



CABINET

21 November 2013

A meeting of the CABINET will be held on Thursday, 28th November, 2013, 6.00 pm
in Committee Room 1 Marmion House, Lichfield Street, Tamworth

A G E N D A

NON CONFIDENTIAL

1 Apologies for Absence

2 Corporate Update

Title: New Council Website

Presenter: Communications Manager

3 Minutes of the Previous Meeting (Pages 1 - 6)

4 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.

5 Question Time:

To answer questions from members of the public pursuant to Executive Procedure Rule No. 13

6 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules

None

- 7 **Draft Base Budget Forecasts 2014/15 to 2018/19 (To Follow)**
(Report of the Leader of the Council)
- 8 **Quarter Two 2013/14 Performance Report (Pages 7 - 68)**
(Report of the Leader of the Council)
- 9 **The Tamworth Growth and Regeneration Plan (Pages 69 - 88)**
(Report of the Portfolio Holder for Economy and Education)
- 10 **Shared Service in Economic Development - Annual Report (Pages 89 - 106)**
(Report of the Portfolio Holder for Economy and Education)
- 11 **Think Local Limited: ceasing of trading, (Pages 107 - 110)**
(Report of the Portfolio Holder for Economy and Education)
- 12 **Improvement Works to Private Sector Housing (Pages 111 - 116)**
(Report of the Portfolio Holder for Public Housing and Vulnerable People)
- 13 **Installation of Gas Connections in Belgrave (Pages 117 - 122)**
(Report of the Portfolio Holder for Public Housing and Vulnerable People)
- 14 **Fees and Charges - Assets and Environment (Pages 123 - 128)**
(Report of the Portfolio Holder for Environment and Waste Management)
- 15 **Scrap Metal Dealers Act 2013 Fees (Pages 129 - 158)**
(Report of the Portfolio Holder for Environmental and Waste Management)
- 16 **Treasury Management Strategy Statement and Annual Investment Strategy
Mid-year Review Report 2013/14 (To Follow)**
(Report of the Portfolio Holder for Operations and Assets)
- 17 **Local Council Tax Reduction Scheme 2014/15 (Pages 159 - 324)**
(Report of the Portfolio Holder for Operations and Assets)
- 18 **Cabinet Report for Write Offs 01/4/13 - 30/9/13 (Pages 325 - 332)**
(Report of the Portfolio Holder for Operations and Assets)
- 19 **Council Taxbase 2014/15 (Pages 333 - 336)**
(Report of the Portfolio Holder for Operations and Assets)

Restricted

NOT FOR PUBLICATION because the report could involve the disclosure of exempt information as defined in Paragraphs 1, 3 and 9 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

- 20 **Land Adjacent To 56 Watling Street, Tamworth (Pages 337 - 364)**
(Report of the Portfolio Holder for Operations and Assets)

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. Oates', written over a circular stamp or mark.

Chief Executive

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: D Cook, R Pritchard, S Claymore, S Doyle, M Greatorex and J Oates

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MINUTES OF A MEETING OF THE CABINET HELD ON 24th OCTOBER 2013

PRESENT: Councillor D Cook (Chair), Councillors R Pritchard, S Claymore, S Doyle, M Greatorex and J Oates

The following officers were present: Anthony E Goodwin (Chief Executive), Rob Barnes (Director - Housing and Health), Andrew Barratt (Director - Assets and Environment), Anica Goodwin (Director - Transformation and Corporate Performance), Robert Mitchell (Director - Communities, Planning and Partnerships), Tina Mustafa (Head of Landlord Services), Tina Beech, John Day (Corporate Performance Officer), Stephen Lewis (Head of Environmental Health), Neil Mason (Head of Community Leisure), Steve Pointon (Housing Strategy Manager) and Elanor Thompson (Arts and Events Manager)

50 APOLOGIES FOR ABSENCE

There were no apologies for absence.

51 CORPORATE UPDATE

The Director Communities, Planning and Partnerships and Arts and Events Manager gave a presentation on Creative Industries Hub – Created in Tamworth.

52 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 12 September 2013 were approved and signed as a correct record.

(Moved by Councillor R Pritchard and seconded by Councillor J Oates)

53 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

54 QUESTION TIME:

There were no questions received from the public.

55 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

None

56 BUDGET CONSULTATION 2014/15

The Report of the Leader informing Cabinet of the outcomes arising from consultation undertaken with residents, businesses and the voluntary sector in accordance with the corporate budget setting process was considered.

RESOLVED: That the report be endorsed and the findings be taken into account along with other sources of information when setting the 2014/15 Budget.

(Moved by Councillor D Cook and seconded by Councillor R Pritchard)

57 AGILE WORKING POLICY

The Report of the Portfolio Holder for Operations and Assets and Appointments and Staffing Committee recommending an Agile Working Policy to members for formal application to all employees of Tamworth Borough Council was considered.

RESOLVED: That the Agile Working Policy be approved.

(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

58 PENSIONS AUTO ENROLMENT UPDATE

The Report of the Portfolio Holder for Operations and Assets and Appointments and Staffing Committee seeking endorsement of Tamworth Borough Council's proposed Pension Automatic Enrolment Policy was considered.

RESOLVED: That:

- 1 The proposed Pension Automatic Enrolment Policy be approved, and;
- 2 The application of transitional delay until October 2017 be approved.

(Moved by Councillor R Pritchard and seconded by Councillor J Oates)

59 REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES 2013-2016

The Report of the Portfolio Holder for Environment and Waste Management seeking Cabinet approval of Tamworth's Statement of Policy under the Gambling Act 2005 was considered.

- RESOLVED:** That:
- 1 The Statement Policy be approved, and;
 - 2 The Statement of Policy be referred to Council for adoption.

(Moved by Councillor S Doyle and seconded by Councillor R Pritchard)

60 TAMWORTH BOROUGH COUNCIL COMMISSIONING PROGRAMME UPDATE

The Report of the Portfolio Holder for Community Development and Voluntary Sector updating Members on Commissioning Cycle 2 including the numbers of tenders received by submission deadline of 30 September 2013 and setting out the next stages in the commissioning process leading to contract award and contract commencement on 1 April 2014 and updating Members on the implementation of the Public Sector Commissioning Framework, Commissioning Board and the outcome of the Decommissioning Guidance consultation was considered.

- RESOLVED:** That:
- 1 The progress so far on Commissioning Cycle 2 be endorsed, and;
 - 2 Tamworth Borough Council's Public Sector Commissioning Framework which now includes the decommissioning guidance document and the continued development of this framework through informal consultation with members and partners be endorsed, and;
 - 3 The draft Public Sector Commissioning Board terms of reference be endorsed as a basis for further consultation with members and partners, and;
 - 4 A further report be received with the results from the consultation on the framework and terms of reference for final approval.

(Moved by Councillor J Oates and seconded by Councillor D Cook)

61 TAMWORTH GOLF COURSE FUTURE OPTIONS SHORTLIST

The Report of the Portfolio Holder for Economy and Education seeking Members approval for the proposed short listed options for Tamworth Golf Course and to

develop the short listed options through the next stage of the process was considered.

- RESOLVED:** That:
- 1 The short listed options as detailed in this report and the attached report by FMG Consulting be approved, and;
 - 2 The progression (including further soft market testing with developers and service providers) of the short list be endorsed to enable Cabinet to make a decision on a final preferred option.
(Moved by Councillor S Claymore and seconded by Councillor R Pritchard)

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 1 and 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

62 CULTURAL QUARTER UPDATE

The Report of the Portfolio Holder for Economy and Education was considered.

- RESOLVED:** That:
- 1 The progress against the Cultural Quarter Project and Assembly Rooms Development be noted, and;
 - 2 The actions undertaken to date be endorsed and the actions set out in the Cultural Quarter Project Plan be approved.

(Moved by Councillor S Claymore and seconded by Councillor R Pritchard)

63 DEVELOPMENT CONSULTANT -TINKERS GREEN & KERRIA REGENERATION

The Report of the Portfolio Holder for Public Housing and Vulnerable People was considered.

- RESOLVED:** That the recommendations as contained in the report be approved.

(Moved by Councillor M Greatorex and seconded by Councillor D Cook)

64 LANDLORD SUPPORTED HOUSING SERVICE

The Report of the Portfolio Holder for Public Housing and Vulnerable People was considered.

RESOLVED: That the recommendations as contained in the report be approved.

(Moved by Councillor M Greatorex and seconded by Councillor D Cook)

Leader

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28th NOVEMBER 2013

REPORT OF THE LEADER

QUARTER TWO 2013/14 PERFORMANCE REPORT

EXEMPT INFORMATION

Not applicable

PURPOSE

This report aims to provide Cabinet with a performance health-check.

RECOMMENDATIONS

That Cabinet endorses the contents of this report.

EXECUTIVE SUMMARY

This report looks at

1. High level corporate plan projects/programmes,
2. Key Service Performance Indicators,
3. Impact of welfare benefit reform,
4. Performance management framework,
5. Corporate risks,
6. Financial health check.

RESOURCE IMPLICATIONS

There are none

LEGAL/RISK IMPLICATIONS BACKGROUND

There are none

SUSTAINABILITY IMPLICATIONS

There are none

BACKGROUND INFORMATION

REPORT AUTHOR








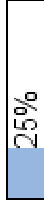


John Day


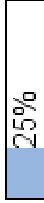


LIST OF BACKGROUND PAPERS





APPENDICES




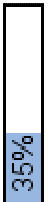




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1. High level corporate plan projects/programmes




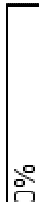

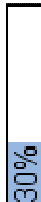



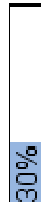
Corporate Priority						
1. To Aspire and Prosper in Tamworth						
Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone		
Ensure best use of all Council Assets, whether held for social, economic or environmental reasons	Undertake a stock condition survey of 90% of Council housing stock to inform future investment works	29-Oct-2013 All survey results are being entered into the database that will output the investment requirements.				
	Work with public sector partners to maximise occupancy within Council premises	29-Oct-2013 Successful discussions with SCC regarding occupation of areas of the 5th floor, only steady progress made with the Police regarding co-location this quarter				
	Use Council assets to contribute to wider regeneration aspirations	29-Oct-2013 Small wins include the use of the old TIC for the creative arts centre, isolated land identified as suitable for disposal, and on going discussions with public sector partners promoting colocation.				
Economic growth and town centre regeneration	Gungate and spinning school lane re-development opportunities	30-Oct-2013 HBD is in the process of revising the masterplan for the site ahead of costing the plan to inform further discussions with the public and private sector. The scheme is also being promoted to the GBSLEP and SSLEP				
	Anker valley and housing developments	30-Oct-2013 The key transport work on Anker Valley has just been completed and the findings are being discussed between the Local Authorities involved. The work to identify				











Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
		<p>suitable housing sites through technical and viability assessments is continuing and will support the Council in making appropriate allocations to meet its housing need</p>		
	Gateways improvements	<p>30-Oct-2013 There are proposals for a further significant improvement to access and egress from Ventura park which is currently being assessed. Further traffic measures as part of the JCT study are also to be implemented once recent improvements and the other proposal have been followed through. With regards to the linkages work between the town centre and Ventura park the County is following up on the 106 contributions to ensure they can be used ahead of the capital programme being signed off. Further work on the demand and outcomes of this scheme has been requested. The 106 bus branding is scheduled for renewal.</p>		
	New Enterprise centre – link to Cultural Qtr	<p>30-Oct-2013 Tamworth Borough Council is launching Created In Tamworth an incubation hub for creative businesses at the old TIC 29 Market Street. Feasibility work to assess a professional business incubation centre is progressing and capital and revenue implications are being examined ahead of a business case being submitted to the County and Borough Council. The retail scheme is harder to develop due to the significant costs</p>		







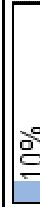








Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
		<p>and limited payback however the Council has supported proposals via the GBSLEP for a scheme LEP wide which is being promoted to Government</p>		
	<p>Empty shop and employment units – supporting them back into use</p>	<p>30-Oct-2013 There have been further reductions in town centre retail occupancy in the last few months, however recently there has been more positive news. The new mgt company at Ankerside are promoting their vacant units and have some tenants committing to leases. The Created In Tamworth project will make use of the vacant TIC and support a more vibrant Town Centre. The large commercial unit at Dunstall Lane is now part occupied and the Council is working to promote full occupancy. Economic Development and Revenues meet to review the list of empty units and discuss opportunities to fill them. Further work is needed on the tools to support inward investment and consideration needs to be given to the proposals by Marketing B'ham re a central LEP service.</p>		
	<p>Business advice and start up support</p>	<p>30-Oct-2013 The local service continues to provide excellent outcomes and support for businesses in Tamworth. The service has been extended to cover LDC and is being promoted to the LEPs for further development. The regional and national picture re bus support is</p>		







Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
		still unclear however there are a number of schemes which can be accessed by businesses at a regional and national level and work to raise awareness is ongoing.		
	Employability and skills support	30-Oct-2013 The employment action group is continuing to meet and the Family Employment Initiative is delivering good outcomes. Joint work to support the recent MPs job club and other local initiatives is positive. Current employment figures are generally encouraging. The sustainability of the FEI is unclear and this is a concern.		
	Place marketing and promotion	30-Oct-2013 The Inward investment research work is completed and needs consideration and implementation. Current proposals from the GBSLEP also need consideration. DT continues to actively promote Tamworth and the visitor economy.		
	Transport and highways improvements	30-Oct-2013 The Council has worked with SCC to secure Pinch Point funding to deliver a highway scheme on the gungate corridor to support additional houses to the north of Tamworth at Anker Valley.		
	Heritage product development and promotion	30-Oct-2013 Officers are examining the scope to allocate some existing resources to increase capacity to develop the plans for the top floor of the Castle. This will also help to progress		

Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
		work linked to the Town Hall. The Mercian Trail ACE bid has been successful (a further bid is being considered) and the touring exhibition is doing well.		
Cultural Quarter Project	Specific project plans showing milestones	26-Jul-2013 The Cultural Quarter has a number of elements to it. A project group and project board have been set up to oversee them and reports to Cabinet are planned quarterly. The HLF bid for the Assembly Rooms is in the development stage having had a stage 1 pass. Recent delays in procuring project management support and architectural support have delayed the project. The work on the Carnegie, public realm and enterprise centre are progressing but significant further work is required to evidence the viability of the various elements		35%
Revised Local Plan	The approval of a revised document by Full Council for submission to the Secretary of State	12-Jul-2013 Please note this is not expected before 31st March 2014 which is the end date for the financial year not this action. A Local Plan Members group has been revised to include x3 Conservative and x3 Labour Members. A revised timetable for the Local Plan has been developed and work is ongoing on 1) Housing allocations, 2) Employment allocations, 3) Town Centre/retail 4) Anker Valley. Consultation on the draft plan is being planned and legal and planning guidance followed.		35%

Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
	A report from the Planning Inspector concluding the document to be 'sound'	12-Jul-2013 Please note this is not expected before 31st March 2014 which is the end date for the financial year not this action. A Local Plan Members group has been revised to include x3 Conservative and x3 Labour Members. A revised timetable for the Local Plan has been developed and work is ongoing on 1) Housing allocations, 2) Employment allocations, 3) Town Centre/retail 4) Anker Valley. Consultation on the draft plan is being planned and legal and planning guidance followed.		
Allocations Policy and Homelessness Strategy	The adoption by Full Council of the final Local Plan			
	Complete consultation regarding the proposed new allocations policy	25-Jul-2013 Cabinet report completed with draft proposals. Consultation launched. External support has been appointed for equality impact assessment and review against best practise. An implementation plan has been established.		
	Review social lettings pilot	25-Jul-2013 Two properties are under management		
	Review of Homelessness Strategy Complete	25-Jul-2013 Review of prevention tools is progressing. External support to review approach appointed. Housing Link project launched and Tamworth		



















Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
		Borough Council THEP commissioned by West Midlands local authorities to undertake prison based education scheme.		
Tinkers Green and Kerria Area Regeneration	Complete assessment of delivery vehicles and explore potential for SPV model for Tamworth	25-Jul-2013 ARK consultancy appointed to complete this assessment.		
	Appoint Development Consultants	25-Jul-2013 First stage of procurement process complete. Shortlist of development agents complete.		
	Agree decommissioning proposals	25-Jul-2013 Cabinet report submitted. Decant principles agreed. The first phase of decant is progressing. Comprehensive communication and consultation with residents continuing.		
Town Centre Strategy and Development of New Housing	Proposals completed to make use of retained RTB receipts and review of garage sites	25-Jul-2013 Phase 1 garage sites redevelopment – Planning permission is in place. Cabinet report completed and stage 2 garage site programme agreed. The approval for extension of council house building pilot is underway which is a new project.		
	Agree strategic principals in line with emerging supplementary planning guidance for the delivery of a balanced housing market in the Town centre	25-Jul-2013 Preliminary work completed. The project will progress once the local plan is complete and will be included in the 2014/15 business plan		



Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
Review and Update the HRA Business Plan	Development of delivery vehicle proposals	25-Jul-2013 ARK consultancy appointed to complete this assessment.		
	Complete stock condition survey	25-Jul-2013 On site works now completed with approximately 60% of all premises inspected.		
	Update financial model	25-Jul-2013 Key financial issues identified and consultancy support agreed.		
	Develop proposals to support delivery of town centre housing strategy and increasing the number of affordable homes	25-Jul-2013 Progress linked to the update of the financial model		
Tamworth Health and Wellbeing Board	Complete first focussed needs and assets evaluation- Older People	25-Jul-2013 Agreement on key priorities agreed. The key focus will be on hospital discharges, falls and suitable housing for older people.		
	Second focussed needs and assets evaluation- Healthy Lifestyles	25-Jul-2013 To be included in Healthy Tamworth initiative.		
	Updated eJSNA published and commissioning plan communicated	25-Jul-2013 Discussions regarding County support held with public health Staffordshire. The appointment of a District Health Development Officer is underway.		
	Complete registration with Healthy Cities network			
Healthy Tamworth	Healthy Cities Action plan in place with multi agency commitment	25-Jul-2013 The Health and Well Being Board have endorsed the plan.		
	Commencement of targeted promotional	25-Jul-2013 Practitioners workshop planned		










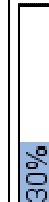
Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
	activity	for October 2013		
Individual Electoral Registration		30-Aug-2013 Progress has been made in line with government guidelines. A bid is being submitted for funding and the level of staff support required is being ascertained.		
Elections				<input data-bbox="614 168 662 369" type="text" value="100%"/>
Constitution Annual Review	Revised Constitution presented to Council for approval	30-Aug-2013 The revised constitution was presented to Council in May. Further training was requested by members and two sessions have now taken place. The constitution will be approved at the next Council on 10th September 2013.		<input data-bbox="678 168 726 369" type="text" value="50%"/>
	Implementation review with stakeholders input on operability			<input data-bbox="917 168 965 369" type="text" value="0%"/>
Scheme of Delegation - Annual Review	Review Scheme of Delegation presented to Council for approval	30-Aug-2013 Approved by Council		<input data-bbox="997 168 1045 369" type="text" value="100%"/>
	Implementation review with stakeholders on operation of document			<input data-bbox="1093 168 1141 369" type="text" value="0%"/>
	Further review if required			<input data-bbox="1189 168 1236 369" type="text" value="0%"/>


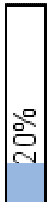





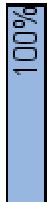

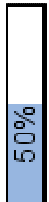
Corporate Priority

2. To be healthier and safer in Tamworth

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
Improve the green environment including management and maintenance of local nature reserves, open spaces and parks	Broad Meadow endorsed by Cabinet as a Local Nature reserve by April 2013.	16-Jul-2013 Cabinet report April 2013.		
	The achievement of local nature reserve status designation for Town Wall	29-Oct-2013 no further update with land ownership		
	Achieve a further gold award in the "Heart of England in Bloom" competition	29-Oct-2013 Gold award received, joint category winner, and put forward for the national Britain in Bloom awards in 2014.		
	Recycling rates within waste management are maintained at their current level	29-Oct-2013 current rate of 52.80% is expected to remain reasonably stable throughout the year. It is to be noted there are slight seasonal variations in the recycling rate due to availability of organic waste.		
	All planned food and health and safety inspections completed	29-Oct-2013 the food safety programme continues to run to plan.		
	Air Quality Improved	29-Oct-2013 This is an annual indicator, however monthly air quality data is collected from the sites around Tamworth		
	All Licensing applications processed in a timely fashion	29-Oct-2013 all applications in the second quarter have been processed within statutory guidelines		
	A reduction in workplace accident investigations	29-Oct-2013 Again no incidents reported for investigation in quarter 2		
	Statutory nuisance investigations/actions completed within acceptable timescales	29-Oct-2013 this is still an area of high demand, with several complicated cases putting a strain on the available resources,		

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
		however residents still receive an appropriate response.		
Building Resilience in Families and Communities	National Troubled Families agenda	30-Oct-2013 Tamworth has produced the best results in the County on Troubled families due to its strong partnership work through the existing Community Safety Hub and a focus on this agenda. The links to other services such as employment support are key and have helped get people back into work. The CEO is chair of the County Leadership Board and Tamworth is effectively engaged at the project level as well. Further work is required to improve the level of transformation and plans to co-locate key teams in Marmion House will help to ensure more collaborative and effective work. Resources to support the implementation of Cohort two will need to be considered.		<input data-bbox="411 174 454 376" type="text" value="45%"/>
Revised Local Plan	The approval of a revised document by Full Council for submission to the Secretary of State	12-Jul-2013 Please note this is not expected before 31st March 2014 which is the end date for the financial year not this action. A Local Plan Members group has been revised to include x3 Conservative and x3 Labour Members. A revised timetable for the Local Plan has been developed and work is ongoing on 1) Housing allocations, 2) Employment allocations, 3) Town Centre/retail 4) Anker Valley. Consultation on the draft plan is being planned and legal and planning guidance		<input data-bbox="981 174 1024 376" type="text" value="35%"/>



Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
		followed.		
	A report from the Planning Inspector concluding the document to be 'sound'	12-Jul-2013 Please note this is not expected before 31st March 2014 which is the end date for the financial year not this action. A Local Plan Members group has been revised to include x3 Conservative and x3 Labour Members. A revised timetable for the Local Plan has been developed and work is ongoing on 1) Housing allocations, 2) Employment allocations, 3) Town Centre/retail 4) Anker Valley. Consultation on the draft plan is being planned and legal and planning guidance followed.		
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	Complete consultation regarding the proposed new allocations policy	25-Jul-2013 Cabinet report completed with draft proposals. Consultation launched. External support has been appointed for equality impact assessment and review against best practise. An implementation plan has been established.		
	Review social lettings pilot	25-Jul-2013 Two properties are under management		
	Review of Homelessness Strategy Complete	25-Jul-2013 Review of prevention tools is progressing. External support to review approach appointed.		






Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
		Housing Link project launched and Tamworth Borough Council THEP commissioned by West Midlands local authorities to undertake prison based education scheme.		
Tinkers Green and Kerria Area Regeneration	Complete assessment of delivery vehicles and explore potential for SPV model for Tamworth	25-Jul-2013 ARK consultancy appointed to complete this assessment.		
	Appoint Development Consultants	25-Jul-2013 First stage of procurement process complete. Shortlist of development agents complete.		
	Agree decommissioning proposals	25-Jul-2013 Cabinet report submitted. Decant principles agreed. The first phase of decant is progressing. Comprehensive communication and consultation with residents continuing.		
Town Centre Strategy and Development of New Housing	Proposals completed to make use of retained RTB receipts and review of garage sites	25-Jul-2013 Phase 1 garage sites redevelopment – Planning permission is in place. Cabinet report completed and stage 2 garage site programme agreed. The approval for extension of council house building pilot is underway which is a new project.		
	Agree strategic principals in line with emerging supplementary planning guidance for the delivery of a balanced housing market in the Town centre	25-Jul-2013 Preliminary work completed. The project will progress once the local plan is complete and will be included in the 2014/15 business plan		




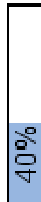




Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
Review and Update the HRA Business Plan	Development of delivery vehicle proposals	25-Jul-2013 ARK consultancy appointed to complete this assessment.		
	Complete stock condition survey	25-Jul-2013 On site works now completed with approximately 60% of all premises inspected.		
	Update financial model	25-Jul-2013 Key financial issues identified and consultancy support agreed.		
	Develop proposals to support delivery of town centre housing strategy and increasing the number of affordable homes	25-Jul-2013 Progress linked to the update of the financial model		
Tamworth Health and Wellbeing Board	Complete first focussed needs and assets evaluation- Older People	25-Jul-2013 Agreement on key priorities agreed. The key focus will be on hospital discharges, falls and suitable housing for older people.		
	Second focussed needs and assets evaluation- Healthy Lifestyles	25-Jul-2013 To be included in Healthy Tamworth initiative.		
	Updated eJSNA published and commissioning plan communicated	25-Jul-2013 Discussions regarding County support held with public health Staffordshire. The appointment of a District Health Development Officer is underway.		
	Complete registration with Healthy Cities network			
Healthy Tamworth	Healthy Cities Action plan in place with multi agency commitment	25-Jul-2013 The Health and Well Being Board have endorsed the plan.		
	Commencement of targeted promotional	25-Jul-2013 Practitioners workshop planned		

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
	activity	for October 2013		

Corporate Priority
3. Approachable, Accountable and Visible






Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
Provision of financial advice, assistance and business support for Directorates & budget managers To monitor & report on whether spending is maintained within approved budget and without significant underspends (less than 5%)	<p><i>See Finance Service Key Performance Indicator Section for details</i></p> <p>Spending maintained within approved budget and without significant underspends Ledgers closed down within 5 working days of period end</p> <p>Bank Reconciliation completed within 15 days (General Account) of period end</p> <p>Bank Reconciliation completed within 10 days (Payments Account)</p>	01-Oct-2013 Second Quarter financial healthcheck underway – to be reported to CMT / Cabinet November 2013	<i>See Finance Service Key Performance Indicator Section for details</i>	<i>See Finance Service Key Performance Indicator Section for details</i>
To complete the Final Accounts process with an unqualified audit opinion	<i>See Finance Service Key Performance Indicator Section for details</i>	05-Nov-2013 Audited accounts approved by Audit & Governance Committee on 26 September 2013. External Auditors also presented audit findings report and signed an		






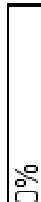





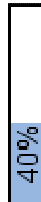


Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
	Achievement of an unqualified audit opinion on the financial statements Number of material final account audit adjustments	unqualified opinion on 30 September 2013		
Budget / Council Tax Setting Key Budget milestones completed in line with the agreed timetable	Executive Board (additional) meetings timetabled Budget Consultation Process reviewed Budget Process approval Budget Consultation results to CMT / EB		   	
Maximisation of income/collection Council Tax, Non-Domestic Rates, Debtors and Mortgages. Improved cash flow and local collection targets achieved.	See Finance Service Key Performance Indicator Section for details Percentage of Non-domestic Rates Collected % of Council Tax collected Debtors current year collection		See Finance Service Key Performance Indicator Section for details	See Finance Service Key Performance Indicator Section for details
Monitor the effects of changes to Benefits regulations & their impact on the collection &	See Finance Service Key Performance Indicator Section for details and section 3 of this report		See Finance Service Key Performance	See Finance Service Key Performance Indicator Section for details

Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
recovery of Council Tax (e.g. Local Council Tax Reduction, Universal Credits, Changes to Non-Dependant Allowances)	% of Council Tax collected		<i>Indicator Section for details</i>	
Monitoring of arrangements for localisation of Non-domestic rates (including financial implications for the Council & potential NNDR Safety Net claim)	<i>See Finance Service Key Performance Indicator Section for details and section 3 of this report</i> Percentage of Non-domestic Rates Collected		<i>See Finance Service Key Performance Indicator Section for details</i>	<i>See Finance Service Key Performance Indicator Section for details</i>
Scrutiny Committees	Job descriptions for Scrutiny Chairman	30-Aug-2013 Contained in the new Constitution to be approved at Council on 10th September 2013.		
	More involvement/support from Cabinet	30-Aug-2013 Cabinet members are attending relevant scrutiny committees.		
	Training for Members	30-Aug-2013 Training has been given in the following areas; Planning, Licensing and the Constitution. In addition, there has been some general training provided.		
	Regular monthly updates to Cabinet	03-Sep-2013 There are currently four items on the Healthier & Safer Scrutiny Committee work plan for 2013/14 that have the potential for recommendations / reports to Cabinet. These are Council Tax and Rent Arrears, Out of hours service providers, Domestic Violence and Teenage Sexual Health.		

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
	Regular cross committee working	03-Sep-2013 During 2012/13 there was a verbal agreement for both committees to hold a joint scrutiny session with the Tamworth Education Board to discuss the issues raised by both committees. It was agreed to hold an extra single item agenda meeting of both committees with the Board. However, when this was raised at the first meeting of the Aspire & Prosper Scrutiny committee in June of this year, the new committee voted by a majority not to follow up a joint meeting unless it was part of a scheduled Healthier & Safer scrutiny committee meeting.		<input type="text" value="0%"/>
Review of Members Allowances	New Allowance Structure Introduced			<input type="text" value="100%"/>
	Review of Structure			<input type="text" value="0%"/>
	Further review based on outcomes of Allowance	30-Aug-2013 This will start in January 2014		<input type="text" value="0%"/>
Member Training & Development	New induction training for Members (web based)			<input type="text" value="85%"/>
	Job Descriptions for Members	30-Aug-2013 Contained in the new Constitution to be approved by Council on 10th September 2013.		<input type="text" value="0%"/>
	Additional training for Members – throughout municipal year	30-Aug-2013 Training has been given in the following areas: Planning, Licensing and the Constitution. In addition, there has been some general		<input type="text" value="70%"/>

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
		training provided		
	Feedback from peers /review	30-Aug-2013 Feedback has been sought on training requirements		
Land Charges	Confirmed earlier submission to DCLG			
	Meeting London to discuss next steps			
	Land Registry operating pilot project in Liverpool and other authorities			
	Outcome of pilot project (roll out?)			
	DCLG approaching government for new burdens process/contribution to claim			
	Collation of data relevant to searches and companies associated with it			
Legal services review	Meetings and discussions arranged to identify legal requirements of services			
	Spending on legal services identified			
	Savings/methods of instruction	30-Aug-2013 This is being taken forward by the consultant project manager.		
	Options to consider on provision of legal services			
	Implementation of Legal services review			
Member Standards	Monitor Member complaints			
	Monitoring Officer engage with			

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
	Members, initiate discussion, provide formal guidance and support			
	Report formal action to Audit & Governance Committee			<input data-bbox="411 174 454 376" type="text" value="0%"/>
Civic Representation				<input data-bbox="499 174 542 376" type="text" value="33%"/>
Delivery of Organisational Development Strategy	Implementation of Agile Working option	30-Oct-2013 Building works completed. Furniture being built. Communications up to date. Staff moving to 7th floor have all visited new work area. AW pilot training completed		<input data-bbox="555 174 598 376" type="text" value="44%"/>
	Implementation of new systems including HR/payroll/EDRMS/WM Jobs Portal	30-Oct-2013 No progress with EDRMS due to outstanding issues with corporate contract which are now sorted. Contract should now provide significant saving so looking to commence rollout December. HR will be rescheduled to suit resource availability. Anticipate a 12 month roll out. CCB leading. New PM to be appointed. WM Jobs Portal currently having system issues – all LA's effected.		<input data-bbox="722 174 766 376" type="text" value="40%"/>
Enhancement to customer service	Implementation of new systems including Telephony, CRM and EDRMS	30-Oct-2013 Telephony contract to be awarded shortly. Clarification meetings to be held 1st week in Nov. CRM – gone live with Street Scene services. Other processes inc safeguarding, domestic violence, hate incidents and other corporate processes currently being developed and tested.		<input data-bbox="1106 174 1149 376" type="text" value="60%"/>

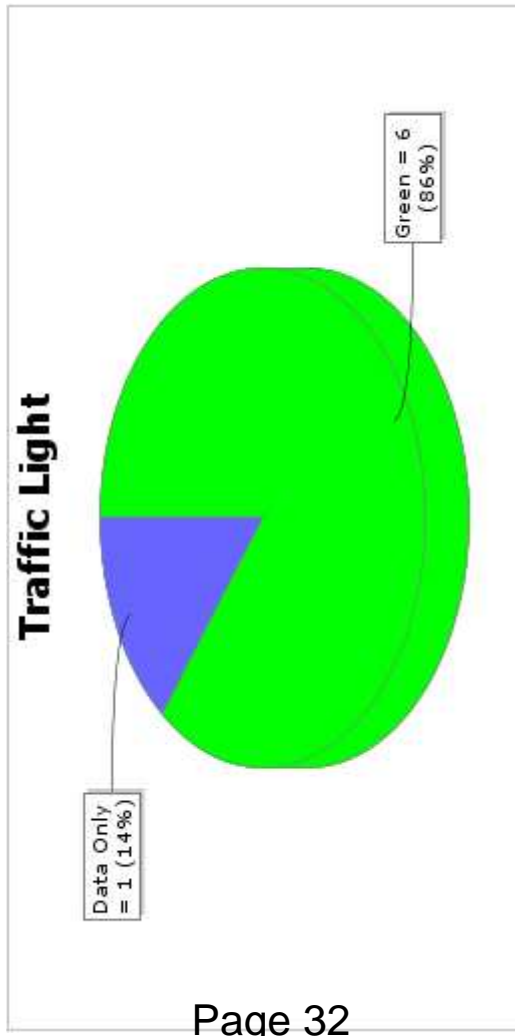
Corporate Project/Programme	Milestone /Measure of Success	Latest Note	Status of Milestone /Measure of Success	Progress of milestone
	New performance framework for customer service delivery	30-Oct-2013 New strategy in draft. To be presented to CCB Nov 13		
	Implementation of a new web site	30-Oct-2013 New site in final stages of development. Launch expected Nov. Presentation to next Cabinet.		
	Channel shift of customers from front line to web	30-Oct-2013 performance targets will be published with the new Customer Service Strategy. New Web site launch and purchase of new telephony system will assist with data collection		
Business Improvement	Undertake LGA Corporate Peer Challenge	01-Oct-2013 Activity in the second quarter has seen: the drafting of a position statement and supporting background documents, the commencement of preparation of a timetable for the period of the on site work, pre meeting with the review manager and a decision on the composition of the Peer Review Team.		
Reputation Enhancement	Identification of key priorities with supporting key messages	30-Oct-2013 TL Process now complete. Report to be prepared to inform State of Tamworth debate		
Corporate Change Programme	Process Reviews within service to take service closer to customer	30-Oct-2013 NB note. Ongoing within CRM project in Streetscene, Housing and Safeguarding. 40%		
	Review, amend and commence	30-Oct-2013 GY – this is more like 30%		

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
	replacement / upgrade of infrastructure, (including technology, telephony, mobile capacity, premises and service enabling systems (website, EDRMS, CRM))	complete now. VDI infrastructure is installed and is currently being tested. We are in the process of reviewing the telephony ITT proposals and working towards a decision on a supplier. The Website build is nearing completion.		
Ensure a stable, up to date and robust technical infrastructure	Compilation of contract replacement schedule	30-Oct-2013 Baseline info collated and reports setup. – 75%		
	Exploitation of GIS / Desktop Mapping	19-Jul-2013 The feasibility of going open source is being investigated.		
	Microsoft Exchange Upgrade			
	Replacement Print Fleet	30-Oct-2013 Project scoped in CCP – 15%		
	Replacement SUN Box	30-Oct-2013 GY – 75% complete with go live scheduled for the end of November. KS – 20% for the overall project.		
	Review and update ICT Strategy	30-Oct-2013 In development – 15%		
	Compliance with Government Code of Connection	30-Oct-2013 GY – We have received feedback on our submission and are working towards compliance.		
	Development of Publication Scheme	19-Jul-2013 Work has been done on the retention schedule and an information repository has been established. This now requires CMT endorsement.		
	Development of Records Management Policies and Guidance	19-Jul-2013 Work has been done on the retention schedule and an information		

Corporate Project/Programme	Milestone/Measure of Success	Latest Note	Status of Milestone/Measure of Success	Progress of milestone
		repository has been established. This now requires CMT endorsement		
	Network and Log Event Management Implementation	30-Oct-2013 GY- Following a review of the market we are looking at existing software to perform log and event management functions to reduce costs - 50% complete.		
	Penetration Testing			
	Process review and automation for FOIA Requests	19-Jul-2013 No funding has been made available for this yet.		
	Training and awareness in key areas for Data Protection and Freedom of Information			
	Transition to new version of ISO20000			
	Co-Ordination of service level Business Continuity Plans	30-Oct-2013 Template completed with supporting documents in draft - 15%		
	Desktop exercises			
	Review Corporate Business Continuity Plan with consideration to resources, premises and technology	30-Oct-2013 In draft - 25%		
	Schedule of no notice tests			
	Training within Civil Contingencies catalogue	30-Oct-2013 Gap analysis period about to commence - 10%		
Ensure an appropriate, tested and robust response to Business Continuity and Civil Contingencies				

2. Key Service Performance Indicators







Assets and Environment Key Service Performance Indicators 2013/14







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Assets & Environment



PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_A&E_KPI001 Monitor the local air quality in Tamworth, taking any necessary action as dictated by the results		Yes	Q1 2013/14	Yes		24-Jul-2013 This is an annually reportable indicator but a monthly sampling regime is in place.

