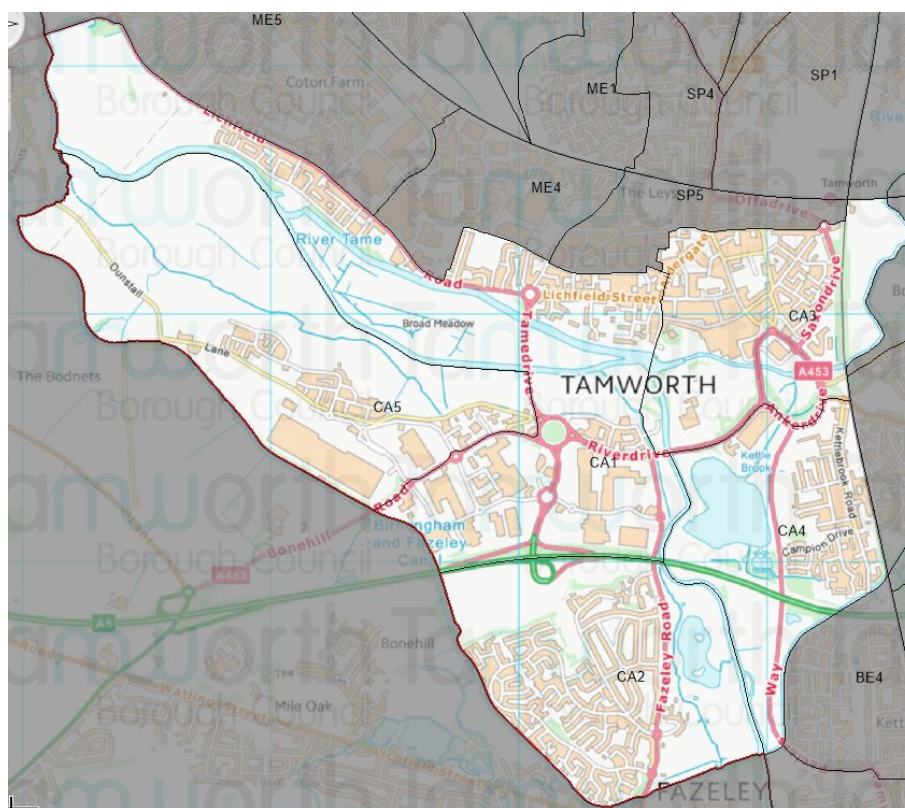
<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Sunset Close Community Centre	CA5	1,063	Yes	Change

Recommendations

Several submissions were received requesting that the polling station for the CA5 polling district was relocated from Sunset Close Community Centre. Dunstall Park Primary School have been contacted and are willing to act as a polling station location for the CA5 polling district. Sunset Close Community Centre will continue to be used for the CA1 polling district. No other changes are proposed for the Castle Ward.

It is also recommended that the polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



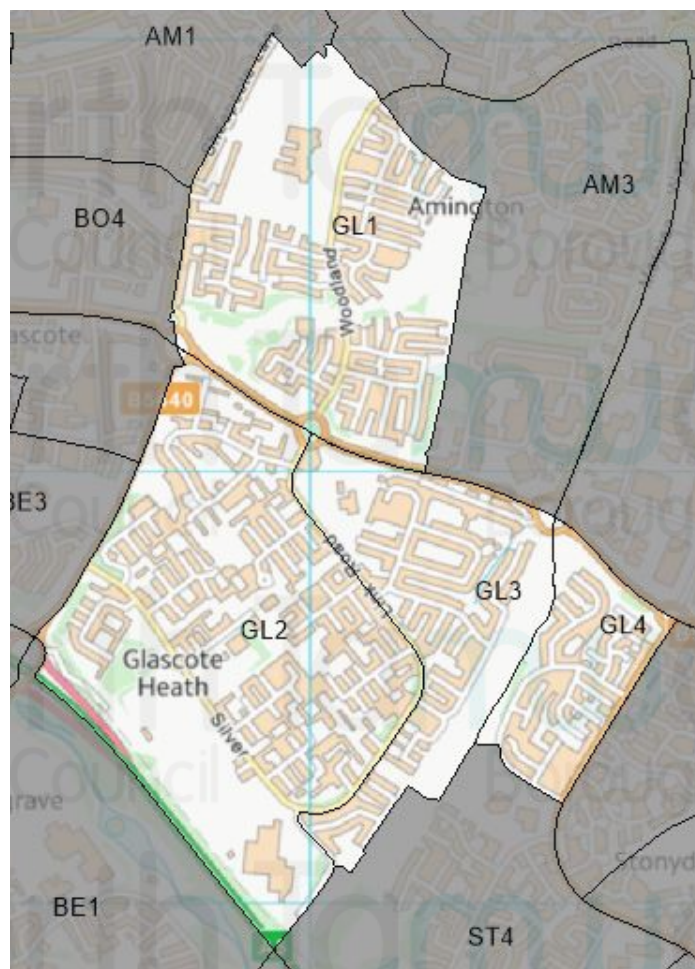
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorateⁱ</i>	<i>Estimated Polling Station Electorateⁱⁱ</i>	<i>No of polling stations</i>
CA1	Sunset Close Community Centre	Sunset Close, Off Lichfield Street, B79 7QJ	1778	1458	1
CA2	The Green (Durham Close) – Temporary Station	Land adjacent to Durham Close, County Drive	2119	1737	2
CA3	Community Meeting Room, St John's RC Church	St John's Street, B79 7EX	996	817	1
CA4	Sea Cadet Centre	West Street, Kettlebrook, B77 1AU	884	725	1
CA5	Dunstall Park Primary School	Austen Drive, B78 3BQ	1435	1176	1

ⁱ Estimated Electorate = Number of Properties x average number of electors in polling district

ⁱⁱ Estimated Polling Station Electorate = Based on the average of 82% of electors choosing to attend a polling station

Glascote Ward

Existing Polling Districts



<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
GL1	Sacred Heart Catholic Church	1,515	No change.
GL2	Oakhill Primary School	2,425	Change.
GL3	Sacred Heart Catholic Church	937	No change.
GL4	Stoneydelph Primary School	609	No change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Sacred Heart Catholic Church	GL1	1,189	Yes	No change.
Oakhill Primary School	GL2	2,132	Yes	Change.
Sacred Heart Catholic Church	GL3	743	Yes	No change.
Stoneydelph Primary School	GL4	547	Yes	No change.

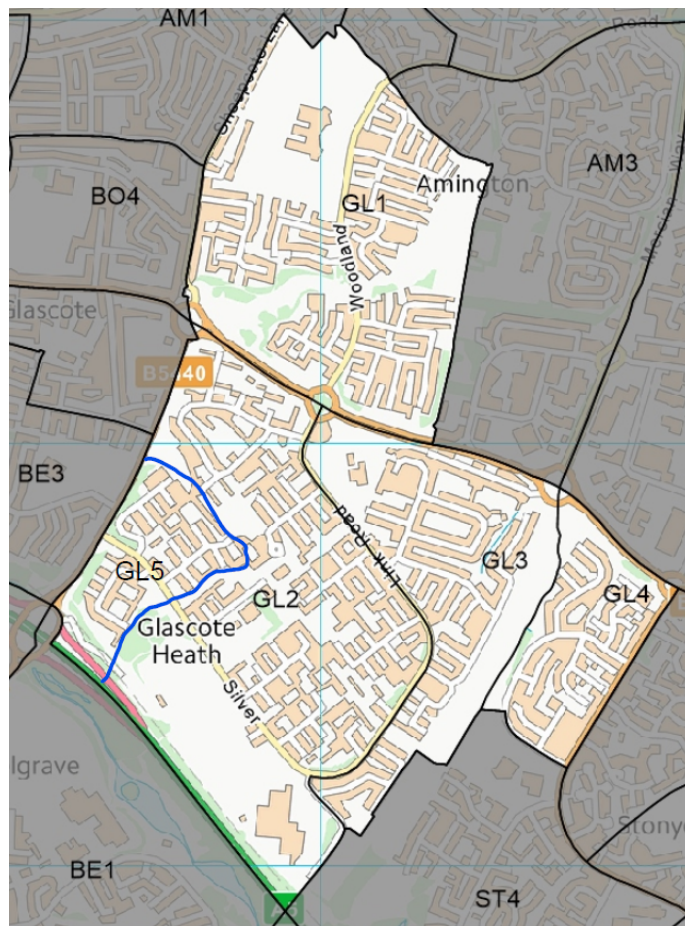
Recommendations

Several submissions were received requesting that we explore the possibility of using St Peter's Church, Hawksworth rather than Oakhill Primary School. St Peter's Church are happy to allow us to use them for polling purposes, therefore, it is recommended that this change is made. This will mean that the GL2 polling district would cast their vote at St Peter's Church at future polls.

The creation of a new polling district is also required. This is to assist with the delivery of the county council elections. The GL2 polling district has been split between two county divisions in the recent boundary changes. To facilitate this the creation of a new polling district, GL5 will be necessary. This new polling district would cast their vote at St Peter's Church. This new polling district will include properties from Ivatt, Kirtley and Maitland.

It is also recommended that the polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



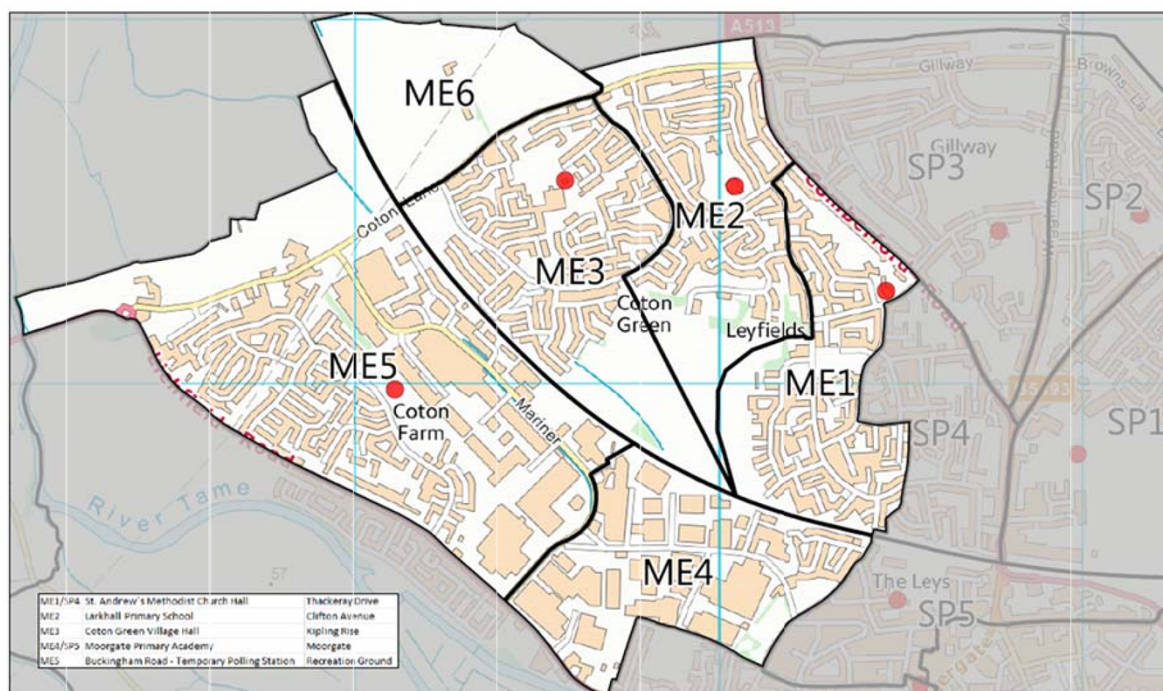
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate⁸</i>	<i>Estimated Polling Station Electorate⁹</i>	<i>No of polling stations</i>
GL1	Sacred Heart Catholic Church	Silver Link Road, Glascoate Heath, B77 2EA	1539	1262	1
GL2	St Peter's Church, Hawksworth	Hawksworth, B77 2HH	1957	1604	2
GL3	Sacred Heart Catholic Church	Silver Link Road, Glascoate Heath, B77 2EA	956	784	1
GL4	Stoneydelph Primary School	Crowden Road, Stoneydelph, B77 4LS	620	509	1
GL5(NEW)	St Peter's Church, Hawksworth	Hawksworth, B77 2HH	518	425	Will be incorporated with one of the stations serving the GL2 polling district.

⁸ Estimated Electorate = Number of Properties x average number of electors in polling district

⁹ Based on the average of 82% of electors choosing to attend a polling station.

Mercian Ward

Existing Polling Districts



<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
ME1	St Andrew's Methodist Church Hall	1,412	No change.
ME2	Larkhall Primary School	1,000	No change.
ME3	Coton Green Village Hall	1,273	No change.
ME4	Moorgate Primary Academy	156	No change.
ME5	Buckingham Road – Temporary Station	1,365	No change.
ME6	Coton Green Village Hall	305	No change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
St Andrew's Methodist Church Hall	ME1	1,204	Yes	No change.
Larkhall Primary School	ME2	809	Yes	No change.
Coton Green Village Hall	ME3	1,027	Yes	No change.
Moorgate Primary Academy	ME4	136	Yes	No change.

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Buckingham Road – Temporary Station	ME5	1,127	Yes ¹⁰	No change.
Coton Green Village Hall	ME6	268	Yes	No change.

¹⁰ Although temporary stations are suitably equipped to enable access for all voters (ramps and handrails for disabled access) there are still ongoing concerns due to inherent characteristics of mobile units, such as their narrow entrance and limited internal area.

Recommendations

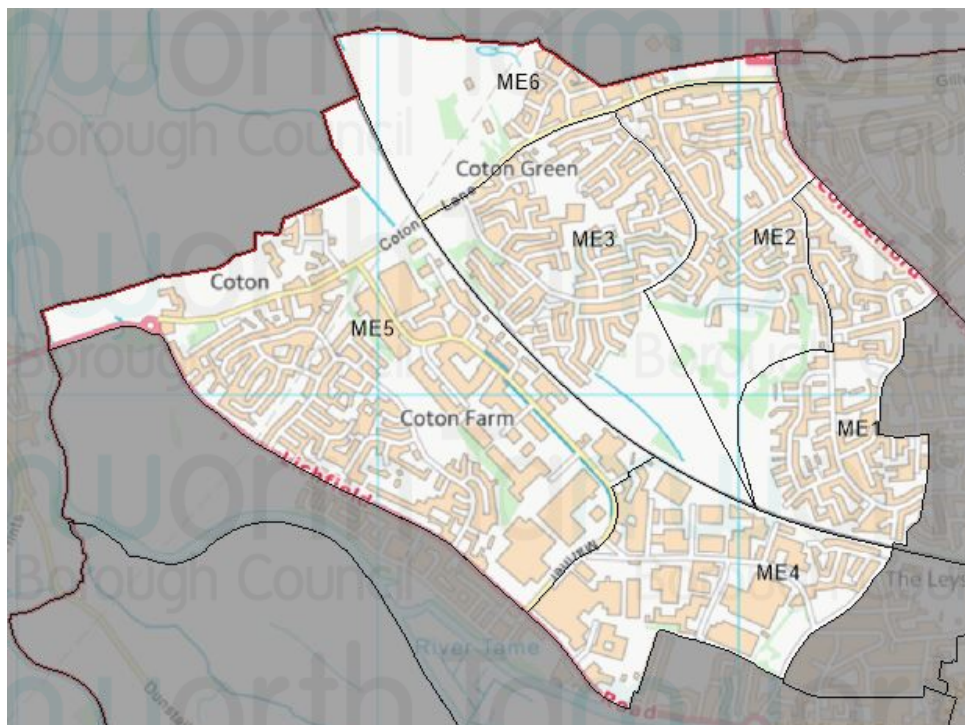
It should be noted that although the Mercian Ward currently uses two schools as polling stations the schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst schools must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.

Schools are required under statute to be made available for voting purposes. This is because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. According to statistics provided by Staffordshire Observatory there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received from any electors regarding the provision of polling places or the polling station facilities provided. Therefore, it is recommended that no changes are made to the polling districts within the Mercian Ward.

A number of alternatives to the current polling district and polling place scheme were suggested as part of the consultation however, the majority were either already used or were not within the borough. At the time of writing this we are still waiting for a response from some suggested locations to see if they would be available and are suitable for use as a polling station.

Currently no changes are recommended however, the polling stations will remain under review whilst we will continue to explore other possibilities. It is also recommended that the polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



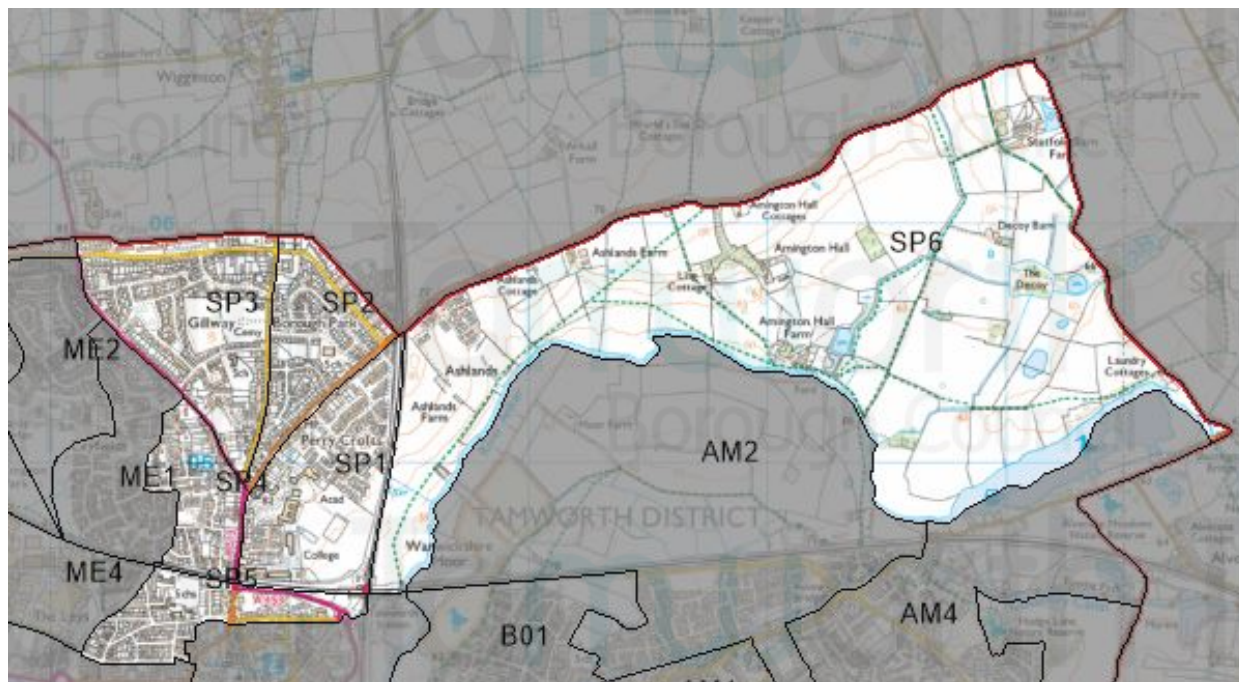
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate¹¹</i>	<i>Estimated Polling Station Electorate¹²</i>	<i>No of polling stations</i>
ME1	St Andrew's Methodist Church Hall	Thackeray Drive, B79 8HY	1448	1187	1
ME2	Larkhall Primary School	Clifton Avenue, Tamworth, B79 8EF	1008	826	1
ME3	Coton Green Village Hall	Kipling Rise, Coton Green, B79 7UF	1289	1057	1
ME4	Moorgate Primary Academy	Moorgate, Tamworth, B79 7EL	159	130	1
ME5	Buckingham Road – Temporary Station	Recreation Ground, Buckingham Road	1411	1157	1
ME6	Coton Green Village Hall	Kipling Rise, Coton Green, B79 7UF	304	250	Will be incorporated with ME3 polling station

¹¹ Estimated Electorate = Number of Properties x average number of electors in polling district

¹² Based on the average of 82% of electors choosing to attend a polling station.

