



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

To: All Members of the Council
and Chief Officers

NOTE: PLEASE NOTE THAT PRAYERS WILL BE SAID AT 6.25 P.M. PRIOR TO THE COUNCIL MEETING FOR ANY MEMBER WHO WISHES TO ATTEND

COUNCIL MEETING

YOU ARE HEREBY SUMMONED to attend a meeting of **NORTH DEVON COUNCIL** to be held in the Virtual - Online meeting on **WEDNESDAY, 13TH JANUARY, 2021 at 6.30 pm.**

A handwritten signature in black ink, appearing to read 'K. Miles', is written over a light blue horizontal line.

Chief Executive

AGENDA

1. Virtual meetings procedure - briefing and etiquette
Chair to report.
2. Apologies for absence
3. To approve as a correct record the minutes of the meeting held on 25 November 2020 (Pages 11 - 24)
4. Chair's announcements
5. Business brought forward by or with the consent of the Chair
6. To consider motions of which notice has been submitted by Members in accordance with Part 4, Council Procedure Rules, Paragraph 11 of the Constitution
 - (a) To consider the following notice of motion received by Councillor Pearson
"Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO₂ levels are above

400 parts per million (ppm) and continue to rise. This far exceeds the 350 ppm deemed to be a safe level for humanity. Without more significant and sustained action, the world is set to exceed the Paris Agreement's 1.5°C limit between 2030 and 2040. Therefore the current UK target of net zero by 2050 is not satisfactory. It is too little too late. The increase in harm caused by a rise of 2°C rather than 1.5°C is significant. This is described by the Intergovernmental Panel on Climate Change's Special Report on Global Warming of 1.5°C published in October 2018. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities. The costs of failing to address this crisis will far outstrip the investments required to prevent it. Investing now will bring many benefits in the form of good jobs, breathable cities and thriving communities.

Council notes that

1. This council has declared a climate and ecological emergency;
2. Many local authorities have established Citizens' Assemblies that are playing an important role in assisting them in their plans to achieve net zero by 2030 or before; and that
3. There is a Bill before Parliament—the Climate and Ecological Emergency Bill (published as the "Climate and Ecology Bill")—according to which the Government must develop an emergency strategy that:
 - a) requires that the UK plays its fair and proper role in reducing greenhouse gas emissions consistent with limiting global temperature increase to 1.5 degrees C above pre-industrial temperatures;
 - b) ensures that all the UK's consumption emissions are accounted for;
 - c) includes emissions from aviation and shipping;
 - d) protects and restores biodiverse habitats along overseas supply chains;
 - e) restores and regenerates the UK's depleted soils, wildlife habitats and species populations to healthy and robust states, maximising their capacity to absorb CO₂ and their resistance to climate heating;
 - f) sets up an independent Citizens' Assembly, representative of the UK's population, to engage with Parliament and Government and help develop the emergency strategy.

Council therefore resolves to:

1. Support the Climate and Ecological Emergency Bill
2. Inform the local media of this decision;
3. Write to local MPs, asking them to support the Bill; and
4. Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.uk).

(b) To consider the following notice of motion received by Councillor Mack:

"North Devon District Council fully supports the campaign to remove from sale cheap, polystyrene bodyboards. The council recognises the negative impact on the natural environment these types of bodyboards can have including the danger to wildlife and the ocean. We fully endorse renting, as opposed to purchasing, of a bodyboard for occasional personal use. We recognise the reduction in raw materials needed for manufacturing and understand the reduction in carbon footprint this also offers.

As a Council we commit to writing to all national supermarkets within our area requesting they immediately remove from sale cheap, polystyrene bodyboards.

We will, where feasible, support the zero charge hire of bodyboards to remove financial barriers in front of those facing financial hardship.”

(c) To consider the following notice of motion received by Councillor Worden

The introduction of virtual meetings as a result of the coronavirus pandemic has proved to be a success and has brought many advantages. Initially some found it strange getting used to using Teams or Zoom but it has enabled the work of the Council to continue during difficult times. Councillors have quickly got used to the new etiquette and the debate is as lively and informative as ever.

On occasions face to face meetings would have been preferred but this council notes the advantages of being able to have remote meetings.