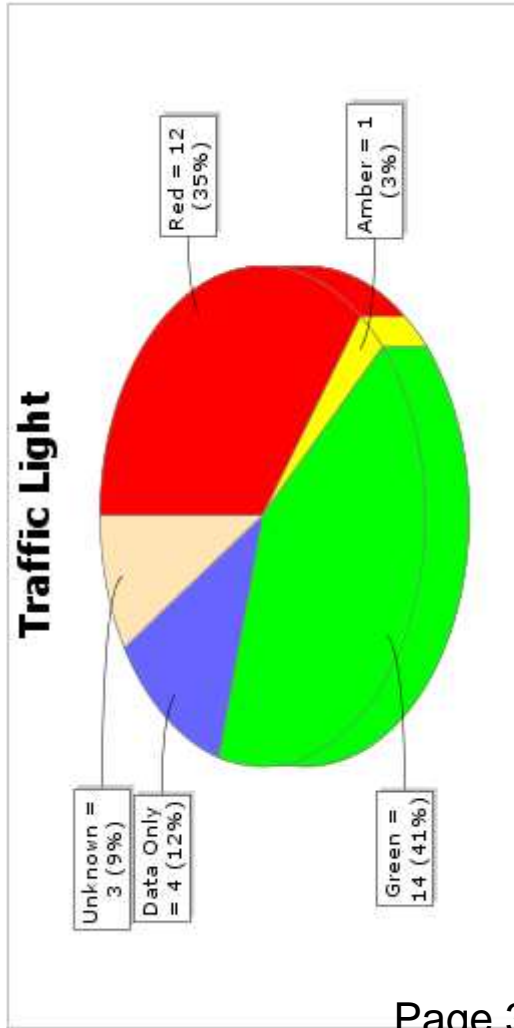
PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_A&E_KPI002 Work with other public sector organisations to offer co-location in strategic council premises		Yes	Q1 2013/14	Yes		24-Jul-2013 Work is ongoing
LPI_A&E_KPI003 Deliver 100% of the Housing Capital Programme		25%	Q1 2013/14	25%		
LPI_A&E_KPI004 Continuation of the anti-dog fouling campaigns in hot spot locations		Yes	Q1 2013/14	Yes		24-Jul-2013 There have been two "mucky pup" campaigns in this quarter, one at Belgrave School and one at Abella – all to raise awareness of the issues of irresponsible dog ownership/dog fouling.

Environmental Health & Regulatory Services

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_EHRS001 The number of 0 and 2 star rated businesses		57	Q1 2013/14			18-Sep-2013 New premises discovered following implementation of FHRS scheme.
LPI_EHRS003 The annual percentage of planned high risk inspections undertaken		100%	2012/13	100%		





Waste Management

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
NI 192 Percentage of household waste sent for reuse, recycling and composting (Tamworth)		53.10%	Q1 2013/14	52.80%		







Community Development

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_CEPDCD001am The number of partners delivering services in response to agreed issues - Amington		21	Q2 2013/14	15		25-Oct-2013 AARCH only - com cafe, changes, craft group, welfare rights, Dig-IT, police, wardens, housing, tenant participation, job club, Staffordshire college, heritage trust/Hodge lane, church, groundworks, Kerria community neighbourhood consultation group, staffs county, youth service. FARS, care first, heat, time to quit.
LPI_CEPDCD001bg The number of partners delivering services in response to agreed issues - Beigrave		29	Q2 2013/14	15		07-Oct-2013 No changes from last quarter.














PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_CEPCCD001g The number of partners delivering services in response to agreed issues- Glasgote		15	Q3 2013/14	15		
LPI_CEPCCD001st The number of partners delivering services in response to agreed issues - Stonydelph		30	Q2 2013/14	15		08-Oct-2013 FARS DIGIT Groundworks Clir Clarke Boxing Club Tim Scouts Guides Stonydelph Dentist Starfish Food Bank Mc Millans Mothers Union Care Takers Pennymoor Flux Peacock Zumba Kombat Kids New Urban Era

Community Leisure







PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_CPP_GOLF_018 Customer Satisfaction (Tamworth Golf Course)		62%	Q2 2013/14			30-Oct-2013 This figure is from an overall survey done for 2013 which is attached in Covalent - the percentage is for overall impression of the golf centre - please see the full report for further ratings within the survey
LPI_CPP_GOLF_023 Total Pay and Play rounds - 9 hole (Tamworth Golf Course)		4,530	September 2013			
LPI_CPP_GOLF_024 Total Pay and Play rounds - 18 hole (Tamworth Golf Course)		4,908	September 2013			
LPI_CPP_GOLF_025 Total Memberships (Tamworth Golf Course)		229	September 2013			
LPI_CSPDCCLAR003 Total Attendance Overall - Assembly Rooms		2,102	June 2013	1,967		
LPI_CSPDCCLAR015 Customer Satisfaction - Assembly Rooms		99%	June 2013	97.2%		
LPI_CSPDCLOE001 Visitor Numbers (Outdoor Events)		13,500	Q1 2013/14			
LPI_CSPDCLOE002 Overall Satisfaction Rate "Good to Excellent" (Outdoor Events)		100%	Q1 2013/14			
LPI_CSPDCCLTC002 Total Number of visits/usages - Tamworth Castle		28,808	September 2013	24,000		
LPI_CSPDCCLTC020 Trip Advisor Rating - Tamworth Castle		4.5	2012/13	4.5		

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_PCPCL001 Total 16+ attending organised activity across the Borough		50,635	Q2 2013/14	66,600		
LPI_PCPCL002 Total under 16 attending organised activity across the Borough		21,889	Q2 2013/14	52,800		











Community Safety

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_CSPDCDCS001 Burglary Dwelling		85	September 2013	112		
LPI_CSPDCDCS008 Incidents of Anti-Social Behaviour		1,217	September 2013	1,235		
LPI_CSPDCDCS011 Serious Violence		28	September 2013	14		
LPI_CSPDCDCS011a Less Serious Violence		256	September 2013	263		
LPI_CSPDCDCS012 Serious Acquisitive Crime		233	September 2013	303		
LPI_CSPDCDCS018 Violence with injury		284	September 2013	249		
LPI_CSPDCDCS018a Non domestic violence with injury		168	August 2013	160	N/A	







Development Control

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
BV109a NI 157a Processing of planning applications: Major applications (Tamworth)		50.00%	Q2 2013/14	60.00%		30-Oct-2013 The target of 60% determinations relates to an annual target as set by the DCLG. In the first 3 quarters returns of 66.66%, 100% and 71.42% were achieved so overall performance exceeds the 60% target. The 50% return during Q2 was based on 4 decisions 2 of which were made within the 13 weeks and 2 over the 13 week target. One decision either over or under the target would have resulted in a significant change in the outcome. The 2 applications that went over the 13 week target date were 0071/2013 - 14 dwellings at Wake Engineering, Basin Lane and 0072/2013 9 dwellings (originally 10 dwellings) at Dosthill Road. Both of these applications were contentious and required determination at Planning Committee
BV109b NI 157b Processing of planning applications: Minor applications (Tamworth)		71.42%	Q2 2013/14	65.00%		
BV109c NI 157c Processing of planning applications: Other applications (Tamworth)		96.49%	Q2 2013/14	80.00%		

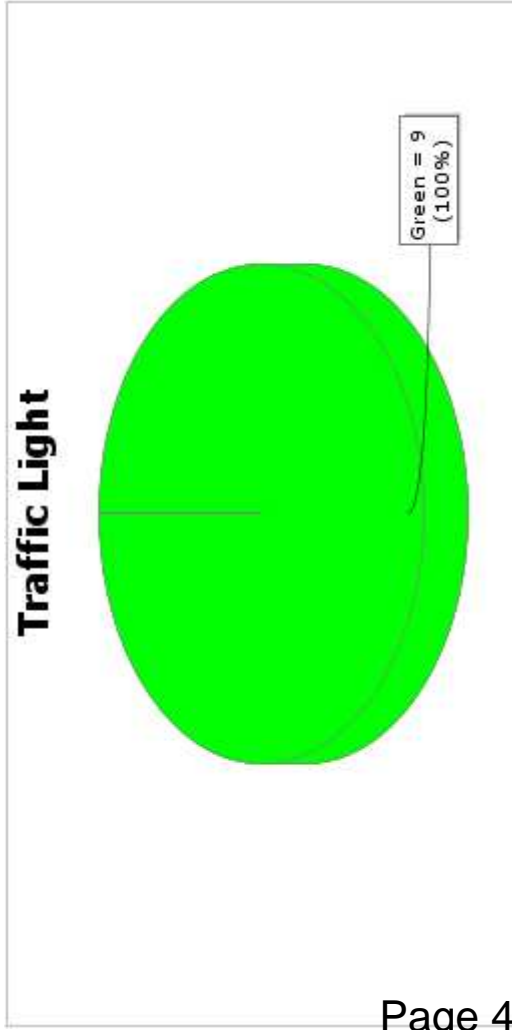
Economic Development

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_CPPSPDED005 Percentage of working age population claiming Job Seekers Allowance		2.2%	Q2 2013/14	2.9%		22-Oct-2013 1,103 people claiming JSA. 4.0% in West Midlands 3.2% in Great Britain
LPI_CPPSPDED006 Percentage of total rateable value of commercial floorspace that is unoccupied		8.3%	Q2 2013/14	9.6%		31-Oct-2013 investigation underway with business rates team to establish exact reasons behind increase as this runs counter to the overall direction of travel of the local economy, which is showing positive signs of recovery. Could be down to one off factors
LPI_CPPSPDED007 Percentage change in rateable value of commercial buildings		-0.8%	Q2 2013/14	0.5%		31-Oct-2013 Investigation underway with Business Rates team to establish exact reasons behind decrease as this runs counter to the overall direction of travel of the local economy, which is showing positive signs of recovery. Could be down to one off factors
LPI_CPPSPDED008 Number of Tamworth businesses assisted through the TSP Enterprise and Job Creation service		44	Q2 2013/14	60		31-Oct-2013 This is the total for the 6 months of 2013/14; broken down as follows: Management workshop attendees: 28, 1 to 1 sessions at company premises: 15, Strategic Reviews: 1. All broadly on target, except Strategic Reviews which have proved a 'hard sell' to clients. Telemarketing campaign to be undertaken to increase take up. Total outputs for entire programme thus far (18 months): Management Workshop attendees: 85, 1 to 1 sessions at company premises: 63, Strategic Reviews
LPI_CPPSPDED011 Number of Tamworth people assisted through the TSP Enterprise and Job Creation service about self-employment or to start a business.		75	Q4 2012/13			

Strategic Planning and Development

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_SP1_1d_003 The occupancy levels of Town Centre retail outlets		83%	Q1 2013/14	91%		18-Oct-2013 No change overall number
NI 154 Net additional homes provided (Tamworth)		128	Q4 2012/13	216		17-Apr-2013 Gross completions 135, losses 7. Net completions 2012/13 128
NI 155 Number of affordable homes delivered (gross) (Tamworth)		4	Q4 2012/13	58		17-Apr-2013







Finance Key Service Performance Indicators 2013/14









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Corporate Finance

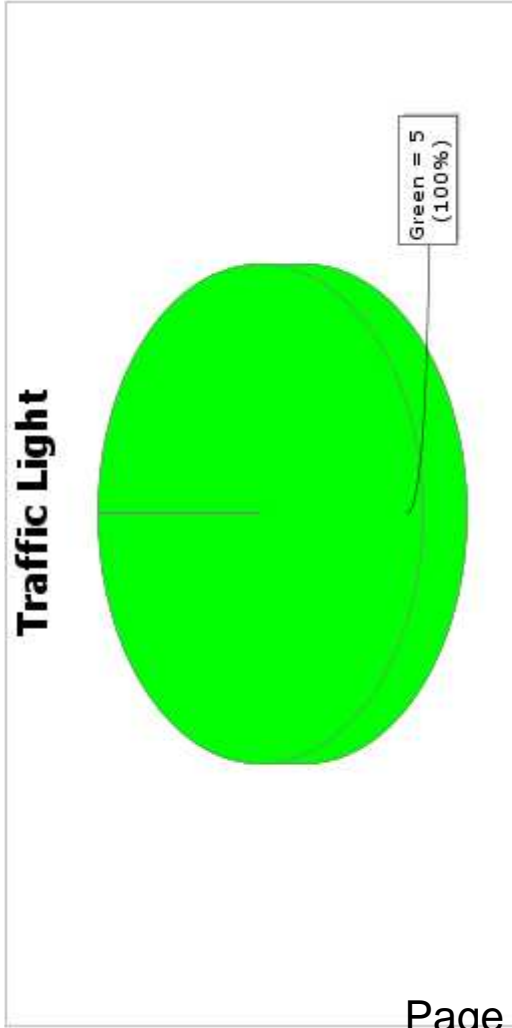
PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_AAV_002 Achievement of an unqualified audit opinion on the financial statements		Yes	2012/13	Yes		
LPI_RDCF001 Spending maintained within approved budget and without significant underspends		3.07%	August 2013	+/-5.0%		
LPI_RDCF002 Number of material final account audit adjustments		0	2012/13	0		

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_RDCF025 Ledgers closed down within 5 working days of period end		1	September 2013	5		
LPI_RDCF026a Bank Reconciliation completed within 10 days (Payments Account)		7	September 2013	10		
LPI_RDCF026b Bank Reconciliation completed within 15 days (General Account) of period end		12	September 2013	15		

Revenues Services

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
BV10 Percentage of Non-Domestic Rates Collected		59.60%	September 2013	60.20%		
BV9 % of Council Tax collected		57.90%	September 2013	58.40%		
LPI_RDFOREV009 Debtors current year collection		85.7%	September 2013	80%		



Housing and Health Key Service Performance Indicators 2013/14







Housing Empty Property Management

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI BV212 Average number of days taken to re-let local authority housing (Standard Empty Homes)		11	September 2013	16	↑	08-Oct-2013 September 2013 - 19 empty properties with standard void works were relet on average within 11 days
LPI_CSHSEPM009 The percentage of customers satisfied with the "Finding a Home" Service		96%	September 2013	80%	↑	08-Oct-2013 During September we received 23 completed surveys which 22 rated the service as good or above which equates to 96%, 1 respondent rated the service as satisfactory

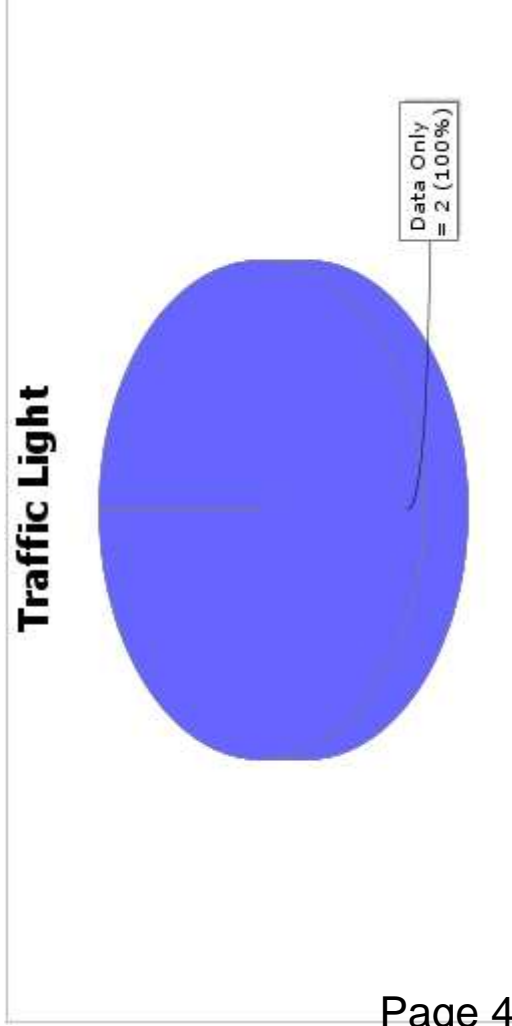
Housing Estate Management

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_CSHSCS001 Percentage of offensive graffiti removed within 48 hours		100%	September 2013	100%		01-Oct-2013 This month 3 cases of offensive graffiti were reported. Caretaking Services now have the use of a specialist graffiti removal machine which will offer a faster and environmentally friendly way to remove graffiti - requests for graffiti removal can now be requested on line through the Council website

Housing Maintenance

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_HMLSHMM001 Overall percentage of tenant satisfaction with the responsive repairs service provided by Mears		91%	September 2013	85%		
LPI_HMLSHMM003 Percentage of all responsive repairs completed within target		98%	September 2013	97%		

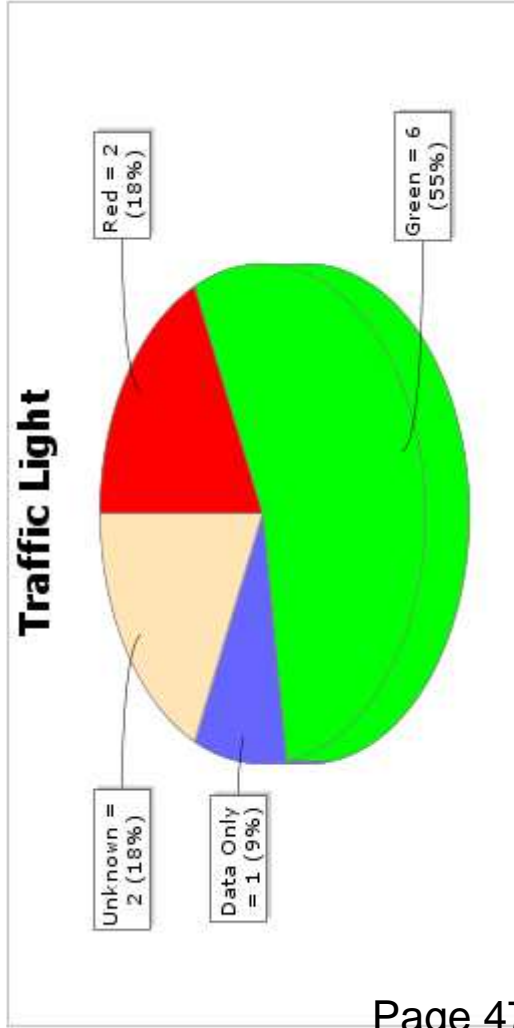
Legal and Democratic Key Service Performance Indicators 2013/14



Solicitor and Monitoring Officer













PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_SMO001 Number of Standard Searches carried out		270	Q4 2012/13		↗	02-Jul-2013 103 official 167 personal
LPI_SMO002 The number of exempt items presented to meetings					?	

Technology and Corporate Programmes Key Service Performance Indicators 2013/14

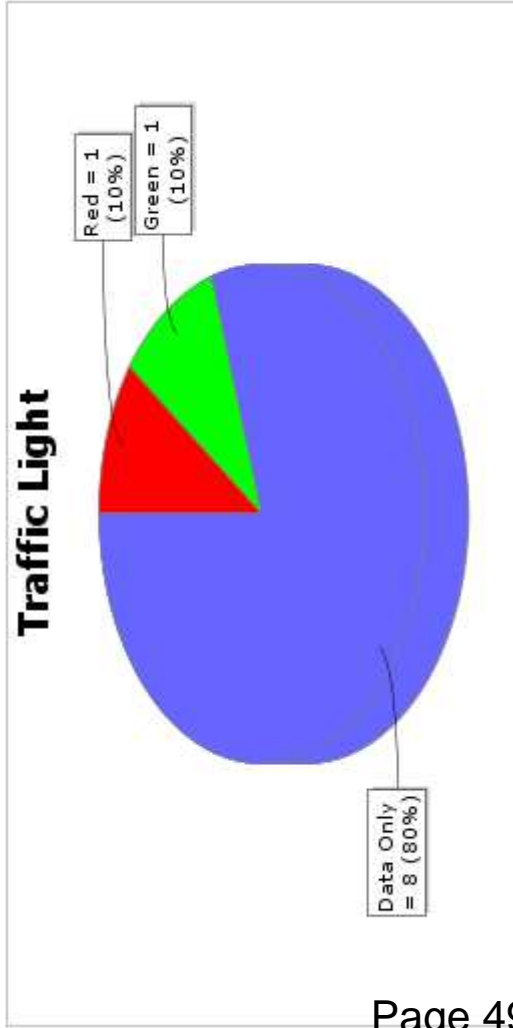


Technology & Corporate Programmes


PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_RDICT001 Percentage of incidents fixed by ICT	✓	88.67%	September 2013	70%	↔	
LPI_RDICT002 Incidents Resolved within SLA	✓	96.01%	September 2013	90%	↔	
LPI_RDICT003 Incidents Resolved within SLA	✓	97.61%	September 2011	90%	➔	
LPI_RDICT004 ICT Backups	✗	94.64%	September 2013	100%	↔	
LPI_RDICT005 Service Availability	✓	100%	August 2011	99%	➔	

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_RDICT006 Maintain accreditation against ISO20000		Yes	2012/13	Yes		
LPI_RDICT007 Maintain accreditation against ISO27001		Yes	2012/13	Yes		
LPI_RDICT008 Freedom of Information Requests Responded To Within legislative timescales		90.7%	August 2013	100%		29-Oct-2013 Aug-13 43 39 4 General increase in requests received month on month from June 13 resulted in some request responses exceeding the 20 working day threshold to complete.
LPI_RDICT015 ICT Support Desk - Percentage of calls answered within 15 seconds						
LPI_RDICT016 ICT Support Desk - Percentage of calls abandoned						
LPI_RDICT017 ICT Service Desk - Outstanding Incidents						

**Transformation and Corporate Performance Key Service Performance Indicators
2013/14**



Human Resources

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
BV12 Working Days Lost Due to Sickness Absence		4.98	September 2013	4.25	↗	






Organisational Development




PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_ACEODHS001 Number of accidents to employees reported		5	Q2 2013/14		↑	
LPI_ACEODHS002 Number of accidents to non-employees reported		1	Q2 2013/14		↑	
LPI_ACEODHS004 Number of HSE notifications/interactions		1	Q2 2013/14		▬	
LPI_ACEODHS005 Number of violent/threatening incidents		3	Q2 2013/14		↓	

Transformation and Corporate Performance

PI Code & Short Name	Traffic Light Icon	Current Value	Last Update	Current Target	Performance compared to last reporting period	Latest Notes
LPI_T&CP_001 The number of hits on the website		133,659	Q2 2013/14		↑	
LPI_T&CP_002 Average time spent on the website		3.18	Q2 2013/14		↓	
LPI_T&CP_003 SoCITM Website score		3	2012/13	4	↑	
LPI_T&CP_004 Average number of days to recruit to vacant posts					?	
LPI_T&CP_005 The number of payroll errors		4	September 2013		↓	

Key to symbols

PI Status	
	Off target
	Slightly off target
	At target
	Unknown
	Data Only PI (i.e. no target set)

Performance compared to last reporting period	
	Improving
	No Change
	Getting Worse

3. Impact of Welfare Benefit Reform

Half Year Monitoring Report on the Impact of Welfare Benefit Reform Changes on Council Services

It was agreed at CMT on 8 April 2013 that updates be presented to monitor the impact of welfare benefit reform changes on Council services – including customer demand via customer services monitoring of calls/contacts together with the financial impact of collection and demand for benefits and effect on income streams such as rent, council tax and business rates.

Benefits

DHP claims are underspent by £37k to date (67 successful claims from 182 applications)

Live caseload figures lower than in 2012 – currently 6922 (7229 Sept 2013) due to lower level of claimants (Local Council Tax Scheme impact - LCTS) although 3 weeks backlog means claims still to be processed which will increase this figure

National Non –Domestic Rates

Reminders etc. are below 2012 levels although Bailiffs are higher (due to proactive recovery action)

Current year is 0.6% behind target. This is primarily down to one large debt.

Collection Fund – Estimated retained levy is £209k.

Council Tax

Reminders etc. are significantly above 2012 levels (due to LCTS impact – additional cases / council tax bill collections)

Current year - is 0.5% behind target. Our estimated figures are for a 0.5% drop overall which has been factored in for January, February and March and so if maintained we will pull back to target by the end of the financial year.

Costs - are ahead of target (£25k projected)

Collection Fund – Estimated surplus £17k

LCTS projected underspend of £24k (total £41k)

Customer Services

Visits to Marmion House - since the increased levels in April, the other months have been broadly in line with last year but peaked again in September (1003 higher)

Remaining enquiries for Council Tax and benefits are slightly higher than 2012

Housing

Total **Rent** arrears (excluding former tenants) are £578k compared to £406k at 31 March – an increase of £172k

Total arrears (including garages etc.) at 31 March 2012 were £1.0m, 31 March 2013 were £1.18m (£180k higher 2012/13)

Total arrears (including garages etc.) are £1.39m compared to £1.18m at 31 March, an increase of £210k (£252k higher at period 6 2012/13).

4. Performance Management Framework

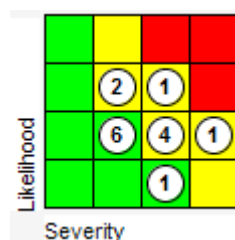
Budget consultation took place in this quarter with the results being presented to Cabinet in October.

The provisional business planning is yet to start.

5. Corporate Risk register

The Corporate Risk register is reviewed and updated by the Corporate Management Team.

There are currently fifteen risks on the Corporate Risk Register, none of which are high risks and the “heat map” below indicates the current position of their risk status



6. Financial Healthcheck

FINANCIAL HEALTHCHECK REPORT – PERIOD 6, SEPTEMBER 2013

Executive Summary

This section to the report summarises the main issues identified at the end of September 2013. Details relating to the summary including Directorate commentaries can be obtained from Phil Thomas, Corporate Accountancy Extension 239.

Summary action sheets showing agreed action points to address issues raised are attached at **Appendix A**.

General Fund

Revenue

- The General Fund has a favourable variance against budget at Period 6 of £675k (£580k at Period 5).
- The projected full year position identifies a projected favourable variance against budget of £275k or 3.07% (£114k or 1.28% reported at Period 5).
- This projection has highlighted several budget areas for concern (detailed at **Appendix B** and within the Report) although we are half of the way through the year and projections may change, ongoing investigations into these areas have been initiated to mitigate the levels of the deficits.
- A balance of £150k was held in the General Contingency Budget at the end of September 2013.

Capital

- Capital expenditure incurred was £442k compared to a profiled budget of £993k.
- It is predicted that £1.873m will be spent by the year-end (£1.525m reported at Period 5) compared to a full year budget of £2.446m (this includes re-profiled schemes from 2012/13 of £1.643m).
- A summary of Capital expenditure is shown at **Appendix C**.

Treasury Management

- At the end of September 2013 the Authority had £26.12m invested in the money markets (excluding the £1.248m which is classified as sums at risk invested in Icelandic Banks). The average rate of return on these investments is 0.83% though this may change through the year if market conditions ease. At this point it is anticipated that our investments will earn approximately £228k compared to the budgeted figure of £200k, a favourable variance of £28k.

- Borrowing by the Authority stood at £65.060m at the end of September 2013, all being long term loans from the Treasury Public Works Loans Board. The average rate payable on these borrowings equates to 4.47%. At this point it is anticipated that our interest payments will be £2.911m which is no variance to budget.
- A more detailed summary of the Treasury Management situation, detailing our current Lending and Borrowings together with the situation with our Icelandic investments, can be found at **Appendix D**.

Balances

Balances on General Fund are projected to be in the region of £4.137m at the year-end from normal revenue operations (£3.976m reported at Period 5) compared to £3.465m projected within the 2013/14 budget report.

Housing Revenue Account (HRA)

Revenue

- The HRA has a favourable variance against budget at Period 6 of £230k (£272k at Period 5).
- The projected full year position identifies a favourable variance against budget of £123k (£30k reported at Period 5). Individual significant budget areas reflecting the variance are detailed at **Appendix B** and within the body of the report.

Capital

- Housing Capital expenditure of £2.981m has been incurred as at the end of Period 6 compared to a profiled budget of £4.518m.
- It is predicted that £8.787m will be spent by the year-end (£8.787m reported at Period 5) compared to the full year budget of £9.737m (including £2.845m re-profiled from 2012/13);
- A summary of Capital expenditure is shown at **Appendix C**.

Balances

- Balances on the Housing Revenue Account are projected to be in the region of £4.791m at the year-end (£4.698m reported at Period 5) compared to £4.175m projected within the 2013/14 budget report.

FINANCIAL HEALTHCHECK REPORT – PERIOD 6 SEPTEMBER 2013

This section of the report highlights the main issues identified, CMT and Members are asked to note the contents of the report and agree action points to address the issues raised.

Issues Identified

The financial performance review has focussed on the following key areas, on which further work is being undertaken:

- Review of the actual activity to budget for the Period;
- A projection of the actual activity to budget for the year;
- Identification of potential issues for action;
- This is the fourth monitoring report of the year and issues regarding budget profiles and previous year's accruals may distort the reported figures to some extent, though the majority of these issues will have been adjusted for manually.

General Fund – Revenue

- The position at the end of September 2013 shows a favourable situation of £675k under-spend.
- The projected full year position identifies a favourable variance against budget of £275k (£114k reported at Period 5).

Significant items currently identified relating to outturn overspends/under achievement of income are,

- Treasury Management - £51k (£44k reported at Period 5). Overspend of Interest Payable to HRA, £53k and MRP £27k due to higher HRA balances, reduced by an over recovery of Interest £28k.
- ICT - £66k (£66k reported at Period 5). Expected under achievement of income following termination of the contract with Bromsgrove & Redditch for provision of help desk facility.
- Public Spaces - £50k (£29k reported at Period 5). Overspend on salaries.
- Marmion House - £54k (£28k reported at Period 5). Electricity, £15k and Franking Machine, £35k, budgets reduced resulting in overspends, position being investigated.
- Assembly Rooms - £35k (£4k predicted at Period 5). Bar Sales, £18k and 3rd Party Ticket Sales, £18k under recovery.
- Golf Course (In House) - £16k (£15k reported at Period 5). Under recovery on income.
- Benefits Admin - £24k (Nil predicted at Period 5). Overspend on salaries due to shortfall in budget for vacancy allowance.

Significant items mitigating the financial impact of the above and contributing to the Period position,

- Corporate Finance - £213k (£125k reported at Period 5). Procurement savings and quick wins, £173k, Discretionary Relief, £17k, budget not expected to be spent, New Homes Bonus Scheme Grant, £17k, additional amount not budgeted. Specific Contingency, £50k, budget not likely to be released. Vacancy Allowance, £50k budget offsetting overspends on service area salaries budgets. Offset by £87k Council Tax Freeze Grant and £12k Audit Fee.
- Benefits - £41k (£26k under recovery reported at Period 5). Estimated over recovery based on claimant activity recorded in the DWP claim as at end of September.
- Civil Parking Enforcement - £27k (£27k reported at Period 5). To be paid by SCC in respect of the anticipated deficit in year in line with CPE agreement.
- Outside Car Parks - £25k (£21k reported at Period 5). Reduction in the amount payable to Henry Boot for Spinning School Lane.
- Council Tax - £25k (£20k reported at Period 5). Over recovery of Court Costs Income.
- Environmental Health - £12k (£15k reported at Period 5). Under spend on Salaries due to vacant posts.
- Commercial Property Management - £43k (£11k reported at Period 5). Over recovery of rents (back dated rent of £35k for one property following rent review).
- Partnership Support & Development - £13k (£13k reported at Period 5). Under spend on salaries £3k, vacant post and Stoke & Staffs Partnership £10k as no longer exists.
- Homelessness Strategy - £16k (£16k reported at Period 5). Under spend to reflect that salary budgets should be met from grant.
- Homelessness - £10k (Nil predicted at Period 5). Homes for Homeless scheme under review.
- Development Control - £56k (£26k reported at Period 5). Planning Applications income is up against profile and there are indications that the trend will continue.
- Castle & Museum - £19k (£10k predicted at Period 5). Over recovery of income as there has been increased number of visitors.
- Member Services - £14k (Nil predicted at Period 5). Under spend on Members Attendance Allowance.
- Conveyancing & Right to Buy - £13k (£9k predicted at Period 5). Legal Fees over recovery due to increase in council house sales.

General Fund – Capital

- The position at the end of September shows an underspend to profiled budget of £551k, mainly due to slippage on spend compared to predicted expenditure profiles at this early stage of the year.
- The projected full year position identifies a projected net underspend of £31k (£35k reported at Period 5) This is Castle HLF the small underspend is being negotiated with HLF to be spent on additional signage and other value adding items which may mean full spend if successful. There is a delay in completing the HLF claim form due to capacity issues however this is scheduled for completion in December 2013 and remains inside the HLF timetable. There is a projected requirement to re-profile £543k into 2014/15 (£543k reported at Period 5) re;
 1. Castle Mercian Trail, £330k, as the Castle HLF winds down, the work on the MT gallery will begin in earnest with spend on feasibility expected this year. The project is funded £100k from TBC funds with the remaining £250k funding still to be secured. This external funding will not be spent unless the funding bid is successful.
 2. Gateways, £63k, there is likely to be a delay in the delivery of the scheme until 2014/15 due to the County timescales which will result in funding being reprofiled.
 3. Leisure Contingency, £150k, due to a variety of risks with both the golf course and other issues it is deemed prudent to retain this funding for the next 12 months.

Housing Revenue Account – Revenue

- The position at the end of September shows a favourable situation of £230k (£272k at Period 5).
- The projected full year position identifies a favourable variance against budget of £123k (£30k reported at Period 5).

Significant items currently identified relating to overspends/under achievement of income are,

- Supporting People Grant - £12k (Nil predicted at Period 5). Funding for Supported Housing to end January 2014.

Significant items mitigating the financial impact of the above and contributing to the predicted outturn position,

- General Operations - £16k (£12k overspend reported at Period 5). Savings on Occupational Therapist post, £10k and Consultant fees, £10k.
- Allocations - £17 (Nil predicted at Period 5). Savings on Supplies & Services, £6k and Decoration Allowance, £8k.

- Income Management - £40k (Nil predicted at Period 5). Budget earmarked for impact of Welfare Reform but gradual rollout means full budget won't be required in the current year.
- Tenant Participation - £20k (Nil predicted at Period 5). Potential under spend on Tenant Consultation.
- Housing Advice - £20k (Nil predicted at Period 5). No spend expected on Sanctuary Scheme this year.
- Interest on Balances - £33k (£34k reported at Period 5). Changes to interest calculation due to HRA reform and higher HRA balances from unspent capital funds.

Housing Revenue Account – Capital

- The position at the end of September shows an under spend to profiled budget of £1.538m, mainly due to slippage on spend compared to predicted expenditure profiles at this early stage of the year.
- The projected full year position identifies all the budget will be spent or re-profiled. There is a projected requirement to re-profile £950k into 2014/15 (£950k reported at Period 5) re;
 1. Tinkers Green Project, £350k, scheme still in early stages - progress reports to be submitted to Cabinet.
 2. Kerria Estate Project, £600k, scheme still in early stages - progress reports to be submitted to Cabinet.