Spital Ward

Existing Polling Districts



Existing Polling Districts

<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
SP1	School Canteen – Landau Forte QEMS	948	No change.
SP2	Ashcroft Infants and Nursery School	1,101	No change.
SP3	Flax Hill Junior Academy	1,524	No change.
SP4	St Andrew’s Methodist Church Hall	792	No change.
SP5	Moorgate Primary Academy	1,043	No change.
SP6	Anker Valley Primary Academy	1,064	No change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
School Canteen – Landau Forte QEMS	SP1	674	Yes	No change.
Ashcroft Infants and Nursery School	SP2	865	Yes	No change.
Flax Hill Junior Academy	SP3	1,228	Yes	No change.
St Andrew’s Methodist Church Hall	SP4	608	Yes	No change.
Moorgate Primary Academy	SP5	838	Yes	No change.
Anker Valley Primary Academy	SP6	940	Yes	No change.

Recommendations

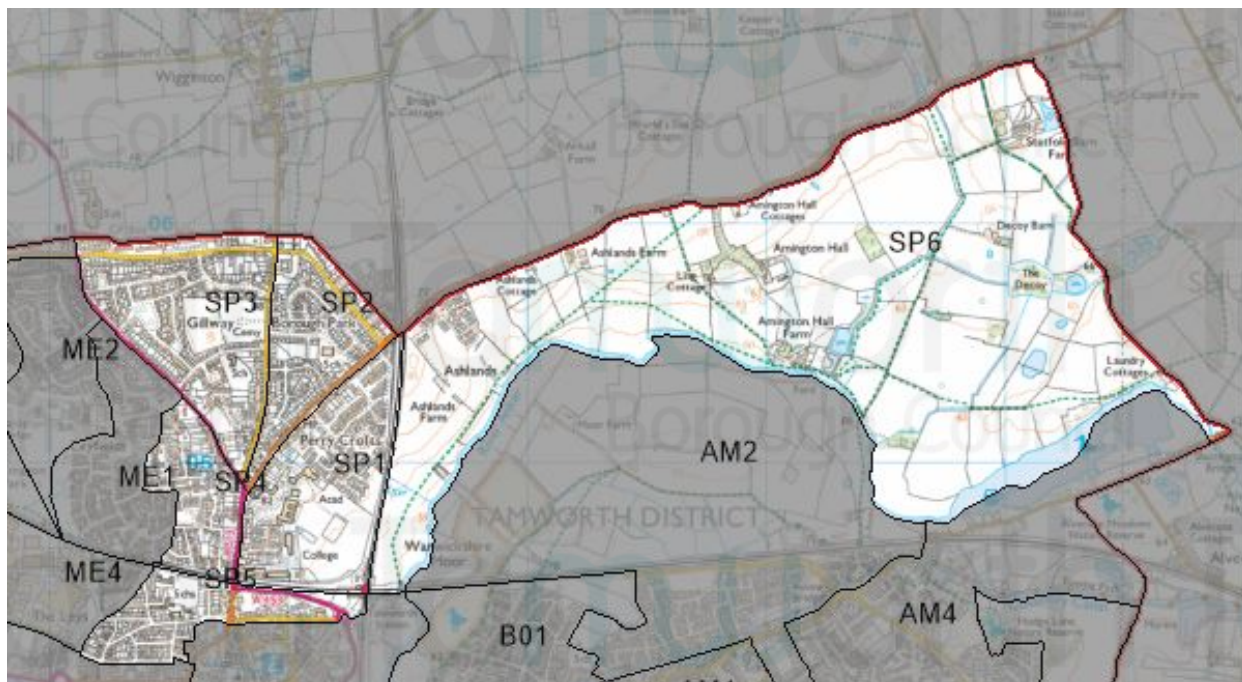
It should be noted that although the Spital Ward currently uses five schools as polling stations the schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst schools must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.

Schools are required under statute to be made available for voting purposes. This is because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. According to statistics provided by Staffordshire Observatory there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received from any electors regarding the provision of polling places or the polling station facilities provided. Therefore, it is recommended that no changes are made to the polling districts within the Spital Ward.

A number of alternatives to the current polling district and polling place scheme were suggested as part of the consultation however, the majority were either already used or were not within the borough. At the time of writing this we are still waiting for a response from some suggested locations to see if they would be available and are suitable for use as a polling station.

Currently no changes are recommended however, the polling stations will remain under review whilst we will continue to explore other possibilities. It is also recommended that the polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



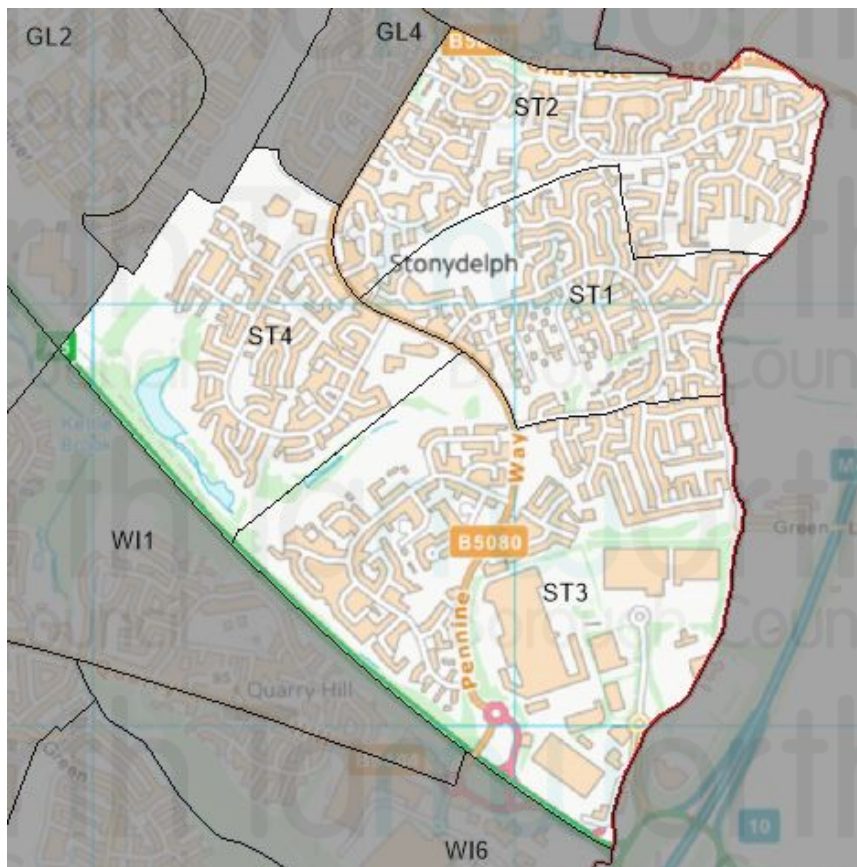
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate¹</i>	<i>Estimated Polling Station Electorate²</i>	<i>No of polling stations</i>
SP1	School Canteen – Landau Forte QEMS	Ashby Road, Tamworth, B79 8AA	958	785	1
SP2	Ashcroft Infants and Nursery School	Mildenhall, B79 8RU	1113	913	1
SP3	Flax Hill Junior Academy	Chestnut Avenue, Gillway, B79 8QZ	1549	1270	1
SP4	St Andrew's Methodist Church Hall	Thackeray Drive, B79 8HY	807	662	1
SP5	Moorgate Primary Academy	Moorgate, Tamworth, B79 7EL	1083	888	1
SP6	Anker Valley Primary Academy	Brooklime Way, B79 0FD	1076	882	1

¹ Estimated Electorate = Number of Properties x average number of electors in polling district

² Based on the average of 82% of electors choosing to attend a polling station.

Stonydelph Ward

Existing Polling Districts



Existing Polling Districts

<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
ST1	Pennymoor Community Hall	1,271	No change.
ST2	St Martin in the Delph Community Centre	1,675	No change.
ST3	Pennymoor Community Hall	1,568	No change.
ST4	Stoneydelph Primary School	1,100	No change.

Existing Polling Stations

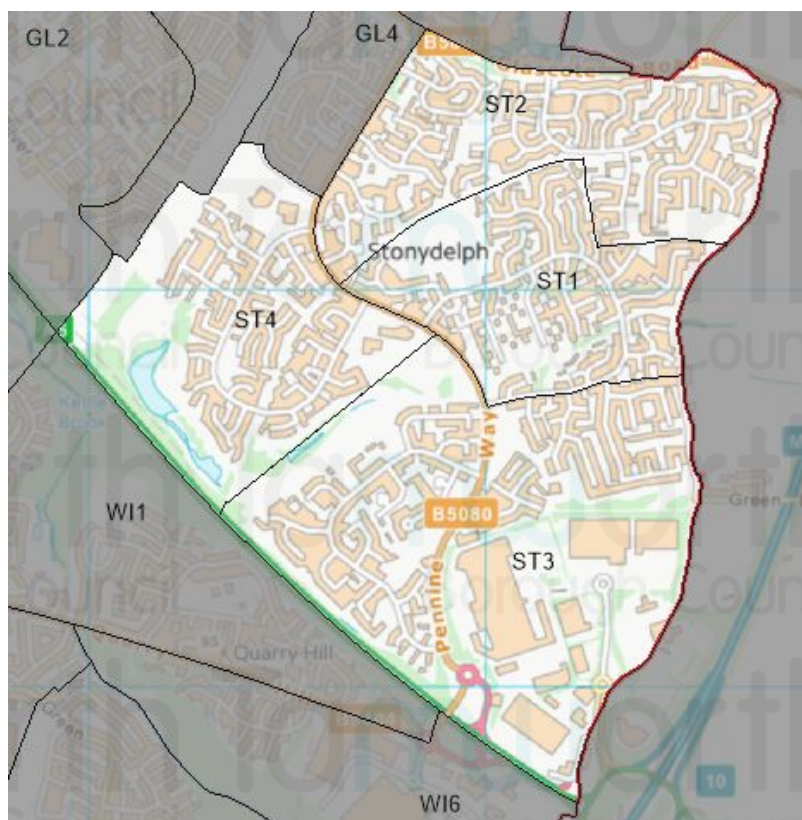
<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Pennymoor Community Hall	ST1	1,029	Yes	No change.
St Martin in the Delph Community Centre	ST2	1,352	Yes	No change.
Pennymoor Community Hall	ST3	1,251	Yes	No change.
Stoneydelph Primary School	ST4	927	Yes	No change.

Recommendations

No alternatives to the current polling district and polling place scheme were suggested as part of the consultation. No complaints have been received from any electors regarding the provision of polling places or the polling station facilities provided. Therefore, it is recommended that no changes are made to the polling districts within the Stonydelph Ward.

It is also recommended that the polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



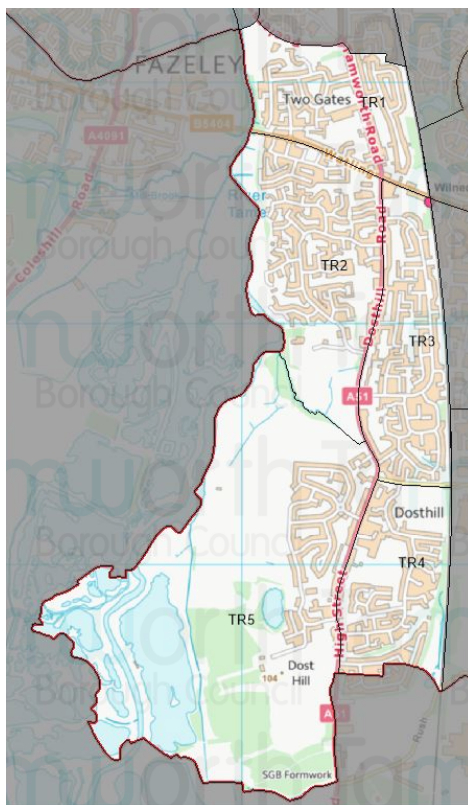
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate¹³</i>	<i>Estimated Polling Station Electorate¹⁴</i>	<i>No of polling stations</i>
ST1	Pennymoor Community Hall	Pennymoor Road, Stonydelph, B77 4LG	1290	1058	1
ST2	St Martin in the Delph Community Centre	Ellerbeck, Stonydelph, B77 4JA	1707	1400	2
ST3	Pennymoor Community Hall	Pennymoor Road, Stonydelph, B77 4LG	1601	1313	1
ST4	Stoneydelph Primary School	Crowden Road, Stonydelph, B77 4LS	1117	916	1

¹³ Estimated Electorate = Number of Properties x average number of electors in polling district

¹⁴ Based on the average of 82% of electors choosing to attend a polling station.

Trinity Ward

Existing Polling Districts



Existing Polling Districts

<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
TR1	Two Gates Primary School	1275	No change.
TR2	Dorcas Centre	1234	No change.
TR3	Dorado – Temporary Station	1446	No change.
TR4	Dosthill Boys Club	1019	No change.
TR5	Dosthill Boys Club	815	No change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Two Gates Primary School	TR1	1076	Yes	No change.
Dorcas Centre	TR2	973	Yes	No change.
Dorado – Temporary Station	TR3	1198	Yes ¹⁵	No change.
Dosthill Boys Club	TR4	839	Yes	No change.
Dosthill Boys Club	TR5	631	Yes	No change.

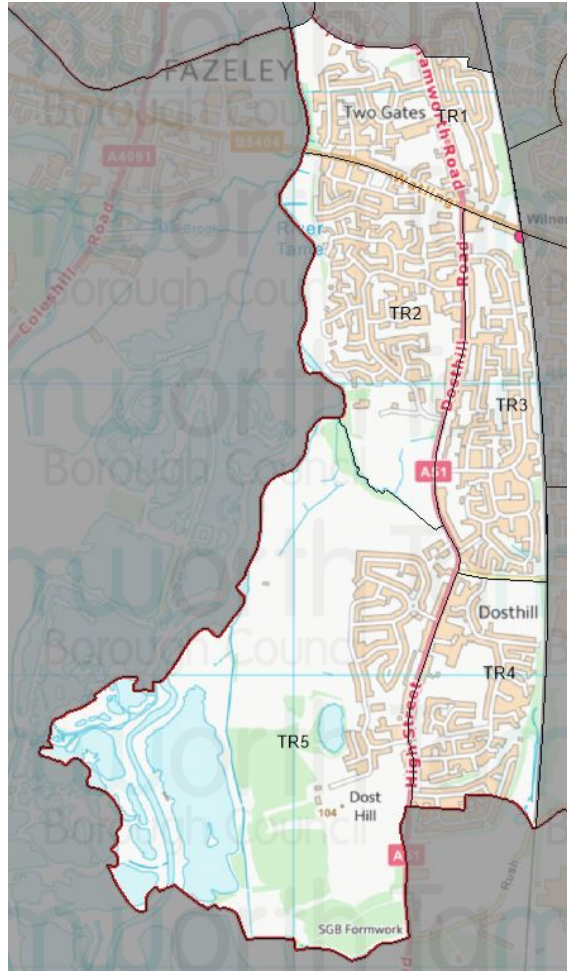
¹⁵ Although temporary stations are suitably equipped to enable access for all voters (ramps and handrails for disabled access) there are still ongoing concerns due to inherent characteristics of mobile units, such as their narrow entrance and limited internal area.

Recommendations

No alternatives to the current polling district and polling place scheme were suggested as part of the consultation. No complaints have been received from any electors regarding the provision of polling places or the polling station facilities provided. Therefore, it is recommended that no changes are made to the polling districts within the Trinity Ward.

It is also recommended that polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



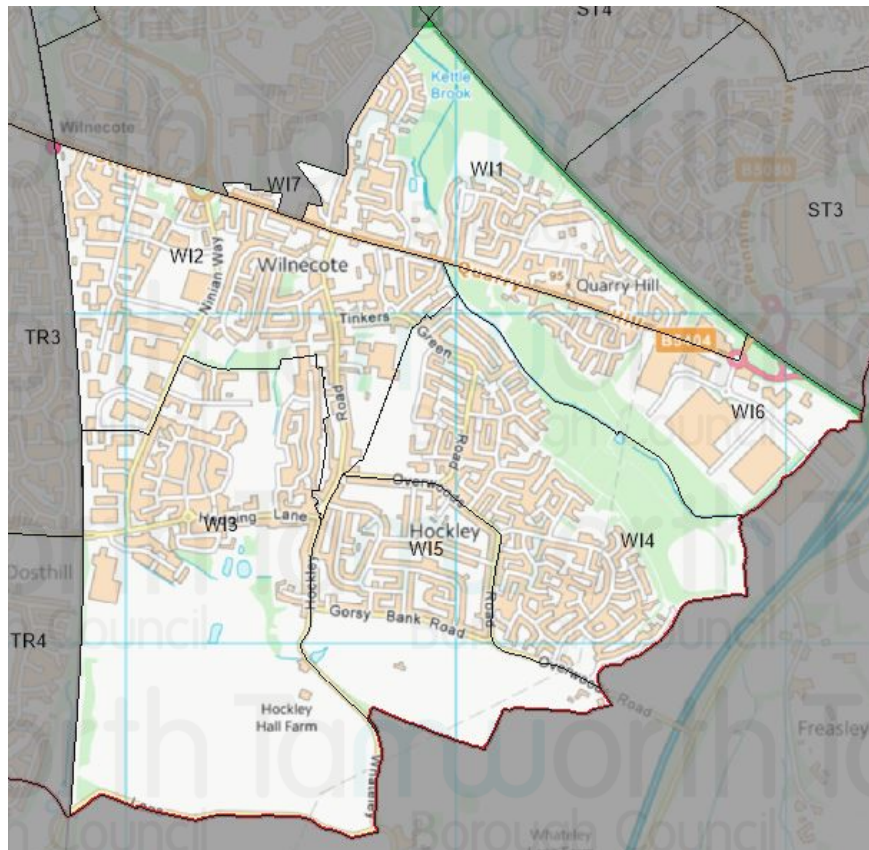
<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate¹⁶</i>	<i>Estimated Polling Station Electorate¹⁷</i>	<i>No of polling stations</i>
TR1	Two Gates Primary School	Tamworth Road, B77 1EN	1289	1057	1
TR2	Dorcas Centre	Dosthill, B77 1JE	1258	1032	1
TR3	Dorado – Temporary Station	Cottage Farm Road, Dosthill	1467	1203	1
TR4	Dosthill Boys Club	Cadogan Road, Dosthill, B77 1PQ	1025	841	1
TR5	Dosthill Boys Club	Cadogan Road, Dosthill, B77 1PQ	824	675	1

¹⁶ Estimated Electorate = Number of Properties x average number of electors in polling district

¹⁷ Based on the average of 82% of electors choosing to attend a polling station.

Wilnecote Ward

Existing Polling Districts



Existing Polling Districts

<i>Polling District</i>	<i>Polling Station</i>	<i>Electorate</i>	<i>Recommendations</i>
WI1	Wilnecote Junior Academy	1,371	Change.
WI2	Wilnecote Junior Academy	1,215	No change.
WI3	Palmerston Avenue – Temporary Station	987	No change.
WI4	Heathfields Infants Academy	479	No change.
WI5	Heathfields Infants Academy	1,227	No change.
WI6	Wilnecote Junior Academy	1,297	No change.
WI7	Wilnecote Junior Academy	275	No change.