1. Many of North Devon’s councillors live quite a distance from Barnstaple. For some it is an hour and a half round trip to attend a committee meeting. It isn’t always easy, particularly during winter time to attend all the meetings because of inclement weather and work commitments. Often there are meetings in the morning, afternoon and evening with some time in-between. That time is not wasted if members are able to attend remotely from home.
2. NDC has declared a climate emergency and by attending meetings via Teams or Zoom we are not driving and using non-renewal resources but are cutting down on our carbon footprint – a priority of this council.
3. Virtual meetings have saved the council a considerable amount of money during this financial year as, for example, travel expenses have been very much reduced. As we are facing a significant short fall in funding for the foreseeable future any saving is helpful.
4. Councillors wish to attend the NDC committees but are also keen to attend meetings of the Parish Councils within their wards. Some are also County Councillors and inevitably there is often a clash of dates. This means that councillors have to choose which to attend. The result is less engagement with the District Council, or the County Council or the Parish Councils. Having remote meetings means that councillors can more easily attend most of the meetings, to the advantage of all the councils.
5. The engagement of the public and press has also generally increased (the exception probably being the planning committee). The level of reporting about council business has increased as physical meetings no longer attracted the local press due to cutbacks in their staff.
6. For some councillors who have work commitments, mobility issues or are carers remote meetings have been easier for them to attend. This may well help to attract a wider age range of potential councillors in future elections.

This Council would like to have the flexibility to hold remote and physical meetings. We recognise that some meetings are better dealt with physically and we also recognise that perhaps a hybrid model could also work successfully.

This Council resolves to:

1. Write to the Ministry of Housing, Communities and Local Government (MHCLG) urging that the temporary change to the meeting rules set out in the Local Government Act 1972 be made permanent so that after May we have the flexibility to hold meetings remotely or physically or by using a combination of the two.
2. Write to our M.P., the County Council and Parish Councils asking for support for this flexible approach to council meetings.
3. Once our request is successful to explore the use of technology to develop remote meetings even more in order to attract a wider audience.

(d) To consider the following notice of motion received by Councillor Leaver

Many of us will have spoken to residents over the last few months who have commented on how dramatically litter levels declined during the national lockdown. However, litter is again becoming a common issue in parks and on footpaths and cycleways. The council staff have been doing an amazing job of making sure that all our domestic waste and recycling continues to be collected. At the same time, the service has not been able to work at full capacity due to a number of waste and recycling staff testing positive for coronavirus, and teams have needed to self isolate to keep themselves, their families and residents safe. Therefore, all of us must play our part in preventing the build up of litter in our communities, which is not only unsightly but can present health risks.

North Devon Council is committed to tackling litter in our District and to working for cleaner streets and public spaces across our communities.

Council notes that:

- The Keep Britain Tidy Campaign offers local authorities the opportunity to become a member of a Network, which provides access to specialist advice and support.
- The campaign is also promoting a Love Parks campaign and a Charity Bin sponsorship scheme whereby the monies raised from recycling cans deposited in designated local authority bins is contributed to local charities.
- Several national supermarket chains are now operating trials of reverse vending machines, where customers are rewarded for returning used cans and bottles for recycling.
- The Government department DEFRA has also previously published a voluntary code for local businesses and local business partnerships to sign up to and reduce the litter that results from fast food businesses.
- Individuals and local groups such as Plastic Free North Devon have taken the initiative and organised a number of litter picks in parks, on the Tarka Trail and on beaches.

Council recognises that:

- Whilst we are committed to tackling litter in our District, and to working for cleaner streets and public spaces across our communities, we

cannot do this alone.

- In the battle for cleaner streets and public spaces, we must involve the public and our business partners in a co-operative effort.
- There are community champions and organisations commendably 'doing their bit' and we appreciate their efforts.
- The Keep Britain Tidy and DEFRA initiatives provide extra opportunities and an extra incentive for members of the public and business partners to become actively engaged and empowered in tackling the litter which unless cleared blights our streets.
- In doing their bit, residents and business help the Council to make the streets, beaches, parks and public amenities of North Devon cleaner and inviting to residents and visitors.

Council resolves to:

- Promote participation in litter prevention activities to members of the public, community, faith and youth groups, and businesses through our social media, website and existing email-outs to partners.
- Ask the Strategy & Resources Committee to examine the merits of becoming a local authority member of the Keep Britain Tidy Network, and identify which of the campaign's initiatives, including Love Parks and Charity Bins, could be introduced in the District.
- Ask the Chief Executive to write to national supermarket chains with stores in this District asking them to consider North Devon as the location for a future trial of a reverse vending machines.
- Promote take up of the DEFRA voluntary code amongst our fast food businesses and local business partnerships and seek their sponsorship for the introduction of a Charity Bin scheme and for public education programmes.