REF	ACTIVITY	OPTIONS	AGREED ACTION	ACTION BY / WHEN	PROGRESS
1	FINANCIAL ISSUES				
1.1	Budget Monitoring & Control		Managers have been commissioned by CMT to review budgets to identify potential savings to mitigate projected overspends and assist in the achievement of a balanced MTFS.	Directors & Budget Holders	Ongoing
1.2	<u>Forward Look:</u> – Medium Term Financial Strategy (MTFS)		Investigation into significant variances, to identify reasons for the changes and implement ‘lessons learned’ to reduce the risk of future occurrences.	Findings incorporated within CMT’s provisional consideration for the impact on 2014/15 (onwards) financial planning.	CMT will be given report on outturn situation for considerations for the MTFS implications for the MTFS

APPENDIX B

	YTD Outturn	Projected Outturn	
	Period 06	Period 06	
GENERAL FUND	Over/(Under) Spends £000's	Over/(Under) Spends £000's	Comments
CHIEF EXECUTIVE'S OFFICE			
<i>Head of Organisational Development</i>			
Training and Development			
Various Training budgets	(14)	0	Underspends against profiled budgets to date
Other minor non-significant variances	11	0	
CHIEF EXECUTIVE'S OFFICE	(3)	0	
EXECUTIVE DIRECTOR CORPORATE SERVICES			
<i>Solicitor and Monitoring Officer</i>			
Member Services			
Members Attendance Allowance	(20)	(14)	Underspent due to some members not claiming full entitlement, and additional Cabinet post no longer filled, plus changes introduced this year following review - 10% allowance retained until end municipal year
Electoral Process			
Rents	(14)	0	No planned local elections this year
Postage	(12)	0	No planned local elections this year
Election Staff	(46)	0	No planned local elections this year
Conveyancing and Right to Buy			
Legal Fees - Sale of Council Houses	(20)	(13)	Based on 21 council houses sold as at end Sept - budget based on 11 sales for the year
<i>Head of Benefits</i>			
Benefits			
Net of expenditure and subsidy due	(1)	(41)	Based on DWP estimate claim as at end Sept
Benefits Administration			
Salaries	16	24	Overspend due to shortfall in budgetary funding ('vacancy allowance')
Government Grants	(11)	0	New Burdens Grant re Welfare Reform not budgeted - if not spent during year will be required to retain in reserve at year end
<i>Director of Technology & Corporate Programmes</i>			
ICT and Transformation			
Salaries	13	17	Overspend due to shortfall in salaries budgetary funding - offset by 'vacancy allowance.'
Communications	10	0	Expenditure in advance of profiled year to date budget
Other Hardware Maintenance	10	0	Expenditure in advance of profiled year to date budget
Software Maintenance	(27)	0	Budget profiling issue
Application Software	15	0	Expenditure in advance of profiled year to date budget
External Service Provision	(2)	49	Income target not expected to be achieved following termination of contract with Bromsgrove & Redditch for provision of help desk facility
<i>Director of Finance</i>			
Corporate Finance			
Specific Contingency	0	(50)	Budget not likely to be released
Vacancy Allowance	0	(50)	Budget offsetting overpends on service area salaries budgets
Audit Fee	5	12	Prepayment adjustment not required as agreed with Grant Thornton
Discretionary Reliefs	0	(17)	Budget not expected to be spent
Council Tax Freeze Grant	87	87	Grant not separately received in 2013-14 - included within base funding
Localised Council Tax Benefit Scheme Grant	(54)	0	New Burdens Grant not budgeted
New Homes Bonus Scheme Grant	(17)	(17)	Additional 'top slice' amount not budgeted
Efficiency Savings	(173)	(173)	Procurement savings and 'quick wins' offered up to assist MTFS

GENERAL FUND	Over/(Under) Spends £000's	Over/(Under) Spends £000's	Comments
Treasury Management			
Interest Payable to HRA	27	53	Higher HRA Balances than budgeted
Minimum Revenue Provision	14	27	Icelandic capitalisation higher than budgeted
Misc Interest & Dividends	(14)	(28)	Now including escrow interest £28k
Head of Revenues			
Council Tax			
Court Costs Income	(49)	(25)	Court Costs income received to date in excess of profiled budget
Other minor non-significant variances	(32)	(12)	
EXECUTIVE DIRECTOR CORPORATE SERVICES	(295)	(171)	
ASSETS AND ENVIRONMENTAL SERVICES			
Commercial Property Management			
Rental Income	(37)	(40)	Based on current level of occupation and estimated income for remainder of the year - the situation is closely monitored throughout the year. Back dated rent of £35k for one property received following rent review
Industrial Properties			
Provision for bad debts	(1)	(2)	Saving as at end of the period, however potential for full requirement by year end position will be closely monitored and updated throughout the year
Rental Income	(3)	0	Based on current level of occupation and estimated income for remainder of the year - the situation is closely monitored throughout the year.
Marmion House			
Electricity	7	15	Budget reduced by £30k as part of CCB exercise resulting in a current overspend year to date and overspend predicted at year end
Franking Machine	17	35	Budget reduced by £25k as part of "Quick Wins" exercise resulting in a current overspend year to date. Position being investigated
Outside Car Parks			
Refundable Deposits - Henry Boot	(22)	(25)	Reduction in the estimated amount payable to Henry Boot for Spinning School Lane car park. The situation will be monitored closely throughout the year.
Civil Parking Enforcement			
Miscellaneous Income	(9)	(27)	Amount to be paid by Staffs County in respect of the anticipated deficit in year in line with CPE agreement.
Cemeteries			
Contribution to Reserves	30	26	Any underspend at year end is contributed to the Cemeteries retained fund
Various Minor Underspends	(13)	(6)	Various Minor Underspends
Fees & Charges	(17)	(20)	Based on current trends and estimated income for remainder of the year - the situation is closely monitored throughout the year.
Public Spaces			
Salaries	10	50	There have been several vacant posts but recruitment is now complete.
TBC Highways Maintenance			
Contribution to Reserves	79	79	Still waiting for spend figures from SCC however, any underspend at year end is contributed to the Balancing Ponds retained fund
Various Minor Underspends	(79)	(79)	Various Minor Underspends
Environmental Health			
Salaries/Overtime	(22)	(9)	There have been several vacant posts during the year but staff have now been recruited.
Other minor non-significant variances	(41)	(23)	
ASSETS AND ENVIRONMENTAL SERVICES	(101)	(26)	

GENERAL FUND	Over/(Under) Spends £000's	Over/(Under) Spends £000's	Comments
HOUSING & HEALTH			
General Fund Housing			
Salaries	(6)	(9)	Savings from flexible retirement to offset actuarial strain costs paid in 2012/13
Homelessness			
Bed & Breakfast Cost	(16)	(15)	Prevention schemes have reduced use of Bed & Breakfast accommodation but there has been higher demand this year and a lack of suitable properties
Homes for Homeless	(5)	(10)	Scheme under review
Bed & Breakfast Income	17	15	Reduced income offset by reduced expenditure
Homelessness Strategy			
Homelessness Prevention	(58)	(16)	Projects to utilise the grant funding are currently being reviewed. Projected underspend to reflect that salary budgets should be met from grant.
Health Agenda			
Health Promotions Joint Funding	(15)	0	Post being recruited to following restructure of service
Other minor non-significant variances	(17)	0	
HOUSING & HEALTH	(100)	(35)	
COMMUNITIES, PLANNING & PARTNERSHIPS			
Development Control			
Fees & Charges Planning Apps	(68)	(50)	Income is up against profile and there are indications that the trend will continue. Discussions with developers indicate that this surplus could be greater but may slip into the next financial year
Partnership Support & Development			
Stoke & Staffs Partnership	(5)	(10)	Partnership no longer exists
Tamworth Golf Centre			
Contract	(6)	(6)	CVA dividend received from liquidator in respect of Jack Barker Golf.
Golf Course (In House)			
Contract Cleaning	0	(8)	Being delivered by alternative methods
Green Fees - 18 Hole	47	70	
Green Fees - 9 Hole	(9)	(10)	Income for the golf course across all codes is currently down against profile by £8k. Pay & Play income is a concern and is being monitored closely. Current indications suggest that income will be under target by £28k but savings have been identified to, in part offset this, with a bottom line overspend of £16k being forecast. This forecast will need to be re-assessed during the Winter period.
7 day season	(24)	(26)	
Catering Sales	0	(8)	
Assembly Rooms Bar			
Bar Sales	9	18	Income from bar sales is forecast to be under recovered. Sales from catering and ice cream are above expected levels and this along with savings elsewhere the bottom line overspend on the bar is forecast to be £10k
Assembly Rooms 3rd Party Tickets			
Performers Fees	30	0	
Split Profit Event Ticket	(25)	0	Costs for performers are going up as acts are now insisting on guarantee payments, and although income levels are up against profile, the forecasts indicate that income levels will not keep up with costs. The cost centre should see income under recovered by around £18k
Ticket Sales/Admission Fees	(14)	0	
Split Profit Event Income	5	18	
Pleasure Grounds			
Salaries	8	14	Officers are delivering cardiac courses/referrals. Costs offset by income from PCT
Gymnasium	(10)	(14)	Income from PCT to deliver cardiac referrals
Castle & Museum			
Admission Fees	(37)	(20)	Income is up against profile as there has been increased numbers of visitors.
Staffordshire Hoard			
Salaries	0	8	No budget to cover additional staff costs for Hoard Exhibition
Other minor non-significant variances	(77)	(19)	
COMMUNITIES, PLANNING & PARTNERSHIPS	(176)	(43)	
GENERAL FUND	(675)	(275)	

HOUSING REVENUE ACCOUNT	Over/(Under) Spends £000's	Over/(Under) Spends £000's	Comments
HOUSING & HEALTH			
General - Operations			
Salaries	10	18	Regraded post
Prov of Occup Health Services	0	(10)	Occupational Therapist post has been vacant since May and SCC are yet to recruit a replacement
Consultants Fees	(10)	(10)	Work in progress on HRA Business Plan and review of Allocations Policy. Proposals being considered around the Asset Management Strategy
Income Management			
Other Supplies & Services	(35)	(35)	Budget earmarked for impact of Welfare Reform but gradual rollout means full budget won't be required in the current year
Caretakers			
Electricity	(16)	0	Multiple sites
Tenant Participation			
Support - Tenant Consultation	(12)	(20)	Potential underspend but may need to do further consultation around the regeneration project
Housing Advice			
Sanctuary Scheme	(10)	(20)	Scheme being reviewed, no spend expected for this year
HRA Summary			
Contribution to the Repairs Account	(68)	0	Multiple Contracts, of which the Responsive Repairs contract is £13K overspent, the Gas contract is £35K overspent and the Planned Maintenance contract and Misc budgets are £24K and £84K underspent respectively.
Provision for Bad Debts	(32)	0	Provision based on current level of arrears which are expected to rise due to the impact of the welfare reforms.
Supporting People Grant	0	12	SP funding for Supported Housing to end January 2014
Rents	(15)	0	Rent income has exceeded budget due to void levels being lower than budgeted. However, due to long term voids from the regeneration scheme and an increase in right to buy sales, this is unlikely to continue to year end
Garage Rents	(6)	0	Occupation rate currently higher than budgeted. Work is underway to refurbish some garage sites and demolish sites with no demand. There are a number of other sites being developed for social housing.
Interest on Balances (Item 8 CR)	(16)	(33)	Changes to interest calculation due to HRA reform and unspent capital funds
Other minor non-significant variances	(20)	(25)	
HOUSING REVENUE ACCOUNT	(230)	(123)	

CAPITAL PROGRAMME 2013-14 SUMMARY
Period 6 - Ledger Info @ 23/10/13

Directorate	Budget b/f from 12/13	13/14 Predicted Spend	13/14 Project Budget (Incl b/f from 12/13)	Predicted Re-profile to 14/15	13/14 Resultant Variance	YTD Actuals	YTD Accruals	YTD Actuals + Accruals	YTD Budget	YTD Variance
	£	£	£	£	£	£	£	£	£	£
CORPORATE SERVICES	229,120	379,120	379,120	0	0	14,430	0	14,430	149,560	(135,130)
COMMUNITY SERVICES	1,413,880	1,493,581	2,067,250	543,000	(30,669)	401,247	26,392	427,639	843,125	(415,486)
GENERAL FUND TOTALS	1,642,970	1,872,701	2,446,370	543,000	(30,669)	415,677	26,392	442,069	992,685	(550,616)
HOUSING REVENUE ACCOUNT	2,844,910	8,787,460	9,737,460	950,000	0	2,920,407	60,404	2,980,811	4,518,342	(1,537,531)
TOTAL APPROVED CAPITAL	4,487,880	10,660,161	12,183,830	1,493,000	(30,669)	3,336,083	86,796	3,422,880	5,511,027	(2,088,147)
Specific Project Contingencies	130,000	0	130,000	0	(130,000)	0	0	0	65,000	(65,000)
TOTAL (incl spec' contingencies)	4,617,880	10,660,161	12,313,830	1,493,000	(160,669)	3,336,083	86,796	3,422,880	5,576,027	(2,153,147)
GF General Contingency	0	0	50,000	0	(50,000)	0	0	0	25,000	(25,000)
HRA General Contingency	0	0	100,000	0	(100,000)	0	0	0	50,000	(50,000)
Invest To Save Contingency	160,000	0	160,000	0	(160,000)	0	0	0	80,000	(80,000)
ALL CAPITAL	4,777,880	10,660,161	12,623,830	1,493,000	(470,669)	3,336,083	86,796	3,422,880	5,731,027	(2,308,147)

Treasury Management Update – Period 6 - 2013/2014Investments held as at 30th September 2013:

Borrower	Deposit £m	Rate %	From	To	Notice
Lloyds TSB	1.00	2.70	03/10/2012	02/10/2013	-
Lloyds TSB	2.00	2.25	02/11/2012	01/11/2013	-
Lloyds TSB	1.00	1.90	12/11/2012	11/11/2013	-
Barclays Bank	1.00	0.45	15/08/2013	15/11/2013	
Barclays Bank	1.00	0.46	17/09/2013	17/12/2013	
Barclays Bank	2.00	0.45	02/07/2013	02/10/2013	
Bank of Scotland	2.00	1.10	13/02/2013	12/02/2014	
Nationwide	1.00	0.44	07/08/2013	07/11/2013	
Nationwide	2.00	0.44	08/07/2013	08/10/2013	
Nationwide	1.00	0.44	15/07/2013	15/10/2013	
The Royal Bank of Scotland	2.00	0.80			95 days
Nat West	2.00	0.80	-	-	95 days
Nat West	2.00	0.45	-	-	30 days
Deutsche Bank – MMF		0.33*	-	-	On call
MMF – Ignis	4.00	0.39*	-	-	On call
MMF – PSDF	2.12	0.32*			On call
Total	26.12	0.83 (avg)			

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

External Borrowing as at 30th September 2013:

<u>Borrowing from PWLB</u>				
<u>Loan Number</u>	<u>Rate</u>	<u>Principal</u>	<u>Start</u>	<u>Maturity</u>
468372	11.625%	1,000,000	29/03/1990	18/08/2015
468478	11.750%	2,000,000	23/04/1990	18/02/2017
475875	8.875%	1,200,000	29/04/1995	25/04/2055
478326	8.000%	1,000,000	17/10/1996	17/10/2056
479541	7.375%	1,000,000	28/05/1997	28/05/2057
479950	6.750%	2,000,000	02/10/1997	03/09/2057
481087	5.625%	3,000,000	22/06/1998	22/06/2058
481641	4.500%	1,400,000	09/10/1998	09/10/2058
483694	4.875%	92,194	21/12/1999	18/10/2059
484204	5.125%	2,000,000	20/04/2000	18/10/2015
488835	5.000%	2,000,000	01/07/2004	01/07/2034
490815	4.250%	1,000,000	24/11/2005	24/05/2031
494265	4.430%	2,000,000	21/01/2008	01/01/2037
494742	4.390%	700,000	15/08/2008	15/08/2058
500759	3.520%	5,000,000	28/03/2012	28/03/2053
500758	3.510%	5,000,000	28/03/2012	28/03/2054
500757	3.510%	5,000,000	28/03/2012	28/03/2055

500761	3.510%	5,000,000	28/03/2012	28/03/2056
500755	3.500%	5,000,000	28/03/2012	28/03/2057
500756	3.500%	3,000,000	28/03/2012	28/03/2058
500753	3.500%	1,000,000	28/03/2012	28/03/2059
500760	3.490%	5,000,000	28/03/2012	28/03/2060
500762	3.490%	5,000,000	28/03/2012	28/03/2061
500754	3.480%	5,668,000	28/03/2012	28/03/2062
Total		65,060,194		

ICELANDIC BANKING SITUATION (30/09/2013)

	Deposit with;	Ref Number	Date Invested	Amount	%
1	GLITNIR	1696	10/10/2007	1,000,000	
	GLITNIR	1715	31/08/2007	1,000,000	
	GLITNIR	1754	14/12/2007	1,000,000	
	Total Principal			3,000,000	
	Estimated of Contractual or Interest due to point of administration (subject to currency exchange rate fluctuations)			140,911	
	Total of Claim			3,140,911	
	Repayments Received to date			(2,554,432) *	81.33
	Outstanding at 30/09/2013			586,479 **	

*Partial repayment received on the 15th March 2012 in GBP/EUR/USD/NOK. The balance is currently being held in Icelandic Krone (ISK). Release of these funds is dependent on a change in Icelandic Law which currently does not allow the distribution of ISK ou

- Best case recovery 100%

2	Heritable Bank	1802	12/09/2008	500,000	
	Heritable Bank	1803	15/09/2008	1,000,000	
	Total Principal			1,500,000	
	Interest due at point of administration 07/10/2008			5,127	
	Total of Claim			1,505,127	
	Repayments Received to date			(1,415,080)	94.02
	Outstanding at 30/09/2013			90,047	

- Potential final recovery received of 94.02% (declared 23/08/13, though Administrators are retaining a contingency for disputed claims that could be distributed at a later date).

3	Singer & Friedlander	1716	31/08/2007	1,000,000	
	Singer & Friedlander	1740	31/10/2007	1,000,000	
	Singer & Friedlander	1746	14/01/2008	1,000,000	
	Total Principal			3,000,000	
	Interest due at point of administration 08/10/2008			175,256	
	Total of Claim			3,175,256	
	Repayments Received to date			(2,603,710)	82.00
	Outstanding at 30/09/2013			571,546	

- Current indications project an 85.25% recovery of our investments

Summary					
	Total Principal			7,500,000	
	Interest			321,294	
	Total of Claim			7,821,294	
	Repayments Received to date			(6,573,222)	84.04
	Outstanding at 30/09/2013			1,248,072	

1 Registered Bank in Iceland - In Administration under Icelandic Law

2 Registered Bank in UK - In Administration in UK by Ernst & Young Under English Law

3 Registered Bank in UK - In Administration in UK by Ernst & Young Under English Law

28th November 2013**REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION****THE TAMWORTH GROWTH AND REGENERATION PLAN****EXEMPT INFORMATION**

None

PURPOSE

To seek approval for the draft Tamworth Growth and Regeneration Plan; which sets out the economic context we are operating in, identifies the Council's strategic approach to growth and regeneration and brings together a range of key strands - connecting together the varied work streams that are being delivered internally and in some cases externally.

RECOMMENDATIONS

1. That members approve the Tamworth Growth and Regeneration Plan and that its implementation is managed through the Regeneration Board of CMT in conjunction with the Portfolio Holder Economy and Education and with reports to Cabinet on progress.
2. That Members delegate Authority to the Head of Planning and Regeneration to make minor amendments to the Growth and Regeneration Plan prior to it being finalised and printed in conjunction with the Portfolio Holder for Economy and Education.

EXECUTIVE SUMMARY

Tamworth Borough Council's Economic Development Team takes the lead on undertaking activities and policy development to encourage sustainable local economic growth and to coordinate business support and engagement. In addition to this there is a wide range of activity that the Council is involved in that contributes to and impacts on the local economy. However the delivery of the Growth and Regeneration Plan should be seen as a corporate effort and will involve a wide range of services.

The governance structures in Economic Development have changed and continue to evolve since the last general election. In particular we have seen the abolition of regional structures and funding mechanisms and the introduction of Local Enterprise Partnerships (LEPs), new funding regimes and devolved funding such as Growing Places Funding, Single Local Growth and Major Scheme Transport Funding. These are potential 'game changers' for the LEPs and so the need to be able to provide the input in terms of Tamworth's priorities has never been more significant, hence the relevance of the Growth and Regeneration plan. Furthermore, the way that Local authorities receive their funding has changed, for example New Homes Bonus and retention of Business Rates, and it is clear that the Borough Council will need to find new ways of funding the projects that enable growth and regeneration and to prioritise and focus our efforts. We also need to be able to articulate clearly to our partners, stakeholders and funding bodies what our priorities are and what impact these projects will have on Tamworth the place. It was decided to collate our activity and articulate our priorities into a single document, the purpose of which would be to communicate our local strategy and local actions on growth, to promote confidence and secure buy in from partners.

Through a series of workshops with council officers and discussions with stakeholders the Growth and Regeneration Plan has been drafted, along with a summary (see appendix A). It

is important to note that this is not identifying new work streams, rather recognising existing ones and articulating what are our priorities.

The Tamworth Growth and Regeneration Plan sets the context of our local economy which has been relatively stable and expected to experience growth over the coming years. This will require further diversification of the economic base from the more traditional low value manufacturing toward high tech manufacturing and higher value added service sectors such as ICT and professional and business services.

The Plan sets out a range of activities across ten programmes within the three building blocks which underpin growth and regeneration - namely business, people and place. Importantly these programmes are not mutually exclusive; in fact every effort is made to continually understand the linkages and to explore ways in which they can support each other. Progress will be monitored through the Council's Corporate Management Team Regeneration Board and Cabinet. The 3 building blocks and the ten programmes are as follows:

Business

Sectors Programme

Business Support and Engagement Programme

People

Growing a Skilled workforce programme

Community Hubs programme

Improving Employability programme

Place

Town Centre programme

Visitor economy programme

Sustainable development programme

Tamworth Business Parks programme

Transport programme

The final draft and summary have been completed and at the time of writing the formatting and desk top publishing are being finalised. If approved by Members, any additional comments from Cabinet will be added, minor typographical errors amended and the final documents produced.

RESOURCE IMPLICATIONS

None arising directly from this report. The Growth and Regeneration Plan will assist in identifying priorities for funding.

LEGAL/RISK IMPLICATIONS BACKGROUND

None arising directly from this report. The Growth and Regeneration Plan and the projects contained within it will be overseen by Cabinet and the Regeneration Board.

SUSTAINABILITY IMPLICATIONS

None arising directly from this report.

BACKGROUND INFORMATION

As above

REPORT AUTHOR

Matthew Bowers, Head of Planning and Regeneration (x276)

LIST OF BACKGROUND PAPERS

None

APPENDICES

A) The Growth and Regeneration Plan (Summary)

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Tamworth Borough Council
Growth and Regeneration Plan

**Aspire and Prosper
in Tamworth**

Summary

Page 73

Tamworth
Borough Council

Vision

Our vision is to create and sustain a thriving local economy and make Tamworth a more aspirational and competitive place to do business.

This will see our people secure new skills, aspire to new jobs and be more competitive in the labour market. Our businesses will develop new niche products and secure new markets, provide increased employment opportunities, and be globally competitive. Our town will be one which attracts investment and is seen as a great place to live and work.

The role of Tamworth Borough Council is to lead, to inspire and to build confidence.

This plan sets out what we will do to provide that leadership, inspiration and confidence. Importantly it shows how - through interventions to support business, to develop our people, and to enhance the quality of our place - we can grow our economy and make it more resilient. We are confident of our future but we know we face many challenges. The world has changed – and we can no longer work the way we did. We must be ever smarter in the way we use our resources, our powers and our influence. We have a strong evidence base to support the programme of activities outlined ahead; an evidence base built from a wealth of information across a range of partners and data sets. From our approach to locality working which builds sustainability and confidence at the neighbourhood level ... through to our active participation in the regional Greater Birmingham and Solihull Local Enterprise Partnership to maximise growth opportunities and embed resilience, we are very well placed.



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Foreword

Since the international banking collapse of 2008, the past five years have been one of the most challenging periods I can recall for the UK economy; this has been felt locally just as much as nationally.

However the economic downturn has been followed by a period of ongoing economic austerity. The business support and regional planning infrastructure has been fundamentally changed and the benefits system has been overhauled with the introduction of the 2012 Welfare Reform Bill. The reductions in public spending mean we must work in a different and smarter way. Yet this is nothing new to Tamworth as we have always strived to work to improve and introduce efficiency wherever possible.

The Tamworth Growth and Regeneration Plan is our continued commitment to improve and deliver services locally as well as regionally, to both residents and the businesses that employ them.

It is continual demonstration of our work with businesses and the public sector to stimulate growth and regeneration, as well as protecting employers we already have. To get the most out of resources and assets we have, we need to use them imaginatively and in partnership - and focus on a smaller number of key priorities based on evidence.

We must also be prepared to challenge ourselves regularly to ensure we keep to the required direction of travel, while facing and removing the blockers as they arise. A key aspect of this will be our participation in the Greater Birmingham and Solihull Local Enterprise Partnership.

We have long worked with neighbouring councils but often this has been in response to statutory requirements. Being part of the Birmingham City region has led us to the voluntary - and strategically important - decision to focus our own resources into an effective working relationship with Birmingham City Council and others in the GBSLEP.

Key assets in and around Birmingham such as the International Airport, New Street Station, ICC, NEC and Aston University, can all play a part in the future prosperity of our borough. We need to be in the economic partnership which will influence their development.

Powerful local economies are based on city regions and Birmingham is an economic giant. If you look at other world economies, the USA, China, Australia, France, Italy and Germany, they all work on a city region basis. American cities, Paris, Berlin, Munich and Milan all have an inner city finance sector, inner city housing, road and rail networks and an international airport. As you move outwards, there are the older industrial areas.

Smaller towns and villages feed the city and vice versa; this is where Tamworth sits in regards to Birmingham. We need to grow with the city region and success will be shared.

Smaller towns and villages feed the city and vice versa; this is where Tamworth sits in regards to Birmingham. We need to grow with the city region and success will be shared.-

We also endorse the importance of working alongside Staffordshire County Council and the Staffordshire and Stoke-on-Trent LEP. The County Council plays a key role in the skills agenda and in infrastructure investment. We also look to the County Council to secure the best for Tamworth from the LEP they established in partnership with Stoke City Council.

The economy of Tamworth is to a large extent determined by its history and location, being near the West Midlands conurbation, at the heart of England's motorway and rail network, and close to major airports and freight terminals.

While Tamworth's industrial base has developed from coal mining and heavy metalworking, over recent years there has been a sharp fall in manufacturing employment and today a more balanced but fairly static economy exists.

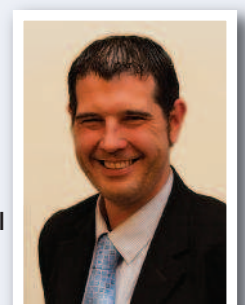
The health of Tamworth's economy is of great importance to the well-being of our residents, many of whom work in the borough and depend on services provided here. However, many residents also commute out of the borough to work, so there is an inter-relationship between economic factors at a local and sub-regional level.

We need to invest in, support and inspire local communities so they can lead and benefit from future economic growth. We do this with one eye on the needs of the key growth sectors, and one on the needs of our neighbourhoods, which face the greatest challenges.

We also recognise our key role in ensuring businesses have the right land, property and wider infrastructure to locate and grow in Tamworth. In short, we will create the environment for business growth, connect our people and businesses, and have a balanced and sustainable approach to future development. The private sector must drive growth, we must facilitate where we can to ensure their needs are met.

Our aim is to provide leadership, inspire our community, and act as the catalyst to grow our economy.

Cllr Daniel Cook
Leader of Tamworth Borough Council



Tamworth – Our Economic Story

The businesses, the people and the place

The local economy of Tamworth is relatively stable and expected to experience growth over the coming years. Key to this will be a further diversification of the economic base away from the more traditional low value manufacturing toward high tech manufacturing and higher value added service sectors such as ICT and professional and business services. The traditional manufacturing base of the town has sustained low wage jobs and there has been little incentive for many residents to gain new skills and qualifications. While unemployment remains relatively low with many residents able to access jobs in the neighbouring districts and in Birmingham, there is a recognition that future economic growth will rely on an increasingly skilled employment base as the demand for traditional and basic skills falls away. Importantly, as our population grows over the next 20 years, the town will have to encourage and support the growth of sectors which can provide the higher value added and higher paid jobs – more jobs in Tamworth and less out commuting will clearly be desirable.

Geographically and economically, the Borough is closely linked to the neighbouring districts of North Warwickshire and Lichfield. In addition, the town is historically, geographically and economically linked to Birmingham, having received population overspill in the 1960s and 1970s. This shaped the look of the Tamworth we see today, one that sees a tightly drawn urban district where economic activity flows across its borders. More than a third of our employed residents work outside of Tamworth, and almost one in five work in Birmingham. As a local authority we recognise that our boundaries are merely artificial governance arrangements and economic activity bears little relationship to them.

Tamworth is a small but enterprising town, one that has a strong work ethic and a resilient business base. We have faced a huge challenge over the past 10 years. Like many other parts of the UK we have seen a significant loss of manufacturing jobs. However this was from a relatively high base and we still have approximately one in seven of our resident workforce employed in manufacturing. While there will be further pressures on this sector, we recognise there will also be opportunities for those which can develop niche products and markets. Too many of our manufacturing workforce is employed in low tech manufacturing; less than one in three are employed in medium or high tech manufacturing. It will take time to change this but we must ensure that we use all our

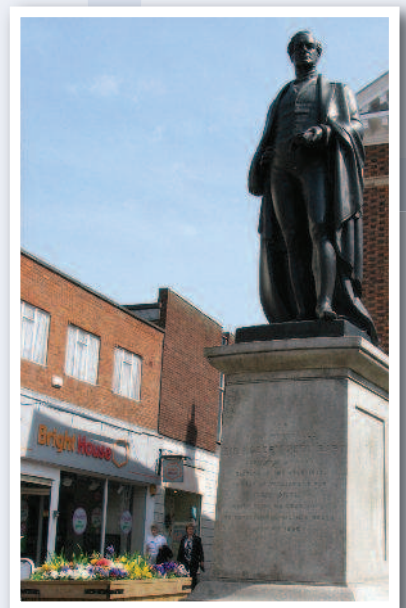
available public and private sector assets to focus support on those areas where the best opportunities lie, ensure all our businesses are plugged into the innovation and research and development expertise available, and encourage and support a more qualified workforce.

There has been quite a marked change in the structure of the Tamworth economy over recent years, with a number of sectors expanding and contracting significantly. The economic downturn could be a factor behind the significant reduction in employee job numbers in the ‘other manufacturing’ (-1,100 jobs), ‘building technologies’ (-600 jobs), and ‘transport technologies’ (-900 jobs) sectors. In comparison, Tamworth has relatively strong levels of employment and recent growth in the ‘business & professional services’, ‘financial & insurance’ and ‘retail’ sectors, accounting for 7.5%, 3.8% and 15.1% of all employee jobs in the borough.

Against a decline in manufacturing employment, the town has become home to a growing number of businesses in the building technologies, finance and insurance, education and health sectors. We also maintain a considerable jobs base in the retail, tourism and leisure sectors.

A broad business base will be a strength in providing a range of future employment opportunities and as a buffer against sectoral decline - but we want to create opportunities for our residents to aspire to. As such we will look to support growth in niche manufacturing, in the building technologies sector, in ICT, and in the environmental technologies sector. We are centrally located between Warwick, Derby, Aston, Birmingham, Coventry and Staffordshire Universities – we must reach out to these centres of support and expertise and engage them more into our local communities.

Likewise we must proactively engage with the Staffordshire Business Innovation Centre, the Sectors Skills Councils, and the Manufacturing Advisory Service if we want to make a difference in Tamworth.



If we are to attract investment from key business growth sectors, if we are to encourage product development and innovation and if we are secure more export work, then we need a better qualified, more aspirational and more entrepreneurial workforce. We have started an agenda for change in our schools, where our new Secondary Academies should lead a step change in educational achievement, helping to drive an improvement in workforce qualifications. We have a strong Further Education College which is leading the way in promoting apprenticeships, a local Employment and Skills Board to encourage dialogue

and ensure provision is business focused and outreach work in our four priority neighbourhoods.

Our vision will see us build on our work ethic strength to create a workforce which increasingly values qualifications and increasingly aspires to new skills; build on our broad economic base to capture growth in niche sectors and plug more businesses into the available support; and create a vibrant and diverse town centre that exudes confidence to residents, visitors and investors.

Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP)

The Greater Birmingham economy generates £35 billion of economic activity, home to 2 million residents, and more than 67,000 businesses. The GBSLEP is based on the principle of 'balanced growth, balanced benefit' which recognises the role of each partner in contributing to and benefitting from the LEPs growth ambitions. The LEP is chaired by Andy Street, Managing Director of the John Lewis Partnership and we are one of 9 Local Authority members with a seat on the Board along with a further 10 business members.

Southern Staffordshire Enterprise Belt

The belt which includes Tamworth sits on the northern part of the Birmingham conurbation and is an area of high growth potential. As well as direct access to the national transport network, other key drivers are the attraction of places in the belt as high quality residential and business environments; it is also adjacent to the major economic market, institutional capacity, cultural offer, and creative hub of the Birmingham conurbation. We are working with the Southern Staffordshire Partnership to show how we can fully realise the potential of the Belt.

Tamworth Borough Council

Growth and Regeneration Plan

Staffordshire Economic Consortium

Whilst we are not members of the Stoke and Staffordshire LEP (instead focusing our resources into the Greater Birmingham LEP for good reasons) we do recognise that the Stoke and Staffordshire LEP covers the whole of the Staffordshire, and that Staffordshire County Council is a key partner for economic development activity in Tamworth. We are therefore key players in the Consortium which was set up in 2012 to develop a Staffordshire wide economic growth strategy, and to help Staffordshire get greater influence in the SSLEP.

Stoke and Staffordshire Local Enterprise Partnership

Established by Staffordshire County Council and Stoke City Council, this LEP also covers Tamworth and can play a key role in our growth ambitions. While we elected not to be members of the SSLEP, we work closely with the County Council to ensure that they are aware of and can support our priorities both directly and through the SSLEP. The County Council and the SSLEP will both play a key strategic and investment role in the future of Tamworth

Programmes and Priority Actions

This plan acts as the connector – connecting our people to local opportunities, support and jobs; connecting our businesses to local and sector intelligence, markets and labour force; and connecting our Tamworth locally, regionally and globally.

To do this we deliver a range of activities across ten programmes within the three building blocks which underpin growth and regeneration - namely business, people and place. Importantly these programmes are not mutually exclusive, in fact every effort is made to continually understand the linkages and to explore ways in which they can support each other. Each programme is sponsored by an Executive Officer and Cabinet Member, and progress is monitored quarterly at the Council's Corporate Management Team and Cabinet.

1 Business

Our diverse economic base is no longer too reliant on one sector but we do need to encourage business investment and growth in some of those niche sectors which are responding to or leading consumer demand.

There has been much restructuring in the economy in Tamworth in recent years, and these changes were, in part, a consequence of the economic downturn. The number of employee jobs reduced by a little over 15%, or 5,000 jobs, between 2006 and 2010. This was the greatest reduction in Staffordshire, and considerably larger than both the regional (4%) and County (5%) average. A significant part of this fall was as a result of business closures and contractions in the manufacturing sector. This was largely due to the nature of manufacturing employment in the borough which has relatively few businesses classed as medium to high tech manufacturers. In fact, of the 3,500 people employed in the manufacturing sector in Tamworth, only 200 are in businesses regarded as high tech. That aside, manufacturing is the second most important sector in the borough just behind retail in numbers though higher in terms of GVA. While other sectors also saw a loss of jobs in line with a national trend, some experienced a growth. These were most notably professional and business services, tourism and leisure, ICT, finance and insurance, and health. The key sectors today, in employment terms, are retail, which accounts for over 4,000 jobs, closely followed by manufacturing, building technologies, education, professional and business services, and transport and storage. We will develop a strong focus on developing the high growth and greater value added parts of our manufacturing sector. While Tamworth itself accounts for 3,500 manufacturing jobs, a further 1750 of our residents are employed in manufacturing firms outside of the borough. In this context our ability to support and shape the restructuring of the manufacturing sector is even more important

Our business base, like every other in the UK, has witnessed the dismantling of what was a comprehensive, and well resourced, business support infrastructure delivered primarily through the Business Link service and brand. Evidence has shown that those businesses that access business support are the ones more likely to grow, innovate and create jobs. We have been ahead of the game in recognising the changes that were taking place early on, working with both LEPs in developing a new business support offer, and establishing a local access point and engagement programme for our businesses – a service unique to Tamworth. We will continue to develop



our response ensuring that the gap in provision is plugged, that all local businesses can access new and relevant support programmes, and that we regularly engage with them to understand their issues. We need to make sense of a wholly fragmented and weak business support infrastructure to ensure as many of our businesses are aware of and can access the support available; and we must develop a local infrastructure that can attract and support growth in key niche sectors.