Existing Polling Stations

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Wilnecote Junior Academy	WI1	1,046	Yes	No change.
Wilnecote Junior Academy	WI2	992	Yes	No change.
Palmerston Avenue – Temporary Station	WI3	1,084	Yes ¹⁸	No change.
Heathfields Infants Academy	WI4	1,442	Yes	No change.
Heathfields Infants Academy	WI5	819	Yes	No change.
Wilnecote Junior Academy	WI6	207	Yes	No change.

¹⁸ Although temporary stations are suitably equipped to enable access for all voters (ramps and handrails for disabled access) there are still ongoing concerns due to inherent characteristics of mobile units, such as their narrow entrance and limited internal area.

<i>Polling Station</i>	<i>Polling District</i>	<i>Polling Station Electorate</i>	<i>Disabled Access</i>	<i>Recommendations</i>
Wilnecote Junior Academy	W17	33	Yes	No change.

Recommendations

It should be noted that although the Wilnecote Ward currently uses two schools as polling stations the schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst head teachers must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact a number of schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.

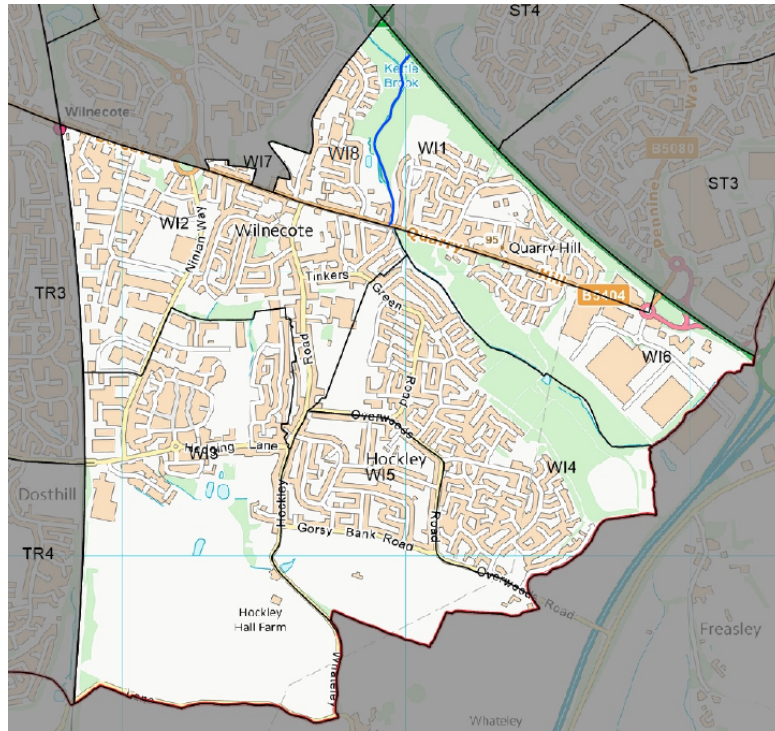
Schools are required under statute to be made available for voting purposes. This is partly due to the fact that as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. According to statistics provided by Staffordshire Observatory there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections in regard to accessibility issues in the Wilnecote Ward.

The newly built Scout Hut adjacent to Ninefoot Park is within the Belgrave Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses and the church so parking in this location could potentially be an issue. Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.

The creation of a new polling district is also required. This is to assist with the delivery of the county council elections. The WI1 polling district has been split between two county divisions in the recent boundary changes. To facilitate this the creation of a new polling district, WI8 will be necessary. This new polling district would continue to cast their vote at Wilnecote Junior School. This new polling district will include properties from Arran Drive, Church View, Glascote Lane, Hill Crest, Ninefoot Rise, Orkney Drive, Shannon, Shetland Avenue, Skye Close and Watling Street (numbers 2 to 42 (a, b & c) and 78a).

No other changes are being proposed to the remaining polling districts or polling stations. It is proposed that polling place represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located should the need arise.

Summary of proposed new Polling Districts and Polling Stations



<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate¹⁹</i>	<i>Estimated Polling Station Electorate²⁰</i>	<i>No of polling stations</i>
WI1	Wilnecote Junior Academy	Smithy Lane, B77 5LA	902	740	1
WI2	Wilnecote Junior Academy	Smithy Lane, B77 5LA	1236	1013	1
WI3	Palmerston Avenue – Temporary Station	Palmerston Avenue, B77 5FE	1290	1058	1
WI4	Heathfields Infants Academy	Saxon Close, B77 5LU	1866	1530	1
WI5	Heathfields Infants Academy	Saxon Close, B77 5LU	1012	830	1
WI6	Wilnecote Junior Academy	Smithy Lane, B77 5LA	276	226	Will be incorporated with station serving the WI1 polling district.
WI7	Wilnecote Junior Academy	Smithy Lane, B77 5LA	39	32	Will be incorporated with station serving the WI1 polling district.
WI8 (NEW)	Wilnecote Junior Academy	Smithy Lane, B77 5LA	431	353	Will be incorporated with station

¹⁹ Estimated Electorate = Number of Properties x average number of electors in polling district

²⁰ Based on the average of 82% of electors choosing to attend a polling station.

<i>New Polling District</i>	<i>Proposed Polling Station</i>	<i>Address</i>	<i>Estimated Electorate¹⁹</i>	<i>Estimated Polling Station Electorate²⁰</i>	<i>No of polling stations</i>
					serving the W11 polling district.

Appendix B - List of Consultees

Polling Districts, Places and Stations Review 2024

Tamworth
Borough Council

Title	Contact Name	Stakeholder
	Lee Bates	Community Together CIC
		Heart of Tamworth
	Sylvia Geldard	Special People in Need (SPIN)
	Lindsey Thompson	Special People in Need (SPIN)
		Special People in Need (SPIN)
	Maggie Muckfield	Liberty
	Sally Shorrocks	Creative Choices CIC
	Jackie Conn	Parkinson's Support Group
	Maureen Bearcroft	Monday Club for the Blind
	Tanvir Ahmed	The Deaf Hub
	Steve Mitchell	Inter Theatre Company
	Claire Ferris	Support Staffordshire
Cllr	Rosey Claymore	
Cllr	Andrew Wells	
Cllr	Lewis Smith	
Cllr	Craig Adams	
Cllr	Nova Arkney	
Cllr	Thomas Jay	
Cllr	Carol Dean	
Cllr	Sarah Daniels	
Cllr	Ken Norchi	
Cllr	Ben Price	
Cllr	Natalie Statham	
Cllr	Lee Wood	
Cllr	Chris Bain	
Cllr	Helen Hadley	
Cllr	Jan Wadrup	
Cllr	Pat Pallett	
Cllr	Lee Clarke	
Cllr	Richard Kingstone	
Cllr	Gareth Coates	
Cllr	Marmion Couchman	
Cllr	Samuel Smith	
Cllr	Stephen Doyle	

Title	Contact Name	Stakeholder
Cllr	Paul Turner	
Cllr	Margaret Clarke	
Cllr	Martin Summers	
Cllr	Jeremy Oates	
Cllr	Marie Bailey	
Cllr	Tina Clements	
Cllr	Ben Clarke	
Cllr	David Foster	
Miss	Sarah Edwards MP	
County Councillor	Alex Farell	
County Councillor	Jason Jones	
County Councillor	Robert Pritchard	
	Headteacher	
	Headteacher	
	Alan Gifford	
	Headteacher	The Sports Centre
	Bev Smith	Tamworth Baptist Church
	Headteacher	Lakeside Primary School
	Adnan Hamid	Park Farm Community Centre
	Avril Thompson	Bolehall Swifts Social Club
	Headteacher	William Macgregor Primary School
	Pam Dawes	Glascote Meeting Rooms
	Headteacher	Woodlands Primary School
	Lee Birch	Sunset Close Community Centre
	Terry O'Brien	Community Meeting Room
	Stella Priseman	Sea Cadet Centre
	Terry O'Brien	Sacred Heart Catholic Church
	Headteacher	Oakhill Primary School
	Headteacher	Stoneydelph Primary School
	Jack Brierley	St. Andrew`s Methodist Church Hall
	Headteacher	Lark Hall Infant & Nursery Academy
	Roger Cheshire	Coton Green Village Hall

Title	Contact Name	Stakeholder
	Headteacher	Moorgate Primary Academy
	Headteacher	School Canteen - Landau Forte – QEMS
	Headteacher	Ashcroft Infant and Nursery School
	Headteacher	Flax Hill Junior Academy
	Headteacher	Anker Valley Primary Academy
	Peter Silverlock	Pennymoor Community Hall
	Sarah Slater	St Martin in the Delph Community Centre
	Headteacher	Two Gates Primary School
	Mark Bates	Dorcas Centre
	Elaine Watson	Dosthill Boys Club
	Headteacher	Wilnecote Junior School
	Headteacher	Heathfields Infant School
		Labour & co-operative Party (Tamworth)
		Conservative Party (Tamworth)
		Reform UK (Tamworth)
		Liberal Democrats (Tamworth)
		UK Independence Party (Tamworth)
		The Green Party (Tamworth)
		The Workers Party
	Hugh Warner	Liberal Democrats (Tamworth)
	Sheree People	Labour Party
	Helen Miller-Viney	Liberal Democrats (Tamworth)
	Richard Ford	Conservative Party (Tamworth)
	Adam Bayliss	The Green Party (Tamworth)

Title	Contact Name	Stakeholder
	Michael Fleming	
	Louise Dutton	
	Allan Bean	
	Emma Prichard	
	Emma Richardson	

Appendix C - Summary of Submissions received by ward with Acting Returning Officer's comments by ward

Polling Districts, Places and Stations Review 2024	
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Amington Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments

No submissions were received.

Belgrave Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
09/09/24	Lakeside Primary School	Belgrave	<p>We do not feel that a primary school is a suitable place for polling. It disrupts the day and restricts where the children can go around the school. Also stops staff from using the staff room.</p> <p>What is your alternative to the suggestion for a polling station? Another location</p>	<p>Schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst schools must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school. Lakeside Primary School, like several other schools used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue. Therefore, no changes are proposed.</p> <p>This submission also lacks to identify another location within the area.</p>
10/09/24	Birdsbush Road	Belgrave	<p>There is no need to close Schools for voting. we always used the Club and this didn't interfere with our children's education.</p> <p>What is your alternative option (if any) to the above polling station(s)? No suggestion submitted.</p>	<p>The polling station for this area is located within the Sports Centre at Tamworth Enterprise College. Tamworth Enterprise College is unaffected and does not close to pupils on polling days.</p>

Bolehall Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments

No submissions were received.

Castle Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
10/09/24	Sunset Close Community Centre	Castle	<p>I live on the Dunstall park estate, I find it a nightmare to go and vote somewhere which is not on our new build estate. Even a mobile one would be great and there is plenty of places to pop one for a day or 2.</p> <p>What is your alternative option (if any) to the above polling station(s)? Use a mobile or the new build school.</p>	<p>We are currently exploring the possibility of using the newly built Dunstall Park Primary School for the CA5 polling district.</p>
11/09/24	Sunset Close Community Centre	Castle	<p>The location of this polling station in a residential street with no additional parking other than minimal for residents leads to chaos on polling days - parking on pavements, on gardens, parking on double yellow lines, blocking residents in, etc. For those that do not make use of postal voting, I think it's fair to say people use their cars for in-person voting. Suitable venues with sufficient parking are needed & a small residential community centre is no longer suitable for the size of the ward with the expansion of housing areas covered by the Sunset Close Community Centre.</p> <p>What is your alternative option (if any) to the above polling station(s)? The St John's Ambulance training centre or adjacent Army Cadet centre has a dedicated parking area off the Moor Street roundabout. The local primary schools (there's a new one on what was once the farming areas around Dunstall) are all within the Castle Borough. There are numerous empty shops or properties within the town centre itself.</p>	<p>Sunset Close Community Centre is a well-known and well used by the local community. It has recently, under gone some refurbishment. The building has suitable disabled access including ramps and has its own parking facilities including dedicated disabled parking facilities.</p> <p>The polling station is on a main bus route connecting different parts of the polling district. No comments have been received from electors at the recent polls. Therefore, no change is recommended with the exception of exploring moving the CA5 polling district to the newly built Dunstall Park Primary School. This should help alleviate parking issues that may occur round the Sunset Close Community Centre at peak times.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
13/09/24	Sea Cadet Centre	Castle	<p>Wheelchair access to this polling station not provided.</p> <p>What is your alternative option (if any) to the above polling station(s)? Kettlebrook short stay school, Tame Street.</p>	<p>There is a purpose-built ramp located at this polling station. Access into this building has been checked and is suitable for those in a wheelchair. No complaints have been received from electors regarding accessibility at recent polls.</p>

Glascote Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
09/09/24	Stoneydelph Primary School	Glascote	The submission contained no comments.	No response required as no comments were made.
10/09/24	Oakhill Primary School	Glascote	<p>I think we should move away from using schools especially now families are being fined for removing their children from school.</p> <p>What is your alternative option (if any) to the above polling station(s)? St Peters church and community centre would be a better place as its open and can be used instead of interrupting children's education.</p>	We are currently exploring the possibility of using St Peter's Church as an alternative.
11/09/24	Oakhill Primary School	Glascote	<p>It's a school, and pupils are missing a day's schooling. Perhaps move up the hill 200 hundred yards to St Peters Church.</p> <p>What is your alternative option (if any) to the above polling station(s)? St Peters Church 200 yards up.</p>	We are currently exploring the possibility of using St Peter's Church as an alternative.

Mercian Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
13/09/24	Lark Hall Infant & Nursery Academy	Mercian	<p>The building is a school which causes stress and disruption to all parents and children who attend this school. I believe that polling stations shouldn't be held at schools, churches or community centres could be uses instead if people are unable to do a postal vote.</p> <p>What is your alternative option (if any) to the above polling station(s)? Postal vote or maybe Coton Green Community Centre.</p>	Coton Green Community Centre is already utilised as a polling station for the ME3 and ME6 polling districts.
13/09/24	Lark Hall Infant & Nursery Academy	Mercian	<p>They're schools which interrupts with child education. You have plenty of empty building such as the Coton Centre which could be made better use of. You use the incorrect buildings. Schools should not be accessible for anyone outside of schooling age or their parents or guardians.</p> <p>What is your alternative option (if any) to the above polling station(s)? Coton Centre.</p>	<p>It should be noted that although the Mercian Ward currently uses two schools as polling stations the schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst schools must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue.</p> <p>The Coton Centre is not within the borough boundary and therefore cannot be allocated as a polling station for this polling district.</p>
13/09/24	Lark Hall Infant & Nursery Academy	Mercian	<p>I don't think it's appropriate to keep disturbing children's education time when there are plenty of appropriate spaces to use as polling stations like churches and postal voting is also available. My view is that it is not ok for government to keep talking about the importance of children's attendance and but then also say well it's fine for schools to close for polling. There are other buildings available, such as churches for example St Francis Church on Masefield Drive and the Spital Church on Ashby Road also alternative buildings such as the tennis and</p>	<p>Please see comment above regarding the use of school buildings.</p> <p>St Andrew's is currently has two polling stations allocated to it and cannot facilitate a third polling station.</p> <p>St Francis</p> <p>The Spital Chapel has been looked at previously and does not meet the</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>bowls club on Wigginton Road and the community centre once it's back up and running on Masefield Drive.</p> <p>What is your alternative option (if any) to the above polling station(s)? All local churches could be used in the area, there are St Andrews which I know is already used but also St Francis, the Spital Chapel but there is also the Coton Centre and the community centre or children's centre on Masefield Drive. The tennis and bowls club on Wigginton Road. Maybe some local pubs would happily allow function rooms to be used such as the Wigginton Arms and the Tam O Shanter.</p>	<p>accessibility requirements required for polling stations.</p> <p>The Coton Centre is not within the borough boundary and therefore cannot be allocated as a polling station for this polling district.</p> <p>The location of the tennis and bowls is too far away from the population of the ME2 polling district to be considered as an alternative.</p> <p>Contact will be made with St Francis Chapel and Leyfields Community Centre to see if this would be viable for use as a polling station.</p>
13/09/24	Lark Hall Infant & Nursery Academy	Mercian	<p>The school has to shut and the children miss out on learning and parents have to find alternative arrangements or have to take leave from work. They shouldn't be held in schools.</p> <p>What is your alternative option (if any) to the above polling station(s)? Community halls</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>

Spital Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
09/09/24	Flax Hill Junior Academy	Spital	<p>Would prefer another location was used as it means a school has to shut.</p> <p>What is your alternative to the suggestion for a polling station? A local church building.</p>	<p>Schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst schools must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue. Therefore, no changes are proposed.
11/09/24	Anker Valley Primary Academy	Spital	<p>Although easy to find, I don't feel that primary schools are suitable for polling stations, it is negatively affecting our children's education.</p> <p>What is your alternative to the suggestion for a polling station? Church halls, community centres, bars, restaurants.</p>	Please see first comment above regarding the use of school buildings.
13/09/24	Flax Hill Junior Academy	Spital	<p>They're schools which interrupts with child education. You have plenty of empty building such as the Coton Centre which could be made better use of. You use the incorrect buildings. Schools should not be accessible for anyone outside of schooling age or their parents or guardians.</p> <p>What is your alternative option (if any) to the above polling station(s)? Coton Centre.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>The Coton Centre is not within the borough boundary and therefore cannot be allocated as a polling station for this polling district.</p>
13/09/24	Flax Hill Junior Academy	Spital	<p>Children are kept out of school. Needs to be different places like pubs or social clubs not school.</p> <p>What is your alternative option (if any) to the above polling station(s)? Social clubs Church halls</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
13/09/24	Flax Hill Junior Academy	Spital	<p>Other premises available to use rather than closing schools. I would rather schools were not used.</p> <p>What is your alternative option (if any) to the above polling station(s)? Coton Centre could be used.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>The Coton Centre is not within the borough boundary and therefore cannot be allocated as a polling station for this polling district.</p>
13/09/24	Flax Hill Junior Academy	Spital	<p>My child is missing out on her education and there are plenty of other places you can use. Children's education is important and there are plenty of other buildings you could use.</p> <p>What is your alternative option (if any) to the above polling station(s)? Spital tennis club, church halls, local pubs.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>
13/09/24	Flax Hill Junior Academy	Spital	<p>Children are losing out on education when there are more suitable premises nearby. I do not understand why a school would be chosen this is detrimental to the children who attend this school. Surely a local building that is not in use for such important work would be a better location. Necessary but need to be more practical in location.</p> <p>What is your alternative option (if any) to the above polling station(s)? St Francis Church - Masefield Drive Leyfields Community Centre - Masefield Drive St Andrew's Methodist church - Milton Ave Coton Centre - Comberford Road</p>	Please see first comment.
13/09/24	Flax Hill Junior Academy	Spital	I don't think it's appropriate to keep disturbing children's education time when there are plenty of appropriate spaces to use as polling stations	