7. Replies to any questions submitted by the Public and/or to receive Petitions under Part 4, Council Procedures Rules, Paragraphs 8 and 9 of the Constitution

8. Declarations of Interest

(NB. Members only need to re-declare any interests previously declared at Committee and Sub-Committee meetings if the item is discussed at Council).

9. Chair's replies to any questions to Council by Members submitted under Part 4, Council Procedures Rules, Paragraph 10 of the Constitution

(a) To receive the following question by Councillor Henderson

"Can we urge this administration to use their time in power productively for the benefit of all the people of North Devon.

The recent announcement of £6.5m for Barnstaple is of course welcomed, but other key North Devon towns such as Ilfracombe and South Molton must be included on the radar for a slice of the recently announced £20m made available

by the Chancellors Levelling Up fund for 'local areas' to help their struggling economies.

Can the current administration please detail any specific plans for towns other than Barnstaple which they have in the pipeline. If none at present, will the current administration commit to working with the Town Councils of other North Devon towns alongside our MP to - in the words of the Chancellor, 'improve "the infrastructure of everyday life" (which can include projects such as funding for a new bypass, upgraded railway station, roadworks to cut traffic, more libraries, museums and galleries, or town centre improvements.)"

10. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART A

11. **Report of the Leader of the Council** (Pages 25 - 28)
Report by Leader of the Council (attached).
12. **Questions by Members**
Questions to the Leader or the Chair of a Committee submitted under Part 4, Council Procedure Rules, paragraph 10.4 of the Constitution.
13. **Devon County Council/North Devon Council response to the Climate Declaration**
Lead Member for Climate Change to report.
14. **Council Tax Reduction Scheme 2021/22** (Pages 29 - 184)
Report by Head of Resources (attached) and minute extract of the Strategy and Resources Committee held on 7 January 2021 (to follow).
15. **Council Tax Base 2021/22** (Pages 185 - 188)
Report by Head of Resources (attached).
16. **Proposed Committee Timetable for 2021/2022** (Pages 189 - 200)
Report by Senior Corporate and Community Services Officer (attached)
17. **Minutes of Committees**
Council is recommended to note the schedule of Committee minutes and approve recommendations as listed below:
 - (a) Building Control Joint Committee (Pages 201 - 206)
 - (i) 12 November 2020

- (b) Harbour Board (Pages 207 - 214)
 - (i) 17 November 2020

- (c) Planning Committee (Pages 215 - 226)
 - (i) 11 November 2020
 - (ii) 9 December 2020

- (d) Strategy and Resources Committee (Pages 227 - 234)
 - (i) 7 December 2020
 - (A) Minute 229: Approval and Release of Section 106 Public Open Space Funds, Tawstock
 - (B) Minute 232: Interim Devon Climate Change Plan and North Devon Council Environmental Policy

 - (ii) 4 January 2021 (to follow)

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

5.01.21

GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL

Part 4, Council Procedure Rules of the Constitution

The basics

At a meeting of Full Council, Members shall stand when speaking unless unable to do so and shall address the Chair.

While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

Unless notice of motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Speeches must be directed to the question under discussion or to be personal explanation or point of order.

A speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.

Speeches by other Members may not exceed 3 minutes without the consent of the Chair, unless when the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.

The rules of Question Time

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place and a reminder will be issued at the commencement of virtual meetings.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off. In a virtual meeting the public will be excluded from the meeting while in Part B.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity. Public contributions to virtual meetings will be recorded, unless, at the Chair's discretion, recording is deemed inappropriate in accordance with point 2 above.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

Meeting Etiquette Reminder for Members

Members are reminded to:

- Join the meeting at least 10-15 minutes prior to the commencement to ensure that the meeting starts on time.
- Behave as you would in a formal committee setting.
- Address Councillors and officers by their full names.
- Do not have Members of your household in the same room.
- Be aware of what is in screen shot.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Only speak when invited to do so by the Chair.
- Speak clearly (if you are not using video then please state your name)
- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- The only person on video will be the Chair and the one other person speaking.
- Only use the Chat function to register that you wish to speak or to move or second a motion.