Our key business sectors include retail, business and professional services, leisure and tourism, and building technologies, and manufacturing. We must look at our economy in the round and recognise that there must be opportunities for entry jobs and progression for all. While we will work to further restructure the economy, we must ensure that those sectors that do provide a significant proportion of our employment, namely traditional manufacturing, retail, education, professional and business services and transport, continue to have access to the support, sites and labour market that they need today. In doing this we will be mindful of how these sectors are changing, in terms of employment numbers and also in terms of product and service production and delivery.

Tamworth has a relatively low level of entrepreneurship. Over the past 3 years Tamworth has seen a steady decline in the number of business startups with just over 400 new enterprises starting in 2012. The borough has the second lowest number of business startups relative to population of all the districts in Staffordshire, and a startup ratio significantly below the national and regional average. The number of startups that still survive in Tamworth after 5 years is also the lowest in the County at less than 40%. We are determined to significantly improve our business startup and survival rate. To do this, we will aim to provide the right premises, market intelligence, and initial business support. We will then engage those new businesses into a wider network of support and market development opportunities, and finally we will facilitate some longer term mentoring support.

“ We are determined to significantly improve our business start up and survival rate. ”

1.1 Sectors programme

We need to properly understand our local economy in terms of the key growth sectors, and those sectors which will continue to provide significant employment opportunities now and in the near future.

While we are focused on growth, we do realise that a substantial level of employment sits within sectors such as retail and hospitality which, while not necessarily high value added or high wage sectors, are nevertheless high employment sectors.



This programme will be delivered through four projects:

- Research, support and network building to maximise the potential of our growth sectors
- Growing a niche manufacturing cluster
- A collaborative project to develop the local institutional capacity to support innovation
- Bespoke activity to attract investment from key sectors

Business Support and Engagement programme

1.2

The closure of Business Link West Midlands, the increasing confusion and fragmentation of the business support market and the lack of a well resourced market making role by the public sector is a market failure which requires an immediate and local response.

In Tamworth we recognised that there would be a problem before it emerged and have been involved in a number of initiatives to address this. Importantly, we have sought to work with representatives of the private sector to develop robust and sustainable solutions.

This programme will be delivered through five projects.

- Developing our local Business Economic Partnership (BEP)
- Promoting, co-ordinating and delivering business support through Tamworth4Business
- Supporting the Business Network Forum
- Maximising the value and benefit of economic assets through an innovative ‘Economic gardening’ project
- Strengthening our business base through an Enterprise Support programme

2 People

Tamworth has an ageing population and the overall population will rise from 78,700 to 81,200 by 2033. There will also be a significant change to the workforce/resident ratio with an additional 5000 residents aged 80 or over by 2033. Tamworth's workforce has grown as a result of the town's role in accommodating the Birmingham overspill through the 70s.

While there is a reputation for a strong work ethic, there remains a poor level of formal qualifications and a lack of aspiration. It is recognised that it will be through developing the skills and aspirations for work in current growth sectors that we will underpin the potential for increased economic prosperity in Tamworth. While the attainment rates for key NVQ indicators are growing year on year they remain relatively low, below the regional and national average. Almost 2 in 5 of the adult population lacks an NVQ 2 and a little over 1 in 5 has an NVQ4 (degree equivalent). It is also important that skills development and training provides the transferrable skills which tend to be well valued by employers

The need to promote improvements in basic skills, particularly in terms of numeracy and literacy will be important for the local economy, both in terms of helping individuals to progress through the different levels of skills and qualification attainment but also in providing for the skills base to support the needs of more elementary occupations to meet the demand for replacements to existing staff. The UK Workforce survey revealed that in Staffordshire employers considered that more than one in four school leavers were poorly or very poorly equipped for work. Interestingly poor attitude and lack of motivation were cited ahead of core skill competencies as reasons why. Educational attainment is however improving in Tamworth. The percentage of pupils achieving five or more GCSE A* to C grades including English and Maths has increased from 35.4% in 2007 to 42.4% in 2010, although this remains the lowest attainment rate in the County. The proportion of pupils who continued with structured learning after completing compulsory education increased from 87.6% in 2007 to 92.7% in 2010. Whilst our Academies will act as a catalyst to driving up performance we will play a key role in ensuring schools are aware of the future employment opportunities and what qualifications are needed; and we will help to raise aspirations of young people to encourage more to access higher education.

The group suffering disproportionately from unemployment locally has been the 16-24 year old age group; this is often referred to as 'youth unemployment'. This has arguably more serious implications than adult unemployment

“ We will maintain a strong focus on supporting our young people, providing the support they need to access jobs, and giving additional resource to the priority neighbourhoods. ”

because of two key reasons; scarring (the long term damage to individual's economic situations and the economy more broadly) and inactivity, which is more likely to lead to long-term worklessness. The proportion of 16 to 24 year olds claiming Jobseeker's Allowance increased by over 50% between February 2008 and July 2011 but has since fallen and was standing at 3.4% at the middle of 2013– above the regional but below the national average, with Tamworth having the largest annual fall in the number of claimants in any of the Staffordshire Districts. The rate of youth unemployment is consistently higher than the rate of adult unemployment and stood at 5.8% at the start of 2013. We will maintain a strong focus on supporting our young people, providing the support they need to access jobs, and giving additional resource to the priority neighbourhoods.

The average earnings of our residents are on par with the national average and above the regional average, standing at approximately £26,500. This doesn't necessarily reflect the wages in the local economy as we need to recognise that a third of residents commute outside the district for work where most of the jobs are higher paid. We are determined to drive the average wage levels higher through encouraging and supporting more residents to access relevant qualifications, alongside work to attract higher value added and therefore higher waged businesses in to the borough

We will continue to focus resource onto the more deprived parts of the borough to reduce the differential with the wider community, and we will do this by building local capacity and through encouraging participation in shaping service delivery.

2.1 Growing a skilled workforce programme

With increasing autonomy within our education system, a large number of private sector training providers, and still too few businesses accessing the training support and funding available, we recognise that we have a key role.

Our role is in leading local partnership working, engaging with those bodies which deliver training support, raising awareness within the business community, and articulating the benefits of a well educated, well trained workforce.

This Programme will be delivered through one project, an Educational and Skills Board for Tamworth, which focuses on eight outcomes

- Promoting education excellence for all children and young people
- Ensuring appropriate choice and capacity in the local education system
- Improving educational attainment and closing the gaps for the most disadvantaged
- Breaking down barriers to learning and progression
- Encouraging provision of effective consistent information, advice and guidance
- Achieving a positive dialogue between the education and business sector
- Raising aspirations of young people so more go into higher education
- Developing a local culture of collaboration and co-operation

2.2 Community Hubs programme

In each of our four most deprived neighbourhoods (Amington, Belgrave, Glascote, Stoneydelph), we have established an Advice, Resource and Community Hub (ARCH). Each ARCH provides residents with access to a range of Council and partner services and each plays a key role in helping individuals access information, advice and training to help them become job ready and/or access local jobs.

The role of the hubs in providing space for the community to explore issues and develop their own activity has had a significant impact, with strong examples of local people participating, not only as volunteers but also leading on the development of projects. The availability of appropriate space for these activities in the future will continue to be a challenge for partners, but also for the residents as they become more empowered and independent within their own communities. They play an important role in building



confidence and are supported by a team of Borough Council Community Development Officers. We regard this as a way of working and not a discrete project, and to support the community focus each ARCH is now based in a functioning community facility, namely a local fire station, a library, a church and a Community Café. The concept of the Community Hub is driving forward several key activities.

This programme will be delivered through four projects

- Partner engagement and access to public services
- Developing a range of service provision informed by the community
- Link to members and community leaders
- Community capacity building

Improving Employability programme 2.3

In response to an increasingly competitive jobs market, we are taking a lead role in ensuring all of our community can access the necessary support, information, advice and guidance that will make them job ready and help them access employment.

We are committed to further reducing our number of unemployed, particularly among the younger age group where the problem is more significant. We are working with the community and voluntary sector, promoting the use of the Community Hubs and sourcing funding to help engage more people into the labour market and make them more job ready. While worklessness rates in Tamworth are below the regional average, they remain one of the highest for the County.

This will be delivered through two projects

- Employment Action Group to develop the strategic thinking required to address employability as the economy develops
- Work Clubs to provide hands on information, advice, and support, to help individuals access jobs.

3 Place

Tamworth is incredibly well placed on the UK transport network with direct access to the A5, M42, and M6 toll. It is at the crossroads of two strategic rail lines giving rail access to Scotland, the south-west, north and south, with just 20 minutes drive time from Birmingham International Airport. Around 76,800 people live in Tamworth of which just under 70% are economically active; and it is home to approximately 2,500 businesses, providing 26,200 jobs.

There is a job density of 0.6 meaning that for every 10 residents there are just 6 jobs in the borough. It is no surprise then that more than 1 in 3 of the population commute outside of Tamworth for work, though it should also be noted that many of the businesses in Tamworth also employ staff from neighbouring areas. The inter relationships with neighbouring areas cannot be overstated. While the town is a net importer of jobs, it equally acts as the retail and leisure base for many villages in neighbouring Districts with influence stretching across to southern Derbyshire.

The role as a retail centre in fact goes beyond a traditional catchment area as Tamworth has a major retail park (Ventura Park) just 1 mile from the town centre. Strategically located adjacent to the A5 with quick access to the M42, the site has grown exponentially and has, alongside other pressures such as on line retailing, impacted on the role of our traditional town centre. Ventura Park's rapid growth, our tight borough boundaries, and the built heritage of our town centre, has limited the amount of retail provision within the town centre such that it has not kept pace with our recent population growth. As a result, new and larger retailers have sought to locate in the out of town retail park which benefits from land availability, free parking and excellent links to the national highway network. The scale and nature of retail provision, while attracting spend from well outside the town's catchment area, is now acting as a deterrent to further retail investment in the town centre. We will use the local development plan and work with town centre businesses to reshape our town centre. Showcasing our historic built heritage, we will develop a cultural quarter and create gateways and scenic links to neighbouring sites, and we will create a more family focused evening economy and secure more independent retailers as well as some non retail businesses as new tenants.



Birmingham has a significant impact on the borough – both historically and for the future. With a significant part of the population previously resident or with family connections in the city strong social and economic links remain. Almost one in five of working residents commute into Birmingham, less than 20 minutes by train; as a regional city Birmingham has developed a strong cultural, retail and leisure offer; and the critical mass of the Birmingham economy presents significant supply chain opportunities for local business. Some may see the

“ **As our population grows we have the opportunity to put sustainable development into practice.** ”

growth of Birmingham as a threat - we see it as an opportunity and will do all we can foster a strong working relationship with others in what is evidently a 'Greater Birmingham' economy. We will develop strategic relationships with neighbouring authorities and the wider Greater Birmingham area to ensure our growth aspirations can be met using assets within and outside the borough.

The Council's priorities for regeneration will focus on neighbourhoods with high levels of deprivation, those employment sites in need of modernisation, and discrete areas where there is a need to redevelop some housing stock that is coming to the end of its useful life. In addition, the Wilnecote Corridor along Watling Street has been identified as an area that would benefit from a comprehensive approach to regenerating its local housing and employment offer and improving the immediate environment to enhance its function as a key transport corridor.

There are 4 key priority neighbourhoods identified for 'locality working' and these are Amington, Belgrave, Glascoate, and Stonydelph. Locality working is aimed at addressing disadvantage and involves neighbourhood level multi-agency activity to focus resources to address issues of local needs. Tamworth has a number of strategically well placed business parks adjacent to junction 10 of the M42. It also benefits from a number of employment sites across the borough although most of these are in need of site enhancements if they are to attract more high value service and manufacturing companies. We will work with partners and local businesses to improve the appearance, functionality and accessibility of our priority neighbourhoods, and our key employment sites

As our population grows we have the opportunity to put sustainable development into practice. We have identified a series of sites around the town that will accommodate moderate housing numbers reducing the need to travel, ensuring access to services, and strengthen our town centre economy. However we recognise that the scale of projected population growth and the nature of the demand for more single occupancy or 2 bed properties means we must be ambitious in our plans

We aim to accommodate a significant part of the projected growth in population through a large urban extension of the town in the north east part of the borough – the Anker Valley Sustainable Urban Extension – which will be home to just under 2000 new houses. The size of the development will help to support the viability of additional infrastructure required to ensure the site is sustainable

Town centre programme

We recognise that changes in retailing and the recession have led to a reduction in the number of high street brands in our town centre and that it needs to diversify and change.

We have identified a number of development opportunities in our town centre; opportunities that will help us create a broader and stronger town centre offer. We will build a town centre that will be responsive to the needs of the 21st century, one that has a strong cultural offer at its heart. The town centre will provide a distinctive environment and offer that complements rather than competes with the out of town parks and online retailing. This refreshed town centre will not turn its back on, nor seek to distance itself from the edge of town retail and leisure parks. It will stretch out and embrace these, encouraging visitors and residents to move between them. We should avoid seeing our local geography as one that presents barriers to movement rather than one that create opportunities to work with and embrace a unique environment.

This programme will be delivered through six projects

- Destination Tamworth
- A new Cultural Quarter to make the town centre more vibrant and distinct
- Encourage pedestrian flow between our town centre, retail park and leisure hub via a comprehensive package of measures to improve town centre and out of town centre linkages
- Investment in public realm improvements to promote Gateway development sites
- Realise key development sites including the old Gungate precinct
- Provide a basis for enterprise development and a hub for the creative industries in the town through the provision of business start up units



3.2 Visitor economy programme

We acknowledge that Tamworth suffers from a relatively poor image within the region, which partly reflects its recent history as a post-war expanded town and the resulting urban form, but we also know that visitors are regularly pleasantly surprised by what they find in and can access from Tamworth.

Our vision is to raise the profile of Tamworth within the Heart of England, promoting it as 'A Market Town for the 21st Century'. A key component of this is partnership working through Destination Tamworth and with other tourism organisations and neighbouring local authorities to promote Tamworth as a visitor destination, and to build on some of the real opportunities we have locally.

This programme will be delivered through seven projects

- An enhanced role for the Castle Pleasure Grounds as a base for leisure, recreation, sport and entertainment and events
- The restoration, revitalisation and sustainable use of land alongside the river network
- Developing a bespoke offer around the royal and military aspects of the Staffordshire Hoard and our Mercian heritage
- Develop an evening economy offer based around on a mix of family dining, improved public realm and performance space
- Improve transport connections to key neighbouring visitor attractions
- Hotel with conferencing facilities to attract more business visitors
- A place marketing study to better understand our key strengths particularly in respect of attracting private sector investment

3.3 Sustainable development programme

We need to build 5,500 new homes between 2006 and 2031. While the majority will be located around the town and within existing sites, our limited availability of developable land means a significant proportion will be delivered within the neighbouring districts of Lichfield and North Warwickshire.

More than 46% of new forming households are looking to occupy one or two bedroomed units but such units represent only just over 25% of the housing stock at present – so our new housing stock must respond to these changing demographics. We will work proactively with



We will reshape our town centre showcasing our historic built heritage, we will develop a cultural quarter and create gateways and scenic links to neighbouring sites, and we will create a family focused evening economy...

landowners and developers to identify and overcome constraints to bring forward viable residential schemes and, where appropriate, we will consider using our Compulsory Purchase powers to unlock sites and/or securing external funding sources to secure delivery.

A critical challenge for the Council is to make best use of existing stock and the Council will therefore consider the opportunities provided by the Localism Act 2011 for the introduction of fixed term tenancies and affordable rent models. These opportunities will be balanced against the potential impact on communities and individual wellbeing. The major stock survey carried out in 2009 revealed that £99m was needed to maintain the basic decent homes standard required for the Council stock over 30 years – and to support this the Council is developing a dedicated Regeneration Fund utilising available assets, powers and forecast rental income streams.

This Programme will be delivered through nine projects

- New urban sustainable neighbourhoods that maximise the development potential of the borough
- The provision of a balanced housing stock across a range of sites to support our growth ambitions



- Regeneration of the Wilnecote Regeneration Corridor to provide discrete employment, housing and transport hubs
- Delivering new office space within and on the edge of the town centre
- A £20m investment in Tinkers Green/Kerria Housing Regeneration area to provide quality affordable housing
- Investment in environmental improvements and new housing at the majority of the Council residential garage sites
- Potential longer term redevelopment of the six high rise flats to provide wider town centre development and for investment in new housing stock
- Enhancing the urban green and blue infrastructure of rivers, parks and open land which runs east/west and north/south across the borough
- Delivering a quality built environment through participation in the Southern Staffordshire Design Review Panel

3.4 Tamworth Business Parks programme

The availability of a broad range of quality employment sites and premises is key to our future economic prosperity. Our recent Employment Land Review identified that most of our existing employment areas were considered to be performing reasonably well, although some parts of the employment estates did have

vacancy levels that could be considered a little too high.

The market view confirmed that there was demand for units at the majority of our employment areas and that they had relative strengths for businesses of different types looking to locate there, which supported a diverse Tamworth economy. Consequently, the Review confirmed that the network of strategic employment areas should be retained in employment use, although some parts may need modernisation and environmental enhancements; and it also identified locations for new employment land if needed. The key development opportunities in Tamworth include approximately 30 hectares of land.

This programme will be delivered through five projects

- Bitterscote development with capacity of more than 25 hectares and a number of modern premises already available
- Working with owners and agents to improve existing stock and establish new units on Amington Industrial Estate
- Maintaining Lichfield Road Industrial Estate as a key employment site and work toward a series of environmental enhancements
- Work with land owners to support the further expansion of Relay Park
- Work with North Warwickshire Borough Council to help secure expansion of the neighbouring Birch Coppice site and work with partners to ensure site is accessible to our residents

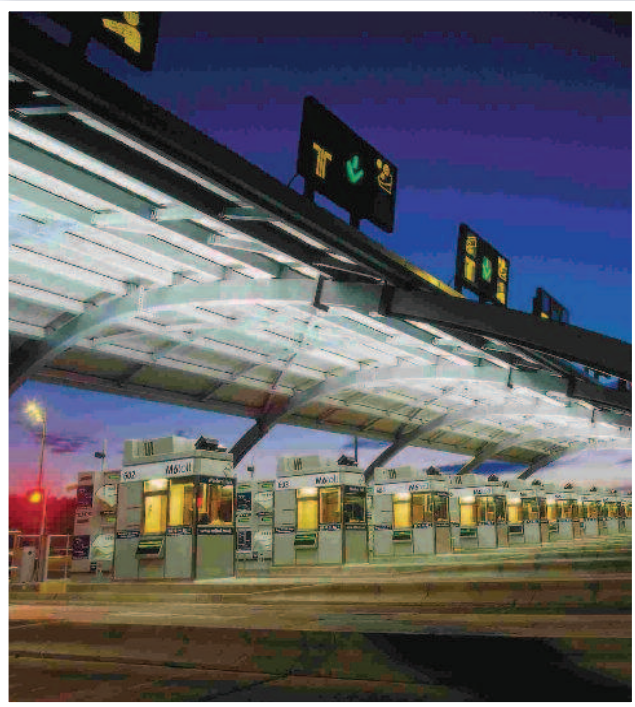
“ The availability of a broad range of quality employment sites and premises is key to our future economic prosperity. ”

Transport programme

3.5

While Tamworth is centrally located and adjacent to the national highway network, there is a need to continually assess and improve the ability for residents and goods to move around, into and from the borough.

We have excellent transport links, being on the A5 and M42, close to the M6 and A38, with two major rail lines passing through the town and meeting at Tamworth station (the West Coast Main Line and the Edinburgh - Plymouth Cross



country line). Birmingham International Airport is 15 miles away and East Midlands Airport is just 25 miles away. This is a strength for Tamworth and we will ensure it remains that way through a number of projects and initiatives that have been identified in our Local Transport package.

This programme will be delivered through nine projects

- A strategy for priority improvements along the A5 Corridor
- Dedicated local rail service to Birmingham
- Complementary Tamworth Rail Station improvements to those being carried out by London Midland
- New and enhance access solutions to maximise the development potential in the Anker Valley
- An £8m programme of new bridges, public realm improvements and highway remodelling to improve town centre linkages for pedestrians
- Improved urban traffic and congestion control for the main retail park through the Ventura Transport Package
- The Upper Gungate Transport Package to support the Gateways and Gungate developments
- Work to reduce congestion through the Junction 10 pinch point improvement
- Secure the greatest benefit from HS2 and related investment for Tamworth residents and businesses

BUSINESS

connecting to

Tamworth Borough Council
Growth and Regeneration Plan

Accessible, coherent
business support

and delivering

More jobs
More wealth
More successful
business

PEOPLE

connecting to

Tamworth Borough Council
Growth and Regeneration Plan

Raised, aspirational,
accessible and
relevant training

and delivering

More robust,
valued,
motivated and
skilled workforce

PLACE

connecting to

Tamworth Borough Council
Growth and Regeneration Plan

Public Sector
investment

and delivering

Attractive,
sustainable
sites securing
private sector
investment

Strategic Overview

Business

Our wealth creating business community will deliver the growth – and we will facilitate this by ensuring businesses are plugged into a coherent business support offer. Our key economic drivers for change are:

- Low enterprise start-up rate
- High rate of business failures
- Low level of high tech manufacturing
- Lack of innovation
- Limited uptake of support

... and a more aspirational and economically competitive Tamworth will see:

- Business strongly connected to the support that is available
- A high level of innovation and R&D support accessible in the area
- More businesses and employment in key niche sectors
- An increase in the level of entrepreneurship

People

Our people will be the engine of economic growth – and we will facilitate this through raising aspirations across our community, making learning accessible, and showing the economic value of training and qualifications. Our key economic drivers for change are:

- Low level of professional and managerial occupations
- High level of elementary and manual occupations
- Low levels of Level 4 qualifications
- Low numbers of undergraduates
- Poor GCSE results

.... and a more aspirational and economically competitive Tamworth will see:

- A better qualified workforce
- Significantly improved educational performance
- A more informed and prepared group of school leavers
- More graduates from Tamworth and more graduates working in Tamworth

Place

Private sector investment will change our borough – and we will facilitate this by building confidence in our town centre and creating the conditions for investment across our borough. Our key economic drivers for change are:

- Old employment sites
- Underperforming town centre
- Projected population growth
- Small tight urban borough
- Low job density

... and a more aspirational and economically competitive Tamworth will see:

- A rebalanced town centre complementing the out of town offer
- Modern, attractive employment sites
- Jobs, leisure and services made more accessible through relevant and attractive transport provision
- Sustainable development balancing population growth, housing provision, and employment
- A growing visitor economy



28th November 2013

REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION**Shared Service in Economic Development – Annual Report & Progress Update****EXEMPT INFORMATION**

None

PURPOSE

To update Cabinet on the progress made by the Shared Service in Economic Development in the implementation of the Business and Economic Partnership's (BEP) Economic Strategy 2011 and the contributions made to the development of the local economy.

RECOMMENDATIONS

1. Cabinet notes the progress made by the Shared Service and BEP in implementing the 2011 Economic Strategy.
2. Cabinet notes the review of the 2011 Economic Strategy and that a refreshed Strategy will be presented to Cabinet in early 2014.
3. Cabinet endorses the continued work and approach of the Shared Service and BEP in seeking to achieve the ambitions of the Economic Strategy and related economic objectives of both Tamworth Borough Council and Lichfield District Council.

EXECUTIVE SUMMARY

The Shared Service in Economic Development has been operating since April 2009 in partnership with Lichfield District Council and covering both district areas. It is delivered by the Economic Development Team (part of the Councils Planning and Regeneration Service) and is governed by a Service Level Agreement between the 2 authorities. The main objectives of the service are to undertake activities and support policies that encourage sustainable local economic growth and to co-ordinate business support and engagement across the 2 districts.

The main vehicle for achieving the service's objectives is the Business and Economic Partnership (BEP), a group of public, private and voluntary organisations and businesses which was formed in 2009 immediately following the establishment of the Shared Service. The BEP was established in order to support and develop the local economy and to articulate the priorities, needs and economic significance of the Lichfield and Tamworth area, as well as to provide a conduit to co-ordinate business engagement across the 2 districts.

In addition, the Shared Service provides a mechanism for both councils to liaise closely on matters related to wider economic partnerships, and in particular the Southern Staffordshire Partnership (SSP) and both Local Enterprise Partnerships (LEPs) that cover the area, Greater Birmingham and Solihull LEP (GBSLEP) and Stoke and Staffordshire LEP (SSLEP). The Service also inputs into and influences key council policy areas related to economic development across both districts, such as Local Development Plans, Development Control (including planning applications requiring an economic perspective), regeneration initiatives, asset management, town centre management and tourism initiatives.

In order to provide strategic direction for all partners involved in the BEP, an Economic Strategy was developed in late 2011 with the direct support of the Shared Service. This strategy clearly articulates an ambition to support sustainable business growth and development and was put together following the extensive involvement all partners within the BEP and a wider consultation exercise with local businesses and partner organisations. The strategy was also endorsed by the Cabinets of both Tamworth Borough Council and Lichfield District Council.

The overall aim of the Strategy is to promote a stronger, more resilient local economy through sustainable business development and growth, which reflects both the urban and rural dimensions to the Tamworth and Lichfield area. The following economic vision was agreed:

“Building on the excellent location to live and work, communication links with the whole country and local skilled workforce, we will provide an environment that encourages and actively supports all new and existing businesses, with a view to developing areas of excellence.”

The 5 key themes identified as priority areas for action were

1. Supporting our businesses
2. Place promotion
3. Infrastructure to support business
4. Town centres
5. Workforce development

As part of the Shared Service monitoring processes, the Economic Development Team produces a Business Plan for the Service and meets with Lichfield District Council on a monthly basis to review progress to this plan, as well as to the wider Economic Strategy. In addition, each Summer, the team produces an Annual Report to summarise progress made over the previous financial year. The Annual Report of the Shared Service for 2012-2013 ‘Delivering the Goods’ is attached for information.

To summarise the Annual Report, over the past year there has been much more in the way of specific delivery of projects and initiatives, as well as the strategic influence of resources controlled by others. The delivery of these projects and initiatives has been grouped around 3 particular work streams:

1. **Business support**, encompassing how we respond to business enquiries, the various business support schemes we have delivered or contributed to and our work through Think Local 4 Business.
2. **Business engagement**, covering the support of the BEP, the emerging BEP communications strategy and tools, the Business Networks Forum and the business events we have staged.
3. **Shared strategic thinking**, which includes our contributions to and influence of the Southern Staffordshire Partnership (SSP), Local Enterprise Partnerships (LEPs), our joint work on how we market Tamworth and Lichfield as a place for business and contributions to the place agenda such as town teams and planning/development management.

The Shared Service Annual Report provides a lot more detail around the activities delivered within these 3 work streams. The resources that the BEP and Councils have at our disposal to support these work streams are also outlined. Finally, the Annual Report concludes by summarising how the BEP and Shared Service are continuing the progress made in implementing the Economic Strategy. In particular, this highlights how the BEP/Shared Service will continue to add value to what is already being delivered around the identified 3

key work streams of Business Support, Business Engagement and Shared Strategic Thinking.

It should also be noted that the BEP and Shared Service are currently reviewing the Economic Strategy with a view to publishing a refreshed document very early in the New Year. The refreshed Strategy will focus more on where the BEP and Shared Service can *add real value to what is already being delivered elsewhere*, rather than seeking to reflect or duplicate this activity and/or create additional complexity. The BEP will achieve this on 3 specific fronts: 1. **direct delivery** of activities; 2. **strategic influence** of other partnerships and activities; and 3. acting as a **communications conduit** for the business community. The refreshed Strategy will also articulate how the Shared Service and BEP will contribute to achieving the ambitions contained in the Tamworth Growth and Regeneration Plan, which is also being presented to Cabinet for endorsement at this time.

Overall, the Annual Report and progress made by the Shared Service and BEP represents an excellent example of how the Council is working effectively with Lichfield District Council in achieving shared objectives and ambitions through more effective use of combined council resources. In addition, the Shared Service and BEP have allowed both councils to coordinate views and exert greater influence in wider strategic partnerships, and in particular the Southern Staffordshire Partnership and both Local Enterprise Partnerships that cover the 2 district areas, namely Greater Birmingham and Solihull (GBSLEP) and Stoke on Trent and Staffordshire (SSLEP). This is becoming ever more important as LEPs are provided with greater financial and investment resources by Government, and in particular the management of European Structural and Investment Funds and the devolvement of government budgets through the Single Local Growth Fund.

RESOURCE IMPLICATIONS

Lichfield District Council pays Tamworth Borough Council an annual management fee of £22,220 to deliver the Shared Service, providing a direct mitigation of the costs of the Economic Development Service. In addition, Tamworth Borough Council and Lichfield District Council pool some economic development operational budgets within the Shared Service to facilitate the BEP and deliver activities around marketing, communications, business engagement and business networking events (amounting to £26,000 in total), which leads to some economies of scale in delivery, as well as scalability of impact.

The Shared Service and BEP seek to influence other partnerships' programmes and activities, and in particular the LEPs, who have co-ordinated funding to expand existing business support activities or instigate new programmes of activity. This has already leveraged in new funding sources into the LEPs and lead to the provision of new business support services for Tamworth and Lichfield based businesses that were hitherto not available to them, such as the GBSLEP Business Development Programme funded by the European Regional Development Fund, the Advanced Manufacturing Supply Chain Initiative and Green Bridge Initiative, both funded by the Regional Growth Fund

Although officially only part of one LEP (GBSLEP), Tamworth Borough Council does engage with both as it is in its interests to do so, both strategically and politically. Through the ever expanding activities and structures of the LEPs, this has placed ever increasing demands on officer time within the Shared Service, as well as from other officers and members across the council.

Supporting local economic growth will play a vital role in future income generation opportunities for the Council, such as business rates growth, new homes bonus and the general benefits of an increase in local spend.

The Shared Service and BEP will continue to identify and pursue direct income generation opportunities through the service's own activities, such as leveraging in European match funding/grants and advertising/sponsorship. For instance, so far the service has leveraged in £6,734 of ERDF match funding through its delivery of the GBSLEP Business Development

Programme. It is also anticipated that the delivery of a new portal style of website for the BEP (www.bep4business.co.uk) will provide some advertising and sponsorship income generation opportunities.

LEGAL/RISK IMPLICATIONS BACKGROUND

The main risks to the Shared Service/BEP and delivery of the Economic Strategy have been highlighted as follows, along with mitigation measures:

1. Either district council ceases to fund the Shared Service and BEP

Mitigation: Regular attendance and participation at BEP meetings, regular updates with Lichfield District Council.

2. Partner organisations lose commitment to the BEP

Mitigation: Continuous engagement of partners through the BEP Board, communication channels and through other less formal exchanges.

3. Shared Service/BEP loses influence with and confidence from other partnerships, in particular the LEPs

Mitigation: Continued participation in relevant Boards, Steering Groups and work streams, as well as less formal exchanges.

4. Shared Service/BEP loses influence with and confidence from the business community

Mitigation: Continuous business engagement through the Business Networks Forum to ensure business views are captured and acted upon. Development of comprehensive BEP communications strategy and allocation of resources to implement.

5. BEP Strategy fails to have desired impacts

Mitigation: Clear lines of accountability for the Strategy on the BEP Board. The BEP will continue to influence and engage with partners to ensure their activities work towards the stated objectives of the Strategy.

SUSTAINABILITY IMPLICATIONS

The objectives of the Shared Service and BEP are to promote inward investment, indigenous business growth and new business start ups on a sustainable basis so that the businesses and jobs thus created are around for the long term.

The creation of increased local job opportunities will decrease the need for out commuting and promote more sustainable forms of transport, such as walking, cycling, rail and buses.

Businesses will be encouraged to adopt more sustainable business practices, including product/process enhancements, waste management and energy consumption.

Through the creation of a local business network, businesses and public bodies will be encouraged to adopt more sustainable procurement practices, increasing business opportunities to local companies and reducing the transport impact of businesses.

Residents will be encouraged to use local facilities, such as shopping, thereby reducing travelling and the resultant environmental impact.

BACKGROUND INFORMATION

See above.

REPORT AUTHOR

James Roberts, Economic Development and Enterprise Manager

LIST OF BACKGROUND PAPERS

None

APPENDICES

1. Shared Service Annual Report for 2012/13 – Delivering the Goods.

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Delivering the Goods

ANNUAL REPORT 2012-2013



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Introduction

It has been another very busy year for the Shared Service, particularly as Local Enterprise Partnerships (LEPs) begin to further bed down and receive actual resources from Central Government and we continue to shape and position the Business and Economic Partnership (BEP) to provide a genuine role of adding value to the local economic development agenda.

Our theme in the previous year for the Shared Economic Development Service was very much one about 'setting the course', particularly in terms of adopting an Economic Strategy for the area and continuing to ensure that the LEPs take account of the economic needs of Tamworth and Lichfield District.

This year, both locally through the BEP and regionally through the Southern Staffordshire Partnership (SSP) and LEPs, we have begun to see much more in the way of specific delivery of projects and initiatives, and the strategic influence of resources controlled by others.

This agenda of delivery and strategic influence within the shared service has concentrated on three specific themes over the year:

- 1. Business support**, encompassing how we respond to business enquiries, the various business support schemes we have delivered or contributed to and our work through Think Local 4 Business.
- 2. Business engagement**, covering the support of the BEP, the emerging BEP communications strategy and tools, the Business Networks Forum and the business events we have staged.
- 3. Shared strategic thinking**, which includes our contributions to and influence of the SSP, LEPs, our joint work on how we market Tamworth and Lichfield as a place for business and contributions to the place agenda such as town teams and planning/development management.

This Annual Report will provide more detail around each of the above 3 themes and the associated work streams. The resources that we have at our disposal to support these themes is also outlined.

These 3 themes have continued to shape the work of the Shared Service as we have moved into 2013/14. In particular, we are seeing a more focussed role for the BEP emerging around the delivery of the revised Economic Strategy and the final section will outline the priorities and direction of travel.

1. Business Support

Business Enquiries

The service has continued to respond to business-related enquiries. There has been a greater diversity of enquiries, though the main focus has still been property and access to finance. Business support generally has seen an increased focus as has support towards subsidising National Non Domestic Rates. Although increases in enquiries have not been fully analysed, business support programmes such as Tamworth4Business and the Business Development Programme have definitely generated more interest.

Business Support Schemes

This year has seen great changes in the local provision of Business Support, on a local, regional and national basis. On the local front Tamworth Borough Council started running the Tamworth4Business service, a mini “business link” that offers start up support, workshops and strategic reviews for businesses based in Tamworth. This led to the Business and Economic Partnership influencing the Lichfield Strategic Partnership to set aside funding of circa £23,000 to run a similar service in Lichfield District but without as much emphasis on the start up support. This was tendered for, procured and then started in April 2013.

In addition to these services the shared service has taken part in two European Regional Development Fund (ERDF) programmes.

Business Development Programme, which started in Sept 2012, is a business grant and mentoring programme offered across the GBSLEP area. It offers grants of between £10,000 and £15,000 for 45% of a total eligible project to SMEs to fund relocation, building improvements and some marketing activities in order to stimulate jobs and ultimately economic growth.

The mentoring part of the fund Great 200 Leaders is subsidised coaching for 200 local SME business leaders. Both parts of this project run until March 2015. The project is managed and administered by Birmingham City Council with the shared service providing match funding in terms of staff hours. The shared service receives grant back of 50% of the total staff hours spent on the project.

Enterprise Start-up programme which started in Jan 2013 is a coaching and mentoring service across Southern Staffordshire, managed and administered by Solihull Metropolitan Borough Council. This service offers workshops, coaching and support to anyone thinking of starting a business or has recently started a business. This project runs until 2015 and is not match funded by shared service staff hours.