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>like churches and postal voting is also available. My view is that it is not ok for government to keep talking about the importance of children's attendance and but then also say well it's fine for schools to close for polling. There are other buildings available, such as churches for example St Francis Church on Masefield Drive and the Spital Church on Ashby Road also alternative buildings such as the tennis and bowls club on Wigginton Road and the community centre once it's back up and running on Masefield Drive.</p> <p>What is your alternative option (if any) to the above polling station(s)? All local churches could be used in the area, there are St Andrews which I know is already used but also St Francis, the Spital Chapel but there is also the Coton Centre and the community centre or children's centre on Masefield Drive. The tennis and bowls club on Wigginton Road. Maybe some local pubs would happily allow function rooms to be used such as the Wigginton Arms and the Tam O Shanter.</p>	
13/09/24	Flax Hill Junior Academy	Spital	<p>It's a school. Therefore, it has to shut to pupils which means they lose a day's education but yet we as parents get fined for taking them out of school or low attendance. It isn't acceptable. There are plenty of other local building that could be used for example church, pubs etc. They shouldn't be held in schools. Majority will and can do it online</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Currently there is no provision within electoral law to allow for online voting. Every elector has the choice to cast their vote in person at a polling station or by</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>What is your alternative option (if any) to the above polling station(s)? No comment left.</p>	<p>applying for an absent vote e.g. postal vote.</p> <p>No alternative venue has been specifically identified by the submission.</p>
13/09/24	Flax Hill Junior Academy	Spital	<p>Invisible disruptive to pupils to close the school, there are enough polling stations close enough without disturbing the school. They should be a least disruptive to the community as possible.</p> <p>What is your alternative option (if any) to the above polling station(s)? St Andrews, QEMS as they have out buildings.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>QEMS is already utilised as a polling station.</p>
13/09/24	Flax Hill Junior Academy	Spital	<p>I do not believe that schools should be used as a polling station. My son attends this school and causes several difficulties when arranging childcare to look after him.</p> <p>This also will/may have a negative impact on his educational development. And speaking on behalf of some families. This may cause a negative impact on their finances as they may have to take unpaid special leave with their employment and/or pay excessive childcare fees.</p> <p>It's very frustrating when I know there is a poll coming up knowing that my son's school is being used.</p> <p>I completely disagree with schools being used based on the above points that I have raised. I get there has to be a vote. However, I feel in my opinion that there is no respect for the families that are encouraged to vote. The people that vote are those whose lives are impacted by those who are voted into office. It seems like</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>The hours of poll are set in legislation as 7am to 10pm. Unfortunately, there is no way that these can be amended. It is similar with polling days. Local elections always take place on the first Thursday in May. All other elections, including by-elections and unscheduled polls such as Parliamentary elections have a defined timescale of 25 days in which to set up and run the poll.</p> <p>The location of polling stations should be within the polling district unless there are no suitable venues within it. It is not possible to use locations such as the Castle Grounds or other locations within the town centre. Tamworth College is in the process of being decommissioned from its</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>there's no respect in that sense due to families being financially and mentally, impacted by the situation of closing the school for the purpose of voting.</p> <p>What is your alternative option (if any) to the above polling station(s)? Firstly, if schools are to be used then this should be done out of school hours.</p> <p>Secondly, I'm sure there are numerous halls/offices that be used instead of affecting children's education.</p> <p>The college whereby childcare isn't necessarily an issue.</p> <p>Setting up gazebo's in the town centre/castle grounds.</p> <p>I'm sure that there are numerous other options that should be considered before impacting all those people's lives whereby raising a child is hard enough.</p>	<p>current site and is therefore not a suitable location.</p>
14/09/24	Flax Hill Junior Academy	Spital	<p>Because it is a school and therefore it is forced to close resulting in our children missing out on education, yet the government can fine us for taking our children on holiday. So therefore, I think the school shouldn't be used. I think schools should not be used for these days as there is other places that can be used.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Contact will be made with St Francis Church to see if this would be viable for use as a polling station.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>What is your alternative option (if any) to the above polling station(s)? There are other places such as St Francis Church and other buildings that has nothing in when polling is going on.</p>	
15/09/24	Flax Hill Junior Academy	Spital	<p>You continue to use schools for polling stations when there are plenty of other free alternatives such as community centres or churches.</p> <p>This results in the children being out of school unnecessarily and additional pressure placed on working parents to take a day off work or find alternative childcare arrangements.</p> <p>What is your alternative option (if any) to the above polling station(s)? Find alternative locations - churches/community centres/council offices anything other than schools!!</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>
15/09/24	Flax Hill Junior Academy	Spital	<p>The fact that 3 schools close within a two-mile radius that I know of. Is far in excess of what is required as far as I'm concerned. Not only do we have to find childcare for inset days after school holidays (personally they should be done in the school holidays) but also polling days. We have a child at Ashcroft so I'd rather that remain open too. Why not utilise church halls, community centres or the use of portacabins for example? Therefore, keeping all schools open!! Better for the children and better too for parents.</p> <p>What is your alternative option (if any) to the above polling station(s)? Portacabins, church halls and community centres are a simple solution.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
15/09/24	Flax Hill Junior Academy	Spital	<p>Because children are missing days of education. I don't agree with having them in schools as there are plenty of halls and churches.</p> <p>What is your alternative option (if any) to the above polling station(s)? The church near by.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>
16/09/24	Flax Hill Junior Academy	Spital	<p>This is a school. If we take a child out school for 1 day it effects their education however a day off school for voting don't seem to affect their education my son's grandma passed away and he lost attendance to go to her funeral after having 100% attendance however he can have a day of for people to vote it's very hypocritical.</p> <p>What is your alternative option (if any) to the above polling station(s)? Leyfields family hub or churches in the area.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Contact will be made with Staff Francis Chapel and Leyfields Community Centre to see if these would be viable for use as polling stations.</p>
20/09/24	Flax Hill Junior Academy	Spital	<p>There are plenty of other places that could be used to vote, local pubs with function rooms/ separate entrance, local churches etc. I think it's appalling that a school has to close for the day due to safeguarding issue as it's open to the public. Please stop closing schools for voting stations.</p> <p>What is your alternative option (if any) to the above polling station(s)? Local pubs, churches, centres etc.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>

Stonydelph Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
09/09/24	Stoneydelph Primary School	Stonydelph	The submission contained no comments.	
10/09/24	Pennymoor Community Centre	Stonydelph	<p>I don't think school should be used. Some Tamworth schools were closed for 3 days during the last school year. October -MP, May - local elections, July - General election.</p> <p>What is your alternative option (if any) to the above polling station(s)? I suggest church halls or social clubs could be used. Instead of closing schools.</p>	<p>Schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst schools must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the schools. Lakeside Primary School, like several other schools used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue. Therefore, no changes are proposed.</p> <p>This submission also lacks to identify another location within the area.</p>
11/09/24	Name of polling station not left	Stonydelph	No comment left.	

Trinity Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
09/09/24	Dorcas Centre	Trinity	<p>When my children were younger and were going to Two Gates Primary school and it would be closed for elections that there was other places where they could have used different venues and at the same time that my address even though I live in Two Gates I didn't vote there and had to go to Dosthill.</p> <p>What is your alternative option (if any) to the above polling station(s)? Instead of the school at Two Gates I would use the Tamworth Community Hub And Masjid ,Greatmead ,Kettlebrook ,B77 1DL. For the Dorcas centre I cannot think of anywhere which is as suitable as the Dorcas centre.</p>	<p>Schools are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst schools must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school. Lakeside Primary School, like several other schools used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue. Therefore, no changes are proposed.</p> <p>Park Farm Community, Greatmead is not within the Trinity ward and is already utilised as a polling station for the BE4 polling district which is part of the Belgrave Ward.</p>

Wilnecote Ward

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
09/09/24	Heathfield Infants School & Wilnecote Junior School	Wilnecote	<p>Polling stations should be accessible and not impact on the daily lives of others. It does not make sense to have two separate stations when either school is big enough for both areas and when there are other local options.</p> <p>What is your alternative to the suggestion for a polling station?</p> <ul style="list-style-type: none"> • Wilnecote working men's club. • Wilnecote church / associated buildings • Wilnecote parish hall - on old a5 near mc Donald's / Wilnecote motors • Wilnecote cricket club • Overwoods Arms / Queen's Head - could put a cabin on both car parks. • Wilnecote scout hut opposite MHR carpets on old A5. • Cabin on public land off Tamar Road. 	<p>Polling place electorate ratios are recommended by the Electoral Commission. They have set this at 2,500 electors. Due to this it not advisable to have a polling station with more that 2,500 electors. Both polling places are just under this threshold and therefore, it is not possible to create one polling station that would cover the majority of the electorate in the ward.</p> <p>It should be noted that although the Wilnecote Ward currently uses two schools as polling station the school are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst school must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>and ensuring that polling stations are suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue.</p> <p>The newly build Scout Hut adjacent to Ninefoot Park just falls into the Belgrave Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses so parking in this location could potentially be an issue.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>Wilnecote Cricket Club is an unsuitable location as there is an uneven ground and no step free access into the cricket pavilion.</p> <p>Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p> <p>Temporary polling stations are only used where there is no suitable alternative in the locality. Although, temporary stations are suitably equipped to enable access for all voters (ramps and handrails for disabled access) there are still ongoing concerns due to the inherent characteristics of temporary stations, such as their narrow entrance and limited internal area and access issues from paths across uneven/muddy ground which is exacerbated if the weather is poor on or around polling day. If the Authority was to move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination.</p> <p>Therefore, at the present time I am proposing no changes are made to the current polling districts, polling places or polling stations.</p>
10/09/24	Wilnecote Junior Academy	Wilnecote	Voting should not be held in school premises. Children losing a day every year because of it.	Please see first comment above regarding the use of school buildings.

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>There is a church hall nearby or use a container as you do in many other locations.</p> <p>What is your alternative option (if any) to the above polling station(s)? Church next door to Wilnecote Junior Academy. Or working man's club. A container voting station on a green space around the Wilnecote infant academy.</p>	<p>To move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination. Also, the generators that the temporary stations use tend to be loud and can cause difficulties for those that are hard of hearing as well as being unpleasant for polling staff. Conversely, if the Authority was to turn down the use of an accessible building in favour of one that is not as suitable for use by disabled people this could also increase the risk of a claim for disability discrimination.</p> <p>Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p> <p>Contact will be made with Wilnecote Working Men's Club to see if this would be viable for use as a polling station.</p>
11/09/24	Wilnecote Junior Academy / Heathfields Infant Academy	Wilnecote	<p>I think using a school for voting is ridiculous when you fine people for taking their kids out of school but feel it is fine to shut for voting. There are plenty of halls/ public houses you could use.</p> <p>What is your alternative option (if any) to the above polling station(s)? Wilnecote Parish Hall</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p>
11/09/24	Heathfields Infant Academy	Wilnecote	<p>The use of this building closes both the infants and juniors schools. The only room used for voting is the school hall. This is a massive</p>	<p>Please see first comment above regarding the use of school buildings.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>inconvenience for the school pupils, staff and parents. These should not take place in schools. Church halls, community centres, pubs with rooms to rent should be sourced.</p> <p>What is your alternative option (if any) to the above polling station(s)? Rent a room at the Overwoods pub or use a portable polling station like the one used on Peel Drive in Wilnecote or the Scout hut on Watling Street.</p>	<p>To move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination. Also, the generators that the temporary stations use tend to be loud and can cause difficulties for those that are hard of hearing as well as being unpleasant for polling staff. Conversely, if the Authority was to turn down the use of an accessible building in favour of one that is not as suitable for use by disabled people this could also increase the risk of a claim for disability discrimination.</p> <p>Contact will be made with the Overwoods Public House to see if this would be viable for use as a polling station.</p>
11/09/24	Wilnecote Junior Academy	Wilnecote	<p>Makes no sense to close TWO schools for voting. Disrupts children and working parents have to find childcare. No issues, but do not agree with schools being used.</p> <p>What is your alternative option (if any) to the above polling station(s)? Wilnecote Parish Hall Belgrave Sports & Social Club</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>Belgrave Sports and Social Club is not within the Wilnecote Ward and therefore is not suitable based on its location.</p>
11/09/24	Heathfields Infant Academy	Wilnecote	<p>I have stated no as I don't believe children should have a day off due to voting. This has an impact on children's education as well as the</p>	<p>Please see first comment above regarding the use of school buildings.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>impact on parents trying to find alternative childcare. This also isn't fair on parents who are fined when they want to take their children out of school in order to create memories for their children, but it is okay for councils to implement these voting days! Shouldn't be allowed in schools.</p> <p>What is your alternative option (if any) to the above polling station(s)? A youth club, church or somewhere that doesn't involve children having the day off.</p>	<p>There is no youth club in the locality. Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p>
11/09/24	Wilnecote Junior Academy	Wilnecote	<p>Because it means the school has to close to the children which affects their education but you don't see it's fair enough for us to give our children a day off. One rule for one, one rule for another.</p> <p>What is your alternative option (if any) to the above polling station(s)? What about the Wilnecote hall? Or library? Never understood why you would use a school and make children go without.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>Wilnecote Library is located within Wilnecote High School and is not has very limited opening hours due to this. There is limited open space to house two polling stations and therefore, this premises would not be suitable.</p>
11/09/24	Wilnecote Junior Academy	Wilnecote	<p>Closes the schools for the day. Other places could easily be used without affecting thousands of people. I don't believe schools should be used.</p> <p>What is your alternative option (if any) to the above polling station(s)? Church building, Scouts building.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>The newly build Scout Hut adjacent to Ninefoot Park just falls into the Belgrave Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses so parking in this location could potentially be an issue.</p>
11/09/24	Heathfields Infant Academy	Wilnecote	<p>It needs to be varied to other premises. Unfair to children and parents to be expected to continually miss work/ school. Another site should be used i.e. Wilnecote High School/ Wilnecote Juniors. Fine if used fairly.</p> <p>What is your alternative option (if any) to the above polling station(s)? Wilnecote High School. Wilnecote Juniors. Dosthill Primary school.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Wilnecote Junior School is already used as a polling station. Dosthill Primary School is not within the Wilnecote Ward and therefore is not a suitable alternative location.</p>
11/09/24	Heathfields Infant Academy	Wilnecote	<p>There are many other buildings that could be used that would not disrupt our children's education by closing of the schools each time there is a polling day. I think there is no need for us to use educational areas to hold the polling stations. As just mentioned, there are plenty of other buildings in the area which could be used to hold the stations without disrupting our children's education each time a vote is held.</p> <p>What is your alternative option (if any) to the above polling station(s)? Wilnecote working men's Club, Wilnecote Parish Hall, a Wilnecote Church, Wilnecote Cricket Club.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>Wilnecote Cricket Club is an unsuitable location as there is an uneven ground and no step free access into the cricket pavilion.</p> <p>Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				Contact will be made with Wilnecote Working Men's Club to see if this would be viable for use as a polling station.
11/09/24	No polling station name	Wilnecote	<p>Stop closing school and use working mens clubs or function rooms. Shouldn't be in schools.</p> <p>What is your alternative option (if any) to the above polling station(s)? No suggestion left.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>
11/09/24	Wilnecote Junior Academy	Wilnecote	<p>My child's school is Wilnecote Junior and I find it extremely annoying that Wilnecote Junior school and Heathfields infant school both have to be used as polling stations alternate every time a polling day occurs. There is no need for both to be used at the same time with the close proximity of each school.</p> <p>What is your alternative option (if any) to the above polling station(s)? Not for schools to be used. Churches or community halls should be used instead, the children should not suffer. We aren't allowed to take the kids out of school but the council can use the schools at a drop of a hat. Totally not fair.</p>	<p>Polling place electorate ratios are recommended by the Electoral Commission. They have set this at 2,500 electors. Due to this it not advisable to have a polling station with more that 2,500 electors. Both polling places are just under this threshold and therefore, it is not possible to create one polling station that would cover the majority of the electorate in the ward.</p> <p>Please see first comment above regarding the use of school buildings.</p>
11/09/24	Wilnecote Junior Academy & Heathfields Infant Academy	Wilnecote	It is not appropriate to close two schools at either end of the same road to allow for voting. Children's education is more important. If we take our children out of school for a day due to a holiday then we get fined. Yet the council choose to disrupt our children's education for	Polling place electorate ratios are recommended by the Electoral Commission. They have set this at 2,500 electors. Due to this it not advisable to have a polling station with more that 2,500 electors. Both polling places are just under this threshold and therefore, it is not

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>however many days due to polling and that's ok? Double standards.</p> <p>What is your alternative option (if any) to the above polling station(s)? Churches, community centres or social clubs should be the venues not schools. Wilnecote church, Wilnecote library, Wilnecote working men's club.</p>	<p>possible to create one polling station that would cover the majority of the electorate in the ward.</p> <p>Please see first comment above regarding the use of school buildings.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>Wilnecote Cricket Club is an unsuitable location as there is an uneven ground and no step free access into the cricket pavilion.</p> <p>Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p> <p>Contact will be made with Wilnecote Working Men's Club to see if this would be viable for use as a polling station.</p>
11/09/24	Wilnecote Junior Academy	Wilnecote	<p>It would be less disruptive if an alternative location could be found, to avoid the need to close the school for more polling days. As above, it would be preferable if an alternative polling place could be found, to avoid school closures.</p> <p>What is your alternative option (if any) to the above polling station(s)? No comment left.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>No alternative venue has been specifically identified by the submission.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
11/09/24	Wilnecote Junior Academy	Wilnecote	<p>It's a school. Children need to go to school. Need to be open outside of school hours and not held at schools.</p> <p>What is your alternative option (if any) to the above polling station(s)? Should be a community centre / library. There are plenty more suitable options locally please.</p>	Please see first comment above regarding the use of school buildings.
11/09/24	Heathfields Infant Academy & Wilnecote Junior Academy	Wilnecote	<p>This site should not be used as it is a school and this disrupts children's education and parents work commitments. There are plenty of other spaces that could be used such as the scout hut or clubs/pubs library etc. Do not use schools.</p> <p>What is your alternative option (if any) to the above polling station(s)? Scout hut Wilnecote library Working men's club Overwoods arms Mobile unit in a car park</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>To move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination. Also, the generators that the temporary stations use tend to be loud and can cause difficulties for those that are hard of hearing as well as being unpleasant for polling staff. Conversely, if the Authority was to turn down the use of an accessible building in favour of one that is not as suitable for use by disabled people this could also increase the risk of a claim for disability discrimination.</p> <p>The newly build Scout Hut adjacent to Ninefoot Park just falls into the Belgrave Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses so parking in this location could potentially be an issue.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>Wilnecote Library is located within Wilnecote High School and is not has very limited opening hours due to this. There is limited open space to house two polling stations and therefore, this premises would not be suitable.</p> <p>Contact will be made with the Overwoods Public House and Wilnecote Working Men's Club to see if these would be viable for use as a polling station.</p>
11/09/24	Heathfields Infant Academy & Wilnecote Junior Academy	Wilnecote	<p>Because it means closing the school to our children's education which is not correct. They should be un-intrusive to education and could utilise many more suitable locations.</p> <p>What is your alternative option (if any) to the above polling station(s)? There should be a mobile unit in designated car parks around the district which may provide more accessibility for others.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>To move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination. Also, the generators that the temporary stations use tend to be loud and can cause difficulties for those that are hard of hearing as well as being unpleasant for polling staff. Conversely, if the Authority was to turn down the use of an accessible building in favour of one that is not as suitable for use by disabled people this could also increase the risk of a claim for disability discrimination.</p>
12/09/24	Heathfields Infant Academy & Wilnecote Junior Academy	Wilnecote	The main reason being the schools have to be closed for students on polling days. Many families have two working parents and struggle	Please see first comment above regarding the use of school buildings.