Virtual attendance by members of the public

If members of the public wish to attend virtually, please contact Corporate and Community services on 01271 388253 or memberservices@northdevon.gov.uk by 12pm on the Monday preceding the meeting.

NORTH DEVON COUNCIL

Minutes of a meeting of NORTH DEVON COUNCIL held at Virtual - Online meeting on Wednesday, 25th November, 2020 at 6.30 pm

PRESENT: Members:

Councillor Biederman (Chair) and Worden (Leader)

Councillors Hunt, Bulled, Bushell, Cann, Chesters, Crabb, Davis, Davies, Fowler, Gubb, Henderson, Jenkins, Knight, Lane, Leaver, Lovering, Lofthouse, Ley, Luggar, Mack, Mackie, Orange, Patrinos, Pearson, Phillips, Prowse, Roome, D. Spear, L. Spear, Topham, Topps, Tucker, Turton, Walker, Yabsley and York

Officers:

Chief Executive, Head of Resources, Community Protection Officer, Senior Solicitor/Monitoring Officer and Service Lead - Environmental Protection

156. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meeting procedure and etiquette to Council and attendees.

The Senior Corporate and Community Services Officer confirmed the names of those Councillors and officers present and advised that members of the public were also in attendance.

157. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barker, Saxby and Wilkinson.

158. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 7 OCTOBER 2020 (ATTACHED)

RESOLVED that the minutes of the meeting held on 7 October 2020 (circulated previously) be approved as a correct record and signed by the Chair.

159. CHAIR'S ANNOUNCEMENTS

(a) Keith Abraham

The Chair advised that Keith Abraham has passed away earlier in the month. Keith had helped to achieve a lot for Barnstaple and for North Devon in general.

Council observed a one minute silence in memory of Keith Abraham.

Councillor Prowse advised Council of the work that Keith had been involved with the cricket, rugby and gig clubs and was an extremely generous man. He helped out numerous sports clubs in Barnstaple.

The Chief Executive advised that Keith was also a great benefactor of the Museum of North Devon and was guest of honour at the opening of the new extension.

Councillor Topps advised that himself and many other young people were lucky enough to benefit from the work that he had achieved with the Barnstaple Rugby Club.

160. BUSINESS BROUGHT FORWARD BY OR WITH THE CONSENT OF THE CHAIR

(a) Covid 19 Update

The Chief Executive provided an update to Council regarding the measures that the Council had put in place to protect staff. Most staff were now working from home, however this was not possible for all staff such as waste and recycling. Covid secure measures had also been introduced at the Council offices which also included: staggered starting and finishing times for car park wardens and employees working in the waste and recycling service; changes to the staff canteen layout, introduction of task and finish for waste and recycling crews; retaining crew bubbles which therefore resulted in a reduction in the crew number if an employee was absent. The Council had six positive Covid 19 cases which had resulted in a number of employees having to self isolate as part of the Council's track and trace system. It was anticipated that the majority would return to work this week. The Council's track and trace system was over and above the national guidance. Contact had been made with Devon County Council and Public Health for Devon regarding any further advice. So far there had been minimal impact on service delivery of waste and recycling whereby only a few rounds had been affected and the Council was working hard to retain the delivery of services. In terms of the number of cases, the rate for Devon was reducing, however the rate for North Devon was higher but still well below the national rate for England. There had been particular areas that had experienced a higher number of cases but these had not been related to the community. The health services were currently still in a position to manage the levels.

In response to questions, the Chief Executive reported that he had been advised that there would be some engagement prior to the announcement of the tier system which was due to be made by Government tomorrow. The national track and trace system performed less well when there were a higher number of cases.

Council thanked the Council staff for doing a fantastic job under difficult circumstances.

161. ORDER OF AGENDA

Council agreed to consider item 11 before item 6 on the agenda.

**162. PLASTIC FREE NORTH DEVON POLYSTYRENE BODYBOARD
CAMPAIGN**

Council received a presentation by Claire Moodie, Plastic Free North Devon regarding the Plastic Free North Devon Polystyrene Bodyboard Campaign. She outlined the nature of the problem with using polystyrene bodyboards such as litter caused, carbon footprint, ecological disaster and human health risk. She outlined how it could be tackled locally by gaining support from local MP's, District and Parish Councils, encouraging schools to write letters to local businesses, encourage local beach side businesses to offer higher quality boards and rental. Public support had already been obtained through a public poll. This campaign had not been achieved in any other part of the country and if there was enough support at grass root levels then changes could be achieved. It was suggested that a notice of motion would be presented to the meeting of Council in January 2021.