The shared service also supports and promotes any other business support that is offered locally.



Think Local 4 Business

Last Summer, following a review of TL4B and the adoption of a new Business Plan, it was decided to incorporate the initiative into a separate company limited by shares, with the district councils as Founder Shareholders. Tamworth Borough Council took a seat on the Board representing the interests of both districts, alongside East Staffordshire Borough Council and Stafford Borough Council and members of the private sector, one of whom took on the role of Project Director (Peter Farmer). All the assets of the initiative (the residual funds, the website, branding and business data) were transferred to the new company's ownership and it was hoped that the company would be able, through revenue raising such as advertising and sponsorship, to become financially self-sustaining within 2 years. Initially, the company was able to hugely increase the profile of TL4B through effective public relations and marketing, with company registrations rising from a base of 400 to nearly 1,200. However, it soon became apparent that there were major technical flaws with the website which would require significant investment to remedy, preferably through a site reconstruction. By the end of 2012/13, the Board was actively considering its options, with a view to a final decision on the future direction of TL4B being made by Summer 2013.

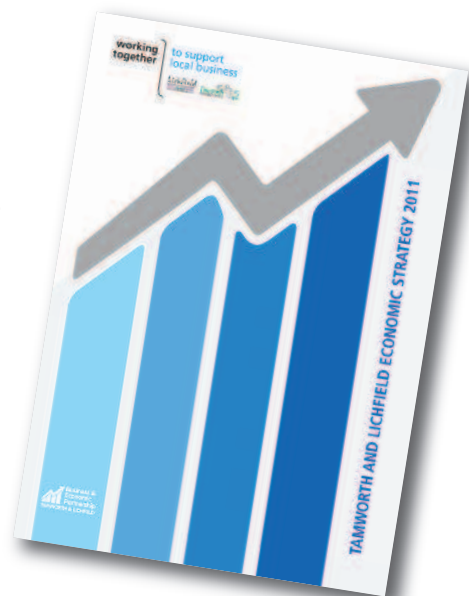


2. Business Engagement

BEP Board & Strategy

Following the revised Board structure adopted last year to reflect a LEP like balance of public-private sector representation, along with the adoption of the Economic Strategy and Board Champions for each of the themes of the strategy, the BEP this year has attempted to identify where it can add value to a complex array of partnerships and activities. The BEP has sought to identify this added value role on 3 specific fronts

1. **Direct delivery** of activities
2. **Strategic influence** of other partnerships and activities
3. A cross cutting theme of acting as a **communications conduit** for the business community to engage with and understand the often complex local economic development agenda.



The early part of the year saw the appointment of a new BEP Chair, with Peter Farmer standing down after 3 years as Chair due to his need to concentrate his efforts on his new role as TL4B Project Director. Deb Baker, who has actively contributed to the BEP and the former Lichfield Economic Forum, along with many other economic development initiatives over a period spanning more than a decade, has taken on the role and ably steered the BEP through this new phase of activity.

The need for the BEP to become more focussed on this role of 'adding value', rather than merely reflecting what is already being delivered elsewhere or adding to the complexity of the agenda, has led to a full review of the Economic Strategy with a clearer articulation of the role of the BEP. This largely reflects an acknowledgement that the initial strategy adopted last year was too broad in its scope. At the time of writing, a revised structure of the Strategy has been agreed and the content is being drafted. It is anticipated that the revised strategy will be published in early Autumn 2013.

In terms of where the BEP has added value across the 3 aspects highlighted above, the rest of the report provides specific examples. Particular highlights include the delivery of the new Tamworth 4 Business and Lichfield 4 Business support services, as well as the input into the Greater Birmingham and Solihull LEP's Strategy for Growth. In terms of the cross-cutting role as a communications conduit, alongside its usual role of producing the Business Brief newsletter and its engagement work through the Business Networks Forum, the BEP is also in the process of developing a new web portal and has become very active on social media.

Business Networks Forum

The Business Networks Forum has continued to develop well in the last year, still led by two local business people, Karen Nicholls from Roar Marketing and Tracy Pound from Maximity. The focus this year has been twofold: retaining Ambassadors from networking groups thus ensuring as many of the local groups as possible are represented and concentrating on specific themes and inviting people from the networking groups along who have an interest in that theme. The BNF continues to run successfully with minimal Council intervention.



Business Events

Extending the success of the first Pop-up show held in March 2012, a further show was held on September 26th at Drayton Manor. The second show had 33 exhibitors and generated a profit of £712.50, though attendance was not as strong as the previous show.

The biggest event of the year was the ThinkLocal4Business Show held at the newly opened FA Centre at St Georges Park in East Staffordshire. Over 700 people attended, with a variety of seminars and nearly 60 stands, making it one of the most successful shows of recent years.



3. Shared Strategic Thinking

Southern Staffordshire Partnership

Tamworth Borough Council and Lichfield District Council have represented themselves separately on the SSP, both at the Executive and Delivery Board groups. However, there has continued to be close collaboration between the districts on our policies and thinking through the SSP. In particular, the Shared Service has led on the development of the concept of 'Economic Gardening', which essentially means building up more sustainable local economic resilience through the active encouragement of indigenous enterprise and business growth, rather than an over reliance on inward investment. We are also collaborating closely on the development of the Enterprise Belt and its prospectus, which it is hoped will strategically influence both LEPs to encourage further investment in this important area.



Local Enterprise Partnerships

Although both councils have continued to be separately represented on the LEPs, with Lichfield members of both Greater Birmingham and Solihull (GBS) and Stoke and Staffordshire (S&S) and Tamworth members of just GBS, close collaboration on policy, approach and engagement has continued. Particular highlights include:

- Direct influence of the GBSLEP Strategy for Growth to reflect the economic priorities of Tamworth and Lichfield, with facilitation of responses by the BEP Board and Business Networks Forum. No other area of the GBSLEP provided such a comprehensive and integrated response mechanism, allowing our businesses to more fully comprehend the LEP and influence its strategy.
- Direct input into the Staffordshire Economic Consortium Growth Strategy, ensuring that Tamworth and Lichfield's economic priorities are adequately reflected within. This document is now acting as the base for the development of the S&S LEP's overall Growth Strategy.
- Delivery of the ERDF Business Development Programme, providing grants to businesses looking to grow, either creating new jobs or safeguarding existing jobs, as well as a business leadership programme.
- Delivery of the ERDF Enterprise Startup Programme.
- Input into the development of the GBSLEP Business Support Portal and S&SLEP Business Helpline to ensure that the support offer to Tamworth and Lichfield businesses is appropriately represented through both resources.
- Input into the GBSLEP Tourism Group and the development of proposals for more joint working across the LEP on the visitor economy and strategic marketing.
- Input into major strategic areas, such as the Place agenda (planning, transport, investment sites, connectivity etc) and skills (GBSLEP Employment and Skills Board).



Town Centres and Tourism

Town Centres: officers from the Shared Service have continued to provide representation to both Town Teams since the Portas Pilot applications, neither of which were successful, although Lichfield did secure High Street Innovation Fund status and both have formally adopted Town Team status. The Shared Service has provided input and support in terms of progressing how the High Street Innovation funding is spent, both through the Lichfield and Burntwood forums.

Tourism: Both councils have continued to be separately represented on both the Stoke and Staffordshire Destination Management Partnership and the GBSLEP Visitor Economy Group, but have maintained close liaison. In terms of the latter, both councils have been instrumental in progressing towards potential arrangements for closer working on the promotion of the visitor economy and strategic marketing of the GBSLEP through Marketing Birmingham.



Strategic Planning and Development Management

The shared service has continued to input into the development and submission of both councils Local Plans, assisted in late 2012 by the addition of a Planning Policy Economic Development Officer at Lichfield District Council. We have continued to support planning policy and development management activity by responding to consultations and supporting inward investment queries.

4. Resources

The Shared Service continues to be delivered through efficient management of tight resources. In terms of human resources these include:

- Economic Development and Enterprise Manager – Tamworth Borough Council)
- Senior Economic Development Officer – Tamworth Borough Council
- Planning Policy Officer (50% Economic Development) – Lichfield District Council

These resources are also managed through the more senior management at both Councils, including the Head of Planning and Regeneration at Tamworth Borough Council and the Development Executive at Lichfield District Council, along with more senior officers above as and when appropriate.

In terms of financial resources, both councils pool economic development budgets to fund activities delivered by the BEP and those activities that the councils deliver on a joint basis. In 2012/13 this amounted to £26,000.

In addition, some income generation opportunities have been pursued, these being the selling of advertising space in the Business Brief newsletter (around £1,000) and the selling of stand space at the Pop Up Shows (around £4,500). These have either fully or part-funded these particular activities and in the case of the latter, turned in a profit that the Shared Service has been able to reinvest in other activities.

In addition, as part of the ERDF Business Development Programme, officer time devoted to the project by the Shared Service has been accounted for as a match funding contribution, which will generate ERDF grant payments as claims are submitted. Our first claim is about to be submitted and for the period of September 2013 (the start of the programme) to end March 2013, this will amount to just over £4,000. These funds will also be used to contribute to additional activities through the BEP and Shared Service in 2013/14.

5. The Way Forward

The economic development agenda has always been complex and diverse, operating through an array of partnerships and organisations across a varying spectrum of spatial areas. Since the Coalition Government came into power on a ticket of localism, sweeping away most of the previous regional structures, this has arguably become even more the case. It has therefore proved a real challenge for areas like Tamworth and Lichfield to establish a clear role and remit for its limited economic development resources where it can add value, and in particular without spreading these resources too thinly and/or adding to the complexity and existing duplication. In addition, there is the backdrop of public sector funding cuts, with councils bearing the brunt of these, placing an ever tighter squeeze on resources that the councils have to invest into the economic development agenda.

That said, over the past 12 months, 3 clear themes for the Shared Service have emerged across which it is felt the service's activities can add real value, namely **business support, business engagement and shared strategic thinking**. In tandem, the BEP is currently developing a much more clearly focussed role through narrowing down its Economic Strategy to focus purely on areas where it can also genuinely make a difference, through either **direct delivery** of activities, **strategic influence** or acting as the main **communications conduit** for the business community.

With the above context in mind, the Shared Service and BEP has identified some clear early priorities across the above 3 themes, namely:

Business Support:

- Develop sustainable services to follow the Tamworth 4 Business and Lichfield 4 Business services so that we can continue to provide locally available face to face business support from 2014 onwards.
- Continue to deliver the ERDF Business Development and Enterprise programmes and influence the LEPs to provide similar EU funded services post 2014.
- Continue to support LEP wide initiatives to better coordinate information on business support and access to finance, but also provide a local coordination and access point through the BEP.
- To actively support any business enquiries received into the service around start-up, business growth and development, including enquiries for inward investment and indigenous business growth.
- To ensure that council services interfacing with businesses are more accessible, joined up and coordinated.

Business Engagement:

- To continue to support the BEP Board to finalise the revised and refocused Economic Strategy and ensure that the BEP role is more clearly defined.
- To develop a clear BEP communications and engagement strategy and develop appropriate tools and mechanisms, including building on existing resources such as Business eBrief and the Business Networks Forum, but also to develop new ones where appropriate, such as the BEP portal and social media resources.
- To continue to deliver a programme of quality business events, such as the Think Local 4 Business Show, popup shows and other themed business events.
- To continue to foster good working relationships with the main business representative organisations, such as the Chamber of Commerce and Federation of Small Businesses.
- To deliver a programme of Strategic Business Engagement to fully engage with the largest and strategically most important businesses across both districts. Opportunities for BEP Board succession planning will also be explored through this route.

Shared Strategic Thinking:

- To develop a comprehensive Business Place Marketing Strategy, setting out how to best promote Tamworth and Lichfield as places for business, how it will interface and work with other place marketing partnerships and initiatives and the resources and tools required to implement it.
- To continue to support and work with the Southern Staffordshire Partnership on the development of an Enterprise Belt prospectus.
- To continue to support and influence the LEPs in order to ensure that Tamworth and Lichfield's economic priorities are suitably reflected and that opportunities to leverage in funding and investment are pursued.

Looking ahead, the Shared Service needs to be mindful of its role playing into the local growth agenda and the direct role that this will have in terms of general income generation for the councils through localised business rates, new homes bonus and general income generation through increased economic activity. Complementing this, the Shared Service and BEP will also continue to identify and pursue direct income generation opportunities through the service's own activities (e.g. ERDF match funding, advertising, sponsorship etc.) in order to either part fund existing activities or help fund new ones.

In addition to this, the Shared Service will be looking at a range of performance measures and indicators that it can monitor and use to determine the impact of the service on the local economy. Some of these will indicate a direct impact, such as where specific funding schemes or programmes deliver measurable impacts, for example Business Development grants generating specific jobs or advice and guidance directly supporting an inward investment or business growth opportunity. However, some will remain more generic in nature indicating a direction of travel for the local economy where a range of factors, including shared service interventions, will have contributed to the result.

6. Further Information

I trust that this report will provide sufficient information to allow members and officers from both districts to be aware of the progress of the Shared Service over the previous financial year but if anyone has any further information requirements, please do get in touch.



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28th November 2013

REPORT OF THE PORTFOLIO HOLDER FOR THE ECONOMY AND EDUCATION**Think Local Limited: Ceasing of Trading****EXEMPT INFORMATION****PURPOSE**

To inform Cabinet of a Board decision by Think Local Ltd. to voluntarily dissolve the company and transfer the assets back to Tamworth Borough Council, and to seek authorisation to establish a dormant limited company in Tamworth Borough Council's ownership in order to preserve and protect the trading name 'Think Local Limited'.

RECOMMENDATIONS

1. That Cabinet endorses the decisions of the Board of Think Local Limited and authorises the Director Communities, Planning and Partnerships in conjunction with the Portfolio Holder Economy and Education to establish the dormant company as soon as practically possible.

EXECUTIVE SUMMARY

Think Local Ltd was set up in July 2012 as a company limited by shares, with five local authority founder shareholders taking shares in the company and three agreeing to take up the Director positions on the Board, alongside two private sector non-executive directors. TBC is both a founder shareholder and corporate director.

The main product of Think Local Ltd is the Think Local 4 Business web portal. It had been reasonably successful in attracting over 1,200 businesses to register. However, unanticipated technical issues with the site forced a complete re-evaluation of the platform and a total site re-design was required requiring a significant level of investment. This would have cost at least £15k to invest in a new site, which would have used up the remaining reserves of the company and left no funds to cover marketing and promotion or the day to day running costs of the business.

The problems with the website halted any progression in terms of income generation and the company was in effect 'living off' its legacy reserves transferred by the five founder shareholders. The problems were compounded by the fact that activity on the site was extremely limited and many of the businesses that originally registered have not returned to the site.

The Board and founder shareholders considered a number of options and decided that the company should be voluntarily closed/dissolved. This decision was taken on the basis that that the company had no reasonable prospect of generating revenue in the near future give that its main product (the website) needed to be completely re-designed and there was no investment forthcoming from either the founder shareholders or external investors to cover the cost of this work. Even if the site had been completely re-designed or the existing site upgraded, there was no guarantee of any return on this investment which meant that the logical conclusion is to close the company. This was put to the Think Local Ltd Board at its meeting on Friday 5th July and a resolution was passed to begin the formal dissolution

proceedings. In addition, it was agreed that the website would be closed down.

The company has therefore effectively ceased to trade since that date and will be undertaking a reduction of capital to effectively reduce the shares down to zero through a Statement of Solvency and Special Resolution of the Shareholders. This will take place at a final company Board meeting set for 3rd December. This also means that any remaining cash in the business will be returnable to the shareholders as a return of capital in proportion to the percentage of shares held. In the case of Tamworth Borough Council, this is estimated to amount to around £1,835, representing a 16% shareholding (exact figure still unknown due to final dissolution costs being uncertain at this time). Lichfield District Council will receive an identical amount, which will be returned to Tamworth Borough Council as the delivery authority for the Economic Development Shared Service.

In terms of the company's non cash assets, it was agreed at the company's Board meeting of 9th September 2013 that the business data, website domain names, trading name 'Think Local 4 Business', the associated trademark/branding/logos and the company name 'Think Local Ltd.' would be transferred back to the ownership of Tamworth Borough Council for the consideration of £500. This was agreed having given due consideration to the value and marketability of these assets and the costs that would be associated with marketing the assets more widely relative to their value.

Tamworth Borough Council is best placed to redistribute the relevant portions of the business data to each of the Founder Shareholders and to act as the 'custodian' of the branding assets, such that each Founder Shareholder could use these for their own relevant local initiatives. For instance, The Think Local 4 Business Show has continued using this branding and is being supported by TBC alongside East Staffordshire Borough Council irrespective of the closure of Think Local Ltd.

In terms of the company name, Think Local Ltd., the Board deemed that this was worth preserving to prevent competing initiatives from using it and to allow for the possibility of resurrecting it in the future for similar types of activities or programmes. For Tamworth Borough Council to hold and preserve this, a separate limited company will need to be established under the ownership of the Council. This will require a new limited company to be formed, which would then take the name of the company (with the current company changing its name just prior to dissolution).

The establishment of Think Local Limited to take over the running of an activity that had hitherto been run by a 'partnership of the willing' between local authorities represented a bold step somewhat into the unknown. This was designed to make the running of the initiative much easier and efficient, and at the same time remove the need for the local authorities to commit further cash to 'prop up' the project and allow it to raise its own income. In addition, there was very little risk associated with the venture, given the undertakings to ensure the solvency of the business, which have been adhered to at all times.

Whilst it is regrettable that the business has not proved to be viable, at the same time we have learnt much about the process of setting up a business to run a discreet activity, which can only stand us in good stead as an organisation should we decide to pursue a similar kind of structure in the future.

Finally, it should be noted that the overall principles of Think Local 4 Business of encouraging business to business networking and sustainable procurement practices will continue to be actively promoted by Tamworth Borough Council and Lichfield District Council via the Shared Service in Economic Development, and in particular through the Business and Economic Partnership (BEP). In addition, the return of some cash reserves to TBC & LDC will provide additional resources to invest in the BEP's facilities to promote business networking and sustainable procurement, in particular the new portal style website that has just been launched (www.bep4business.co.uk). The local authorities within Think Local 4 Business will continue to work together to promote Think Local 4 Business principles wherever possible, and in particular via the Local Enterprise Partnerships, where initiatives to

encourage the better joining up of business engagement and support initiatives are currently underway or being formulated.

RESOURCE IMPLICATIONS

The reduction to zero and return of capital will bring about a return of approximately £3,670 in cash back to Economic Development Shared Service, which will represent a welcome boost to the service's activities to support business networking and engagement via the BEP. This additional monetary resource has been earmarked to spend on the acquisition of business data to allow greater intelligence gathering on local businesses and more targeted business engagement, as well as enhancements to the new BEP website.

Tamworth Borough Council's ongoing obligations in maintaining Think Local Ltd. as a dormant company are minimal and can be easily achieved through the resources of the existing Economic Development service.

LEGAL/RISK IMPLICATIONS BACKGROUND

Following the Company Board meeting on 3rd December, where the Statement of Solvency Special Resolution to reduce the capital to zero and company name change will be passed and signed off, a period of 3 months will need to pass before the company can be struck off the register at Companies House. During this time, Tamworth Borough Council will be able to establish the new limited company, which will adopt the name 'Think Local Limited.

The new limited company will not trade and remain dormant for so long as the Council so requires, representing zero risk to the Council. There will be 1 share in the company in the name of Tamworth Borough Council, with an Officer or Member designated as the sole Director. Set up costs will be minimal (around £100) with ongoing obligations and costs equally minimal. The latter will just involve the submission of an Annual Return and dormant company accounts showing zero trading and a balance sheet with 1 share.

The Council will hold the trademark/branding assets on behalf of the other Founder Shareholders, these being Lichfield District Council, East Staffordshire Borough Council, Stafford Borough Council and South Staffordshire Council. Each of these councils will be able to use the trademark/branding/logos for any local initiatives in the areas of business support, business engagement, business networking and sustainable procurement practices. A simple agreement will be drawn up to govern the use of these assets. In addition, Tamworth Borough Council will apply a one off charge of £100 to each council to cover the costs of acquiring the assets.

SUSTAINABILITY IMPLICATIONS

None

BACKGROUND INFORMATION

As above.

REPORT AUTHOR

James Roberts, Economic Development and Enterprise Manager

LIST OF BACKGROUND PAPERS

None

APPENDICES

None

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28TH November 2013**REPORT OF THE PORTFOLIO HOLDER FOR PUBLIC HOUSING AND
VULNERABLE PEOPLE****IMPROVEMENT WORKS TO PRIVATE SECTOR HOUSING****EXEMPT INFORMATION**

None confidential

PURPOSE**It is recommended that Members:**

To approve the utilisation of existing Council resources to undertake works in default and provide loans to remedy urgent repair issues in private sector homes

RECOMMENDATIONS

Approve the proposal to release the £130,000 held in the 'Coalfields' Capital Contingency Funds and utilise them to carry out works in default and provide loans to remedy urgent repair issues in private sector homes in line with the Council's existing Enforcement Policy and Financial Assistance Policy.

EXECUTIVE SUMMARY

The withdrawal of government grant assistance to both the Local Authority and individual residents over recent years has meant some home owners are unable to carry out emergency repairs on their homes. Where owner occupiers do not qualify for a loan from other sources, such as a bank, they are left with no option but to live in poor and sometimes dangerous conditions. In these circumstances officers often have no option but to serve a prohibition order on their homes. The Council has a duty to house anyone whose home is subject to a prohibition order. An increasing number of cases are arising where owner occupiers are unable to undertake works to their homes and as a result the Council is forced to provide a range of support including re-housing.

By providing loans the Council is able to ensure vulnerable owner occupiers will be able to continue living in their home safely and therefore reduce the need for the Council to provide alternative support. This also contributes to the preservation of the private sector housing stock and reductions in the need to re-house occupiers in the social sector where prohibition orders have been made.

The utilisation of Coalfields resources to carry out works in default and provide loans to remedy urgent issues will enable the Council to deliver value for money solutions by ensuring cases are concluded quickly and successfully for all parties concerned. Enquiries received from residents over the last two years plus enforcement activity that has resulted in works in default needing to be undertaken suggest the potential number of cases that would need to be considered for assistance will be in the range of 30 – 40 per annum.

In accordance with policy the Council would make available additional support where there is an urgent need and the resident is unable to finance the works themselves. Loans would be secured against the property.

In its enforcement role the Council investigates reports of poor repair conditions in private rented properties. Where there is a requirement for enforcement action to be undertaken the landlord will be required to undertake the works. There are occasions where landlords either fail to undertake the works or it is not possible to quickly identify or contact the landlord concerned. In these cases if the risk is severe this can lead to the Council issuing a prohibition order on the property. This leads to the Council having a direct responsibility to re-house the tenants. The use of Works in Default enables the Council to undertake the necessary repair to make the property safe and recharge the landlord for the cost. In many circumstances this provides a value for money solution as the Council is therefore not obliged to provide alternative support to the tenants.

RESOURCE IMPLICATIONS

The Council secured funding for private sector housing renewal following involvement with a sub-regional research project that explored the implications for housing following the demise of the coal mining industry. These funds were provided with restrictions to ensure they were utilised to facilitate housing projects that would bring about housing renewal and regeneration locally and have since been used to provide Capital funding for such schemes.

Cabinet has previously agreed the use of coalfields funding to support work on bringing empty homes back into use. These current proposals would deploy Coalfields resources held in a contingency fund to enable works in default to be undertaken and to provide loans to remedy urgent repair issues. A total of £130,000 is available within the contingency fund to be used for these purposes. Resources received by the Council resulting from re-payment of loans will be added to the General Capital Reserve and be available for future use in line with identified priorities.

In addition to this money, Tamworth Borough Council has just over £92,600 invested in equity loans in six properties in Tamworth as a result of the regional Kickstart scheme to assist vulnerable homeowners for loans for disrepair. However, this scheme closed in 2012. The money is repayable to Tamworth Borough Council upon death or transfer of the property and is secured by a charge. It is envisaged should any money be returned to the Council from any loans being repaid will be added to the General Capital Reserve and be available for future use in line with identified priorities.

The provision of loans will be made in line with the Council's Financial Assistance

Policy. Any necessary changes resulting from provision of loans that become apparent will be incorporated within the planned review of the Financial Assistance Policy.

Given that the resources available will be limited, loans will be utilised in circumstances that both offer the best value for money outcome for the Council and where the health and safety of residents is compromised if urgent repairs are not undertaken in good time. Where enforcement powers are used for the improvement of homes charges will be applied for the time and other costs of taking that action.

Given competing priorities for the allocation of funds in the future, it will be necessary to explore options for future funding of this activity given demand for assistance is likely to grow as the housing stock in Tamworth gets older. Exploration of options for the future will include the potential to use Homelessness Prevention Grant to fund works where appropriate.

The proposed use of these funds is consistent with the intended use of these resources for housing renewal purposes.

Additionally, the use of these resources as outlined above may result in savings to the Council as a consequence of no longer requiring the additional work generated for Council staff to advise and explore alternative housing options to re-house those residents affected. A reduction in hospital admissions or the need for medical assistance arising from poor housing conditions may also reduce pressures on health services and assist in conserving resources.

LEGAL/RISK IMPLICATIONS BACKGROUND

Approval of the proposed use of Coalfields funding for housing repairs will further empower officers in tackling poor housing conditions within the Borough and meet the duties imposed on the Council by legislation. The utilisation of these funds to enable the full use of the powers provided by legislation will also ensure that the health and safety of occupants can be further protected.

The provision of loans for emergency repairs may reduce the need for officers to use prohibition orders that consequently create a homeless household and an empty property.

Non-compliant, absent and poor landlords may suffer greater financial loss when they disregard their duty to carry out repairs on their properties and risk the health and safety of their tenants.

Should the Council not utilise the available resources for the above purposes, there is a risk that the Council will contravene its legislative responsibilities and be exposed to greater risk of legal challenge with all the negative publicity and drain on resources that would entail

SUSTAINABILITY IMPLICATIONS

Making resources available for works in default and the provision of Emergency Repair Loans will assist in maintaining the housing stock in the Borough and in some instance enhance the quality of the environment and neighbourhoods.

Additionally, funding and undertaking housing improvement works will contribute to improved health, educational and economic outcomes for local residents and towards the delivery of key priorities identified by the Tamworth Strategic Partnership and adopted by Tamworth Borough Council.

Making improvement works available to owner occupiers will also support the delivery of the Council's Healthier Housing Strategy and contribute to improved health outcomes for residents, link to other projects such as the Hospital to Home project being developed with CCG / health colleagues and further demonstrate to partners the central role housing related activity can play in preventing accidents, ill health and mental distress.

The legislation that gives local authorities the power to loan money for housing repairs stipulates that the local authority must ensure that the applicant can afford to repay the loan. The Council's approach will be compliant with the relevant legislation and the Council's Corporate Debt Policy.

The effective utilisation of legislation within the context of existing Council policies will enable monies to be recovered from loan applicants where enforced works are carried out. This will assist in the long term sustainability of the scheme should a decision in the future be taken to continue to direct recovered monies for housing renewal purposes.

BACKGROUND INFORMATION

In February 2013 Cabinet approved the Private Sector Housing Enforcement Policy. The policy sets out the range of legislative powers available to the Council for the purpose of enforcing housing standards across the Borough. One of the options available to authorised officers is the power to carry out works in default.

Works in default can be carried out by the Council where the recipient of a formal notice fails to comply with that notice. Usually a formal notice would be served on a person such as a landlord to compel them to carry out a repair or make an improvement to their rented property. A notice is served as a result of a housing assessment that identifies hazards and scores the health risks of the hazard to the occupier. Where the health and safety remains compromised due to the non compliance of a notice it would become necessary for the works to be carried out to ensure the safety of the occupants. Currently very limited funds are available to undertake such works. The money that is spent carrying out works on behalf of an owner can be secured or recovered by using legislative powers provided within the range of acts utilised, such as the Housing Act 2004 and the Environmental Protection Act 1990.

Government funding to deliver Home Repair Assistance Grants and the regional Kickstart scheme are no longer available to assist residents. Consequently, the absence of assistance has meant some home owners are unable to carry out emergency repairs on their homes. The proposals put forward in this report to utilise available resources in line with the Financial Assistance Policy will therefore offer a solution to those owners who may require assistance.

Additionally, by carrying out the required works at identified properties, the health, wellbeing and independence of residents will be maintained and enhanced. Admissions into hospital as a result of accidents due to disrepair may also be

reduced, saving the NHS bed spaces and resources. This is consistent with the approach being developed by the Council in partnership with the CCG and other health colleagues. The use of loans will also result in less pressure being placed on the available housing stock in Tamworth as a result of a prohibition order being made. The provision of loans will also make a valuable contribution in ensuring the housing stock in Tamworth is maintained to a decent level

REPORT AUTHOR

Steve Pointon, Head of Strategic Housing Services

LIST OF BACKGROUND PAPERS

APPENDICES

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28 November 2013

**REPORT OF THE PORTFOLIO HOLDER FOR PUBLIC HOUSING &
VULNERABLE PEOPLE****THE INSTALLATION OF MAINS GAS TO BELGRAVE****EXEMPT INFORMATION**

None

PURPOSE

To seek approval for the Council to support Affordable Warmth Solutions to install mains gas in a defined area of Belgrave Tamworth

RECOMMENDATIONS

Cabinet are recommended to:

1. Support a programme to install mains gas and related works to an area of Belgrave working in partnership with Affordable Warmth Solutions
2. That subject to the outcome of the consultation with tenants and residents the installation of gas central heating systems in Council homes within the area is approved as part of the Council's overall Housing Investment Programme.

EXECUTIVE SUMMARY

Of the 31,637 households in Tamworth, 3,159 fall into the definition of fuel poverty or 10% of the homes within the Borough. This is the lowest level of households in fuel poverty in Staffordshire.

National Grid is tackling some of the issues caused by increasing energy prices and is committed to tackling Fuel Poverty in the UK. The National Grid led Community Interest Company (CIC), Affordable Warmth Solutions (AWS), is intending to invest millions of pounds nationally in a programme to support the installation of new gas connections where homes are not connected to a mains gas supply. In addition they will be installing gas heating systems and other energy efficiency measures to assist homes in the 20% most deprived areas in its gas distribution network area.

Belgrave in Tamworth is an area that has been identified as being in one of these most deprived areas, and there are 278 homes across a number of streets within the area that have been identified as having no gas mains and therefore homes that do not have a gas supply to them and it is therefore proposed to undertake a large scale project to deliver a mains gas supply to the area and provide each home with a gas supply in this part of Belgrave. These connections will be capped off in preparation for heating systems to be installed.

If the project is approved by Cabinet then Affordable Warmth Solutions will seek approval from their board to develop a package which will deliver free heating installations to all of the homeowners and private rented tenants in the identified area

of Belgrave. AWS have money ring fenced for these works in Tamworth and are waiting for the outcome of this report and will then commit this money to the project prior to any consultation being undertaken with tenants and residents.

In order to support the proposal Tamworth Borough Council are required to commit to install a gas supply to all Council owned stock in the area and gas central heating into at least 80% of Council homes in the affected area within 12 months of the mains installation being complete, but with the costs being spread over two financial years for the Council.

The programme will have considerable benefits to residents and directly supports the Council's corporate objectives. Residents will benefit from more affordable, more energy efficient heating, thus continuing the Council's excellent performance on tackling fuel poverty, ensuring Tamworth continues to have low levels of fuel poverty and working to improve health outcomes in the Borough.

Undertaking this project will also help to meet the targets set out in the Council's Home Energy Conservation Act plan submitted to the Department of Energy and Climate Change (DECC), which sets out the Council's energy conservation measures that should result in significant improvement in the energy efficiency of residential accommodation in the area. The Council will be expected to report on the progress against the priorities identified within this plan to DECC in 2015 and this is a key project identified for delivery within this.

RESOURCE IMPLICATIONS

As stated above in order to ensure the delivery of this project the Council will be required to commit to the installation of gas central heating systems in a minimum of 80% of Council owned properties within the area, within 12 months of the mains gas being installed.

There are currently around 160 Council homes in the affected area. To strip out the existing electric systems in each of these homes would cost approximately £250 per property amounting to £40,000 for the 160 properties and to install new Gas Central Heating Systems in these properties would cost £3,400 per system so based on this if the Council were to install gas fired systems in 100% of these properties this would require £544,000 of investment. To deliver the 80% minimum will require an investment of £467,200 (Based on average costs from the National Housing Federation)

Once installed there would then be the ongoing costs attached to servicing and maintenance of the heating systems. This amounts to £90.00 per year per property. This would therefore total £14,400 per year.

The current heating systems in these properties are electric storage heaters and would have been replaced as required. However over the expected life of the Gas Central Heating Systems which is around 20 years it is anticipated that all of the heating systems in the homes in this area would have required updating or repairing at a cost of approximately £2,800 per system. This combined with the cost treating damp related issues due to poor heating etc, more energy efficient fuels for those that live in the area, the health benefits and the improvements to the stock should offset the costs of installing the gas and the ongoing maintenance of the systems.

Additionally anecdotal feedback from the Housing Officers who cover the area

suggest that each winter the Council receives a number of calls from the tenants of these properties asking if they are able to have their electric heating replaced with gas which suggests a demand for this type of heating in the area.

The cost of installing the heating systems would be met through the Council’s overall Housing investment programme and delivered through the existing Housing Gas Contract.

The private sector offer will be fully managed by Affordable Warmth Solutions at no cost to the Council.

AWS will, in consultation with the Council manage communications and consultation with residents including dealing with all enquiries relating to the gas mains installation works.

LEGAL/RISK IMPLICATIONS

Risks	Controls
Project slips due to unavoidable delays due to dependency on others	Project timetable to be put in place and closely monitored with regular meetings and updates with all partners involved
Other private residents not receiving free installation of gas central heating will be discontented	This is a risk for AWS rather than the Council. The Council is not making this offer and this is not a matter over which we have control. The Council will however continue to seek to maximise the energy efficiency benefits arising for residents within Tamworth from all available sources.
Mains Gas is installed with connections to householders and householders in the area say no to having heating installed	A full programme of consultation, door knocking and communications will be undertaken prior to any work being undertaken on the project which will determine whether tenants and residents would like the gas and heating installed in their homes
Issues arise with highways	AWS discuss the project with Highways at an early stage, as if there will be any issues arise then these will be addressed prior to any major investment in the project by AWS
Free heating is not guaranteed for Homeowners	AWS upon receipt of approval from the Council will present a paper to their board, who have money currently ringfenced to deliver the Tamworth project and will know this information prior to any consultation being undertaken and tenants and residents
Financial Resources are not available to deliver the project	Over the life expectancy of the gas systems there is an expectation that a number of the electric systems in the area would have to be replaced or repaired and additionally where there is

	electric heating and there is a gas supply the electric heating would be swapped for a gas system
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Background

Under the new Low Income High Cost Indicator (the new way of measuring fuel poverty recently introduced as recommended by Professor Hills following his review) there are around 2.39 million households in fuel poverty nationally. This means that 2.39 million households have above average fuel costs and if they spent this money on fuel they would be left with a residual income below the official poverty line. This figure has reduced nationally, largely due to energy efficiency measures installed in homes.

Locally in Tamworth, of the 31,637 households, 3,159 fall into this definition of fuel poverty or 10% of the population of the Borough. This is the lowest level of households in fuel poverty in Staffordshire.

National Grid is tackling some of the issues caused by increasing energy prices and is committed to tackling Fuel Poverty in the UK. The National Grid led Community Interest Company (CIC), Affordable Warmth Solutions (AWS), will invest millions of pounds in a programme to support the installation of new gas connections where homes are not connected to a mains gas supply, gas heating systems and other energy efficiency measures to assist homes in the 20% most deprived areas in its gas distribution network area.

Belgrave in Tamworth is an area that has been identified as being in one of these most deprived areas, where there are no gas mains and it is therefore proposed to undertake a large scale project to install mains gas to the following streets in Belgrave:

Honeybourne B77 2JQ
Hayle B77 2JR
Irwell B77 2JJ
Kennett B77 2JP
Medina B77 2JL
Medway B77 2JW
Tarrant B77 2NR

Once the mains gas is installed then each house will be connected to this mains supply and the supply capped off in preparation for the heating systems to be installed. Affordable Warmth Solutions are also currently putting together a package which will look to deliver free heating to all of the homeowners and private rented tenants in the area with Tamworth Borough Council committing to install heating into 80% of our properties within 12 months of the mains installation being complete. Affordable Warmth Solutions have been selected to deliver this project as they are the only company able to issue a fuel poverty voucher which pays for the individual gas supplies connecting the householder to the mains gas. This will be at nil cost to the householder.