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>to find childcare when schools are closed for polling. There are lots of other buildings within the community which could be used. Schools should not be used when there are other buildings to be utilised which wouldn't disrupt the school day.</p> <p>What is your alternative option (if any) to the above polling station(s)? Wilnecote Parish Hall Scout Hut (Nine Foot Park)</p>	<p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>The newly build Scout Hut adjacent to Ninefoot Park just falls into the Belgrave Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses so parking in this location could potentially be an issue.</p>
12/09/24	Wilnecote Junior Academy	Wilnecote	<p>Stop using schools as polling stations. There is plenty of space for pop up stations and empty buildings to be used. The council fine us for taking our children out of school as their education is SO IMPORTANT then children miss school so people can vote. There is plenty of other options. Other councils prioritise children's education and do not shut the schools. STOP USING SCHOOLS AS POLLING STATIONS.</p> <p>What is your alternative option (if any) to the above polling station(s)? Pop up stations on the field on Orkney drive, doctor's car park, high school field.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>To move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination. Also, the generators that the temporary stations use tend to be loud and can cause difficulties for those that are hard of hearing as well as being unpleasant for polling staff. Conversely, if the Authority was to turn down the use of an accessible building in favour of one that is not as suitable for use by disabled people this could also increase the risk of a claim for disability discrimination.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
13/09/24	Heathfields Infant Academy	Wilnecote	<p>Due to it being a school and having to close on polling days. I think ALL school-based polling stations need to find alternative venues (other than schools) due to the children missing days in education. Especially now that fines have been increased for parents taking their child out of school during term time. This feels like hypocrisy at its best!</p> <p>What is your alternative option (if any) to the above polling station(s)? Wilnecote Working Mens Club</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>Contact will be made with Wilnecote Working Men's Club to see if this would be viable for use as a polling station.</p>
15/09/24	Wilnecote Junior Academy	Wilnecote	<p>Because it results in unnecessarily closing of the school so our children cannot attend. I believe there are enough unoccupied buildings that could be utilised during the day for a polling station without closing schools and disrupting learning and making it more difficult for parents who have to work.</p> <p>What is your alternative option (if any) to the above polling station(s)? Scouts hall, mobile voting station.</p>	<p>Please see first comment above regarding the use of school buildings.</p> <p>The newly build Scout Hut adjacent to Ninefoot Park just falls into the Belgrave Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses so parking in this location could potentially be an issue.</p>
16/09/24	Wilnecote Junior Academy	Wilnecote	<p>School shuts for a day which doesn't help working parents or the impact to the children's education. These should be in community centres or even churches and should not impact schools as it's an inconvenience to parents and also impacts children's education. Plus, very hypocritical that you can shut a school for political reason but kids can't be taken out of school by their parents to go on holiday which has a benefit to a child's wellbeing and potential education depending on destination, which</p>	<p>Polling place electorate ratios are recommended by the Electoral Commission. They have set this at 2,500 electors. Due to this it not advisable to have a polling station with more that 2,500 electors. Both polling places are just under this threshold and therefore, it is not possible to create one polling station that would cover the majority of the electorate in the ward.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
			<p>leads to parents getting fined. Do the councils get fined for shutting schools!!?</p> <p>What is your alternative option (if any) to the above polling station(s)? community centres, churches, parish halls, working men's clubs</p>	<p>It should be noted that although the Wilnecote Ward currently uses two schools as polling station the school are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst school must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue.</p> <p>The newly build Scout Hut adjacent to Ninefoot Park just falls into the Belgrave Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses so parking in this location could potentially be an issue.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>Wilnecote Cricket Club is an unsuitable location as there is an uneven ground and no step free access into the cricket pavilion.</p> <p>Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p> <p>Temporary polling stations are only used where there is no suitable alternative in the locality. Although, temporary stations are suitably equipped to enable access for all</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>voters (ramps and handrails for disabled access) there are still ongoing concerns due to the inherent characteristics of temporary stations, such as their narrow entrance and limited internal area and access issues from paths across uneven/muddy ground which is exacerbated if the weather is poor on or around polling day. If the Authority was to move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination.</p>
18/09/24	Heathfields Infant Academy & Wilnecote Junior Academy	Wilnecote	<p>As a working parent, with a child at this school it's hugely inconvenient to have to seek childcare for polling days on such regularity on top of school holidays, which I appreciate you can do nothing about. Surely there are more appropriate spaces given the changing demographic of the voting population. When they were set up most mums stayed at home, this is no longer the case. It also disadvantages those children as they miss days of education.</p> <p>What is your alternative option (if any) to the above polling station(s)? Church hall. The actual church. Parish hall. Scout hut. A gazebo, like you do on the valley drive estate(!)</p>	<p>Polling place electorate ratios are recommended by the Electoral Commission. They have set this at 2,500 electors. Due to this it not advisable to have a polling station with more that 2,500 electors. Both polling places are just under this threshold and therefore, it is not possible to create one polling station that would cover the majority of the electorate in the ward.</p> <p>It should be noted that although the Wilnecote Ward currently uses two schools as polling station the school are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst school must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010. Accessibility for disabled voters is a very important issue and ensuring that polling stations are suitable for all sorts of disability is essential. Statistics state that there are approximately 7,000 people within the borough who have mobility issues and an unknown number of people with other impediments. We must be very careful about not accidentally disenfranchising an elector as they are unable to access voting facilities easily. Section 16 of the Electoral Administration Act 2006 has placed a requirement on the local authority to review the accessibility of all polling stations. A review is undertaken at every poll and a polling station questionnaire is available for completion by electors. No complaints have been received at any of the recent elections regarding accessibility at this venue.</p> <p>The newly build Scout Hut adjacent to Ninefoot Park just falls into the Belgrave</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>Ward. At present there is an uneven surface in the car park and there is no dedicated disabled parking bay. The car park is also utilised by the local businesses so parking in this location could potentially be an issue.</p> <p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>Wilnecote Cricket Club is an unsuitable location as there is an uneven ground and no step free access into the cricket pavilion.</p> <p>Wilnecote Church is not a suitable location because as there is no step free entrance into the church grounds or the church.</p> <p>Temporary polling stations are only used where there is no suitable alternative in the locality. Although, temporary stations are suitably equipped to enable access for all voters (ramps and handrails for disabled access) there are still ongoing concerns due to the inherent characteristics of temporary stations, such as their narrow entrance and limited internal area and access issues from paths across uneven/muddy ground which is exacerbated if the weather is poor on or around polling day. If the Authority was to move away from a perfectly accessible</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination.
27/09/24	Temporary booth	Wilnecote	<p>Schools should not be used as it is a burden on families to find childcare.</p> <p>What is your alternative option (if any) to the above polling station(s)? Churches, community halls or temporary booths.</p>	A temporary polling station is currently utilised by the WI3 polling district as there is no alternative viable location in the area.
01/10/24	Wilnecote Junior Academy	Wilnecote	<p>It affects the children's education. They should not be in schools.</p> <p>What is your alternative option (if any) to the above polling station(s)? Wilnecote parish hall Wilnecote working men's club</p>	<p>It should be noted that although the Wilnecote Ward currently uses two schools as polling station the school are informed of scheduled polls several years in advance thus allowing ample time to plan for a Teacher Training Inset Day. This should help keep disruption and inconvenience to a minimum. Whilst school must provide the Returning Officer with a suitable room to facilitate voting it is not the Returning Officer who chooses to close the school. This is a decision taken by the school and in fact several schools that are used as polling stations throughout the borough remain either fully or partially open on polling days.</p> <p>Schools are required under statute to be made available for voting purposes. This is partly because as a public building the access must meet all requirements set out in the Equality Act 2010.</p>

Date	Polling Station	Ward	Comments	Acting Returning Officer's comments
				<p>Wilnecote Village Hall is too far away from the main population of the ward and there are no bus routes that would help facilitate the electorate to travel there.</p> <p>Contact will be made with Wilnecote Working Men's Club to see if this would be viable for use as a polling station.</p>

Polling Districts, Places and Stations Review 2024

Polling District

A polling district is a geographical subdivision of an electoral area. For example a parliamentary constituency or a borough ward.

Polling Place

A polling place is the area in which the Returning Officer selects the polling station. In Tamworth, it will be recommended that polling places represent the same area as the polling district plus the adjoining polling district(s) to allow a greater degree of flexibility in deciding where a polling station should be located.

Polling Station

The polling station is the room or building where the poll takes place. This location is selected by the Returning Officer.

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Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Polling district, polling places and polling station review	
Date Conducted	May 2024	
Name of Lead Officer and Service Area	Bernie Flanagan – Senior Elections Officer Electoral Services	
Commissioning Team (if applicable)		
Director Responsible for project/service area	Stephen Gabriel	
Who are the main stakeholders	Electors	
Describe what consultation has been undertaken. Who was involved and what was the outcome	Public consultation began on Monday 9 September and concluded on Monday 14 October. A range of stakeholders, groups and individuals were invited to take part in the consultation. These ranged from councillors, political parties to groups and individuals with expertise in accessibility issues.	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	Polling Station Questionnaire Polling Station Inspector Reports Presiding Officer Report Polling Station suitability surveys Public consultation	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input checked="" type="checkbox"/>
	A Strategy/Policy/Procedure	<input type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

In accordance with the Electoral Registration and Administration Act 2013, a review has been completed of all of the polling district and polling places within the borough of Tamworth.

Guidance produced by the Electoral Commission sets out the process for a review, and this has been followed.

A number of changes have been recommended as part of the review.

Who will be affected and how?

Electors – the review may affect:

- where they cast their vote on polling day;
- what polling district they are in.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input type="checkbox"/>	
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To ensure that reasonable accessibility is provided to disabled persons in regard to polling stations.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	
Marriage & Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	

Impact Area	Yes	No	Reason (provide brief explanation)
Gypsy/Travelling Community	<input type="checkbox"/>	<input type="checkbox"/>	
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	
Those having an offending past	<input type="checkbox"/>	<input type="checkbox"/>	
Children	<input type="checkbox"/>	<input type="checkbox"/>	
Vulnerable Adults	<input type="checkbox"/>	<input type="checkbox"/>	
Families	<input type="checkbox"/>	<input type="checkbox"/>	
Those who are homeless	<input type="checkbox"/>	<input type="checkbox"/>	
Those on low income	<input type="checkbox"/>	<input type="checkbox"/>	
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input type="checkbox"/>	
Those with Mental Health issues	<input type="checkbox"/>	<input type="checkbox"/>	
Those with Physical Health issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To ensure that reasonable accessibility is provided to disabled persons in regard to polling stations.
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

<i>Impact Area</i>	<i>Details of the Impact</i>	<i>Action to reduce risk</i>
Electors	<p>To remove as far as practicable barriers to voting at a polling station with particular regard given to accessibility issues.</p> <p>To provide convenient and accessibly voting facilities so that electors can easily cast their vote.</p> <p>To prevent accidentally disenfranchising an elector as they are unable to access voting facilities easily. Ensuring that all locations meet the recommendations set out in legislation, complies with guidance produced by the Electoral Commission and SCOPE in the Polls Apart 2010 report.</p>	<ul style="list-style-type: none"> • Complete a of survey polling stations regularly to ensure that they meet the needs of electors especially those with accessibility issues. Use to inform future planning. • Polling Station Questionnaire for electors Use to inform future planning. • Presiding Officer Report – highlighting any issues on polling day and measures take to rectify. Use to inform future planning. • Review the polling station arrangements regularly.

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
Accessibility in regard to polling stations	Check that all locations meet the recommendations set out in legislation, complies with guidance produced by the Electoral Commission and SCOPE in the Polls Apart 2010 report.	Returning Officer	Ongoing – polling stations are reviewed at every poll.	Identify any accessibility issues and rectify e.g. supply of ramps.
	Public consultation	Chief Executive	As required by statute	That all steps set out in legislation are followed.
	Polling Station questionnaire are available at each poll	Returning Officer	Ongoing – polling stations are reviewed at every poll.	Allows electors to make a comment regarding their polling station while the issue is fresh. Records issues to inform future planning.
	Polling Station Inspector (PSI) Report	Returning Officer	Ongoing – polling stations are reviewed at every poll.	PSI's complete a report regarding the polling station throughout the day at each poll. This allows any issues to be resolved quickly. Records issues to inform future planning.

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Presiding Officer Report	Returning Officer	Ongoing – polling stations are reviewed at every poll.	PSI's complete a report regarding the polling station throughout the day at each poll. This allows any issues to be resolved quickly. Can also record comments from electors or other stakeholders. Records issues to inform future planning.

Date of Review (If applicable): All polling stations will be reviewed after each poll.

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Tuesday 10th December 2024**Report of the Portfolio Holder for Environmental Sustainability, Recycling and Waste****Gambling Act 2005 – Review of Statement of Principles****Exempt Information**

None

Purpose

The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2023. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore, a new Statement of Principles must be published by 31st January 2025.

To bring before Full Council the Licensing Committee recommendation that they consider the draft Gambling Statement of Principles as suitable for adoption

Recommendations

That Full Council consider the recommendation of the Licensing Committee that the revised Gambling Act Statement of Principles is suitable for adoption effective from 31st January 2025.

Executive Summary

The Council's current Statement of Principles took effect on 31st January 2023 for a 3 year period. Due to the dates not aligning with the statutory dates set by the Gambling Commission a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2025.

Tamworth Borough Council currently has a Statement of Principles which is attached at Appendix 1. The draft Statement of Principles 2025 – 2028 has been created and updated by Tamworth Borough Council officers together with relevant government documents and feedback from the public consultation. The draft statement of principles is attached at Appendix 2

Options Considered

Failing to prepare and publish a new Statement of Principles by 31st January 2025 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

Resource Implications

There are no additional resource implications arising from this consultation. Resources required to fulfil the Council's duties in respect of the Licensing Process are met from the existing budget.

Legal/Risk Implications Background

Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.

The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.

When preparing a Statement of Principles, the Council is required to consult with:-

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act

Equalities Implications

A Community Impact Assessment has been undertaken and is attached at Appendix 3.

Environment and Sustainability Implications (including climate change)

None

Background Information

Tamworth Borough Council is a licensing authority in accordance with the provision of the Gambling Act 2005.

Each licensing authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.

Since the current Statement of Principles took effect, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).

However, in April 2023 the government did publish a long-awaited white paper entitled "High Stakes: Gambling Reform for the Digital Age." The White Paper sets out the government's plan for reform of gambling regulation, following the review of the Gambling Act 2005 that was first launched in December 2020.

The white paper contained a number of proposals for reforming gambling regulation in the following areas:

- Online protections – players and products
- Marketing and advertising

- The Gambling Commission's powers and resources
- Dispute resolution and consumer redress
- Children and young adults
- Land-based gambling

Whilst many of the proposed reforms are not directly relevant to the role that the Council plays in the regulation of gambling activities, there are some proposed changes that are directly relevant. These include:

- Proposals to relax the rules on the split of low and medium maximum stake machines in certain licensed gambling premises.
- A review of the premises licence fees cap for local authorities.
- Introducing new powers to local authorities to conduct cumulative impact assessments for gambling premises.
- Proposals to change the rules that allow under 18s to play Category D gaming machines that pay cash prizes.
- Proposals to make provisions within the Gambling Commission's code of practise on the siting of gaming machines in licensed premises legally binding.

Following the publication of the white paper, several different consultations have been undertaken by both the Department for Culture, Media and Sport and the Gambling Commission concerning the various proposals for legislative reform.

At this stage however, it is unclear when the government will bring forwards the required legislation to implement the proposed reforms.

This presents something of a dilemma for licensing authorities such as Tamworth Borough Council, as they are required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. The Council's next statement of principles needs to be prepared and published before 31st January 2025. If new legislation comes forwards the Borough Council will have to initiate an early review of the statement to accommodate any such changes.

As the timescales for legislation to be brought forward are unclear at this stage, officers are recommending that no substantive changes are made to the statement of principles at the present time and therefore very few changes are being proposed in the draft statement of principles that is shown at Appendix 2.

Indeed the only changes that officers believe need to be made at the present time are as follows:

- Updating the dates shown on the front page.
- Insertion and expansion of relevant sections.
- Updating the list of consultees to include additional gambling and other relevant trade associations.

As well as having to prepare and publish a new statement of principles before every successive three-year period, licensing authorities are able to review their statements during those three-year periods and are able to revise the statement at any point in time if they think it is necessary.

Therefore, whilst officers do not believe that any substantive changes are required to the statement of principles at the present time, it is considered highly likely that a revised statement of principles will need to be prepared and published between 31st January 2025 and 31st January 2028 in order to make any revisions that may be necessary as a result of any regulatory reforms enacted in connection with the proposals set out in the white paper.

For now officers are recommending that Members resolve to approve the draft statement of principles shown at Appendix 2.

Section 349 (3) of the Act requires the Licensing Authority to consult the following on its Statement of Principles (Policy Statement) or subsequent revisions:

- The Chief Officer of Police,
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Authorities area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authorities functions under the Act.

The list of persons to be consulted when preparing the Statement is deliberately wide. This enables Licensing Authorities to undertake a comprehensive exercise with anyone who may be affected by or otherwise have interest in the Statement.

Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Policy Statement) cannot be delegated to the Licensing Committee. Therefore, Full Council must adopt the final document.

The public consultation exercise was held between 5th August 2024 – 8th September 2024.

During the consultation period one response was received from Gamcare and one from Gosschalks on behalf of the Betting and Gaming Council (BGC).

At the meeting of the Licensing Committee held on the 3rd October 2024 the Committee resolved that the Committee recommend to Full Council that they consider the draft Gambling Act 2005 Statement of Principles (Policy Statement) 2023 - 2026 as suitable for adoption subject to the amendments suggested by Gosschalks on behalf of the Betting and Gaming Council.

Report Author

Sarah Bradley – Senior Licensing Officer

List of Background Papers

[Gambling Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)

[High stakes: gambling reform for the digital age - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Appendices

Appendix 1 – Current Statement of Principles

Appendix 2 – Draft Statement of Principles 2025 – 2028

Appendix 3 - CIA

STATEMENT OF PRINCIPLES
GAMBLING ACT 2005



2023 – 2026



Revised with effect from 31st January 2023

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Statement of Principles – Gambling Act 2005

1. Introduction – Tamworth Borough Council

- 1.1 Tamworth Borough Council (the Council) is a Licensing Authority under the Gambling Act 2005 and therefore has responsibilities for the administration and enforcement of the Act within the Borough.
- The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts
- 1.2 Tamworth’s resident population of around 78,600 (Source – Census 2021, ONS) makes it one of the main urban centres in Southern Staffordshire. As of 2021, Tamworth is the ninth most densely populated of the West Midlands’ 30 local authority areas, with around 18 people living on each football pitched sized area of land.
- 1.3 This statement accords with that vision in seeking to promote the licensing objectives set out in the Act which are central to the regulatory regime created by the Act. These are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 We have produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”) and having had regard to the Gambling Commission’s formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that we have consulted.
- 1.5 This statement must be published at least every three years. The statement can also be reviewed from ‘time to time’ and any amended parts reconsulted upon
- 1.6 We intend that this document should provide information and guidance on the general approach that we will take in licensing. A series of advice sheets with more specific guidance is available from our website or will be sent on request; advice tailored to individuals is available by phone or to personal callers.
- 1.7 Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on it’s merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, set out below

2. Gambling Act 2005

2.1 This policy reflects and aims to support our strategic purposes and priorities, as set out in the Council Plan.

2.2 The Act provides for Gambling to be authorised in a number of different ways.

2.3 The Licensing Authority's main functions are to:

- license premises for gambling activities, including the issue of Provisional Statements,
- regulate and grant permits for gambling and gaming machines in clubs including commercial clubs,
- regulate gaming and gaming machines in premises licensed to sell alcohol.
- grant permits to family entertainment centres for the use of certain lower-stake gaming machines,
- grant permits for prize gaming,
- receive and endorse notices given for temporary use notices,
- receive occasional use notices for betting at tracks,
- register lotteries of small societies,
- maintain public registers, and
- provide information to the gambling Commission on the issue of licences.