In response to questions, Claire Moodie advised that South West Metals could recycle polystyrene however it could only be recycled to be used as polystyrene and therefore little economic value. A wooden board would cost between £40-£300. Plastic Free provided wooden boards at a cost of £80 and also had some available to hire.

**163. REPLIES TO ANY QUESTIONS SUBMITTED BY THE PUBLIC
AND/OR TO RECEIVE PETITIONS UNDER PART 4, COUNCIL
PROCEDURES RULES, PARAGRAPHS 8 AND 9 OF THE
CONSTITUTION**

There were no questions submitted by the public and/or petitions under Part 4, Council Procedure Rules, Paragraphs 8 and 9 of the Constitution.

**164. TO CONSIDER MOTIONS OF WHICH NOTICE HAS BEEN
SUBMITTED BY MEMBERS IN ACCORDANCE WITH PART 4,
COUNCIL PROCEDURE RULES, PARAGRAPH 11 OF THE
CONSTITUTION**

(a) and (c) To consider the following notices of motions received by Councillor Patrinos and Councillor Worden

The Chair advised that the notice of motions submitted by Councillors Patrinos and Worden as detailed under items (a) and (c) on the agenda would be considered together.

Councillors Patrinos and Worden addressed the Council in relation to the notices of motions.

It was moved by Councillor Patrinos and seconded by Councillor Worden “that the Policy Development Committee be requested to look at the subject matter of the notice of motions in respect of the impact on agriculture, consumers and the potential impact of the Agricultural Act 2020 on the agricultural sector, environmental standards and food safety.”

Councillor Yabsley declared a personal interest as he was in receipt of a basic farm payment.

RESOLVED that the Policy Development Committee be requested to look at the subject matter of the notice of motions in respect of the impact on agriculture, consumers and the potential impact of the Agricultural Act 2020 on the agricultural sector, environmental standards and food safety.

(b) To consider the following notice of motion by Councillor Hunt

Councillor Hunt declared a personal interest as she had volunteered for the Northern Devon Foodbank since March 2020.

Councillor Hunt presented her notice of motion to Council. She advised that since the submission of the notice of motion, that following Marcus Rashford’s campaigning the Government had announced that £170m would be available to support children and families to ensure that children would be supported over the winter months. Vouchers would be issued to those children in receipt of free school meals. Therefore number two in the notice of motion was no longer relevant.

It was moved by Councillor Hunt and seconded by Councillor Worden “that this Council write to the Secretary of State for Education, the Chancellor and our member of Parliament to call for:

1. An extension of eligibility for free school meals to every pupil whose parents or guardians are in receipt of Universal Credit
2. An extension of eligibility for free school meals to pupils from low-income families whose parents or guardians have no recourse to public funds and destitute asylum seekers under s4 of the Immigration and Asylum Act 1999.”

The Chief Executive advised that the Council provided an exceptional hardship fund inadvertently affected by Covid which had been funded by Devon County Council. There was no opportunity to take a report to Committee as the scheme had to be implemented with immediate effect. To date there was approximately £80,000 remaining in the fund. The free school meals provided during the October half term had been publicised.

The Head of Resources advised that the Council had received the fourth tranche of funding of £385,000 from the Government. The Winter Fund announced by Council would be awarded to Devon County Council and discussions were ongoing as to how this would be distributed locally.

Councillor Biederman requested that Councillors be advised of the financial schemes available to enable them to signpost individuals.

RESOLVED that this Council write to the Secretary of State for Education, the Chancellor and our member of Parliament to call for:

1. An extension of eligibility for free school meals to every pupil whose parents or guardians are in receipt of Universal Credit
2. An extension of eligibility for free school meals to pupils from low-income families whose parents or guardians have no recourse to public funds and destitute asylum seekers under s4 of the Immigration and Asylum Act 1999.

(d) To consider the following notice of motion by Councillor Pearson

Councillor Pearson presented the notice of motion and provided an explanation on the reasons for submitting the notice of motion to Council.

It was moved by Councillor Pearson and seconded by Councillor Jenkins and amended during consideration thereof to the following “that the Council resolve to:

1. to encourage all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
2. to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
3. to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
4. to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public displays

An amendment was moved by Councillor York and seconded by Councillor Bushell “that the notice of motion be amended to include that the Council lobby the MP and Government urging the ban of the sale of fireworks to the general public”.