The project will help those who live in the area to benefit from more affordable, more energy efficient heating, thus continuing the Councils excellent performance on tackling fuel poverty and working to improve health outcomes in the Borough.

Undertaking this project will also help to meet the targets set out in the Councils

Home Energy Conservation Act plan submitted to Department for Energy Climate Change, which sets out the Councils energy conservation measures that should result in significant improvement in the energy efficiency of residential accommodation in the area. The Council will be expected to report on the progress against the priorities identified within this plan to DECC in 2015 and this is a key project identified for delivery within this.

If approved at Cabinet then this project will only go ahead following extensive consultation with the tenants and residents in the area to ensure that householders in the area would like a gas supply to their house and heating installed, as beyond this AWS then begin to incur major costs in the design of the project, road closures and the installation of the gas

SUSTAINABILITY IMPLICATIONS

Investment in improving the housing stock, and tackling fuel poverty directly contributes to the Councils Vision and Corporate Priorities

This ensures:

For Tamworth the people

- Improved living conditions leading to warmer and healthier homes
- Savings on energy use contributing to a reduction in fuel poverty
- Householders making a positive contribution to the environment.

For Tamworth the place:

- Warmer homes leading to better health.
- Fewer harmful emissions mean better air quality on a local, regional and global scale.
- Sustainable for future generations.
- Improved insulation and heating systems resulting in less energy demand.
- Home energy efficiency ratings (Standardised Assessment Procedure - SAP) are improved.
- The project will contribute to meeting targets set out in the Councils Home Energy Conservation Act plan.

Aspire & Prosper:

More efficient heating will lead to people having more income to spend in Tamworth

Healthier & Safer:

Warmer, more energy efficient homes will make people healthier

MATTERS FOR CONSIDERATION

Tamworth Borough Council is committing to have mains gas installed to 100% of their properties within the area identified in Belgrave and within 12 months of the mains gas being installed ensuring that 80% of Council owned properties have gas central heating systems installed in them. The costs of installing this heating into the Council Properties will however be spread across two financial years to allow the council to cover the costs of this from within two years budgets.

The Council will not be responsible for any costs associated with the project. If there are any damages as a result of works undertaken as part of the programme then AWS will repair or replace like for like.

The Council will have to sign a nil charge contract as part of the process which will set out the Councils authorisation for AWS to access the Councils land

This is an opportunity for the Council to support the delivery of :

Warmer homes and better health for residents and tenants of the Borough
Continued reduction of fuel poverty in Tamworth
Investment and improvements in the housing stock of Tamworth
Positive contributions to the environment

REPORT AUTHOR

Claire Keeling

LIST OF BACKGROUND PAPERS

APPENDICES

28th NOVEMBER 2013**REPORT OF THE PORTFOLIO HOLDER FOR
ENVIRONMENT & WASTE MANAGEMENT****FEES AND CHARGES – ENVIRONMENTAL MANAGEMENT****EXEMPT INFORMATION**

No

PURPOSE

To inform members of proposed fee increases applicable to the cemetery and sports pitch Services.

RECOMMENDATIONS

Members are asked to:

- 1 approve the initial increase in Cemetery fees from the 1st January 2014
- 2 approve annual increases in Cemetery fees by RPI commencing on 1st April 2015, with a full review of fees every three years.
- 3 approve the ongoing annual increase in Sports Pitch fees by RPI on 1st April 2014, with a full review every three years.

EXECUTIVE SUMMARY

A full review of both Cemetery and Sports Pitch fees has been carried out, comparing other local authority providers, the findings are summarised respectively in Appendix 1 and 2.

RESOURCE IMPLICATIONS

There will be an increase in revenue from the increase in fees provided that the current usage levels remain constant or increase, there are no other financial implications to this report.

RISK IMPLICATIONS BACKGROUND

There is a risk that by increasing the fees for both Cemeteries and Sport Pitches that customers will deter from using the service.

This has been mitigated by researching other providers and increasing fees to remain competitive but not over priced.

SUSTAINABILITY IMPLICATIONS**BACKGROUND INFORMATION**

Cemetery fees were last increased in December 2010 having previously not been increased since 2005. To ensure the fees still offer our residents value for money, a full comparison of other Local Authority Cemetery Fees and Charges has been undertaken to demonstrate the proposed increases reflect regional influences. This is attached in Appendix 1 together with the proposed increased cemetery fees.

Sports Pitch fees have not been increased for 5 years. Appendix 2 shows proposed increased fees and local comparisons for pitch hire. Given sports activity is a vital part of our emerging health agenda it is recommended that fees are only increased in line with the retail price index to reflect the increase in the Councils direct costs.

REPORT AUTHOR

Sarah McGrandle – Head of Environmental Management x349

LIST OF BACKGROUND PAPERS

APPENDICES

Appendix 1 – Proposed Cemetery Fees and Local Comparisons

Appendix 2 – Proposed Sports Pitch Fees and Local Comparisons

FEES AND CHARGES

Appendix 1

Effective from 1st January 2014

Fees and Charges	
Exclusive rights of burial (50 years) Full Grave (including memorial)	£750
Exclusive rights of burial (50 years) Half Grave (including memorial)	£600
Burial of a child (up to 16 inclusive)	Free
Single depth grave digging fees	£400
Double depth grave digging fees	£500
Treble depth grave digging fees	£750
Additional cost for large American style caskets	£75
Burial of ashes	£150
Scattering of ashes (within a grave)	£75
Permission to place memorial (existing grave owner)	£150
Permission to place tablet or vase (existing grave owner)	£75
Permission for additional inscriptions to existing memorial	£60
Admin charge pre purchase	£50
Admin charge transfer of ownership	£50
Statutory declaration	£50
Renunciation Charge per additional person	£10
Memorial bench plaque space for 5 years- renewable	£250
Memorial plaque space around memorial tree for 5 yrs - renewable	£250
Search fee per grave	£15
Location fee per grave	£15
Exhumation Administration fee	£250

FEES AND CHARGES – Sports Pitches

Appendix 2

Proposed Fees and Charges		
Anker Valley (with Changing)	Adult U11 & 12 Jnr	£464 £299 £361
Other Pitches (with Changing)	Adult U11 & 12 Jnr	£412 £299 £299
Other Pitches (without Changing)	Adult Jnr	£335 £247
Friendly in Season Anker Valley (with Changing)	Adult Jnr	£50 £31
Friendly - Other Pitch (No Changing)	Adult Jnr	£41 £31
Small Sided Pitches	Jnr only	£144

Fees and Charges		Current	Proposed 1 April 2014	Lichfield	Solihull	North Wark
Anker Valley (with Changing)	Adult U11 & 12 Jnr	£450 £290 £350	£464 £299 £361	£580 Adult	£500 Adult	£400 Adult £205 Junior
Other Pitches (with Changing)	Adult U11 & 12 Jnr	£400 £290 £290	£412 £299 £299			
Other Pitches (without Changing)	Adult Jnr	£325 £240	£335 £247	£395 Adult	£308 Adult £136 Junior	£400 Adult £205 Junior
Friendly in Season Anker Valley (with Changing)	Adult Jnr	£48 £30	£50 £31			
Friendly - Other Pitch (No changing)	Adult Jnr	£40 £30	£41 £31			
Small sided Pitches	Jnr only	£140	£144			£155

28 NOVEMBER 2013

**REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT & WASTE
MANAGEMENT****SCRAP METAL DEALERS ACT 2013 FEES****EXEMPT INFORMATION**

Nil

PURPOSE

To provide details of proposed fees and to seek approval to refer the fees and scheme of delegation to Council.

RECOMMENDATIONS

That Cabinet:

- a) endorse the scheme of delegation and recommend them to full Council.
- and b) endorse the proposed fee levels and recommend them to full Council.

EXECUTIVE SUMMARY

The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and will be phased in between 1st September and 1st December 2013. The Act provides the legislative framework in relation to the licensing of Scrap Metal Dealers. It introduced a revised regulatory regime for the scrap metal dealing and vehicle dismantling industries.

On 22 August 2013, the Portfolio Holder for Environment and Waste Management reported on the interim arrangements for the new regulatory process and this was agreed by Cabinet.

RESOURCE IMPLICATIONS

The fees are a realistic indicator of the cost of administering the legislation and follow best practice in fee-setting in collaboration with the Neighbourhood Authority Working Group (NAWG). This group comprises Staffordshire, Warwickshire; West Midlands Metropolitan and Shropshire Authorities.

The fee levels have been calculated at £421.00 for site licences and £198.00 for collectors' licences and covers a licence period of three years. These figures are in the mid-range of fees submitted to the NAWG.

The Environmental Health and Regulatory Services team will accept and process applications in addition to their current duties. As more details on the overall process are still forthcoming from the Home Office and application numbers are only estimated at this stage, it is not entirely clear what the overall impact will be. Officers will need to monitor the situation over the first six months of implementation to assess whether there are sufficient resources to respond to the new requirements.

LEGAL/RISK IMPLICATIONS BACKGROUND

Under the 'Functions & Responsibilities Regulations', neither the Cabinet nor a

Cabinet Member can make a final decision in relation to the fee levels applied to scrap metal dealers or the delegation of powers under the Act – this is a 'Council function' under the regulations and therefore a final decision must be made by Full Council.

If the Scrap Metal Dealers fee levels are not in place within the required timeframes, Tamworth Borough Council will not be able to perform its function under the Act. The reporting process through Cabinet and Council have been planned to ensure that these are in place at the required time.

SUSTAINABILITY IMPLICATIONS

None – It is considered that the reform of the Scrap Metal Dealers Act will improve the impact on metal theft affecting national transport infrastructure, electricity, telecommunication links and street furniture etc. An efficient and effective licensing regime ensures the Council has an opportunity to monitor and manage activity in this area of trade and provides a framework to set expectations on individuals regarding behaviour and how businesses should operate.

BACKGROUND INFORMATION

The scheme of delegation proposed at **Appendix 1** involves decisions where there is no reason not to approve an application being taken at Officer level in the interest of efficiency and speed of processing. However, where an applicant/licensee has exercised their right to request an oral hearing before a final decision is taken, e.g. in relation to a proposed refusal of a licence, proposed refusal to vary a licence or proposed revocation of a licence, then a decision will be taken by Licensing Committee.

The fee levels have been calculated at £421.00 for site licences and £198.00 for collectors' licences and covers a licence period of three years. These figures are in the mid-range of fees submitted to the NAWG. Since Cabinet considered this issue on 22 August 2013, the Home Office has issued its statutory guidance on fee setting. Officers have followed this guidance. This Guidance was also used in calculating the proposed fee levels for renewals and variations to licences, these fees are shown at **Appendix 2**.

Tamworth Borough Council's Scrap Metal Policy is attached at **Appendix 3**.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437"

LIST OF BACKGROUND PAPERS

1. Scrap Metal Dealers Act 2013 - <http://www.legislation.gov.uk/ukpga/2013/10/enacted>
2. The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 (2013/1966)
3. Scrap Metal Dealer Act 2013: Home Office Guidance on Licence Fee Charges

APPENDICES

1. Delegations.
2. Fee Levels.
3. Tamworth Borough Council Scrap Metal Policy.

**SCRAP METAL DEALERS ACT 2013
DELEGATIONS**

Matters to be dealt with	Full Council	Licensing Committee	Officers Licensing Team
Fee Setting	X		
Processing Applications and supply of Information to External Agencies			X
Entry, Inspection and Enforcement			X
Inclusion of Conditions under Section 3(8)			X
Refusal of Licence		If the applicant requests a hearing	If no hearing is requested
Variation/Imposition of Conditions on a Licence under Section 4		If the applicant requests a hearing	If no hearing is requested
Revocation of Licence		If the applicant requests a hearing	If no hearing is requested

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APPENDIX 2

Tamworth Borough Council Scrap Metal Dealers Act 2013 - Fees

Grant Site Licence	£421.00
Additional Site(s)	£321.00
Renewal Site Licence	£421.00
Variation Site Licence	£148.50
Grant Collectors Licence	£198.00
Renewal Collectors Licence	£198.00
Variation Collectors Licence	£148.50
Replacement or copy licence	£10.00
Change of licence details (Trading Name, address etc)	£49.50
Change of Site Manager	£49.50
Change of Site	£148.50
Change Collectors to Site Licence	£321.00
Change Site to Collectors Licence	£49.50

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TAMWORTH BOROUGH COUNCIL
SCRAP METAL DEALERS ACT 2013
POLICY DOCUMENT

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1 INTRODUCTION

1.1 The Policy

1.1.1 This document states the Council's policy on the regulation of Scrap Metal Dealers in its capacity as the relevant local authority for the purposes of the Scrap Metal Dealers Act 2013 (and the expressions "Council" and "local authority" shall be construed accordingly).

1.2 The Law

1.2.1 The Scrap Metal Dealers Act 2013 ("the Act") received Royal Assent on 28 February 2013. The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001 creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries.

The Act maintains local authorities as the principal regulator, but replaces the old registration system with a full licensing regime. It grants power to refuse a licence to "unsuitable" applicants and a power to revoke licences if the dealer becomes "unsuitable".

The Act requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealer.

1.3 Definition of a Scrap Metal Dealer

1.3.1 A person carries on business as a scrap metal dealer if:

- (a) they wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought); or
- (b) they carry on business as a motor salvage operator (see 1.3.3).

1.3.2 Ancillary sales - a person selling scrap metal merely as surplus materials or as a by-product of manufacturing articles is NOT regarded as a scrap metal dealer.

1.3.3 Motor salvage operation is defined in the Act as a business that consists wholly or mainly of:

- (a) recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap
- (b) buying written-off vehicles, repairing and reselling them
- (c) buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b)

- (d) wholly or mainly in activities falling within paragraphs (b) and (c)

1.3.4 Scrap metal includes:

- (a) Any old, waste or discarded metal or metallic material, and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

1.3.5 Scrap metal does not include:

- (a) Gold
- (b) Silver
- (c) Any alloy of which 2% or more by weight is attributable to gold or silver

2 TYPES OF LICENCE

2.1 Anyone wishing to operate a business as a scrap metal dealer will require:

- I. a site licence; or
- II. a collector's licence.

The licence is valid for three years and permits the licence holder to operate within the boundaries of the issuing authority.

A person may hold more than one licence issued by different local authorities but may not hold more than one licence issued by any one authority.

2.2 **SITE LICENCE**

2.2.1 The site licence authorises the licensee to carry on business at the site(s) identified in the licence.

2.2.2 The site licence must include:

- (a) the name of the licensee
- (b) the name of the authority
- (c) identify all the sites in the authority's area at which the licensee is authorised to carry on business
- (d) the name of the site manager of each site
- (e) the date of expiry

2.2.3 The site licence also permits the licence holder to act as a collector.

2.3 COLLECTOR'S LICENCE

2.3.1 The collector's licence authorises the licensee to carry on business as a mobile collector within the authority's area.

2.3.2 The collector's licence must include:

- (a) the name of the licensee
- (b) the name of the authority
- (c) the date of expiry

3 SUITABILITY OF APPLICANT

3.1 A local authority must determine whether the applicant is a suitable person to carry on business as a scrap metal dealer and may not issue a licence unless satisfied that the applicant is suitable.

3.2 In determining this, the authority may have regard to any information which it considers to be relevant, in particular:

- (a) whether the applicant or site manager has been convicted of any relevant offence;
- (b) whether the applicant or site manager has been the subject of any relevant enforcement action;
- (c) any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
- (d) any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- (e) any previous revocation of a scrap metal licence (and the reasons for the revocation);
- (f) whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

3.3 In this section:

- (a) "site manager" means an individual proposed to be named in the licence as a site manager
- (b) "relevant offence" means an offence which is prescribed for the purposes of the Act in regulations made by the Secretary of State, and

- (c) “relevant enforcement action” means enforcement action which is so prescribed by regulations.
- 3.4 In determining whether a company is suitable to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether any of the following is a suitable person:
 - (a) any director of the company
 - (b) any secretary of the company
 - (c) any shadow director of the company (that is to say, any person in accordance with those directions or instructions the directors of the company are accustomed to act)
- 3.5 In determining whether a partnership is suitable to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether each of the partners is a suitable person.
- 3.6 The authority must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State
- 3.7 The authority may consult other persons regarding the suitability of an applicant, including in particular:
 - (a) any other local authority;
 - (b) the Environment Agency;
 - (c) an officer of a police force;
- 3.8 If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions:
 - (a) that the dealer must not receive scrap metal except between 9am and 5pm on any day;
 - (b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- 3.9 Having regard to the objectives of the Act the authority has determined that it will presume that the applicant is unsuitable to be issued with a licence where an applicant or any other person required to be named or identified in the application has been convicted of any of the offences as listed within “The Scrap Metal Dealers Act 2013 (Prescribed Relevant Enforcement Action) Regulations 2013” within the period of three years prior to the application.

The authority is aware of its duty not to fetter its discretion and shall permit representations from the applicant as to any exceptional circumstances indicating that it may nevertheless be appropriate to receive a licence.

3.10 The authority may require further information from the applicant to assist in determining the suitability of the applicant.

3.11 Having regard to the objectives of the Act the authority has determined that it will presume that the applicant is unsuitable to be issued with a licence where an applicant or any other person required to be named or identified in the application has been the subject of any of the following forms of enforcement action within the period of three years prior to the application:

- *Closure notice pursuant to the Act*
- *Closure order pursuant to the Act*
- *Action for recovery of possession of out of date or discontinued licences*

The authority is aware of its duty not to fetter its discretion and shall permit representations from the applicant as to any exceptional circumstances indicating that it may nevertheless be appropriate to receive a licence. The authority may not treat any such enforcement action as a “relevant enforcement action” for the purposes of the Act but shall nevertheless consider such an action as a significant issue in relation to the suitability of the applicant to hold a licence.

3.12 Having regard to the objectives of the Act the authority has determined that it will consider the following offences or enforcement actions relating to any person relevant to the licence as being of particular relevance to the suitability of the licence holder:

- *Written warning relating to scrap metal licence compliance*
- *Waste regulations 2011 – enforcement, compliance and stop notices*
- *Permitting regulations notices*
- *Planning Breach of Condition / Enforcement Notices*
- *Statutory nuisance abatement notice*
- *Breach of statutory nuisance abatement notice*

3.13 In relation to all considerations of possible revocation or variation and all applications for grant or renewal of a licence the authority shall consider the suitability of the applicant or licence holder with regard to adherence or otherwise by the licence holder or any other person identified in the licence to the Code of Practice annexed to this policy at Appendix A or the applicant’s willingness to adhere to the Code of Practice or to any other relevant body or licensing authority’s Code of Practice in the case of a first application. Failure

to adhere to the Code of Practice shall be considered particularly relevant to the suitability of the applicant or licence holder to hold a licence.

Without prejudice to the above, where an officer of the Council has reason to believe that a licence is not being operated in accordance with the Code of Practice but it is in that officer's opinion reasonable to deal with the cause of complaint by way of a written warning or further written warning then the matter may be dealt with by written warning to the licence holder.

Where a licence holder has received a second written warning from an officer of the Council then the licence holder shall be asked to meet with the appropriate officer of the Council to discuss the reasons for the issue of the previous written warnings and the officer shall warn the licence holder that the licence shall be subject to revocation should there be any repetition of the matter of complaint, on the basis that the licence holder is no longer considered to be suitable to hold a licence.

Where an officer of the Council has reason to believe that there are grounds for issuing a third written warning then the relevant licence holder shall be presumed by the Council to be an unsuitable person to hold a licence, subject to any representation from the licence holder that there may be exceptional circumstances to justify the circumstances of the failure to remedy the cause of complaint.

4 REVOCATION OF LICENCE/IMPOSITION OF CONDITIONS

- 4.1 The authority may revoke a scrap metal licence if it is satisfied that the licensee does not carry on the business of scrap metal dealing at any of the sites identified in the licence.
- 4.2 The authority may revoke a licence if it is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence.
- 4.3 The authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer and the authority shall have particular regard to any "relevant offences" and "relevant enforcement action" and to those matters contained in paragraphs 3.10, 3.11, 3.12 and 3.13 of this policy.
- 4.4 If the licensee or any site manager named in a licence is convicted of a relevant offence, the authority may vary the licence by adding one or both of the conditions set out in paragraph 3.8.

- 4.6 A revocation or variation comes into effect when no appeal under paragraph 16.9 is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.
- 4.7 If the authority considers that the licence should not continue in force without conditions, it may by notice provide:
- (a) that, until a revocation comes into effect, the licence is subject to one or both of the conditions set out in paragraph 3.8, or
 - (b) that a variation under this paragraph comes into effect immediately.
- 4.8 All licences issued by the Council pursuant to the Act remain the physical property of the Council and must be returned to the Council as required on expiry or revocation of the relevant licence or copy licence. Action may be taken for the recovery of any licence not returned as required by the Council and any such action may be taken into account in relation to any future application for a licence.
- 4.9 All reference in this policy to copy licences shall be construed as original copies officially endorsed and issued by the Council as the licensing authority.

5. SUPPLY OF INFORMATION BY AUTHORITY

- 5.1 This section applies to information which has been supplied to a local authority under this Act and relates to a scrap metal licence or to an application for or relating to a licence.
- 5.2 The local authority must supply any such information to any of the following persons who request it for purposes relating to this Act:
- (a) any other local authority;
 - (b) the Environment Agency;
 - (c) an officer of a police force.
- 5.3 This section does not limit any other power the authority has to supply that information.

6. REGISTER OF LICENCES

- 6.1 The Environment Agency maintains a register of scrap metal licences issued by authorities in England and each entry must record:
- (a) the name of the authority which issued the licence

- (b) the name of the licensee
- (c) any trading name of the licensee
- (d) the address of the site identified in the licence
- (e) the type of licence, and
- (f) the date on which the licence is due to expire

6.3 The registers are to open for inspection to the public

7. NOTIFICATION REQUIREMENTS

7.1 An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any changes which materially affect the accuracy of the information which the applicant has proved in connection with the application.

7.2 A licensee who is not carrying on business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority within 28 days.

7.3 If a licence is issued to a business under a trading name the licensee must notify the authority which issued the licence of any change to that name within 28 days.

7.4 The authority must notify the Environment Agency, of –

- (a) any notification given to the authority under paragraph 7.2 or 7.3
- (b) any variation made by the authority under paragraph 16.3 (variation of type of licence or matters set out in licence), and
- (c) any revocation by the authority of a licence

7.5 Notification under paragraph 7.4 must be given within 28 days of the notification, variation or revocation in question.

8. DISPLAY OF LICENCE

8.1 A copy of a site licence must be displayed at each site identified in the licence. The copy must be displayed in a prominent place in an area accessible to the public.

- 8.2 A copy of a collector's licence must be displayed on any vehicle that is being used in the course of the dealer's business. This must be displayed in a manner which enables it easily to be read by a person outside the vehicle.

9. VERIFICATION OF SUPPLIER'S IDENTITY

- 9.1 Prior to receiving scrap metal the scrap metal dealer must verify the person's full name and address by reference to documents, data or other information obtained from a reliable and independent source.

Should verification not be gained then each of the following are guilty of an offence:

- (a) the scrap metal dealer
- (b) if metal is received at the site, the site manager
- (c) any person who, under arrangements made by a person within subparagraph (a) or (b), has responsibility for verifying the name and address.

10. PAYMENT FOR SCRAP METAL

- 10.1 A scrap metal dealer must only pay for scrap metal by either:

- (a) a cheque (which is not transferrable under Section 81A Bills of Exchange Act 1882); or
- (b) electronic transfer of funds (authorised by a credit, debit card or otherwise)

Payment includes paying in kind – with goods or services.

11. RECORDS: RECEIPT OF METAL

- 11.1 If any metal is received in the course of the dealer's business the dealer must record the following information:

- (a) description of the metal, including its type (types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features
- (b) date and time of receipt

- (c) the registration mark of the vehicle delivered by
 - (d) full name and address of person delivering it
 - (e) full name of the person making payment on behalf of the dealer
- 11.2 The dealer must keep a copy of any documents used to verify the name and address of the person delivering the metal.
- 11.3 If payment is made via cheque, the dealer must retain a copy of the cheque.
- 11.4 If payment is made via electronic transfer, the dealer must keep a receipt identifying the transfer, or (if no receipt identifying the transfer) record particulars identifying the transfer.

12. RECORDS: DISPOSAL OF METAL

- 12.1 The Act regards the metal to be disposed of:
- (a) whether or not in the same form it was purchased,
 - (b) whether or not the disposal is to another person
 - (c) whether or not the metal is despatched from a site
- 12.2 Where the disposal is in the course of business under a site licence, the following must be recorded:
- (a) description of the metal, including its type (or types if mixed), form and weight
 - (b) date and time of disposal
 - (c) if to another person, their full name and address
 - (d) if payment is received for the metal (by sale or exchange) the price or other consideration received
- 12.3 If disposal is in the course of business under a collector's licence, the dealer must record the following information:
- (a) the date and time of the disposal
 - (b) if to another person, their full name and address

13. RECORDS: SUPPLEMENTARY

- 13.1 The information in paragraphs 11 and 12 must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.
- 13.2 The records mentioned in paragraph 11 must be marked so as to identify the scrap metal to which they relate.
- 13.3 Records must be kept for a period of 3 years beginning with the day on which the metal is received or (as may be the case) disposed of.
- 13.4 If a scrap metal dealer fails to fulfil a requirement under paragraph 11 or 12 or this paragraph each of the following is guilty of an offence by way of section 15 of the Act:
- (a) the scrap metal dealer
 - (b) if the metal is received at or (as the case may be) despatched from a site, the site manager
 - (c) any person who, under arrangements made by a person within paragraph(a)or (b) has responsibility for fulfilling the requirement.
- 13.5 It is a defence for a person within who is charged with an offence under section 15 of the Act to prove that the person:
- (a) made arrangements to ensure that the requirement was fulfilled, and
 - (b) took all reasonable steps to ensure that those arrangements were complied with.

14. RIGHT OF ENTRY & INSPECTION

- 14.1 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time on notice to the site manager.
- 14.2 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager, if
- (a) reasonable attempts to give notice have been made and failed, or
 - (b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it and (in either case) the giving of the notice would defeat that purpose.
- 14.3 Paragraphs 14.1 and 14.2 do not apply to residential premises.

- 14.4 A constable or an officer of the Council is not entitled to use force to enter premises in the exercise of the powers identified in paragraphs 14.1 and 14.2.
- 14.5 A justice of the peace may issue a warrant authorising entry in accordance with section 16 of the Act to any premises within paragraph 14.6 if the justice is satisfied by information on oath that there are reasonable grounds for believing that entry to the premises is reasonably required for the purpose of:
- (a) securing compliance with the provisions of the Act, or
 - (b) ascertaining whether those provisions are being complied with
- 14.6 Premises are within this paragraph if
- (a) the premises are a licensed site, or
 - (b) the premises are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.
- 14.8 A constable or an officer of the Council may, if necessary, use reasonable force in the exercise of the powers under a warrant under section 16 of the Act.
- 14.9 A constable or an officer of the Council may:
- (a) require production of, and inspect, any scrap metal kept at any premises mentioned in paragraphs 14.1 or 14.2 or in a warrant under section 16.
 - (b) require production of, and inspect, any records kept in accordance with section 13 or 14 of the Act and any other records relating to payment for scrap metal
 - (c) take copies of or extracts from any such records.
- 14.10 Officers of the Council will undertake where reasonable and practicable to give a notice of their powers and your rights on entry to any site licensed pursuant to the Act and the licence holder, site managers and other operatives should note that officers may use recording to assist them in their duties whilst on site.

15. APPLICATION PROCEDURE

15.1 Term of Licence

A licence is valid for three years beginning from the day it is issued. A renewal application must be received prior to the licence expiry.

If withdrawn the licence expires at the end of the day of withdrawal.

If refused, the licence expires with no appeal is possible or any such appeal is finally determined or withdrawn.

If renewed, the licence expires at the end of the three year period from the date of the renewal.

15.2 Application

The application form, available from Tamworth Borough Council, Environment, Health and Regulatory Services, Licensing Team, should be accompanied by:

- a) full name of applicant (if an individual), date of birth and usual place of residence
- b) name and registered number of the applicant (if a company) and registered office
- c) if a partnership – full name of each partner, date of birth and usual place of residence
- d) proposed trading name
- e) telephone number and email address (if any) of applicant
- f) address of any site within any other local authority at which carry on business as a scrap metal dealer or propose to do so
- g) any relevant environmental permit or registration in relation to the applicant
- h) details of any other scrap metal licence issued to the applicant within a period of 3 years ending with the date of the application.
- i) details of the bank account which is proposed to be used in order to comply with section 11
- j) details of any relevant conviction or enforcement action taken against the applicant.

For site licence, the applicant must also provide:

- a) the address of each site proposed to be identified in the licence (or if renewal, each site identified for which renewal is sought)
- b) the full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant).

c) site manager details to be included for (g) (h) and (j) above

Please note the collectors licence allows a business or individual to operate only within that authority's area, therefore individuals wishing to collect across borders will be required to obtain a collectors licence from the relevant local authority where they wish to collect and sell.

All applicants are required to provide a basic disclosure of criminal convictions with the application.

15.3 Variation of Licence

A licence may be varied from one type to the other. A variation application must be made to reflect changes to:

- Site licence – the name of licensee, the sites, site manager
- Collector's licence – name of licensee

The variation can amend the name of the licensee but cannot transfer the licence to another person.

Application is to be made to the issuing authority and contain particulars of the changes to be made to the licence.

15.4 Renewal

When a licence is renewed the three year validity period commences on the day of receipt. Should a renewal application be withdrawn, the licence expires at the end of the day on which the application is withdrawn.

Where a renewal application has been refused – the licence expires when no appeal has been made under paragraph 2 of Schedule 1 of the Act or any such appeal has resulted in confirmation of the refusal.

15.5 Further Information

The Council may request (at the time of application or later) that additional information is provided, as may be considered relevant for the purpose of considering the application.

Failure to provide such information may result in the application being declined.

15.6 Fee

The application must be accompanied by the fee set by the Council, under guidance from the Secretary of State with the approval of the Treasury.

15.7 Right to Make Representations

If the Council proposes to refuse an application or to revoke/vary a licence a notice shall be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for this. The notice shall also state that within the period specified the applicant/licensee can either:

- a) make representations about the proposal, or
- b) inform the authority that the applicant/licensee wishes to do so.

The period specified in the notice shall be not less than 14 days beginning with the date on which the notice is given to the applicant/licensee. Within this time the applicant/licensee must notify the Council whether the applicant/licensee wishes to make representations. Should this period expire and the applicant/licensee has not made representations or informed the authority of their wish to do so the authority may refuse the application, or revoke or vary the licence.

If, within the period specified, the applicant/licensee informs the authority that they wish to make representations, the authority shall allow a reasonable period to make representations and may refuse the application or revoke or vary the licence if they fail to make representations within that period.

If the applicant/licensee notifies the authority that they wish to make oral representations, the authority shall give them the opportunity of appearing before, and being heard by, a person appointed by the authority.

15.8 Notice of Decision

If the application is refused, or the licence is revoked or varied, notice shall be given to the applicant/licensee setting out the decision and the reasons for it. The notice shall also state that the applicant/licensee may appeal against the decision, the time within which the appeal may be brought (21 days beginning with the day on which notice of the decision was given) and, if revoked or varied, the date on which the revocation or variation is to take effect.

15.9 Appeals

An applicant may appeal to a magistrates' court against the refusal of an application or a variation. The licensee may appeal to a magistrates' court against the inclusion in a licence of a condition under Section 3(8) of the Act or the revocation or variation of a licence.

An appeal must be made within 21 days beginning on the day the notice to refuse the application, to include the condition or to revoke or vary the licence under section 4 was given.

On appeal, the magistrates' court may confirm, vary or reverse the authority's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

The authority must comply with any directions given by the magistrates' court. Although the authority need not comply with such directions until the time for making an application under section 111 of the Magistrates' Courts Act 1980 has passed or if such an application is made, until the application is finally determined or withdrawn.

16. CLOSURE OF UNLICENSED SITES

16.1 Interpretation

A person with an interest in premises is the owner, leaseholder or occupier of the premises.

16.2 Closure Notice

These are not applicable if the premises are residential premises.

A constable or the local authority must be satisfied that the premises are being used by a scrap metal dealer in the course of business and that the premises are not a licensed site.

In such circumstances a "closure notice" may be issued by a constable or local authority which states they are satisfied of the above, the reasons for that, that the constable or local authority may apply to the court for a closure order and the notice shall specify the steps which may be taken to ensure that the alleged use of the premises ceases.

The notice shall be given to the person who appears to be the site manager of the premises and any person who appears to be a director, manager or other officer of the business in question. The notice may also be given to any person who has an interest in the premises.

The notice shall be given to a person who occupies another part of any building or structure of which the premises form part and the constable or local authority believes at the time of giving the notice, that the person's access to that other part would be impeded if a closure order were made in respect of the premises.

16.3 Cancellation of Closure Notice

A "cancellation notice" issued by a constable or local authority may cancel a closure notice. This takes effect when it is given to any one of the persons to

whom the closure notice was given. This must also be given to any other person to whom the closure notice was given.

16.4 Application for Closure Order

When a closure notice has been given, a constable or the local authority shall make a complaint to a justice of the peace for a closure order. This may not be made less than 7 days after the date on which the closure notice was given or more than 6 months after that date.

A complaint under this paragraph may not be made if the constable or authority is satisfied that the premises are not (or are no longer) being used by a scrap metal dealer in the course of business and there is no reasonable likelihood that the premises will be so used in the future.

16.5 Closure Order

A closure order requires that a premises be closed immediately to the public and remain closed until a constable or the local authority makes a termination of closure order by certificate, the use of the premises by a scrap metal dealer in the course of business be discontinued immediately and that any defendant pay into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.

The closure order may include a condition relating to the admission of persons into the premises, the access by persons to another part of any building or other structure of which the premises form part.

A closure order may include such provision as the court considers appropriate for dealing with the consequences if the order should cease to have effect.

As soon as practicable after the closure order is made, the complainant must fix a copy of it in a conspicuous position on the premises in respect of which it was made.

A sum ordered to be paid into court under a closure order is to be paid to the designated officer for the court.

16.6 Termination of Closure Order by Certificate

Once a closure order has been made and a constable or the local authority is satisfied that the need for the order has ceased a certificate may be issued. This ceases the closure order and any sum paid into a court is to be released by the court to the defendant.

As soon as is practicable after making a certificate, a constable or local authority must give a copy to any person against whom the closure order was

made, give a copy to the designated officer for the court which made the order and fix a copy of it in a conspicuous position on the premises in respect of which the order was made.

A copy of the certificate must be given to any person who requests one.

16.7 Discharge of Closure Order by Court

A closure order may be discharged by complaint to a justice of the peace. This can be done by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was not given.

The court will make a discharge order if it is satisfied that there is no longer a need for the closure order. The justice may issue a summons directed to a constable as the justice considers appropriate or the local authority, requiring that person appear before the magistrates' court to answer to the complaint.

If a summons is issued, notice of the date, time and place at which the complaint will be heard must be given to all persons to whom the closure notice was given (other than the complainant).

16.8 Appeal in relation to Closure Orders

Appeal may be made to the Crown Court against:

- a) a closure order
- b) a decision not to make a closure order
- c) a discharge order
- d) a decision not to make a discharge order

The appeal must be made before the end of 21 days beginning with the day on which the order or decision in question was made.

An appeal under (a) or (b) may be made by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was not given.

An appeal under (b) or (c) may be made by a constable or the local authority.

16.9 Enforcement of Closure Order

A person is guilty of an offence, if without reasonable excuse they permit premises to be open in contravention of a closure order, or fail to comply with, or do an act in contravention of a closure order.

If the closure order has been made, a constable or a person authorised by the local authority may (if necessary using reasonable force) enter the premises at any reasonable time, and having entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order.

If the owner, occupier or other person in charge of the premises requires the officer to produce evidence of identity or evidence of authority to exercise powers, the officer must produce that evidence.