2.4 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The "National Lottery" is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

3. The Gambling Commission

3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

3.3 In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 0121 230 6666.

4. Authorised Activities

4.1 'Gambling' is defined in the Act as gaming, betting, or taking part in a lottery.

- 'Gaming' means playing a game of chance for a prize.
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
- A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

5. General Statement of Principles

- 5.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - in accordance with this Statement of Principles; and
 - reasonably consistent with the licensing objectives.
- 5.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 5.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures and only take into account issues that are relevant. Specifically, the Licensing Authority will not have regard to “demand” when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 5.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the ‘Licensing Authority’.
- 5.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 5.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 5.7 If there are objections that cannot be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 5.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of

any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

6. Preventing Gambling from being a Source of Crime and Disorder

- 6.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 6.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator's licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 6.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 6.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance were required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 6.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

7. Ensuring Gambling is conducted in a Fair and Open Way

- 7.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 7.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

8. Protecting children and vulnerable people from being harmed or exploited by gambling

- 8.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.
- 8.2 Codes of Practice – including advice about access by children and young persons – may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.
- 8.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 8.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.
- 8.5 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 8.6 The Licensing Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 8.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 8.8 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Staffordshire Safeguarding Children Partnership for this purpose

9. Public Health and Gambling

- 9.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- 9.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as result of their gambling.
- 9.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.
- 9.4 There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.
- 9.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harms in its area.
- 9.6 The licensing authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to help the Licensing Authority:
- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
 - Make decisions that benefit and protect the health and wellbeing of local communities.
 - Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
 - Conduct a health-impact assessment of gambling in the local area or assess any existing information.

10. Local Risk Assessments

- 10.1 Since 6 April 2016 it has been a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.
- 10.2 The Licensing Authority will expect the local risk assessment to consider, for example:
- whether the premise is in an area of deprivation;
 - whether the premise is in an area subject to high levels of crime and/or disorder;

- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
 - the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
 - how vulnerable persons as defined within this Policy are protected.
- 10.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy.
- 10.4 Other matters that the risk assessment may include are, for example:
- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
 - Where installed, details of CCTV coverage and how the system will be monitored.
 - Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
 - The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
 - Where only one staff member is employed – in the case of smaller premises, – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
 - Provision of signage and documents relating to games rules, gambling care providers.
 - The mix of gambling provided.
 - Consideration of primary gambling activity and location of gaming machines.
- 10.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary.
- 10.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 10.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 10.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a ‘Local Area Profile’. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that

locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. The Licensing Authority has created a Local Area Profile to assist applicants and licence holders to conduct their local risk assessments.

- 10.9 The Licensing Authority expects local risk assessments to be kept under review and updated, as necessary. The Licensing Authority expect local risk assessments to be subject to a review whenever there is a significant change at or near the premises and in any event at least every twelve months.

11. Premises Licences

- 11.1 A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

- 11.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.

- 11.3 This will allow large multiple unit premises such as shopping malls or service stations to obtain separate premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

- 11.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that separation of the premises is not compromised and people are not allowed to drift accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority will also expect customers to be able to participate in the activity named on the premises licence.

- 11.5 The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and / or large casinos may be located. The Borough of Tamworth has not been identified as a suitable location for a casino, consequently the Authority is prevented from granting a licence for casino premises at present.

- 11.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were

considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.

- 11.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 11.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 11.9 When considering applications for premises licences the Licensing Authority will not take into account the expected 'demand' for facilities; the likelihood of planning permission or building regulation approval being granted or moral objections to gambling. Equally, the grant of a premises licence will not prejudice or prevent any action which may be appropriate under the law relating to planning or building regulations.
- 11.10 The Licensing Authority will only issue a premises licence once it is satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of, or alterations to a premises are not yet complete, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.
- 11.11 The Licensing Authority will apply a two-stage consideration process if there is outstanding construction or alteration works at the premises:
- Should the premises be permitted to be used for gambling?
 - Can appropriate conditions be imposed to cater for the situation that the premises is not yet in a state in which they should be before gambling takes place?
- 11.12 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 11.13 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 11.14 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council offices during normal office hours which are generally Monday to Friday 9am – until 4.30pm.

12. Responsible Authorities

12.1 Responsible authorities are identified in the legislation and have to be notified about licence applications so that they can identify any risk. The responsible authorities that the Licensing Authority currently recognises are as follows:

- The Gambling Commission.
- Staffordshire Police

- Fire & Rescue Service.
 - Tamworth Borough Councils Planning Department.
 - Tamworth Environmental Health Pollution
 - Children Protection
 - HM Revenue and Customs.
 - Home Office Immigration
 - Any other bodies identified in Regulation by the Secretary of State.
 - For vessels – the Environment Agency, British Waterways, Secretary of State.
- See Appendix C for full contact details

12.2 Contact addresses and telephone numbers for each of the responsible authorities identified are available on the Council's website and will be sent with application packs and on request.

12.3 Any concerns expressed by a responsible authority cannot be considered unless they are relevant to the application itself and to the licensing objectives. However, each representation will be considered on its merits.

13. Interested Parties

13.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities (including existing gambling premises), or
- represents persons in either of the above two groups.

13.2 The Licensing Authority will generally require written evidence that a person/body, represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting representations is sufficient. Whilst this may not apply to elected Ward Members, Member of Parliament or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal minority.

13.3 In determining in whether a person lives sufficiently close to particular premises as to be affected, the Licensing Authority will take into account among other things:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the person making the representation;
- the nature of the complaint;
- the potential impact of the premises.

13.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:

- the size of the premises;
- the catchment area of the premises; and

- whether the person making the representation has business interests in the catchment area that might be affected.
- 13.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 13.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant;
 - whether it raises an issue relevant to the licensing objectives; or
 - whether it raises issues specifically to do with the premises which are the subject of the application.

14. Licence Conditions

- 14.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.
- 14.2 The Licensing Authority will ensure that category C machines or above, that are *on offer in premises to which children are admitted, are located in an area of the premises which is separated by a physical barrier*. This should be to prevent access other than through a designated entrance: the designated area must be supervised and observed by staff or the licence holder.
- 14.3 Examples of some conditions which are likely to be attached in certain circumstances include those relating to opening hours; segregation of gambling from non-gambling areas frequented by children; Security Industry Authority licensed door supervisors; appropriate signage for adult only areas; age limits; or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicants to offer their own suggestions as to the way in which the licensing objectives can be promoted effectively.
- 14.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
 - relating to gaming machine categories or method of operation;

- which specify that membership of a club or other body is required; or
 - in relation to stakes, fees, winnings or prizes.
- 14.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

15. Gaming Machines

- 15.1 Gaming machines include all types of gambling activity, which can take place on a machine, including betting on 'virtual' events.
- 15.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.
- 15.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:
- casinos
 - bingo premises
 - betting premises (including tracks)
 - adult gaming centres
 - family entertainment centres
 - clubs
 - pubs and other alcohol licensed premises
 - travelling fairs
- 15.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.
- 15.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

16. Gambling in Alcohol Licensed Premises

- 16.1 There are exemptions in the Act that provide for a limited amount of gambling activity to take place within premises that are subject to a relevant valid alcohol licence.
- 16.2 These exemptions only apply where a premises is subject to a licence that authorises the sale of alcohol for consumption on the premises and that has a bar at which alcohol is served without a requirement that alcohol is served only with food.
- 16.3 In all cases the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

Automatic entitlement to two gaming machines

- 16.4 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use and must pay the prescribed fee.
- 16.5 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.
- 16.6 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 16.7 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act. The Licensing Authority can do so if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 16.8 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

Licensed Premises Gaming Machine Permits

- 16.9 Where the holder of a relevant alcohol licence wishes to make more than two gaming machines available, they may apply for a licensed premises gaming machine permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises.
- 16.10 The Licensing Authority expects licence holders making machines available in accordance with a licensed premises gaming machine permit to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

- 16.11 Applications must be made by a person or organisation that holds the on-premises alcohol licence for the premises for which the application is made and must include information on the premises to which it relates and the number and category of gaming machines sought.
- 16.12 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.
- 16.13 In determining an application, the Licensing Authority must have regard to the licensing objectives and to the Gambling Commission's Guidance to Licensing Authorities. The Licensing Authority may also take account of any other matters that are considered relevant to the application.
- 16.14 In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.
- 16.15 The application does not require notification to the Commission or police before determination, however, the Licensing Authority is able to specify this as a requirement should they see fit.
- 16.16 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
- 16.17 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.
- 16.18 The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.
- 16.19 The applicant may appeal to the Magistrates' Court against the Licensing Authority's decision not to issue a permit. The holder can also appeal against a decision to cancel a permit.

Exempt Gaming

- 16.20 Exempt gaming is generally permissible in any relevant alcohol licensed premises. Such gaming must be equal chance gaming and must be ancillary to the purposes of the premises. This provision is automatically available to all such premises but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 16.21 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 16.22 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol licensed premises and details of these can be found on the Gambling Commission's website.
- 16.23 The Licensing Authority expects exempt gaming in alcohol licensed premises to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.
- 16.24 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order under s.284 of the Act, if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.279, for example the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 16.25 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

17. Gambling in Clubs

Defining Clubs

- 17.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:
- members' clubs (including miners' welfare institutes)

- commercial clubs.

- 17.2 This is an important distinction in respect of the gaming that may take place.
- 17.3 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.
- 17.4 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.
- 17.5 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 17.6 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Exempt Gaming

- 17.7 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 17.8 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 17.9 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.
- 17.10 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However, in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.
- 17.11 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Club Gaming Permits

- 17.12 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without

having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation detailed above.

- 17.13 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 17.14 Where a club has gaming machines the licensing authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Club Machine Permits

- 17.15 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Licensing Authority for a club machine permit under s.273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.
- 17.16 Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.
- 17.17 Where a club has gaming machines the Licensing Authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Applications for Club Gaming Permits and Club Machine Permits

- 17.18 Applications for permits must be accompanied by the prescribed documents and fees and must be copied to the Gambling Commission and the Chief Officer of Police within the prescribed period. The Commission and the Police may object to the permit being granted and if such objections are received, the Licensing Authority will hold a hearing.
- 17.19 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.
- 17.20 The Licensing Authority can only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - b) the applicant's premises are used wholly or mainly by children and/or young persons
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - d) a permit held by the applicant has been cancelled in the previous ten years
 - e) an objection has been lodged by the Commission or the police.
- 17.21 If the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. The Licensing Authority will have regard to relevant guidance

issued by the Commission and (subject to that guidance), the licensing objectives.

- 17.22 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.
- 17.23 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under s.72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.
- 17.24 This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.
- 17.25 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

Determining Applications for Club Gaming Permits

- 17.26 When determining applications for Club Gaming Permits the Licensing Authority will take steps to satisfy itself that the club meets the requirements of the Act and to enable this to happen, clubs may be asked to supply additional information and documents in support of their application.
- 17.27 The Licensing Authority is particularly aware of the potential for club gaming permits to be misused for illegal poker clubs.
- 17.28 In determining whether a club is a genuine members' club, the Licensing Authority will take into account the matters set out in relevant part of the Gambling Commission's Guidance to Licensing Authorities.
- 17.29 A visit to the premises before granting of the permit may also be undertaken to assist the Licensing Authority to understand how the club will operate.

Maintenance of Permits

- 17.30 Club Gaming Permits and Club Machine Permits will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is renewed. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.
- 17.31 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

Cancellation and forfeiture of permits

- 17.32 The Licensing Authority may cancel the permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

17.33 Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

17.34 Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make.

17.35 The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Renewal of permits

17.36 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.

17.37 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

17.38 If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

18. Unlicensed Family Entertainment Centre Permits

Introduction

18.1 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

18.2 uFECs are premises which are 'wholly or mainly' used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

Applications for Unlicensed Family Entertainment Centre Permits

18.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

- 18.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC, which shows the location of any gaming machines that will be provided if the permit were to be granted.
- 18.5 The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made. Where the applicant is a company, a Basic Disclosure certificate must be supplied in respect of each director of the company.

Consideration of Applications

- 18.6 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.
- 18.7 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the licensing authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.
- 18.8 In considering the application, the Licensing Authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 18.9 The Licensing Authority may also consider asking applicants to demonstrate:
- that they have suitable policies and procedures in place for the safeguarding of children and young persons.
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees at the premises are suitably vetted
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 18.10 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 18.11 The permit will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit
- 18.12 The permit may lapse for a number of reasons, namely:
- if the holder ceases to occupy the premises
 - if the Licensing Authority notifies the holder that the premises are not being used as an uFEC

- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
- if the company holding the permit ceases to exist or goes into liquidation.

Renewal of a Permit

18.13 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse
- renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.

18.14 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

19. Prize Gaming Permits

19.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

19.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

Applications for Prize Gaming Permits

19.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.

19.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.

19.5 The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

Consideration of Applications

- 19.6 In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 19.7 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions.
- 19.8 The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.
- 19.9 Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.
- 19.10 A permit cannot be issued in respect of a vessel or a vehicle.
- 19.11 The Licensing Authority will ask the applicant to set out the types of gaming that they are intending to offer and expects that the applicant should be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
 - the gaming offered is within the law.
- 19.12 The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it and given them an opportunity to make representations orally or in writing or both.
- 19.13 If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 19.14 The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premises
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
 - if a company holding the permit goes into liquidation
 - if the holder (for example a partnership) otherwise ceases to exist.

Renewal of a Prize Gaming Permit

- 19.15 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 19.16 A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

20. Temporary Use Notices

- 20.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 20.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chance to all participants. Example of equal chance gaming includes games such as: Backgammon, Mahjong, Rummy, Kalooki, Dominoes, Cribbage, Bingo and Poker.

21. Occasional Use Notices

- 21.1 The Licensing Authority have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 21.2 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice.

22. Lotteries

Introduction

- 22.1 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.
- 22.2 An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.
- 22.3 An arrangement is a complex lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class

- the prizes are allocated by a series of processes
 - the first of those processes relies wholly on chance.
- 22.4 The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:
- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
 - exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.
- 22.5 The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.
- 22.6 The Licensing Authority defines ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.
- 22.7 Section 19 of the Act defines a society as such if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain.
- 22.8 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Registration Applications

- 22.9 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society’s principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.
- 22.10 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.
- 22.11 If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:
- A list of the members of the society

- The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
 - A written declaration from the applicant stating that they represent a bona fide non-commercial society.
- 22.12 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—
- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
 - an application for an operating licence made by the applicant for registration has been refused.
- 22.13 The Licensing Authority may refuse an application for registration if they think that—
- the applicant is not a non-commercial society,
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
 - information provided in or with the application for registration is false or misleading.
- 22.14 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.
- 22.15 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:
- Whether allowing the registration of the society would be consistent with the Act
 - Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
 - Whether allowing the registration of the society would be consistent with any relevant code of practise issued by the Gambling Commission

Promotion of small society lotteries once registered

- 22.16 Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.
- 22.17 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.
- 22.18 As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:
- checking the age of apparently underage purchasers of lottery tickets

- taking action where there are unlawful attempts to purchase tickets.
- 22.19 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:
- the name of the promoting society
 - the price of the ticket, which must be the same for all tickets
 - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
 - the date of the draw, or information which enables the date to be determined.
- 22.20 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
- 22.21 The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.
- 22.22 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:
- 22.23 Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.
- 22.24 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

- 22.25 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.
- 22.26 The limits are as follows:
- at least 20% of the lottery proceeds must be applied to the purposes of the society
 - no single prize may be worth more than £25,000
 - rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
 - every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

22.27 The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

22.28 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

22.29 The Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of ‘instant lotteries’ (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

22.30 The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority’s website.

22.31 Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

22.32 The Licensing Authority will notify the Commission if returns reveal that a society’s lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

22.33 The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

22.34 Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the

registration and provide them with the evidence on which it has reached that preliminary conclusion.

22.35 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society to continue would be consistent with the Act
- Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society to continue would be consistent with any relevant code of practise issued by the Gambling Commission.

23. Exchange of Information

23.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

23.2 Subject to the provisions of relevant data protection legislation, we will share any information we receive through the application process with the Gambling Commission and any relevant responsible authority. In doing so we will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that we hold about them by contacting our Project and Information Co-Ordinator.

23.3 The Licensing Authority is committed to being open about what it does and how it comes to a decision, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment.

23.4 Individual requests should be made in writing via the Council's website freedomofinformation@tamworth.gov.uk

23.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

24. Enforcement Protocols

24.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

- 24.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 24.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 24.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 24.5 The Licensing Authority will also be mindful of future developments as regard the work of the Better Regulation Executive whilst carrying out its regulatory functions.
- 24.6 The Licensing Authority will endeavour to be accountable, consistent, transparent and targeted, as well as proportionate in its actions and avoiding duplication with other regulatory regimes so far as possible.
- 24.7 In order to ensure compliance with the law, the Licensing Authority will carry out regular 'routine' day time programmed inspections and will also carry out 'non-routine' evening programmed inspections. Where a one-off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.
- 24.8 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

25. Reviews

- 25.1 A request for a review of a premises licence can be made by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission,
 - Consistent with the licensing objectives,
 - In accordance with the statement of principles.
- 25.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether it would wish to alter/revoke or suspend the licence. The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which it thinks is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

25.3 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether it should take any action in relation to the licence. The options available are to:

- add, remove or amend a licence condition;
- remove or amend a default condition, such as opening hours;
- suspend the premises licence for a period not exceeding 3; or months
- revoke the licence.

26. The Licensing Process

26.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub -Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation:-

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
3 year licensing policy	X			
Policy not to permit casinos	X			
Fee Setting when Appropriate		X		
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
Review of a premises licence			X	
Application for club gaming / club machine permits			Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming / club machine permits			X	
Applications for other permits				Refer to * below
Cancellation of licensed premise gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Determination as to whether a person is an Interested Party				X
Determination as to whether representations are relevant				X
Determination as to whether a representation is frivolous, vexatious or repetitive				

X Indicates at the lowest level to which decisions can be delegated.

* In respect of applications for amusement with prizes machines in alcohol licensed premises, the following procedure will be adopted:

- i) Officers will determine under delegated authority, applications for amusement with prize machines where the application is for not more than 5 machines.

- ii) Applications for more than 5 amusement with prize machines will be referred to Chair of Licensing Committee for determination in consultation with Assistant Director, Growth and Regeneration, Head of Environmental Health/Environmental Health Staff.

26.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. Applicants must carry out a risk assessment before they apply for a premises licence or to vary a premises licence.