Councillors Pearson and Jenkins agreed to amend paragraph three of the notice of motion paragraph to take this on board to read as follows “to write to the UK Government urging them to introduce legislation to restrict the sale of fireworks to the general public”.

Councillor York withdrew her amendment to the motion. Councillor Bushell confirmed that he would abstain from voting.

RESOLVED that the Council resolve to:

1. to encourage all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
2. to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
3. to write to the UK Government urging them to introduce legislation to restrict the sale of fireworks to the general public

4. to encourage local suppliers of fireworks to stock 'quieter' fireworks for public displays

165. DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Hunt – item 7 (b) personal interest as volunteered for the Northern Devon foodbank.

Councillor Yabsley – items 7 (a) and (c) as in receipt of basic payments scheme.

166. CHAIR'S REPLIES TO ANY QUESTIONS TO COUNCIL BY MEMBERS SUBMITTED UNDER PART 4, COUNCIL PROCEDURES RULES, PARAGRAPH 10 OF THE CONSTITUTION

(a) To consider the following question from Councillor York to the Lead Member for the Environment

“As a Member of the NDC Climate Action Team, I would welcome answers to the following questions about the introduction of street waste and recycling bins in Barnstaple (and beyond?).

I understand there is a trial being conducted with a new recycling bin in Pilton Park.

I would like to know how this is going and what, if any, plans there are to extend this service across the town (and beyond)?

If there are plans, which areas are being considered?

Will Members be contacted to help identify 'litter hot-spots' in their wards?

How will the collection of waste and recycling from these bins be managed?

A couple of years ago during the previous administration, I had positive discussions with Councillor Brailey and Hannah Harrington at the Barnstaple Pannier Market Traders' Committee, around the potential of local businesses sponsoring new recycling bins to help pay for them. Is this still being considered? If not, could this be achieved?

If there is doubt about whether the public are likely to use the bins effectively, could the Council consider issuing some constructive comms around their introduction and how to use them responsibly?

As Chair of Barnstaple Town Council's Environment Committee, I would be willing, with the agreement of the committee, to help support a recycling bin scheme with some of our Committee budget, for Barnstaple wards.”

Councillor Pearson's response "The recycling bin that was placed at the entrance to Pilton Park was not part of a formal trial. It was placed there as it was intended to let a concession at the entrance and it was hoped that it would serve that concession and fit with the sustainable objectives of that arrangement. Unfortunately because of lockdown, that concession has not been progressed. As a result, the recycling bin has not been supervised and so has been used incorrectly. There are no plans to extend that arrangement but we are drawing up plans to produce a Litter Strategy. This would cover the whole area of litter and look at the size, number, type and position of bins and campaigns to reduce litter, recycle street litter and use receptacles appropriately. Members, and relevant town and parish councils, would of course be involved in this and the Strategy would be signed off by Committee and would fit in with our Corporate Objectives. Once a litter strategy is agreed we could design a new comms litter campaign. I hope to be able to present the Strategy to Members in the New Year. Out of interest we did run a trial of a smart litter bin in Barnstaple. Again, this was interrupted by the first lockdown and so it is difficult to compare the results with previous years but appeared successful. The initial results indicated that we would need to empty it less frequently, roughly once for every four visits to a conventional bin. Also because it is a smart bin it sends a message when it is full so should prevent overflow. These bins are, however, pretty expensive so would need to be placed carefully should we decide to purchase any. I agree that we should be considering bin sponsorship and I am personally keen to see more recycling receptacles in public spaces round the district. Evidence and experience from other Districts suggests that public recycling receptacles are more successful if part of an overall and continuing campaign encouraging their correct use. I welcome your questions and would be happy to engage with Barnstaple Town Council's Environment Committee in planning recycling bins for the town."

In response to a supplementary question, Councillor Pearson advised that there were lots of organisations lobbying their suppliers regarding supplying products in alternative packages and that she looked forward to working with Councillor York on the Council's litter strategy.

167. REPORT OF THE LEADER OF THE COUNCIL

Council noted a report by the Leader of the Council (circulated previously) regarding work that had been undertaken since the last Council meeting.