17. OFFENCES & PENALTIES

The following are prescribed by the Act as criminal offences:

Section 1	Carrying on business as a scrap metal dealer without licence (level 5)
Section 8	Failure to notify authority of any changes to details given with application (level 3)
Section 10	Failure to display site licence or collectors licence (level 3)
Section 11(6)	Receiving scrap metal without verifying persons full name and address (level 3)
Section 11 (7)	Delivering scrap metal to dealer and giving false details (level 3)
Section 12 (6)	Buying scrap metal for cash (level 5)
Section 13	Failure to keep records regarding receipt of metal (level 5)
Section 14	Failure to keep records regarding disposal of metal (level 5)
Section 15 (1)	Failure to keep records which allow the information and the scrap metal to be identified by reference to one another (level 5)
Section 15 (2)	Failure to keep copy of document used to verify name and address of person bringing metal, or failure to keep a copy of a cheque issued (level 5)
Section 15 (3)	Failure to keep information and records for three years (level 5)
Section 16	Obstruction to right of entry and failure to produce records (level 3)
Section 17	Where an offence under this Act is committed by a body corporate and it is proved—

(a) to have been committed with the consent or connivance of a director, manager, secretary or other similar officer, or

(b) to be attributable to any neglect on the part of any such individual,

the individual as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.

DEFINITIONS

“Licensed site” means a site identified in a scrap metal licence.

“Mobile collector” means a person who—

- a) carries on business as a scrap metal dealer otherwise than at a site, and
- b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.

“police officer” includes a constable of the British Transport Police Force.

“Premises” includes any land or other place (whether enclosed or not).

“Relevant environmental permit or registration ”means—

- a) any environmental permit under regulation 13 of the Environmental (Permitting) Regulations 2010 authorising any operation by the applicant in the local authority's area;
- b) any registration of the applicant under Schedule 2 to those Regulations in relation to an exempt waste operation (within the meaning of regulation 5 of those Regulations) carried on in that area;
- c) any registration of the applicant under Part 8 of the Waste (England and Wales) Regulations 2011 (carriers, brokers and dealers of controlled waste).

“Relevant offence” and “relevant enforcement action” have the meaning given by section 3(3) of the Scrap Metal Dealers Act 2013.

“Site” means any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there).

“Site manager”, in relation to a site at which a scrap metal dealer carries on business, means the individual who exercises day-to-day control and management of activities at the site. (An individual may be named in a licence as site manager at more than one site; but no site may have more than one site manager named in relation to it).

“Trading name” means a name, other than that stated in the licence under which a licensee carries on business as a scrap metal dealer.

Code of Practice Requirements:

All scrap metal dealers and merchants signing up to this Code agree to abide by the following requirements:

- All reasonable steps will be taken to ensure stolen metals are not bought.
- Metals will only be accepted from those whose ID has been/can be verified as required by the Scrap Metal Dealers Act 2013
- No payment shall be made to any person other than the person as identified on the scrap metal collector's licence displayed on the vehicle where metals are produced by a licensed scrap metal collector.
- Staff must be trained in administrative processes and all paperwork should be relevant and kept up-to-date.
- Dealers will co-operate with police and local authorities by allowing access and inspection when requested.
- No blackened copper wire that has obviously had its insulation removed should be bought.
- Metals will not be accepted from customers on foot.
- Metal will not be accepted from customers arriving in taxis or private hire vehicles.
- Dealers will display prominent signage at their premises stating that "We report suspected metal thieves to the Police".
- In order to comply with the Act's requirements concerning record keeping and identification no metals shall be received without at a minimum taking and retaining a digital photograph(s) of the scrap metal load as presented, cross-referenced with the appropriate waste transfer note.
- Dealers shall have available and actively use UV torches for detecting forensically marked metals.
- Suspicious persons will be reported to the local police force for the area concerned.
- Suspicious transactions will be reported to the local police force for the area concerned.
- Dealers will work towards adopting into an electronic 'alert' notification scheme for early notification of stolen metals.
- All scrap metal dealers agree to work towards installing automatic number plate recognition cameras or police approved CCTV systems at site entrances and/or weighbridges. (Where such systems have been installed posters advertising the fact will clearly be displayed on the premises).

POSSIBLE LIST OF CONSULTEES

Police

British Transport Police

Fire & Rescue Service

Environment Agency

Trading Standards

Environmental Health

Health & Safety

Planning and Development Control

Neighbourhood Services

Individuals & companies currently registered as scrap metal dealers

Individuals & companies currently registered as motor salvage operator.

CABINET

28th November 2013

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS

LOCAL COUNCIL TAX REDUCTION SCHEME 2014 -15

EXEMPT INFORMATION

This proposal is not exempt information for the purposes of Part 1 of Schedule 12 (A) to the Local Government Act 1972.

PURPOSE

For Cabinet to consider, prior to full Council on 17th December 2013;

Ongoing agreement of the Authority's current Council Tax Reduction Scheme for Working Age customers, originally agreed at Council on 13th December 2012, including 1% up ratings to Applicable Amounts applied for 2014/15.

RECOMMENDATIONS

That Cabinet endorse

The continuation of the Authority's Local Council Tax Reduction scheme for a further year, without change, for 2014/15.

To review the scheme following completion of the first year, identification of delivery of the scheme's financial target and full implications of potential changes that may arise re consultation/equalities/potential challenge.

EXECUTIVE SUMMARY

This report details the key issues arising from the Local Council Tax Reduction Scheme.

The Welfare Reform Act 2012 abolished Council Tax Benefit from 1st April 2013. It was replaced by a new Local Council Tax Reduction Scheme. Grant funding was reduced by 10% and is distributed via the Department for Communities and Local Government rather than by the Department for Work and Pensions.

The Government specified that Pensioners must be protected from any grant cuts. Accordingly, regulations that mirror the obsolete *Council Tax Benefit (Persons who*

have attained the qualifying age for state pension credit) 2006 were laid for Pensioners, which must be adhered to. For Working Age customers, Councils continue to be free to decide their schemes, which are subject to an overall 10% reduction in grant funding previously received.

The Authority worked closely with all other Staffordshire District Councils, Staffordshire County Council and the Fire Authority, to design an over arching scheme. Local considerations were then also separately made by each Authority to achieve the savings requirements, based on each area's demographic make up and budgetary restrictions.

Options were presented to Cabinet on 25th July 2012, as the Authority had a target saving of £700k from Council Tax Benefit expenditure for Working Age customers. Full Equality Impact Assessments were given for each option. On 15th August 2012, Cabinet's preferred option for a Local Council Tax Reduction Scheme was decided.

Consultation

An eight week consultation period then commenced with the public, focus groups and all other stakeholders to gauge views about the proposals. A total of 10 drop in events were held, both with the public and various groups. The drop in sessions attracted almost 800 visitors. Every benefit customer (over 7000) was also sent a consultation questionnaire along with a consultation leaflet which explained that Council Tax Benefit was being abolished and encouraging them to give their views on its proposed replacement in Tamworth.

- ❖ 828 responses were received, which is a statistically robust number. This represented 1.075% of Tamworth's population, which compared favourably to the response rate of all other Staffordshire Local Authorities of between 0.3% and 0.6% of their residents/groups.
- ❖ The degree of endorsement for the proposals was varied, with most support being received for the proposal which provides continued protection for those entitled to a Severe Disability Premium. Least support was received to regarding the removal of Second Adult Rebate (this applied to less than 30 Working Age customers). There was a high level of support for five out of the ten proposals as outlined below:

High level of support

- Level of support for pensioners, severely disabled and in receipt of a Severe Disability Premium, claimants with disabled children and claimants receiving a War Pension;
- Continuing to disregard childcare costs;
- Claimants and the level of savings allowed;
- Continuing to exclude Child Benefit payments;
- Continuing to protect those claiming a Severe Disability Premium.

There was a moderate level of support for the remaining five of the ten proposals as outlined below;

Moderate level of support

- calculation of support based on 75% of Council Tax liability rather than 100%, meaning everyone who is not proposed to be protected from any reductions has to pay at least 25% of their Council Tax liability;
- limit the calculation of support to no more than 75% of Band D liability;
- removal of Second Adult Rebate for all working age customers;
- inclusion of maintenance payments as income;
- increased non dependant charges of £5 per week (previously £3.30 pw) and £10 per week (previously £6.55 - £9.90 pw, depending on gross pay received).

The results of the consultation were detailed in the Localisation of Council Tax Consultation Final Report, presented on 17th December 2012. There were no material implications raised following the consultation and the scheme was agreed without further amendment.

RESOURCE IMPLICATIONS

The current scheme was modelled on delivering an estimated benefit reduction in the region of £700k, necessitated by grant cuts.

The scheme has been running for 8 months. Current estimates indicate, based on monitoring data as at 31st October 2013, a projected surplus for the year. However due to potential volatility in final year end results, it is far too early to make an informed decision on potential changes to the scheme.

The Authority has received one request to review its policy, the result of a national campaign made by Gingerbread Single Parent Charity, regarding the inclusion of maintenance as income. Any future changes to the scheme would need to be consulted. Therefore it is proposed at this point in time that the Authority awaits the full year cost of the scheme before considering any changes prior to consultation and equalities reviews.

CONCLUSIONS

The Current Local Council Tax Reduction Scheme

The scheme delivers the required savings based on the 10% grant reduction and provides some contingency in case the claim base increases.

The Department for Communities and Local Government have confirmed that if a scheme is not amended, there is no cause to re consult with the public. This has been confirmed separately from a legal perspective. However, 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 legislate that the scheme must be agreed by Council, annually.

LEGAL/RISK IMPLICATIONS

Full Equality Impact Assessments were considered and taken into account when the scheme was finalised and agreed.

If the Authority's Local Council Tax Reduction Scheme was not endorsed or in place by the 31st January 2013 then the default scheme would have had to be applied. The implementation of a default scheme would have resulted in the Authority having to implement the previous scheme, financing the 10% reduction and suffering additional benefit cost from 2013 /14 (onwards) as the then existing benefit limits were up rated.

SUSTAINABILITY IMPLICATIONS

Funding for the replacement of the previous Council Tax Benefit scheme was changed from AMEY (unrestricted reimbursement of Council Tax Benefit subsidy) to DEL (restricted, pre allocated grant figure). The Council must be aware that there must continue to be a contingency if, for instance, a major local employer goes into administration.

REPORT AUTHOR

Karen Taylor x 529

LIST OF BACKGROUND PAPERS

- Draft 2014/15 Local Council Tax Reduction Policy (subject to 1% uprating of Applicable Amounts, when known)
- The Welfare Reform Act 2012 - http://www.legislation.gov.uk/ukpga/2012/5/pdfs/ukpga_20120005_en.pdf
- Cabinet Report - 'Preferred option for a Local Council Tax Reduction Scheme dated 15th August 2012 & subsequent Council ratification.
- Localisation of Council Tax Consultation Final Report, presented on 17th December 2012

Appendices

Council Tax Reduction caseload summary **Appendix 1**
Council Tax Reduction Expenditure summary **Appendix 2**

BACKGROUND INFORMATION

The Government is committed to retaining Council Tax support for the most vulnerable in society and took forward plans for Councils to develop local Council Tax Reduction Schemes. The Welfare Reform Act 2012 abolished Council Tax Benefit, paving the way for new localised schemes.

Consideration of the Department for Communities and Local Government policy intention document - *Localising Support for Council Tax Vulnerable people – key Local Authority Duties* was also made when devising Tamworth's Local Council Tax Reduction scheme.

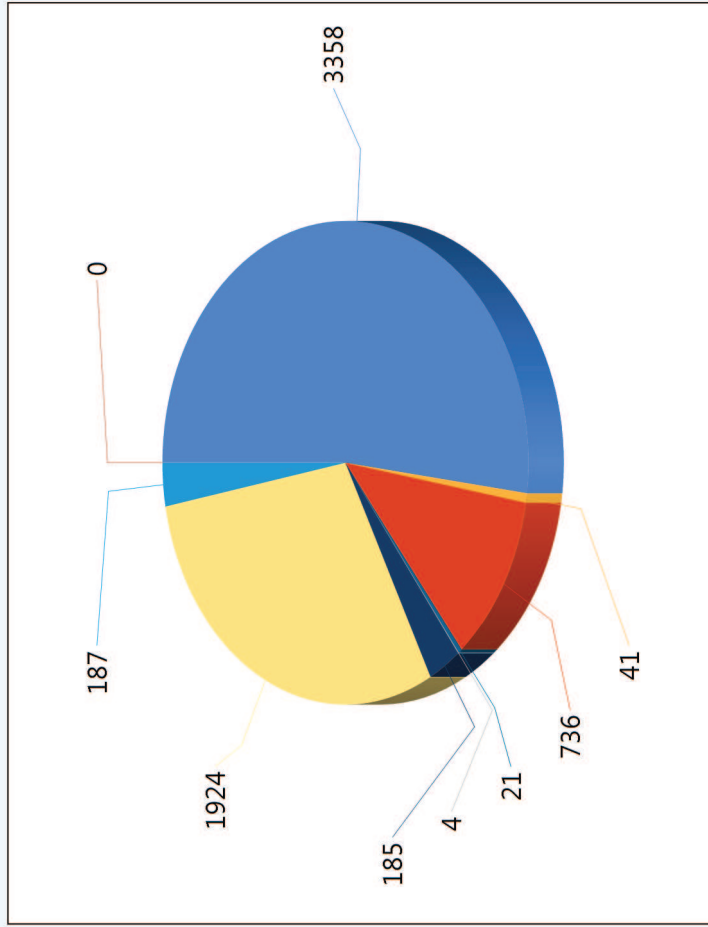
Localising Support for Council Tax – Funding Arrangements Consultation gave details of how funding for a Council Tax Reduction Schemes has been reduced from 2013 onwards. Accordingly, regard for these budgetary cuts also influenced the design of a Local Council Tax Reduction scheme.

Localising Support for Council Tax - Taking Work Incentives into Account was also considered when drafting the policy.

If Councils did not have a local scheme in place by 31st January 2013, the Government would have imposed a 'default scheme' which is the obsolete Council Tax Benefit scheme. This option was not sustainable as that scheme was fully subsidised by the Department for Work and Pensions, regardless of caseload and new schemes have a fixed annual grant *only* which is at least 10% less than before.

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CTS Caseload as of 29.10.2013

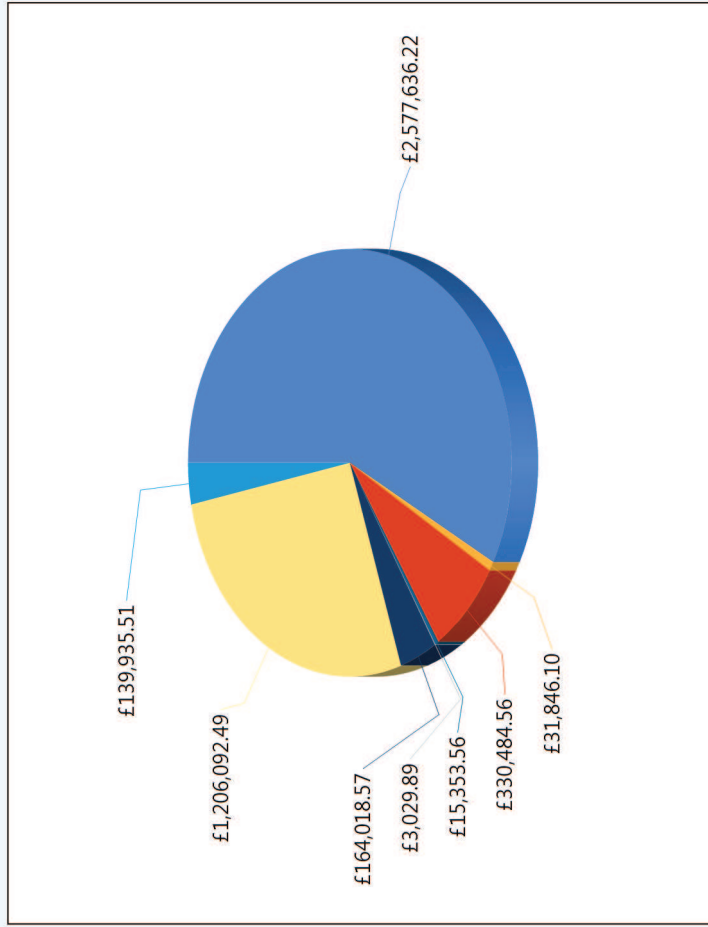


Group Legend

- Elderly
- Working Age-Non-Passported-Disabled Child Premium
- Working Age-Non-Passported-Other
- Working Age-Non-Passported-Severe Disability
- Working Age-Non-Passported-War Pensioners
- Working Age-Passported-Disabled Child Premium
- Working Age-Passported-Other
- Working Age-Passported-Severe Disability
- Working Age-Passported-War Pensioners

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CTS Expenditure as of 2013-2014



Group Description

- Elderly
- Working Age-Non-Passported-Disabled Child Premium
- Working Age-Non-Passported-Other
- Working Age-Non-Passported-Severe Disability
- Working Age-Non-Passported-War Pensioners
- Working Age-Passported-Disabled Child Premium
- Working Age-Passported-Other
- Working Age-Passported-Severe Disability

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

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DRAFT

1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2014 until 31st March 2015.

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 2014 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; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The Council has **no** discretion in relation to the calculation of Council Tax Reduction in respect of the pension age scheme.

The scheme for pension age applicants – Central Government’s scheme as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012

1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;

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

The three prescribed classes are as follows;

Class A: pensioners whose income is less than the applicable amount.

On any day Class A consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority’s scheme.

Class B: pensioners whose income is greater than the applicable amount.

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- d. whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
- e. in respect of whom amount A exceeds amount B where:
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- g. not have capital savings above £16,000; and
- h. who has made an application for a reduction under the authority's scheme.

Class C: alternative maximum Council Tax Reduction

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

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

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

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

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

same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

- 1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:
- a. a war disablement pension;
 - b. a war widow's pension or war widower's pension;
 - c. a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - d. a guaranteed income payment;
 - e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

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

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

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

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;

¹ Section 5 of this scheme

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

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

Class E

To obtain reduction the individual (or partner) must:

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

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

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

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

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

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

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2014/15

DRAFT

Sections 2- 8

Definitions and interpretation

DRAFT

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

2.1 In this policy–

‘the Act’ means the Social Security Contributions and Benefits Act 1992;

‘the Administration Act’ means the Social Security Administration Act 1992;

‘the 1973 Act’ means of Employment and Training Act 1973;

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

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

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

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

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

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

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

‘appropriate DWP office’ means an office of the Department for Work and Pensions dealing with state pension credit or office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance;

‘assessment period’ means such period as is prescribed in sections 19 to 21 over which income falls to be calculated;

‘attendance allowance’ means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

‘the authority’ means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

‘Back to Work scheme(s)’ means any scheme defined within the Jobseekers (Back to Work Schemes) Act 2013 or Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

‘basic rate’, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act).

‘the benefit Acts’ means the Act (SSBA) and the Jobseekers Act 1995 and the Welfare Reform Act 2007;

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

‘care home’ in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;

‘the Caxton Foundation’ means the charitable trust of that name established on 28th March

2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

'child' means a person under the age of 16;

'child benefit' has the meaning given by section 141 of the SSCBA;

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

'the Children Order' means the Children (Northern Ireland) Order 1995;

'claim' means a claim for council tax support; **'applicant'** means a person claiming council tax support;

'close relative' means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

'concessionary payment' means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act are charged;

'the Consequential Provisions Regulations' means the Housing Benefit and Council tax support (Consequential Provisions) Regulations 2006;

'contributory employment and support allowance' means a contributory allowance under Part 1 of the Welfare Reform Act 2007;

'converted employment and support allowance' means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations;

'council tax benefit' means council tax benefit under Part 7 of the SSCBA;

'council tax reduction scheme' has the same meaning as **'council tax support or reduction'**

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

'couple' means;

- (a) a man and a woman who are married to each other and are members of the same household;
- (b) a man and a woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of sub-paragraph (d) two people of the same sex are to be 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. The above includes the Marriage (Same Sex Couples) Act 2013;

'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 support;

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax support; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
- (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

'disability living allowance' means a disability living allowance under section 71 of the Act;

'dwelling' has the same meaning in section 3 or 72 of the 1992 Act;

'earnings' has the meaning prescribed in section 25 or, as the case may be, 27;

'the Eileen Trust' means the charitable trust of that name established on 29th March 1993 out

of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

‘electronic communication’ has the same meaning as in section 15(1) of the 2000 Act;

‘employed earner’ is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

‘Employment and Support Allowance Regulations’ means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;

‘Employment and Support Allowance (Existing Awards) Regulations’ means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;

‘the Employment, Skills and Enterprise Scheme’ means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **‘Back to Work Schemes’**;

‘employment zone’ means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’s allowance to obtain sustainable employment;

‘employment zone contractor’ means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

‘enactment’ includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

‘extended payment (or reduction)’ means a payment of council tax support payable pursuant to section 60;

‘extended payment (or reduction) period’ means the period for which an extended reduction is payable in accordance with section 60A or 61A of this policy;

‘extended payment or extended reduction (qualifying contributory benefits)’ means a payment of council tax support payable pursuant to section 61;

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

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

‘a guaranteed income payment’ means a payment made under article 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;

'limited capability for work' has the meaning given in section 1(4) of the Welfare Reform Act;

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

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

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

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

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

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

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

'the Mandatory Work Activity Scheme' means a scheme within section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting applicants to improve their prospect of obtaining employment;

'maternity leave' means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

'member of a couple' means a member of a married or unmarried couple;

'MFET Limited' means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

'mobility supplement' means a supplement to which paragraph 9 of Schedule 4 refers;

'mover' means a applicant who changes the dwelling in which the applicant is resident and in respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

'net earnings' means such earnings as are calculated in accordance with section 26;

'net profit' means such profit as is calculated in accordance with section 28;

'the New Deal options' means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 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;

'non-dependant' has the meaning prescribed in section 3;

'non-dependant deduction' means a deduction that is to be made under section 58;

'occupational pension' means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

'occupational pension scheme' has the same meaning as in section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

'ordinary clothing or footwear' means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

'partner' 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;

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

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

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

'person on income support' means a person in receipt of income support;

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

'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;
- 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.

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

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

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

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

'relevant week' in relation to any particular day, means the week within which the day in question falls;

'remunerative work' has the meaning prescribed in section 6;

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

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

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

'self-employed earner' is to be construed in accordance with section 2(1)(b) of the Act;

'self-employment route' means assistance in pursuing self-employed earner's employment whilst participating in—

(a) an employment zone programme;

(b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or

(c) the Employment, Skills and Enterprise Scheme;□

'service user group' means a group of individuals that is consulted by or on behalf of;

(a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,

(b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,

(c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995,

(d) a public authority in consequence of a function relating to disability under section 149 of the Equality Act 2010;

(e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,

(f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,

(g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,

(h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,

(i) the Care Quality Commission in consequence of a function under section 4 or 5 of the Health and Social Care Act 2008,

(j) the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008, or

(k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

- 'single applicant'** means an applicant who neither has a partner nor is a lone parent;
- 'the Skipton Fund'** means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.
- 'special account'** means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker's Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;
- 'sports award'** means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;
- 'the SSCBA'** means the Social Security Contributions and Benefits Act 1992
- 'State Pension Credit Act'** means the State Pension Credit Act 2002;
- 'student'** has the meaning prescribed in section 43;
- 'subsistence allowance'** means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;
- 'support or reduction week'** means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;
- 'the Tax Credits Act'** means the Tax Credits Act 2002;
- 'tax year'** means a period beginning with 6th April in one year and ending with 5th April in the next;
- 'training allowance'** means an allowance (whether by way of periodical grants or otherwise) payable—
- 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;
 - to a person for his maintenance or in respect of a member of his family; and
 - 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 and the Universal Credit (Miscellaneous Amendments) Regulations 2013;
- 'Up-rating Act'** means the Welfare Benefit Up-rating Act 2013;
- '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;
- as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5

of the Water Industry Act 1991,

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

'week' means a period of seven days beginning with a Monday;

'Welfare Reform Act' means the Welfare Reform Act 2007;

'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹³; and **'young person'** has the meaning prescribed in section 9(1).

- 2.2 In this policy, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this policy, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this policy, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.4A For the purposes of this policy, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this policy, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

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

3.0 Definition of non-dependant

3.1 In this policy, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.

3.2 This paragraph applies to;

- a. any member of the applicant's family;
- b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
- d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
- e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–

- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance Number¹⁴

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

4.2 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

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

- b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

4.3 Paragraph 4.2 shall not apply–

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

5.0 Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit

5.1 This policy for working age applicants does not apply in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit, except where either partner receives income support, income based jobseekers allowance, income related employment and support allowance or universal credit

5.2 This policy also applies to a person if;

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

6.0 Remunerative work

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

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

- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,

6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.

6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall

be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a sports award has been made, or is to be made, to him; and
 - no other payment is made or is expected to be made to him.

7.0 Persons from abroad – exempted from claiming under this scheme

Class of person excluded from this scheme: persons treated as not being in Great Britain

- 7.1 The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- 7.2 For the purposes of determining whether a person meets the basic condition to be in Great Britain, except where a person falls within sub-paragraph (5), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of sub-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 Immigration (European Economic Area) Regulations 2006; or
 - b) Article 6 of Council Directive No.2004/38/EC.
- 7.5 A person falls within this sub-paragraph if the person is
- a) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006(88) as a worker or a self-employed person;
 - b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7 of the Immigration (European Economic Area) Regulations 2006;
 - 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 Immigration (European Economic Area) Regulations 2006;
 - 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 granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971(89) on the

- rejection of their claim for asylum;
- f. a person who has humanitarian protection granted under those rules; or
 - 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(90) 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.
- 7.5 A person is not a person from abroad if he is–
- a. a worker for the purposes of Council Directive No. 2004/38/EC;
 - b. a self-employed person for the purposes of that Directive;
 - c. a person who retains a status referred to in sub-paragraph (a) or (b) pursuant to Article 7(3) of that Directive;
 - d. a person who is a family member of a person referred to in sub-paragraph (a), (b) or (c) within the meaning of Article 2 of that Directive;
 - e. a person who has a right to reside permanently in the United Kingdom by virtue of Article 17 of that Directive;
 - f. a person who is treated as a worker for the purpose of the definition of ‘qualified person’ in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006 (right of residence of a Bulgarian or Romanian who is an ‘accession State national subject to worker authorisation);
 - g. a refugee;
 - h. a person who has exceptional leave to enter or remain in the United Kingdom granted outside the rules made under section 3(2) of the Immigration Act 1971;
 - i. a person who has humanitarian protection granted under those rules;
 - j. a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 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;
 - k. a person in Great Britain who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption;
 - l. a person who
 - i. arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;
 - ii. immediately before arriving there had been resident in Zimbabwe, and
 - iii. before leaving Zimbabwe, had accepted an offer, made by Her Majesty’s Government, to assist that person to move to and settle in the United Kingdom;
 or
 - k. in receipt of income support, an income-based jobseeker’s allowance or on an income-related employment and support allowance.
- 7.6 The above shall not apply to a person who has been temporarily without funds for any period, or the aggregate of any periods, exceeding 42 days during any one period of limited leave (including any such period as extended).
- 7.7 In this ‘refugee’ means 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.
- 8.0 Temporary Absence (period of absence)**
- 8.1 Where a person is absent from the dwelling throughout any day then no reduction shall be payable
- 8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.

- 8.3 In paragraph 8.2, a 'period of temporary absence' means–
- a. a period of absence 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 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.
- 8.4 This paragraph applies to a person who is;
- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007, or, detained in custody pending sentence upon conviction;
 - b. resident in a hospital or similar institution as a patient;
 - c. undergoing, or his partner or his dependent child is undergoing, in 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 8.3a) applies; or
 - j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- 8.5 This paragraph applies to a person who is;
- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995); and
 - b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989
- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release–

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

8.7 In this section;

- 'medically approved' means certified by a medical practitioner;
- '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.

Sections 9 - 11

The family for Council Tax Support purposes

9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
 - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
 - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
 - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
 - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
 - f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'
A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income- related employment and support allowance; or has an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

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

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies

- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;

- i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.
- 10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.
- 11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household**
- 11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- 11.2 A child or young person shall not be treated as a member of the applicant's household where he is;
 - a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
 - b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—
 - a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household in any reduction week where;
 - a. that child or young person lives with the applicant for part or all of that reduction week; and
 - b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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Sections 12 – 14 & Schedule 1

Applicable Amounts for Council Tax Support purposes

12.0 Applicable amounts (Living Allowances)

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case;

- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
- e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case;

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the lowest amount within paragraph 1 of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts or living allowances) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- d. if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in paragraph 3 of Schedule 1 of this scheme (family premium);
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

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

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

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

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

- 14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.
- 14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

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Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

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

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

is to be calculated in accordance with the following provisions.

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

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

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

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

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

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

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

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

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

16.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax support scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.

16.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 16.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 18.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

17.3 The maximum deduction to which paragraph 17.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended).

17.4 For the purposes of paragraph 17.1 'income' includes capital treated as income under section 31 (capital treated as income) and income, which an applicant is treated as possessing under section 32 (notional income).

18.0 Treatment of child care charges

- 18.1 This section applies where an applicant is incurring relevant child-care charges and;
- a. is a lone parent and is engaged in remunerative work;
 - b. is a member of a couple both of whom are engaged in remunerative work; or
 - c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
 - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - c. is paid an employment and support allowance;
 - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.

- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
 - e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
 - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
 - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
 - m. by a person who is not a relative of the child wholly or mainly in the child's home.
- 18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.
- 18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- 18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where
- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work- related activity component on account of his having limited capability for work

- b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of

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

18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—

- 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;
- 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
- who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

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

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

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

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

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

- 'qualifying support'** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- 'child care element'** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

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

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

19.0 Average weekly earnings of employed earners

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

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

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

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

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

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

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

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

22.0 Calculation of average weekly income from tax credits

22.1 This section applies where an applicant receives a tax credit.

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

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

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

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

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined—
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.

23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

24.0 Disregard of changes in tax, contributions etc.

24.0 In calculating the applicant's income the appropriate authority may disregard any legislative change

- a. in the basic or other rates of income tax;
- b. in the amount of any personal tax relief;
- c. in the rates of social security contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small earnings exception in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

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

25.0 Earnings of employed earners

25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
- 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 amended¹⁵.

25.2 Earnings shall not include—

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of the applicant's participation in a service user group.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 m)

26.0 Calculation of net earnings of employed earners

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.

26.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable,

¹⁵ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

specified in paragraphs 1 to 14 of Schedule 3.

- 26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;
- a. any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 contributions under the Act;
 - b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
 - d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.
- 26.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

27.3 This paragraph applies to—

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of council tax support which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of social security contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.

28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by

taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of—
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for—
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt—
- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of—
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution
- 28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments. Also, any self employed losses shall not be offset against any other earned or unearned income received.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the

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

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

29.0 Deduction of tax and contributions of self-employed earners

29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the 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 of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

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

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

29.3 In this section 'chargeable income' means—

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (28.3)(a) or, as the case may be, (28.4) of section 28;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

30.0 Calculation of income other than earnings

30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 27.2 to 27.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

30.2 There shall be disregarded from the calculation of an applicant's gross income under paragraph 30.2, any sum, where applicable, specified in Schedule 4.

30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.

30.4 Where the 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.

- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—
 $A - (B \times C)$
D
Where
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
D = the number of reduction weeks in the assessment period.
- 30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if—
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5
- 30.10 In this section— 'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 43 to 45, 'assessment period' means—
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 referred to in paragraph 46.7 or both.

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.

31.0 Capital treated as income

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £16,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income

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

32.0 Notional income

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 Except in the case of–

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
- e. any sum to which paragraph 48(a) of Schedule 5 refers;
- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or

- h. working tax credit,
- i. any sum to which paragraph 32.13 applies;

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–
- a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- 32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–
- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - c. pursuant to section 2 of the 1973 Act in respect of a person's participation–
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - d. in respect of a previous participation in the Mandatory Work Activity Scheme;
 - e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- 32.8 Where an applicant is in receipt of any benefit (other than council tax support) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in

that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

32.9 Subject to paragraph 32.10, where—

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

32.10 Paragraph 32.9 shall not apply—

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

32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.

32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

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

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

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

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Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Support purposes

33.0 Capital limit

33.1 For the purposes of this scheme, the prescribed amount is £16,000 and no support shall be granted when the applicant has an amount greater than this level

34.0 Calculation of capital

34.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).

34.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.

36.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

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

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

36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

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

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

37.0 Calculation of capital in the United Kingdom

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

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

38.0 Calculation of capital outside the United Kingdom

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

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

39.0 Notional capital

39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).

39.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
- (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made

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

39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made:

- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings

Relief Charitable Fund;

- b. pursuant to section 2 of the 1973 Act in respect of a person's participation:
 - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- c. in respect of a person's participation in the Mandatory Work Activity Scheme;
- d. Enterprise Scheme;
- e. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
- f. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - i. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - ii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - iii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

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

- a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
- b. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.

39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

40.0 Diminishing notional capital rule

40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;

- a. in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
- b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.

40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the

conditions that

- a. he is in receipt of council tax support; and
- b. but for paragraph 39.1, he would have received an additional amount of council tax support in that week.

40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of

- a. the additional amount to which sub-paragraph 40.2 (b) refers;
- b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
- c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations (notional capital) and
- e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).

40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of

- a. the amount of council tax support to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
- b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,

and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;

- c. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub- paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part- week and multiplying the quotient so obtained by 7

- d. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
 - e. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.
- 40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax support and the conditions in paragraph 40.6 are satisfied, and in such a case—
- a. sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
 - b. subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.
- 40.6 The conditions are that
- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
 - b. the applicant would have been entitled to council tax support but for paragraph 39.1.
- 40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.
- 40.8 For the purposes of this section
- a. 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d)and(e) means—
 - aa. a period of less than a week which is the whole period for which income support , an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - bb. any other period of less than a week for which it is payable;
 - b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purpose of determining his entitlement to council tax support; or

- (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;
and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held

41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

42.0 Calculation of tariff income from capital

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

Sections 43 - 56

Definition and the treatment of students for Council Tax Support purposes¹⁶

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¹⁶ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

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

'access funds' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

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

'contribution' means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;

'course of study' means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

'covenant income' means the gross income payable to a full-time student under a Deed of Covenant by his parent;

'education authority' means a government department, a local 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' (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

'grant income' means

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

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

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

'period of study' means—

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

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

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

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

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

'standard maintenance grant' means—

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

'student' means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

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

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

43.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- a. in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- b. in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- b. any period of vacation within the period specified in that paragraph or immediately

following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council Tax Support

45.0 Students who are excluded from entitlement to council tax support

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council Tax Support under Classes D and E of the Council's reduction scheme.

45.2 To be eligible for support, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from aboard).

45.3 Paragraph 45.2 shall not apply to a student

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (j) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education

Act 1998;

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

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

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study

- away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

47.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

48.0 Covenant income where no grant income or no contribution is assessed

48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with subparagraphs (a) to (d) of paragraph 48.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme

50.0 Other amounts to be disregarded

50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the

necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

51.2 In calculating the weekly amount of the loan to be taken into account as income

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

51.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

- 51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

- 51A. 1A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

- 53.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken

into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

54.0 Further disregard of student's income

54.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

55.0 Income treated as capital

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

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

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

56.0 Disregard of changes occurring during summer vacation

56.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

Sections 57 – 63

The calculation and amount of Council Tax Support

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57.0 Maximum council tax support

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 75 per cent, of the amount A/B where;

- (a) A is the **lower** of either;
- i. amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; or
 - ii. the amount set by the appropriate authority as the council tax for the relevant financial year in respect of a dwelling within Band D subject to any discount which may be appropriate to the person's circumstances; and
- (b) B is the number of days in that financial year,

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

57.1A Where a the claimant, partner or any dependant child or young person is in receipt of any of the following;

- Severe Disability Premium; or
- War Widows Pension; or
- War Disablement Pension; or
- Armed Forces Compensation Scheme; or
- Disabled Child Premium

the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A/B where;

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

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

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

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

58.0 Non-dependant deductions

For those who are not classed as State Pension Credit age as per the definition of this scheme

- 58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax support) shall be:
- (a) in respect of a non-dependant aged 18 or over in remunerative work, £10.00 x 1/7;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £5.00 x 1/7, except where it is specified that no deduction shall be made as per paragraphs 58.6, 58.7 and 58.8

For those classed as State Pension Credit age as per the definition of this scheme

- 58.2 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax support) shall be;

In respect of a non-dependant aged 18 or over in remunerative work, £10.95 x 1/7;

In the case of a non-dependant aged 18 or over, where it is shown to the appropriate authority that his normal gross weekly income is:

- (a) less than £186.00, the deduction to be made under this paragraph shall be £3.65 x 1/7
 - (b) not less than £186.00 but less than £322.00, the deduction to be made under this paragraph shall be £7.25 x 1/7
 - (c) not less than £322.00 but less than £401.00, the deduction to be made under this paragraph shall be £9.15 x 1/7
- 58.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 58.4 In applying the provisions of paragraph 58 in the case of a couple or, as the case may be a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 58.5 Where in respect of a day—
- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - (b) receiving in respect of himself
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section

113(2) of The Act; or

(bb) an abatement as a result of hospitalisation; or

- (a) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (b) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

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

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

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

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income—

- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

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

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

60.0 Extended reductions

60.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where;

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

60.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

60.4 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).