26.3 The Authority will expect the local risk assessment to consider as a minimum:

- The location of services for children such as schools, playgrounds. Leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies, are protected

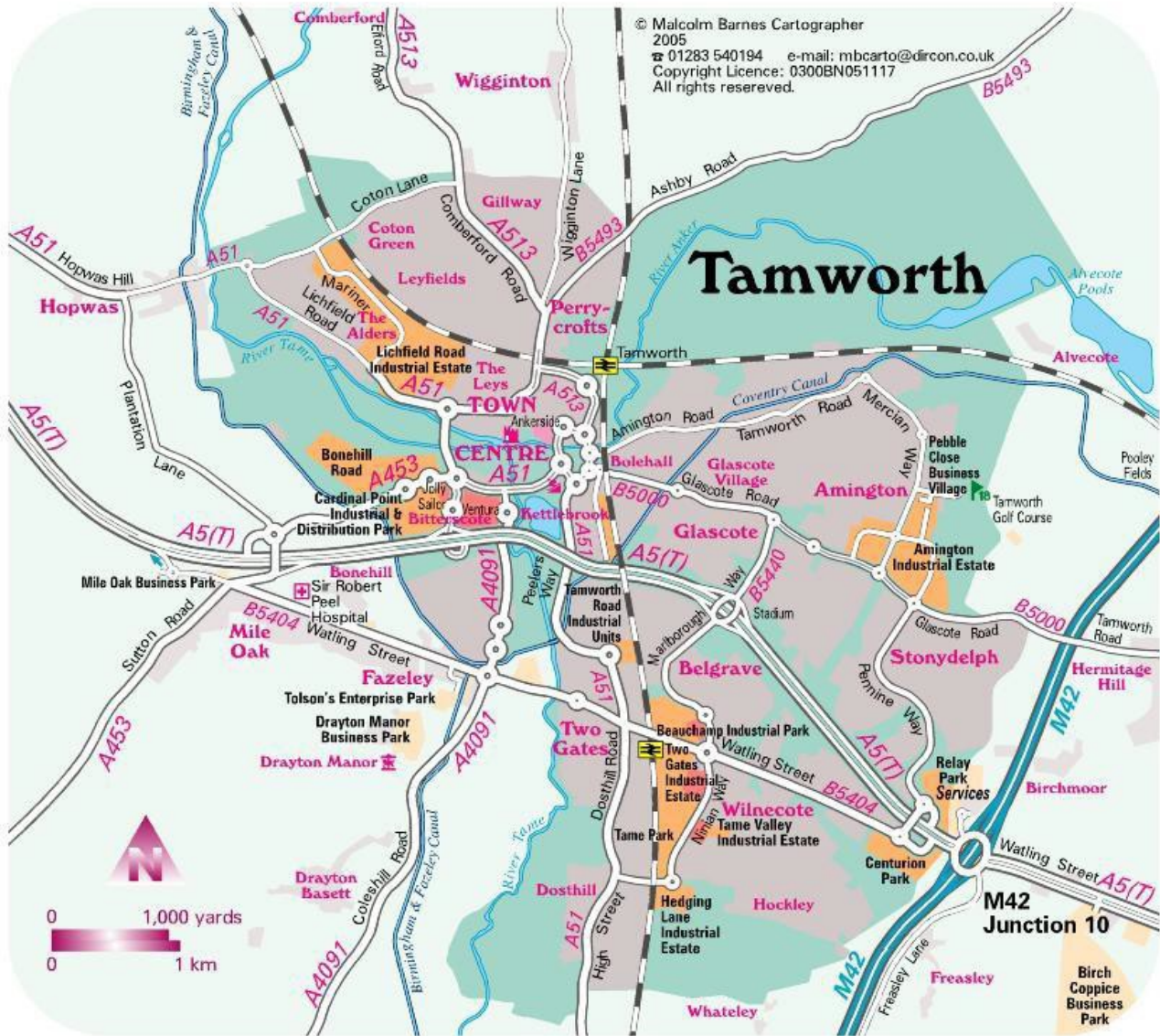
26.4 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

26.5 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

Tamworth Borough Council
Marmion House
Lichfield Street
TAMWORTH
B79 7BZ

Map of Tamworth Borough Boundary

Map of Tamworth Borough



Appendix B

List of Consultees

Chief Officer of Staffordshire Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005 Staffordshire

Safeguarding Children Partnership

District Councillors

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling Trade Associations:

Betting and Gaming Council

Bacta

Bingo Association

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have 'problem gambling':

GamCare

Gamblers Anonymous

Appendix C

Gambling Act 2005 - Names & Addresses of Responsible Authorities

The addresses and other contact details of the responsible authorities for applications made under the Gambling Act 2005 are given below. We recommend that you consult these organisations before you send your application.

1) Police

Police Licensing Unit Ground Floor
Block 9
Staffordshire Police Headquarters
Weston Road
Stafford ST18 0YY

Tel - 01785 235699

Email

licensinghq@staffordshire.pnn.police.uk

2) Fire and Rescue Authority

Eastern Service Delivery Group
Staffordshire Fire & Rescue Service
Lichfield Fire Station
Birmingham Road Lichfield
Staffordshire WS13 6HU

Tel - 01785 898 958

Email - esdg.protect@staffordshirefire.gov.uk

3) Gambling Commission

Gambling Commission Victoria
Square House Victoria Square
Birmingham
B2 4BP

Tel - 0121 230 6666

Fax - 0121 230 6720

Email - info@gamblingcommission.gov.uk

4) HM Revenue & Customs

HM Revenue and Customs Excise
Processing Teams BX9 1GL
United Kingdom

Tel - 0300 322 7072 Option 7

Email - nrubetting&gaming@hmrc.gov.uk

5) Local Planning Authority – comments as previous we are one council with many departments

Planning Team
Tamworth Borough Council Marmion
House
Lichfield Street Tamworth
Staffordshire B79 7BZ

Tel - 01827 709 312

Email – cp&padmin@tamworth.gov.uk

6) Environmental Pollution

Pollution Team
Tamworth Borough Council Marmion
House
Lichfield Street Tamworth Staffordshire
B79 7BZ

Tel - 01827 709 445
Email
environmentalprotection@tamworth.gov.uk

7) Children Protection

Deputy Corporate Director
(Partnerships & Service Development)
Children & Lifelong Learning
Walton Building Martin Street Stafford
ST16 2LH

Tel - 01785 223121
Email - sscb.admin@staffordshire.gov.uk

8) Licensing Authority - Address to which completed applications should be sent:

Licensing Team Public Protection
Tamworth Borough Council Marmion
House
Lichfield Street Tamworth Staffordshire
B79 7BZ

Tel - 01827 709 445
Email - publicprotection@tamworth.gov.uk

9) Home Office (Immigration Enforcement)

Home Office (Immigration
Enforcement) Alcohol Licensing Team
Lunar House
40 Wellesley Road Croydon
CR9 2BY

Tel - 0300 123 7000
Email - Alcohol@homeoffice.gsi.gov.uk

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STATEMENT OF PRINCIPLES

GAMBLING ACT 2005



2025 – 2028



Revised with effect from 31st January 2025

Document Status: Review

Originator: Sarah Gear

Updated: Sarah Gear

Owner: Environmental Health

Version: 2

Date: 31st January 2025

Approved by Full Council

DRAFT

Document Location

This document is held by Tamworth Borough Council, and the document owner is Environmental Health

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Website. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
13 December 2022		Approval of the review of the Statement of Principles

DRAFT

Key Signatories

Approvals Creation and Major Change, Minor Changes & Scheduled Reviews

Name	Title	Approved
Full Council	Scheduled Review	December 2022
Full Council	Scheduled Review	

Approval Path

Major Change & Scheduled Reviews

Action

Originator
Licensing Committee
Consultation
Licensing Committee
Full Council

Environmental Health
Corporate Approval
Consultative Group
Corporate Approval
Council Approval

Minor Change

Originator
Licensing Committee
Full Council

Environmental Health
Corporate Approval
Council Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis. However it will be the subject of continuous evaluation and if necessary formally reviewed at any time.

Distribution

The document will be available on the Website.

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Statement of Principles – Gambling Act 2005

1. Introduction – Tamworth Borough Council

- 1.1 Tamworth Borough Council (the Council) is a Licensing Authority under the Gambling Act 2005 and therefore has responsibilities for the administration and enforcement of the Act within the Borough.

The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts

- 1.2 Tamworth's resident population of around 78,600 (Source – Census 2021, ONS) makes it one of the main urban centres in Southern Staffordshire. As of 2021, Tamworth is the ninth most densely populated of the West Midlands' 30 local authority areas, with around 18 people living on each football pitched sized area of land.

- 1.3 The purpose of the statement is to outline the principles that will be applied by the Licensing Authority when exercising its functions. The Licensing Authority's duty is to aim to permit the use of premises and for premises to be reasonably consistent with the licensing objectives set out in the Act which are central to the regulatory regime created by the Act. These are:

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

- 1.4 We have produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as "the Act") and having had regard to the Gambling Commission's formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that we have consulted.

- 1.5 This statement must be published at least every three years. The statement can also be reviewed from 'time to time' and any amended parts reconsulted upon

- 1.6 We intend that this document should provide information and guidance on the general approach that we will take in licensing. A series of advice sheets with more specific guidance is available from our website or will be sent on request; advice tailored to individuals is available by phone or to personal callers.

- 1.7 Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, set out below

2. Gambling Act 2005

2.1 This policy reflects and aims to support our strategic purposes and priorities, as set out in the Council Plan.

2.2 The Act provides for Gambling to be authorised in a number of different ways.

2.3 The Licensing Authority's main functions are to:

- licence premises for gambling activities, including the issue of provisional Statements,
- regulate and grant permits for gambling and gaming machines in clubs including commercial clubs,
- regulate gaming and gaming machines in premises licensed to sell alcohol.
- grant permits to family entertainment centres for the use of certain lower-stake gaming machines,
- grant permits for prize gaming,
- receive and endorse notices given for temporary use notices,
- receive occasional use notices for betting at tracks,
- register lotteries of small societies,
- maintain public registers, and
- provide information to the gambling Commission on the issue of licences.

2.4 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The "National Lottery" is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

3. The Gambling Commission

3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

3.3 In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 0121 230 6666.

4. Local Area Profile

- 4.1 Alongside its Statement of Principles, the Licensing Authority has worked with partners to develop a “Local Area Profile” for the Borough as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 4.2 This Local Area Profile takes account of a wide range of factors, data and information held by the Licensing Authority and its Partners. An important element of preparing the Local Area Profile has been proactive engagement with responsible authorities as well as organisations in the area that could give input to ‘map’ local risks in the area.
- 4.3 These include public health, mental health, housing, education, community welfare groups and safety partnerships and organisations such as Gamcare or equivalent local organisations.
- 4.4 The aim of the Local Area Profile is to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licencees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which forms a part of any new licence application, or any application made to vary a licence.
- 4.5 The Local Area Profile is published on the Licensing Authority’s website and will be updated on a regular basis to reflect changes to the local environment. Holder’s of premises licences will be notified whenever the Local Area Profile is updated.

5. Authorised Activities

- 5.1 ‘Gambling’ is defined in the Act as gaming, betting, or taking part in a lottery.
- ‘Gaming’ means playing a game of chance for a prize.
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
 - A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

6. General Statement of Principles

- 6.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - in accordance with this Statement of Principles; and
 - reasonably consistent with the licensing objectives.
- 6.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 6.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures and only take into account issues that are relevant. Specifically, the Licensing Authority will not have regard to “demand” when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 6.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the ‘Licensing Authority’.
- 6.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 6.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 6.7 If there are objections that cannot be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 6.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of

any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

7. Preventing Gambling from being a Source of Crime and Disorder

- 7.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 7.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator's licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 7.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 7.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance were required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

8. Ensuring Gambling is conducted in a Fair and Open Way

- 8.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 8.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

9. Protecting children and vulnerable people from being harmed or exploited by gambling

- 9.1 Section 45 of the Gambling Act 2005 defines a child as an individual under the age of 16 and a young person as an individual who is not a child but who is less than 18 years old. References in this statement to “a child” or “Children” are to be read as including reference to a “young person” or “young people” except in circumstances where this would be inconsistent with the provisions of the Gambling Act 2005 or where this statement is quoting the legislation itself.
- 9.2 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are ‘adult-only’ environments.
- 9.3 Codes of Practice – including advice about access by children and young persons – may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.
- 9.4 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 9.5 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.
- 9.6 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 9.7 The Licensing Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 9.8 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority’s area.
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

9.9 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Staffordshire Safeguarding Children Partnership for this purpose

10. Public Health and Gambling

10.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

10.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as result of their gambling.

10.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.

10.4 There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.

10.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harms in its area.

10.6 The licensing authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to help the Licensing Authority:

- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
- Make decisions that benefit and protect the health and wellbeing of local communities.
- Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
- Conduct a health-impact assessment of gambling in the local area or assess any existing information.

11. Local Risk Assessments

11.1 Since 6 April 2016 it has been a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.

11.2 The Licensing Authority will expect the local risk assessment to consider, for example:

- whether the premise is in an area subject to high levels of crime and/or

disorder;

- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
- how vulnerable persons as defined within this Policy are protected.

11.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy.

11.4 Other matters that the risk assessment may include are, for example:

- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
- Where installed, details of CCTV coverage and how the system will be monitored.
- Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
- The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
- Where only one staff member is employed – in the case of smaller premises, – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
- Provision of signage and documents relating to games rules, gambling care providers.
- The mix of gambling provided.
- Consideration of primary gambling activity and location of gaming machines.

11.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary. Licensing Authority expects a copy of the most recent local risk assessment to be kept on each premises that is subject to a premises licence under the Gambling Act 2005.

11.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.

11.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.

11.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that

Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. The Licensing Authority has created a Local Area Profile to assist applicants and licence holders to conduct their local risk assessments.

- 11.9 The Licensing Authority expects local risk assessments to be kept under review and updated, as necessary. The Licensing Authority expect local risk assessments to be subject to a review whenever there is a significant change at or near the premises and in any event at least every twelve months.

12. Premises Licences

- 12.1 A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

- 12.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.

- 12.3 This will allow large multiple unit premises such as shopping malls or service stations to obtain separate premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

- 12.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that separation of the premises is not compromised and people are not allowed to drift accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority will also expect customers to be able to participate in the activity named on the premises licence.

- 12.5 The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and / or large casinos may be located. The Borough of Tamworth has not been identified as a suitable location for a casino, consequently the Authority is prevented from granting a licence for casino premises at present.

- 12.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all

responses before passing such a resolution.

- 12.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 12.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 12.9 When considering applications for premises licences the Licensing Authority will not take into account the expected 'demand' for facilities; the likelihood of planning permission or building regulation approval being granted or moral objections to gambling. Equally, the grant of a premises licence will not prejudice or prevent any action which may be appropriate under the law relating to planning or building regulations.
- 12.10 We are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making.
- 12.11 The Licensing Authority will only issue a premises licence once it is satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of, or alterations to a premises are not yet complete, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.
- 12.12 The Licensing Authority will apply a two-stage consideration process if there is outstanding construction or alteration works at the premises:
 - Should the premises be permitted to be used for gambling?
 - Can appropriate conditions be imposed to cater for the situation that the premises is not yet in a state in which they should be before gambling takes place?
- 12.13 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 12.14 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 12.15 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council offices during normal office hours which are generally Monday to Friday 9am – until 5.30pm.

13. Responsible Authorities

- 13.1 Responsible authorities are identified in the legislation and have to be notified about licence applications so that they can identify any risk. The responsible authorities that the Licensing Authority currently recognises are as follows:

- The Gambling Commission.
 - Staffordshire Police
 - Fire & Rescue Service.
 - Tamworth Borough Councils Planning Department.
 - Tamworth Environmental Health Pollution
 - Children Protection
 - HM Revenue and Customs.
 - Home Office Immigration
 - Any other bodies identified in Regulation by the Secretary of State.
 - For vessels – the Environment Agency, British Waterways, Secretary of State.
- See Appendix C for full contact details

13.2 Contact addresses and telephone numbers for each of the responsible authorities identified are available on the Council's website and will be sent with application packs and on request.

13.3 Any concerns expressed by a responsible authority cannot be considered unless they are relevant to the application itself and to the licensing objectives. However, each representation will be considered on its merits.

14. Interested Parties

14.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities (including existing gambling premises), or
- represents persons in either of the above two groups.

14.2 The Licensing Authority will generally require written evidence that a person/body, represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting representations is sufficient. Whilst this may not apply to elected Ward Members, Member of Parliament or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal minority.

14.3 In determining in whether a person lives sufficiently close to particular premises as to be affected, the Licensing Authority will take into account among other things:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the person making the representation;
- the nature of the complaint;
- the potential impact of the premises.

14.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:

- the size of the premises;

- the catchment area of the premises; and
- whether the person making the representation has business interests in the catchment area that might be affected.

14.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

14.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant;
- whether it raises an issue relevant to the licensing objectives; or
- whether it raises issues specifically to do with the premises which are the subject of the application.

15. Licence Conditions

15.1 All Gambling Act 2005 premises licences are subject to mandatory and default conditions which are intended to be sufficient to ensure operation that is consistent with the licensing objectives and that additional conditions will only be imposed where there is evidence in the circumstances of a particular case that the mandatory and default conditions should be supplemented.

15.2 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.

15.3 The Licensing Authority will ensure that category C machines or above, that are *on offer in premises to which children are admitted, are located in an area of the premises which is separated by a physical barrier*. This should be to prevent access other than through a designated entrance: the designated area must be supervised and observed by staff or the licence holder.

15.4 Examples of some conditions which are likely to be attached in certain circumstances include those relating to opening hours; segregation of gambling from non-gambling areas frequented by children; Security Industry Authority licensed door supervisors; appropriate signage for adult only areas; age limits; or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicants to offer their own suggestions as to the way in which the licensing objectives can be promoted effectively.

15.5 The Licensing Authority will not seek to control those matters specified in the Act with conditions:

15.5.1 which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;

15.5.2 relating to gaming machine categories or method of operation;

15.5.3 which specify that membership of a club or other body is required; or

15.5.4 in relation to stakes, fees, winnings or prizes.

15.6 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

16 Gaming Machines

16.2 Gaming machines include all types of gambling activity, which can take place on a machine, including betting on 'virtual' events.

16.3 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

16.4 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

16.4.1 casinos

16.4.2 bingo premises

16.4.3 betting premises (including tracks)

16.4.4 adult gaming centres

16.4.5 family entertainment centres

16.4.6 clubs

16.4.7 pubs and other alcohol licensed premises

16.4.8 travelling fairs

16.5 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.

16.6 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

17 Gambling in Alcohol Licensed Premises

17.2 There are exemptions in the Act that provide for a limited amount of gambling activity to take place within premises that are subject to a relevant valid alcohol licence.

17.3 These exemptions only apply where a premises is subject to a licence that authorises the sale of alcohol for consumption on the premises and that has a bar at which alcohol is served without a requirement that alcohol is served only with food.

17.4 In all cases the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

Automatic entitlement to two gaming machines

- 17.5 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use and must pay the prescribed fee.
- 17.6 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.
- 17.7 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 17.8 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act. The Licensing Authority can do so if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 17.9 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

Licensed Premises Gaming Machine Permits

- 17.10 Where the holder of a relevant alcohol licence wishes to make more than two gaming machines available, they may apply for a licensed premises gaming machine permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises.
- 17.11 The Licensing Authority expects licence holders making machines available in accordance with a licensed premises gaming machine permit to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

- 17.12 Applications must be made by a person or organisation that holds the on-premises alcohol licence for the premises for which the application is made and must include information on the premises to which it relates and the number and category of gaming machines sought.
- 17.13 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.
- 17.14 In determining an application, the Licensing Authority must have regard to the licensing objectives and to the Gambling Commission's Guidance to Licensing Authorities. The Licensing Authority may also take account of any other matters that are considered relevant to the application.
- 17.15 In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.
- 17.16 The application does not require notification to the Commission or police before determination, however, the Licensing Authority is able to specify this as a requirement should they see fit.
- 17.17 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
- 17.18 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.
- 17.19 The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.
- 17.20 The applicant may appeal to the Magistrates' Court against the Licensing Authority's decision not to issue a permit. The holder can also appeal against a decision to cancel a permit.