60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

60A.0 Duration of extended reduction period

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

60B.0 Amount of extended reduction

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of–

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

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

60B.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

60C Extended reductions – movers

60C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

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

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

60C.4 Where–

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

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

60D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

61.0 Extended reductions (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

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

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph 61.1(b).

61A.0 Duration of extended reduction period (qualifying contributory benefits)

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

61B.0 Amount of extended reduction (qualifying contributory benefits)

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the

- (b) applicant's partner ceased to be entitled to a qualifying contributory benefit; the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 61 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

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

61B.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

61C.0 Extended reductions (qualifying contributory benefits) – movers

61C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

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

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

61C.4 Where

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

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

61D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

61E.0 Extended reductions: movers into the authority's area¹⁷

61E.1 Where;

- (a) an application is made to the authority for a reduction under its scheme, and
 - (b) the applicant or the partner of the applicant, is in receipt of an extended reduction from;
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,
- the current authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

62.0 – 63.0 Not Used

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¹⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 64 – 67

Dates on which entitlement and changes of circumstances are to take effect

64.0 Date on which entitlement is to begin

64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.

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

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.

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

67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Sections 68– 74A

Claiming and the treatment of claims for Council Tax Support purposes

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- 68.0 **Making an application**¹⁸
- 68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
 - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.
- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- 68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
 - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
 - (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

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

reduction or its amount.

69.0 Procedure by which a person may apply for a reduction under the authority's scheme¹⁹

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

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) 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.

(2) 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.

69.5. (1) 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.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires within the prescribed period

69.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

69.8 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

69.9 Where an applicant ('C')—

- (a) makes a claim which includes (or which C subsequently requests should include) a

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

- (b) period before the claim is made; and
- (b) from a day, in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period), the claim is to be treated as made on the date determined in accordance with paragraph 69.10

69.10 The date is the latest of–

- (a) the first day from which C had continuous good cause;
- (b) the day 6 months before the date the claim was made;
- (c) the day 6 months before the date when C requested that the claim should include a past period.

69A.0 Date on which an application is made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is;

(a) in a case where;

- (i) an award of 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,
- (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.

- 69A.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.
- 69A.3 Where there is a defect in an applications by telephone;
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority 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.
- 69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- 69A.5 The conditions are that –
- (a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
 - (b) where an application is not on approved form or further information requested by authority applies;
 - (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
 - (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
 - in either case, within such longer period as the authority may consider reasonable; or
 - (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- 69A.6 Except in the case of an application made by a person treated as not being in 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.
- 69A.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.

69A.8 In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

70.0 Submission of evidence electronically

70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Information and evidence²⁰

72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority’s scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

72.2 This sub-paragraph is satisfied in relation to a person if—

- (a) the application is accompanied by;
 - (i) a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority’s scheme has been awarded, must furnish such certificates,

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

- documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- 72.6 Where the authority makes a request under sub-paragraph (4), it must;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 72.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.
- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.
- 73.0 Amendment and withdrawal of application²¹**
- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- 73.2 Where the application was made by telephone the amendment may also be made by telephone.
- 73.3 Any application amended is to be treated as if it had been amended in the first instance.
- 73.4 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.
- 73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 73.7 Where a person, by telephone, amends or withdraws an application the person must (if

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

required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

74.0 Duty to notify changes of circumstances²²

74.1 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.

74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;

- (a) in writing; or
- (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying

- (a) changes in the amount of council tax payable to the authority;
- (b) changes in the age of the applicant or that of any member of his family;
- (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

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

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

74.6 A person who has been awarded a reduction under the authority's scheme who is also on state pension credit must report;

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

74.7 In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only a savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of

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

reduction under the authority's scheme allowed in his case, but not changes in the age of the child;

(b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;

(c) any change in the income or capital of;

(i) a non-dependant whose income and capital are treated as belonging to the applicant; or

(ii) a person to whom their partner is treated as member of the household, and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

74.8 A person who is entitled to a reduction under the authority's scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

74.9 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the change occurring. 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

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Sections 75- 90

Decisions, decision notices and awards of Council Tax Support

DRAFT

75.0 Decisions by the authority²³

75.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision²⁴

76.1 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.

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

(a) informing the person affected of the duty imposed by paragraph 9(1);

(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

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

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

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

76.6 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.

76.7 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).

76.8 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

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

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

(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.

77.0 Time and manner of granting council tax support²⁵

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom support is to be paid²⁶

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

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

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

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

79.0 Shortfall in support / reduction²⁷

79.1 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 reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled²⁸

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

81.0 Offsetting

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

82.0 Payment where there is joint and several liability²⁹

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,

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

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

²⁹ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

82.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

83.0 – 90.0 Not Used

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Sections 91 – 94

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

DRAFT

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

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

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Support with the DWP or HMRC as appropriate.

92.0 Collection of information

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

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

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

93.0 Recording and holding information

93.1 The authority may

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

94.0 Forwarding of information

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax support to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax support.

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Support

DRAFT

95.0 Persons affected by Decisions

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

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

96.0 Revisions of Decisions

96.1 Subject to the provisions in this scheme, a relevant decision (the original decision) may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- i) one month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

97.0 Written Statements

97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Support. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

98.1 The authority may terminate support in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

98.2 The authority may terminate, in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

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

Section 99

Appeals against the authority's decisions

DRAFT

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³⁰

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

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

Section 100

Procedure for applying for a discretionary reduction

DRAFT

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³¹

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

- (a) in writing,
- (b) by means of an electronic communication in accordance 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.

100.2 Where;

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

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

Section 100A

Procedure for applying for a Discretionary Award

DRAFT

100A.0 Discretionary Award

- 100A.1 The authority will consider applications for Discretionary Awards from applicants who demonstrate exceptional circumstances. Officers will consider all applications on their individual merit and in line with the authority's procedure under S13A 1 a of the Local Government Finance Act 1992.

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Section 101 – 106A³²

Electronic Communication

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

101.0 Interpretation

101.1 In this Part;

“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

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

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

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of;

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

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

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

103.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and

(b) by or under an enactment,
are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

DRAFT

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

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

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully

Schedule 1
Applicable Amounts³³

DRAFT

³³ ³³ The amounts shown within this schedule shall be uprated in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

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

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance b) is aged not less than 25 c) is aged not less than 18 but less than 25	£xx.xx
2. Lone Parent	£xx.xx
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance b) Where one member is aged not less that 18 c) Polygamous Addition	£xx.xx

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	£xx.xx
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s twentieth birthday.	£xx.xx

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

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £xx.xx;
 - b. in any other case, £xx.xx;

Premiums

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

Disability Premium

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

Additional Condition for the Disability Premiums

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

Severe Disability Premiums

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

Enhanced Disability Premium

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

Disabled Child Premium

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

Carer Premium

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

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under

paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

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

Amounts of Premium

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

Premium	Amount
Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
Severe Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£xx.xx
Disabled Child Premium	£xx.xx in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£xx.xx in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £xx.xx in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £1£xx.xx in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified

	<p>in paragraph 15 are satisfied; (c) £xx.xx where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.</p>
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The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £xx.xx. The amount of the support component is £xx.xx.

Transitional Addition

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

Amount of transitional addition

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

Schedule 2

Not Used

DRAFT

Schedule 3

Sums to be disregarded in the calculation of earnings³⁴

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³⁴ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged–
 - (a) where–
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax support the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except–
 - (i) any payment of the nature described in (aa) paragraph 25.1(e), or (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in (aa) paragraph 25.1(g) or (h), or (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals), including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax support–
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,
any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).
2. In the case of an applicant who, before first day of entitlement to council tax support;
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would

have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
 - (a) he is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to

which section 4 of that Act applies;

- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

- (2) If the applicant's partner is engaged in employment;
 - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits)

Regulations 1975

- (6) 'Exempt work' means work of the kind described in;
(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
15. Any earnings of a child or young person.
16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
(b) the applicant—
(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
(ii) is a member of a couple and
(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
(bb) his applicable amount includes a family premium; or
(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
(aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;
(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative

- work for on average not less than 16 hours per week; or
- (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
- (3) The following are the amounts referred to in sub-paragraph (1);
- (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
- (c) £17.10
- (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.
17. In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

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Schedule 4

Sums to be disregarded in the calculation of income other than earnings³⁵

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³⁵ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

- 12.** (1) Any payment–
- (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15** (1) Subject to sub-paragraph (2), any of the following payments;
- (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;

- (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
- (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.
16. 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
 - (h) any Armed Forces Compensation payments.
17. Subject to paragraph 35, £15 of any;
- (a) widowed mother’s allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent’s allowance paid pursuant to section 39A of the Act.
18. (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
- (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of ‘water charges’ in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words ‘in so far as such charges are in respect of the dwelling which a person occupies as his home’.
19. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student’s award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the

Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

20. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to—
- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
21. Any payment made to the applicant by a child or young person or a non-dependant.
22. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.
23. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
- (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
24. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a

third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

25. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
26. (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
27. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
28. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by—
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
29. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the

Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the

benefit of–

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

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

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

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

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

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

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

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

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

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

37. Any housing benefit.
38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
39. - 40. not used
41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
42. Not used
43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
44. Not used
45. (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
48. 49. Not used
50. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
51. Any guardian's allowance.
52. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
54. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55 (1) Any payment which is
(a) made under any of the Dispensing Instruments to a widow, widower or
(b) surviving civil partner of a person;
(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
(ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A. Any council tax support or council tax benefit to which the applicant is entitled.
56. Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B. Not used
57. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
58. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
in respect of which such assistance is or was received.
(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
59. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
60. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the

amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. Not used
65. Not used
66. Any payment of child benefit.

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Schedule 5
Capital to be disregarded³⁶

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³⁶ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax support is

made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

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

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph(2), 'the award of council tax support' means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum

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

11. Any sum—
 - (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home,for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
12. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
13. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
14. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A. (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
15. The value of the right to receive any income under a life interest or from a life rent.
16. The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
17. The surrender value of any policy of life insurance.
18. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
19. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children

(Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

20. Any social fund payment made pursuant to Part 8 of the Act.
21. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
22. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
23. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
24. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved,

nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either;

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

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

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

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

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

(b) the payment is made either;

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

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

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

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

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

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or

alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),but only for a period of 52 weeks from the date of receipt of the payment or repayment.
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish

Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
42. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
43. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
44. Not used
45. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
46. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax support), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax support), sub-paragraph (1) shall not have effect.
47. ((1) Any sum of capital to which sub-paragraph (2) applies and
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
 (2) This sub-paragraph applies to a sum of capital which is derived from;
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
48. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
 - (a) award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
49. Any payment to the applicant as holder of the Victoria Cross or George Cross.
50. Not used
51. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of

establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

52. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

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

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

53. (1) Any payment;

- (a) by way of an education maintenance allowance made pursuant to—
(i) regulations made under section 518 of the Education Act 1996;
(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to;
(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
(ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
(a) regulations made under section 518 of the Education Act 1996;
(b) regulations made under section 49 of the Education (Scotland) Act 1980; or
(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

53A.-53B. Not used

54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or 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).

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CABINET

15th August 2012

REPORT OF THE PORTFOLIO HOLDER FOR CORE SERVICES AND ASSETS

LOCALISING SUPPORT FOR COUNCIL TAX

EXEMPT INFORMATION

This proposal is not exempt information for the purposes of Part 1 of Schedule 12 (A) to the Local Government Act 1972.

PURPOSE

To seek a decision from Cabinet, further to the presentation given on 25th July, of the preferred consultation option for a Local Council Tax Support scheme. The scheme will replace Council Tax Benefit, to help to those of working age on a low income pay their Council Tax from 1 April 2013.

RECOMMENDATIONS

That Cabinet decide on one of the three options and associated desired subset identified in the main report (attached Appendix / Slide extract) for which they want to form the base of Tamworth's Local Council Tax Support scheme. The approved option and subset will form the basis of public consultation on the proposed scheme which will commence following the decision.

EXECUTIVE SUMMARY

The Welfare Reform Act 2012 confirmed that Council Tax Benefit will be abolished from 1 April 2013, to be replaced by a new Localised Council Tax Support scheme. Grant funding will be reduced by 10% and distributed via the Department for Communities and Local Government rather than by the Department for Work and Pensions.

The Government have specified that Pensioners must be protected from any grant cuts. Accordingly, regulations that mirror the current Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) 2006 will be devised for Pensioners, which must be adhered to. For Working Age customers, Councils are free to decide their schemes, which will be subject to an overall 10% reduction in grant funding currently received.

Tamworth Borough Council is working closely with all other Staffordshire Local Authorities, Staffordshire County Council and the major preceptors, to devise an overarching County-wide scheme.

The 3 options presented to Cabinet on 25th July for consideration were;

- (1) Protect pensioners (this is a statutory requirement) only
- (2) Protect pensioners and all claimants who are disabled or who have a disabled child
- (3) Protect pensioners and only claimants who are severely disabled.

The attached slides give a reminder of the indicative financial savings for each option.

RESOURCE IMPLICATIONS

None identified as a direct result of this report. However, there are financial implications associated with each scheme option for consultation, as set out in the presentation to Cabinet on 25th July. The costs of the consultation exercise itself will be managed within existing resources and met by a DCLG grant.

LEGAL/RISK IMPLICATIONS BACKGROUND

Full Equality Impact Assessments must be considered for all possible scheme options, in order to avoid legal challenge.

An Equality Impact Assessment for each option is attached. Cabinet should note that Options 1 and 3 are concluded as being equitable, whilst Option 2 has been assessed as inequitable because of the overall effects on the remaining working age claim base.

SUSTAINABILITY IMPLICATIONS

Funding for the replacement of the current Council Tax Benefit scheme will be changed from Annual Managed Expenditure (unrestricted reimbursement of Council Tax Benefit subsidy) to Departmental Expenditure Limit (restricted, pre allocated grant figure). The Council must be aware that there will be little room for contingency if, for instance, a major local employer goes into administration.

BACKGROUND INFORMATION

The Government is committed to retaining Council Tax Support for the most vulnerable in society and taking forward plans for Councils to develop local Council Tax reduction schemes. The Welfare Reform Act 2012 contains provisions for the abolition of Council Tax Benefit, paving the way for new localised schemes. On 17th May 2012, *Localising Support for Council Tax – A Statement of Intent* was published.

The Statement of Intent set out policy statements of intent for the regulations to be provided under the Local Government Finance Bill for England and explains the policy intent of the regulations and how they will enable the delivery of local Council Tax support. The document is specific in the rules for pensioners but has given Local Authorities little direction regarding policy for Working Age customers.

On 16th July 2012, the *Localising support for council tax: Draft Council Tax Reduction Schemes (Prescribed Requirements) Regulations* were then released (**Appendix 1 hyperlink**).

Consideration of the Department for Communities and Local Government policy intention document - *Localising Support for Council Tax Vulnerable people – key Local Authority Duties* (**Appendix 2 hyperlink**) must also be made when introducing the new Localised Council Tax Support scheme.

The document – *Localising Support for Council Tax – Funding Arrangements Consultation* (**Appendix 3 hyperlink**) gives details of how funding for a Council Tax reduction scheme will be reduced from 2013 onwards. Accordingly, regard for these budgetary cuts must also influence the design of a Localised Council Tax Support scheme.

A further document - *Localising Support for Council Tax - Taking Work Incentives into Account* (**Appendix 4 hyperlink**) should also be considered when drafting the policy.

If Councils do not have a local scheme in place by 31st January 2013, the Government will impose a 'default scheme' which is the current Council Tax Benefit scheme. This option is not sustainable as the current scheme is fully subsidised by the Department for Work and Pensions, regardless of caseload and any new scheme will have a fixed annual grant *only* which will be at least 10% less than it is now.

Please refer to the slides presented on 25th July for details on the possible options for a working age Localised Council Tax Support Scheme. Once an option is chosen, a consultation period must then commence with all stakeholders. It is recommended that 8 weeks is allowed for consultation. Post consultation, the scheme must be approved by full Council before 31st January 2013.

REPORT AUTHOR

Karen Taylor, Head of Benefits ext 529.

LIST OF BACKGROUND PAPERS

Presentation slides from Cabinet meeting of 25th July 2012.
Equality Impact Assessment for each of the 3 options

APPENDICES

Document Name	Description	Location
(1) Localising Support for Council Tax; Draft Council Tax Reduction Schemes (Prescribed Requirements) Regulations	sets out the draft key regulations under the Local Government Finance Bill	http://www.communities.gov.uk/publications/localgovernment/draftprescribedreqsregs
(2) Localising Support for Council Tax Vulnerable people – key local authority duties	Sets out consideration to be made of the requirements of the Equality Act 2010	http://www.communities.gov.uk/documents/localgovernment/pdf/2148567.pdf
(3) Localising Support for Council Tax Funding arrangements - consultation	Outlines how the Government intends to distribute funding to support local schemes	http://www.communities.gov.uk/documents/localgovernment/pdf/2146648.pdf
(4) Localising Support for Council Tax – Taking Work Incentives into account	Guidance on how to design local Council Tax reduction schemes for working-age applicants that will also support the wider objectives of welfare reform	http://www.communities.gov.uk/publications/localgovernment/lscworkincentives

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COUNCIL

13th December 2012

REPORT OF THE PORTFOLIO HOLDER FOR CORE SERVICES AND ASSETS PROPOSED LOCALISING SUPPORT FOR COUNCIL TAX SCHEME FOLLOWING CONSULTATION RESPONSES

EXEMPT INFORMATION

This proposal is not exempt information for the purposes of Part 1 of Schedule 12 (A) to the Local Government Act 1972

PURPOSE

For Council to consider;

The proposed Local Council Tax Support Scheme for Tamworth from 1st April 2013. Options for the scheme were presented to Cabinet on 25th July, and on 15th August 2012 Cabinet chose the preferred option. Cabinet then endorsed this scheme on 28th November 2012. It must now be considered at full Council as the final scheme must have Council approval.

RECOMMENDATIONS

That Council endorse the proposed Local Council Tax Support scheme, having given consideration to the Localisation of Council Tax Consultation Final Report – **Appendix 1**, the estimated grant reduction figures – **Appendix 2** and the Equality Impact Assessment for this option – **Appendix 3**.

EXECUTIVE SUMMARY

This report details the key issues arising from the Local Support for Council Tax Scheme.

The Welfare Reform Act 2012 confirmed that Council Tax Benefit will be abolished from 1 April 2013, to be replaced by a new Localised Council Tax Support scheme. Grant funding will be reduced by 10% and distributed via the Department for Communities and Local Government rather than by the Department for Work and Pensions. The proposed scheme aims to deliver the required reduction in Council Tax benefit costs without being a cost to the General Fund or Preceptors – estimated at c. £700k.

The Government have specified that Pensioners must be protected from any grant cuts. Accordingly, regulations that mirror the current *Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) 2006* will be devised for Pensioners, which must be adhered to. For Working Age customers, Councils are free to decide their schemes, which will be subject to an overall 10% reduction in grant funding currently received.

The Authority has worked closely with all other Staffordshire District Councils, Staffordshire County Council and the Fire Authority, to design an over arching scheme. Local considerations were then also separately made by each Authority to achieve the savings requirements, based on each area's demographic make up and budgetary restrictions.

Options were presented to Cabinet on 25th July 2012 on how to deliver the reduced benefit cost from current Council Tax Benefit expenditure for working age customers in line with legislative requirements. Full Equality Impact Assessments were given for each option. On 15th August 2012, Cabinet's preferred option for a Local Council Tax Support scheme was decided, taking into account the grant cuts being imposed from 1st April 2013.

Consultation Responses

An eight week consultation period then commenced with the public, focus groups and all other stakeholders to gauge views about the proposals. A total of 10 drop in events were held, both with the public and various groups. The drop in sessions attracted almost 800 visitors. Every benefit customer (totalling in excess of 7300 claimants at the time) was also sent a consultation questionnaire along with a consultation leaflet which explained that Council Tax Benefit is being abolished and encouraging them to give their views on its proposed replacement in Tamworth.

- ❖ 828 responses were received, which is a statistically robust number. This represents 1.075% of Tamworth's population, which compares favourably to the response rate of all other Staffordshire Local Authorities of between 0.3% and 0.6% of their residents/groups.
- ❖ The degree of endorsement for the proposals was varied, with most support being received for Proposal 9, which provides continued protection for those entitled to a Severe Disability Premium. Least support was received to Proposal 4 under which the Second Adult Rebate would be removed and those of a working age would be responsible for paying 100% of their Council Tax bill. There was a high level of support for five out of the ten proposals as outlined below:

High level of support

- Level of support for pensioners, severely disabled and in receipt of a Severe Disability Premium, claimants with disabled children and claimants receiving a War Pension (Proposal 1);
- Continuing to disregard childcare costs (Proposal 5);
- Claimants and the level of savings allowed (Proposal 6);
- Continuing to exclude Child Benefit payments (Proposal 7);
- Continuing to protect those claiming a Severe Disability Premium (Proposal 9).

There was a moderate level of support for the remaining five of the ten proposals as outlined below;

Moderate level of support

- calculation of support based on 75% of Council Tax liability rather than 100%, meaning everyone who is not proposed to be protected from any reductions has to pay at least 25% of their Council Tax liability (Proposal 2);
- limit the calculation of support to no more than 75% of Band D liability (Proposal 3);
- removal of Second Adult Rebate for all working age customers (Proposal 4);
- inclusion of maintenance payments as income (Proposal 8);
- increased non dependant charges of £5 per week (currently £3.30 pw) and £10 per week (currently £6.55 - £9.90 pw, depending on gross pay received).

Please refer to **Appendix 1** – Localisation of Council Tax Consultation Final Report for full details of the consultation responses

RESOURCE IMPLICATIONS

The proposed scheme has been modelled on delivering an estimated benefit reduction in the region of £700k.

Based on recent caseload, the proposed scheme would deliver estimated benefit reductions of £718k (**Appendix 2**).

CONCLUSIONS

Proposed Local Council Tax Support Scheme

The scheme as endorsed for consultation (Cabinet 15th August 2012) delivers the estimated grant reduction- **Appendix 2**, required under the new Local Council Tax Support Scheme (10 % reduction on previous grant payments).

The results of the consultation are detailed in the Localisation of Council Tax Consultation Final Report – **Appendix 1**. There are no material implications raised following the consultation – as detailed above (Executive Summary), if the proposed scheme is endorsed without further amendment.

LEGAL/RISK IMPLICATIONS

Full Equality Impact Assessments were considered and taken into account when the scheme proposals were drafted. **Appendix 3** gives details of the Equality Impact Assessment made prior to it being chosen as the preferred option, and prior to consultation.

If the Authority's Local Support to Council Tax Scheme is not endorsed or in place by the 31st January 2013 then the default scheme will have to be applied. The implementation of a default scheme would result in the Authority having to implement the existing scheme, financing the 10% reduction and suffering additional benefit cost in 2013 /14 (onwards) as the existing benefit limits may be up-lifted by inflation.

SUSTAINABILITY IMPLICATIONS

Funding for the replacement of the current Council Tax Benefit scheme will be changed from Annual Managed Expenditure (unrestricted reimbursement of Council Tax Benefit subsidy) to Departmental Expenditure Limit (restricted, pre allocated grant figure). The Council must be aware that there will be little room for contingency if, for instance, a major local employer goes into administration.

REPORT AUTHOR

Karen Taylor x 529

LIST OF BACKGROUND PAPERS

Cabinet Report / Slides – Cabinet 15th August 2012
Draft Vulnerability Policy
Draft Summary Local Council Tax Support Policy

Appendices

Localisation of Council Tax Consultation Final Report – **Appendix 1**
Estimated grant reduction figures – **Appendix 2**
Equality Impact Assessment for the chosen option – **Appendix 3**
Table of estimated weekly £ extra to pay based on proposed scheme – **Appendix 4**

BACKGROUND INFORMATION

Council Tax Local Support Scheme Proposals 2013/14 (onwards)

The Government is committed to retaining Council Tax Support for the most vulnerable in society and taking forward plans for Councils to develop local Council Tax reduction schemes. The Welfare Reform Act 2012 contains provisions for the abolition of Council Tax Benefit, paving the way for new localised schemes. On 17th May 2012, *Localising Support for Council Tax – A Statement of Intent* was published.

The Statement of Intent sets out policy statements of intent for the regulations to be provided under the Local Government Finance Bill for England and explains the policy intent of the regulations and how they will enable the delivery of local Council Tax support. The document is specific in the rules for pensioners but has given Local Authorities little direction regarding policy for Working Age customers.

Consideration of the Department for Communities and Local Government policy intention document - *Localising Support for Council Tax Vulnerable people – key Local Authority Duties* was also made when devising the proposed Local Council Tax Support scheme.

Localising Support for Council Tax – Funding Arrangements Consultation gave details of how funding for a Council Tax reduction scheme will be reduced from 2013 onwards. Accordingly, regard for these budgetary cuts must also influence the design of a Local Council Tax Support scheme.

Localising Support for Council Tax - Taking Work Incentives into Account was also considered when drafting the policy.

If Councils do not have a local scheme in place by 31st January 2013, the Government will impose a 'default scheme' which is the current Council Tax Benefit scheme. This option is not sustainable as the current scheme is fully subsidised by the Department for Work and Pensions, regardless of caseload and any new scheme will have a fixed annual grant *only* which will be at least 10% less than it is now.

The results of the consultation have not identified any requirement to make any changes to the scheme. Cabinet have recommended that the scheme as consulted should be endorsed as the Authorities response to achieving the required reduction in Council Tax Support (namely 10% reduction) as required by legislation without imposing a further burden on the General Fund Budget 2013 / 14.

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28 November 2013

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS**WRITE OFFS 01/04/13 – 30/09/13****EXEMPT INFORMATION**

None

PURPOSE

To provide members with details of write offs from 01 April 2013 to 30 September 2013

RECOMMENDATIONS

That members endorse the amount of debt written off

EXECUTIVE SUMMARY

The Heads of Service are responsible for the regular review of debts and consider the need for write off and authorise where necessary appropriate write offs in line with the Corporate Credit Policy. This report shows the position for the current financial year. Further updates will continue to be produced on a quarterly basis.

Type	01/04/13-30/09/13
Council Tax	£1,760.96
Business Rates	£162,839.10
Sundry Income	£54,038.97
Housing Benefit Overpayments	£28,849.31

A revised approach to the calculation of Business Rates bad debt has been developed which involves a review of all of the outstanding debts to ascertain whether they are likely to be collectable. This has then been used to determine the balance to apply the usual aged debtor percentage.

Financial Implications

Business Rates	
Bad Debt provision	£778,833.35
Less amount of write offs in this report	£162,839.10
Less amount written off to date under delegated powers	£0.00
Amount remaining	£615,994.25

RESOURCE IMPLICATIONS

There are no new financial implications arising from this report. As the write offs detailed have already been approved in line with the Corporate Credit Policy/Financial regulations and have been reported to members where appropriate.

LEGAL/RISK IMPLICATIONS BACKGROUND

Not applicable

SUSTAINABILITY IMPLICATIONS

Not applicable

BACKGROUND INFORMATION

This forms part of the Council's Corporate Credit Policy and effective management of debt.

The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off in accordance with the schemes of delegation prescribed in the Corporate Credit Policy.

The Council views such cases very much as exceptions. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt together with any factors that it feels are relevant to the individual case.

Debt Write Off

Authorisations are needed to write off debt as follows:

<u>Authority</u>	<u>Account Value</u>
Chief Officer (or authorised delegated officer)	up to £5,000
Executive Director Corporate Services Cabinet	£5,001 - £10,000 over £10,000

These limits apply to each transaction

Bad Debt Provision

The level of the provision must be reviewed jointly by the unit and Accountancy on at least a quarterly basis as part of the management performance review, and the table below gives the mandatory calculation.

Where the debt is less than 6 months old it will be written back to the service unit.

Debt Outstanding	Provision (net of VAT)
Between 6 and 12 months old	50%
Between 12 and 24 months old	75%
Over 24 months old	100%

The financial effects of providing for Bad Debts will be reflected in the Council's accounts at Service Unit level.

REPORT AUTHOR

Michael Buckland, Head of Revenues, Tel 709523
e-mail michael-buckland@tamworth.gov.uk

LIST OF BACKGROUND PAPERS

Corporate Credit Policy - effective management of debt

APPENDICES

Appendices A to D give details of write offs completed for Revenues and Benefits Services

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Appendix A- Council Tax

Summary of Council Tax Write Offs 01/04/2013-30/09/2013														
Date of Write Off	£0.00-£75.00	£75.01-£500.00	£500.01-£1,000.00	£1,000.01-£5,000.00	£5,000.01-£10,000.00	£10,000.01-£25,000.00	£25,000.01-£50,000.00	£50,000.01 and Over	Remitted	Credit Write Off	Reversed Write Off	Total	No. of Accounts (Write off Only)	Reason(s)
21/08/2013	£1,065.49											£1,065.49	74	Small balances
02 Totals	£1,065.49	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,065.49	74	
01 Totals (B/F)	£695.47	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£695.47	349	
Overall Total	£1,760.96	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,760.96	423	

Appendix D- Housing Benefit Overpayments

Summary of Benefit Overpayment Write Offs 01/04/2013-30/09/2013									
Date of Write Off	(£0.00-£75.00)	(£75.01-£500.00)	Head of Benefits (£500.01-£1,000.00)	(£1,000.01-£2,000)	Executive Director Corporate Services (£2,000.01-£10,000.00)	Cabinet (£10,000.01 and Over)	Total	No. of Accounts	Reason(s)
31.07.2013	£157.53	£1,020.50	£515.97				£1,694.00	11	bankrupt
"	£187.99	£339.84					£527.83	5	Under 2 wks rent o/s- deceased
"	£397.89						£397.89	7	not financially viable to pursue
"	£85.27						£85.27	40	uneconomical to pursue
"	£93.90						£93.90	4	less than £35 o/s
"		£127.00					£127.00	1	absconded debtor
"	£0.33	£281.74					£282.07	3	Departmental (LA) error
31.08.2013	£166.08						£166.08	3	Under 2 wks rent o/s- deceased
"	£14.35						£14.35	7	uneconomical to pursue
"	£49.80	£318.69					£368.49	2	Departmental (LA) error
"		£409.98					£409.98	1	absconded
30.09.2013	£73.82						£73.82	1	Under 2 wks rent o/s- deceased
"	£140.00						£140.00	1	court costs
"	£41.49						£41.49	3	less than £35 o/s
"	£23.87						£23.87	10	uneconomical to pursue
"		£285.25	£547.72				£832.97	2	absconded debtor
"		£291.88					£291.88	1	not financially viable to pursue
"		£720.47					£720.47	3	deceased
"	£72.78	£654.64		£1,169.87	£4,382.12		£4,382.12	1	bankrupt
02 Totals	£1,505.10	£4,449.99	£1,063.69	£1,169.87	£4,382.12	£0.00	£12,570.77	113	
01 Totals (B/F)	£1,329.97	£4,904.80	£4,213.75	£2,251.81	£3,578.21	£0.00	£16,278.54	157	
Overall Total	£2,835.07	£9,354.79	£5,277.44	£3,421.68	£7,960.33	£0.00	£28,849.31	270	

28 November 2013

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS**Council Tax Base 2014/15****EXEMPT INFORMATION**

None

PURPOSE

To report the Council Tax Base for the Borough Council for 2014/15.

RECOMMENDATIONS

That Tamworth Borough Council resolves its calculation of the Council Tax Base for the year 2014/15 to be 20,389 (2013/14 – 20,199).

EXECUTIVE SUMMARY

The Borough Council is required to calculate its Council Tax Base for each financial year and notify Staffordshire County Council, The Office of the Police and Crime Commissioner Staffordshire and Staffordshire Fire Authority by 31 January preceding that financial year.

The Authority is required to approve the Council Tax Base.

The Council Tax Base is the total of the number of domestic properties in the Borough, after making deductions for exempt dwellings and for the granting of reliefs and discounts for disabled occupiers, single occupiers and as appropriate empty properties. Since 2013/14 the figure is also reduced for the properties where Council Tax Support (replacing Council Tax Benefit from April 2013) is given. This is expressed as Band D equivalents.

RESOURCE IMPLICATIONS

The figure for 2014/15 Council Tax Base is calculated at 20,389. This represents an increase in the current year of 190 or 0.9%.

LEGAL/RISK IMPLICATIONS BACKGROUND

If the base is not set in the legally required timeframe it can be calculated by precepting authorities and imposed upon us.

SUSTAINABILITY IMPLICATIONS

None

BACKGROUND INFORMATION

Under the Local Government Finance Act 1992 as amended the Borough Council is required to calculate its Council Tax Base for each financial year and is required to notify Staffordshire County Council, The Office of the Police and Crime Commissioner Staffordshire and Staffordshire Fire Authority by 31 January preceding that financial year.

In accordance with the Local Authority (Calculation of Council Tax Base) Regulations 1992 as amended, the Tax Base for the year 2014/15 is calculated by applying a formula $A \times B$.

A is the number of properties in each band (expressed as a number of band D equivalents).

B is the Authority's estimate of its collection rate for that year. It is recommended that this should be 97.9%.

Applying the collection rate to *A* gives a Council Tax Base of 20,389 (20,826.5 x 97.9%).

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

Local Government Finance Act 1992
Local Authority (Calculation of Council Tax Base) Regulations 1992
Local Government Finance Act 2012
Local Authority (Calculation of Council Tax Base) (England) Regulations 2012

APPENDICES

Appendix A – Council Tax Base Calculation 2014/15

Appendix A

Council Tax Base Calculation 2014/15

Detail/ Band	Band A with disabled relief	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Total Dwellings	0.00	9346.00	11666.00	5336.00	3502.00	1675.00	398.00	63.00	5.00	31991.00
Exempt or 100% discount dwellings	0.00	(189.00)	(140.00)	(55.00)	(20.00)	(10.00)	(8.00)	0.00	0.00	(422.00)
New/ amended/ deleted property adjustments	0.00	4.94	10.97	6.40	25.84	(25.03)	0.00	0.00	0.00	23.12
Disabled adjustments	23.00	51.00	(41.00)	(4.00)	(24.00)	1.00	(3.00)	(1.00)	(2.00)	0.00
Adjusted chargeable dwellings	(i)	9212.94	11495.97	5283.40	3483.84	1640.97	387.00	62.00	3.00	31592.12
Less: effect of discounts/ disregards	(ii)	1.50	1096.25	306.00	141.75	56.50	11.25	2.25	0.50	2541.50
50% empty property premium	(iii)	0.00	11.50	5.00	1.00	1.00	0.00	0.00	0.00	26.00
Less effect of Local Council Tax Support	(iv)	0.00	2488.54	316.86	97.27	26.28	6.00	1.22	0.00	4360.52
Net chargeable dwellings	(i)-(ii)-(iii)-(iv)	21.50	5639.65	9153.62	3245.82	1559.19	369.75	58.53	2.50	24716.10
Band proportion		5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
Band D equivalents	A	11.94	3759.76	7119.48	4147.15	1905.68	534.08	97.55	5.00	20826.47
Authority's estimated collection rate	B									97.9%
Council Tax Base	AxB									20389

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