Exempt Gaming

- 17.21 Exempt gaming is generally permissible in any relevant alcohol licensed premises. Such gaming must be equal chance gaming and must be ancillary to the purposes of the premises. This provision is automatically available to all such premises but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 17.22 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 17.23 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol licensed premises and details of these can be found on the Gambling Commission's website.
- 17.24 The Licensing Authority expects exempt gaming in alcohol licensed premises to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.
- 17.25 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order under s.284 of the Act, if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.279, for example the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 17.26 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

18 Gambling in Clubs

Defining Clubs

- 18.2 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:
- members' clubs (including miners' welfare institutes)

- commercial clubs.

- 18.3 This is an important distinction in respect of the gaming that may take place.
- 18.4 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.
- 18.5 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.
- 18.6 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 18.7 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Exempt Gaming

- 18.8 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 18.9 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 18.10 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.
- 18.11 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However, in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.
- 18.12 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Club Gaming Permits

- 18.13 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without

having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation detailed above.

- 18.14 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 18.15 Where a club has gaming machines the licensing authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Club Machine Permits

- 18.16 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Licensing Authority for a club machine permit under s.273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.
- 18.17 Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.
- 18.18 Where a club has gaming machines the Licensing Authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Applications for Club Gaming Permits and Club Machine Permits

- 18.19 Applications for permits must be accompanied by the prescribed documents and fees and must be copied to the Gambling Commission and the Chief Officer of Police within the prescribed period. The Commission and the Police may object to the permit being granted and if such objections are received, the Licensing Authority will hold a hearing.
- 18.20 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.
- 18.21 The Licensing Authority can only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - b) the applicant's premises are used wholly or mainly by children and/or young persons
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - d) a permit held by the applicant has been cancelled in the previous ten years
 - e) an objection has been lodged by the Commission or the police.
- 18.22 If the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. The Licensing Authority will have regard to relevant guidance

issued by the Commission and (subject to that guidance), the licensing objectives.

- 18.23 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.
- 18.24 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under s.72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.
- 18.25 This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.
- 18.26 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

Determining Applications for Club Gaming Permits

- 18.27 When determining applications for Club Gaming Permits the Licensing Authority will take steps to satisfy itself that the club meets the requirements of the Act and to enable this to happen, clubs may be asked to supply additional information and documents in support of their application.
- 18.28 The Licensing Authority is particularly aware of the potential for club gaming permits to be misused for illegal poker clubs.
- 18.29 In determining whether a club is a genuine members' club, the Licensing Authority will take into account the matters set out in relevant part of the Gambling Commission's Guidance to Licensing Authorities.
- 18.30 A visit to the premises before granting of the permit may also be undertaken to assist the Licensing Authority to understand how the club will operate.

Maintenance of Permits

- 18.31 Club Gaming Permits and Club Machine Permits will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is renewed. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.
- 18.32 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

Cancellation and forfeiture of permits

- 18.33 The Licensing Authority may cancel the permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

18.34 Reference here to ‘a permit condition’ means a condition in the Act or in regulations that the permit is operating under.

18.35 Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days’ notice of the intention to cancel and consider any representations that they may make.

18.36 The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Renewal of permits

18.37 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.

18.38 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

18.39 If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

19 Unlicensed Family Entertainment Centre Permits

Introduction

19.2 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

19.3 uFECs are premises which are ‘wholly or mainly’ used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

Applications for Unlicensed Family Entertainment Centre Permits

19.4 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

- 19.5 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC, which shows the location of any gaming machines that will be provided if the permit were to be granted.
- 19.6 The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made. Where the applicant is a company, a Basic Disclosure certificate must be supplied in respect of each director of the company.

Consideration of Applications

- 19.7 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.
- 19.8 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the licensing authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.
- 19.9 In considering the application, the Licensing Authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 19.10 The Licensing Authority may also consider asking applicants to demonstrate:
- that they have suitable policies and procedures in place for the safeguarding of children and young persons.
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees at the premises are suitably vetted
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 19.11 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 19.12 The permit will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit
- 19.13 The permit may lapse for a number of reasons, namely:
- if the holder ceases to occupy the premises
 - if the Licensing Authority notifies the holder that the premises are not being used as an uFEC

- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
- if the company holding the permit ceases to exist or goes into liquidation.

Renewal of a Permit

19.14 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:

19.14.1 an authorised local authority officer has been refused access to the premises without reasonable excuse

19.14.2 renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.

19.15 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

20 Prize Gaming Permits

20.2 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

20.3 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

Applications for Prize Gaming Permits

20.4 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.

20.5 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.

20.6 The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

Consideration of Applications

- 20.7 In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 20.8 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions.
- 20.9 The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.
- 20.10 Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.
- 20.11 A permit cannot be issued in respect of a vessel or a vehicle.
- 20.12 The Licensing Authority will ask the applicant to set out the types of gaming that they are intending to offer and expects that the applicant should be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
 - the gaming offered is within the law.
- 20.13 The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it and given them an opportunity to make representations orally or in writing or both.
- 20.14 If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 20.15 The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premises
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
 - if a company holding the permit goes into liquidation
 - if the holder (for example a partnership) otherwise ceases to exist.

Renewal of a Prize Gaming Permit

- 20.16 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 20.17 A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

21 Temporary Use Notices

- 21.2 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 21.3 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chance to all participants. Example of equal chance gaming includes games such as: Backgammon, Mah-jong, Rummy, Kalooki, Dominoes, Cribbage, Bingo and Poker.

22 Occasional Use Notices

- 22.2 The Licensing Authority have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 22.3 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice.

23 Lotteries

Introduction

- 23.2 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.
- 23.3 An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.
- 23.4 An arrangement is a complex lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a series of processes

- the first of those processes relies wholly on chance.

23.5 The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

23.6 The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.

23.7 The Licensing Authority defines ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

23.8 Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in s.2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

23.9 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Registration Applications

23.10 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society’s principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.

23.11 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.

23.12 If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:

- A list of the members of the society

- The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
- A written declaration from the applicant stating that they represent a bona fide non-commercial society.

23.13 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
- an application for an operating licence made by the applicant for registration has been refused.

23.14 The Licensing Authority may refuse an application for registration if they think that—

- the applicant is not a non-commercial society,
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

23.15 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

23.16 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society would be consistent with any relevant code of practice issued by the Gambling Commission

Promotion of small society lotteries once registered

23.17 Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

23.18 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

23.19 As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets

- taking action where there are unlawful attempts to purchase tickets.

23.20 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
- the date of the draw, or information which enables the date to be determined.

23.21 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

23.22 The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

23.23 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:

23.24 Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

23.25 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

23.26 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

23.27 The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

23.28 The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

23.29 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

23.30 The Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of ‘instant lotteries’ (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

23.31 The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority’s website.

23.32 Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

23.33 The Licensing Authority will notify the Commission if returns reveal that a society’s lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

23.34 The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

23.35 Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the

registration and provide them with the evidence on which it has reached that preliminary conclusion.

23.36 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society to continue would be consistent with the Act
- Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society to continue would be consistent with any relevant code of practice issued by the Gambling Commission.

24 Exchange of Information

24.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

24.2 Subject to the provisions of relevant data protection legislation, we will share any information we receive through the application process with the Gambling Commission and any relevant responsible authority. In doing so we will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that we hold about them by contacting the Information Governance team on data-protection@tamworth.gov.uk, with further information available on the Council's website at: [Data Protection Act | Tamworth Borough Council](#)

24.3 The Licensing Authority is committed to being open about what it does and how it comes to a decision, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment.

24.4 Requests for information under the Freedom of Information Act 2000 must be in writing and can be made by using the [Online Freedom of Information request form](#) or by emailing freedomofinformation@tamworth.gov.uk.

24.5 FOIA also provides the public with a general right of access to information held by public authorities and subject to exemptions, be supplied with a copy of that information.

24.6 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

25 Enforcement Protocols

25.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal

Licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

- 25.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 25.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 25.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 25.5 The Licensing Authority will also be mindful of future developments as regard the work of the Better Regulation Executive whilst carrying out its regulatory functions.
- 25.6 The Licensing Authority will endeavour to be proportionate, accountable, consistent, transparent and targeted, as well as proportionate in its actions and avoiding duplication with other regulatory regimes so far as possible.
- 25.7 In order to ensure compliance with the law, the Licensing Authority will carry out regular 'routine' day time programmed inspections and will also carry out 'non-routine' evening programmed inspections. Where a one-off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.
- 25.8 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

26 Reviews

- 26.1 A request for a review of a premises licence can be made by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission,
 - Consistent with the licensing objectives,
 - In accordance with the statement of principles.
- 26.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether it would wish to alter/revoke or suspend the licence. The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which it thinks is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people

from applying for licences in a speculative manner without intending to use them.

26.3 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether it should take any action in relation to the licence. The options available are to:

- add, remove or amend a licence condition;
- remove or amend a default condition, such as opening hours;
- suspend the premises licence for a period not exceeding 3; or months
- revoke the licence.

27 The Licensing Process

27.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub -Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation:-

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
3 year licensing policy	X			
Policy not to permit casinos	X			
Fee Setting when Appropriate		X		
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been	Where no representations received /

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
			received and not withdrawn	representations have been withdrawn
Review of a premises licence			X	
Application for club gaming / club machine permits			Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming / club machine permits			X	
Applications for other permits				Refer to * below
Cancellation of licensed premise gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Determination as to whether a person is an Interested Party				X
Determination as to whether representations are relevant				X
Determination as to whether a representation is frivolous, vexatious or repetitive				

X Indicates at the lowest level to which decisions can be delegated.

* In respect of applications for amusement with prizes machines in alcohol licensed premises, the following procedure will be adopted:

- i) Officers will determine under delegated authority, applications for amusement with prize machines where the application is for not more than 5 machines.
- ii) Applications for more than 5 amusement with prize machines will be referred to Chair of Licensing Committee for determination in consultation with Assistant Director, Growth and Regeneration, Head of Environmental Health/Environmental Health Staff.

27.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. Applicants must carry out a risk assessment before they apply for a premises licence or to vary a premises licence.

27.3 The Authority will expect the local risk assessment to consider as a minimum:

- The location of services for children such as schools, playgrounds. Leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies, are protected

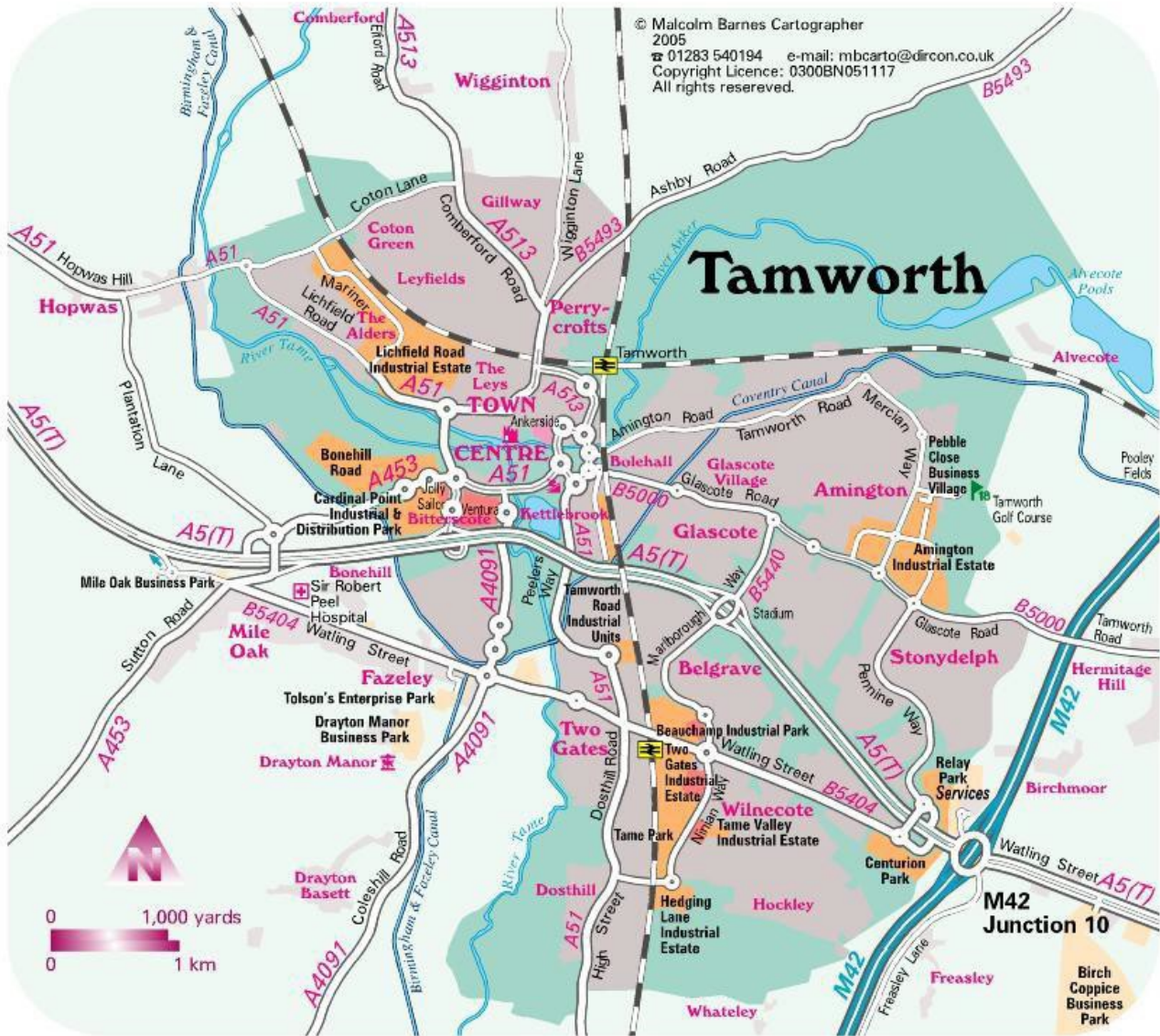
27.4 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

27.5 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

Tamworth Borough Council
Marmion House
Lichfield Street
TAMWORTH
B79 7BZ

Map of Tamworth Borough Boundary

Map of Tamworth Borough



Appendix B

List of Consultees

Chief Officer of Staffordshire Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005 Staffordshire

Safeguarding Children Partnership

Director of Public Health

Borough Councillors

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling and other relevant Trade Associations:

Betting and Gaming Council

Bacta

Bingo Association

Gambling Business Group

European Gaming & Betting Association

UK Hospitality

British Beer & Pub Association

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have 'problem gambling':

GamCare

Gamblers Anonymous

Gambleaware

Gordon Moody Association

Appendix C

Gambling Act 2005 - Names & Addresses of Responsible Authorities

The addresses and other contact details of the responsible authorities for applications made under the Gambling Act 2005 are given below. We recommend that you consult these organisations before you send your application.

1) **Police**

Police Licensing Unit
Stafford Police Station,
Eastgate Street,
Stafford,
ST16 2DQ

Tel - 01785 235699
Email - licensinghq@staffordshire.pnn.police.uk

2) **Fire and Rescue Authority**

Eastern Service Delivery Group
Staffordshire Fire & Rescue Service
Lichfield Fire Station
Birmingham Road Lichfield
Staffordshire WS13 6HU

Tel - 01785 898 958
Email - south.protect@staffordshirefire.gov.uk

3) **Gambling Commission**

Gambling Commission Victoria
Square House Victoria Square
Birmingham
B2 4BP

Tel - 0121 230 6666
Fax - 0121 230 6720
Email - info@gamblingcommission.gov.uk

4) **HM Revenue & Customs**

HM Revenue and Customs Excise
Processing Teams BX9 1GL
United Kingdom

Tel - 0300 322 7072 Option 7
Email - nrubetting&gaming@hmrc.gov.uk

5) **Local Planning Authority – comments as previous we are one council with many departments**

Planning Team
Tamworth Borough Council Marmion
House
Lichfield Street Tamworth
Staffordshire B79 7BZ

Tel - 01827 709 312
Email – cp&padmin@tamworth.gov.uk

6) Environmental Pollution

Pollution Team
Tamworth Borough Council Marmion
House
Lichfield Street Tamworth Staffordshire
B79 7BZ

Tel - 01827 709 445
Email
environmentalprotection@tamworth.gov.uk

7) Children Protection

Deputy Corporate Director
(Partnerships & Service Development)
Children & Lifelong Learning
Walton Building Martin Street Stafford
ST16 2LH

Tel - 01785 223121
Email - sscb.admin@staffordshire.gov.uk

8) Licensing Authority - Address to which completed applications should be sent:

Licensing Team Public Protection
Tamworth Borough Council Marmion
House
Lichfield Street Tamworth Staffordshire
B79 7BZ

Tel - 01827 709 445
Email - publicprotection@tamworth.gov.uk

9) Home Office (Immigration Enforcement)

Home Office (Immigration
Enforcement) Alcohol Licensing Team
Lunar House
40 Wellesley Road Croydon
CR9 2BY

Tel - 0300 123 7000
Email - Alcohol@homeoffice.gov.uk

Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Gambling Act – Statement of Principles	
Date Conducted	11 th June 2024	
Name of Lead Officer and Service Area	Sarah Gear – Environmental Health	
Commissioning Team (if applicable)		
Director Responsible for project/service area	Anna Miller – Environmental Health	
Who are the main stakeholders	Gambling Commission	
Describe what consultation has been undertaken. Who was involved and what was the outcome	Consultation will be with existing licence holders, Members, Public Health, Childrens Board, Responsible Bodies, Trade Association and Charity Organisations.	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	N/A	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	X
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	X
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

The statement accords with seeking to promote the licensing objectives set out in the Act which are central to the regulatory regime created by the Act. These are:

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

Who will be affected and how?

All licence holders & Applicants in conjunction with the Gambling Commission

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	One of the Objectives:- Protecting children and other vulnerable persons from being harmed or exploited by gambling
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with caring/dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those having an offending past	<input checked="" type="checkbox"/>	<input type="checkbox"/>	One of the Objectives:- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
Children	<input checked="" type="checkbox"/>	<input type="checkbox"/>	One of the Objectives:- Protecting children and other vulnerable persons from being harmed or exploited by gambling
Vulnerable Adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	One of the Objectives:- Protecting children and other vulnerable persons from being harmed or exploited by gambling
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with drug or alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with mental health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with physical health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Social inclusion Please include refugees and asylum seekers,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Social inclusion: Armed Forces The Armed Forces Covenant is a pledge that	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

together we acknowledge and understand that those who have served in the armed forces, and their families, should be treated with fairness and respect and any impact should be considered			
Health and Wellbeing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Climate Change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications. this includes climate change considerations

This is the section in which to please outline any actions to mitigate negative or enhance positive impacts in terms of economic, environmental or wider societal considerations, and actions to review and monitor the overall impact of the change accordingly.

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living & subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>
Age	One of the Objectives:- Protecting children and other vulnerable persons from being harmed or exploited by gambling	By effectively consulting on Policy and licence applications
Those having an offending past	One of the Objectives:- Preventing gambling from being a source of crime or disorder, being	By effectively consulting on Policy and licence applications and dealing with convictions as per guidance.

	associated with crime or disorder or being used to support crime;	
Children	One of the Objectives:- Protecting children and other vulnerable persons from being harmed or exploited by gambling	By effectively consulting on Policy and licence applications
Vulnerable Adults	One of the Objectives:- Protecting children and other vulnerable persons from being harmed or exploited by gambling	By effectively consulting on Policy and licence applications

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your Community Impact Assessment, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Pentana			

Date of Review (If applicable)

Guidance and form updated July 2023 following CMT approval.