**168. DEVON COUNTY COUNCIL/NORTH DEVON COUNCIL
RESPONSE TO THE CLIMATE DECLARATION**

Council received an update by the Lead Member for Climate Change regarding the Devon County Council and North Devon Council response to Climate Declaration. She advised that the Devon Carbon plan consultation commenced on 7 December 2020 and all Members had been invited to attend a webinar. The tender process had commenced regarding electric charging points. The appointment of a Climate Change officer would be a shared appointment with Torridge District Council and the officer would be hosted by Torridge District Council. Work was being undertaken with Heads of Services to ensure that the corporate priorities were taken into account when service plans were formulated. The Council's carbon omitting activities

had been included within the Devon Carbon plan. Work would be undertaken with the Waste and Recycling service regarding the reduction of omissions and the impact on climate change.

169. PUBLIC SPACES PROTECTION ORDERS - DOG CONTROL

The Chair thanked the Environmental Protection Service Lead and his team for their hard work.

Council considered a report by the Environmental Protection Service Lead (circulated previously) and the minute extract of the Strategy and Resources Committee held on 13 November 2020 (circulated separately) regarding the Public Spaces Protection Orders Dog Control.

The Monitoring Officer confirmed that following the meeting of the Strategy and Resources Committee he had sought clarification and advised that assistance dogs were not required to be registered with a member organisation of Assistance Dogs UK.

Councillor Chesters declared a personal interest as Chair of the Braunton Marsh Drainage Board.

In response to questions the Environmental Protection Service Lead advised that there were opportunities to work with Parish Councils and other partners to undertake enforcement duties on behalf of the Council subject to the appropriate scrutiny arrangements and training being provided. Consistently worded signage would be placed along the Tarka Trail and all old signage would be replaced. These costs would be met from existing resources. The behaviour of cyclists using the Tarka Trail could be looked at separately.

RESOLVED that the recommendations of the Strategy and Resources Committee held on 13 November 2020 regarding Public Spaces Protection Orders Dog Control be approved.

170. COMMERCIALISATION STRATEGY

Council considered the Commercialisation Strategy report to the Strategy and Resources Committee on 2 November 2020 (circulated previously).

In response to questions, the Head of Resources confirmed the following:

- The recommendation in the report was to adopt the Commercialisation Strategy as set out in Appendix A of the report.
- The aspirational target was to deliver a minimum of £500,000 of new revenue income by 31 March 2023. A review would be undertaken of Council owned assets to ensure that the best value for money was being achieved.
- Other areas would be explored to achieve greater savings and efficiencies.

- The target to reduce back office costs by 5% related to overheads and would include further introduction of new technology. It did not directly relate to the reduction in staff.
- By increasing income for a service, the net cost of the budget would be reduced.
- There was a need for the organisation to grow to create capacity.
- Local Authorities were able to borrow for commercial investments but not solely to make a commercial profit, there should be other rationale for example such as regeneration or service delivery potential.
- Business cases would be produced for all opportunities which would clearly set out the reasons and benefits plus the financial implications.

In response to a question, Councillor Roome, Lead Member for Resources and Commercialisation advised that the Council received regular internal and external audits.

(a) **Report by the Policy Development Committee**

Councillor Spear, Chair of the Policy Development Committee presented the Committee's report on the Commercialisation Strategy (circulated previously).

(b) **Report of meeting of the Strategy and Resources Committee**

Councillor Worden, Chair of the Strategy and Resources Committee reported the recommendations of the Strategy and Resources Committee on the Commercialisation Strategy (circulated previously).

It was moved by Councillor Worden and seconded by Councillor Biederman "that minute 208 of the Strategy and Resources Committee held on 2 November 2020 regarding the Commercialisation Strategy be adopted."

RESOLVED that minute 208 of the Strategy and Resources Committee held on 2 November 2020 regarding the Commercialisation Strategy be adopted.

171. CONTINUATION OF MEETING

RESOLVED that it being 9.30pm that the meeting continue in order for the remaining business to be transacted.

172. QUESTIONS BY MEMBERS

The following questions were submitted in advance of the meeting and responses provided by the Leader were circulated separately:

(a) Question to Councillor Worden from Councillor Hunt "Can we do something to help those who are desperate for a food voucher to be able to get one from the

Council? At present the front desks are closed and people are struggling to get vouchers.” Councillor Worden’s response: “You are right Cllr Julie Hunt in drawing this to our attention as the number of people struggling financially is rising. In Devon as a whole one in eight people of working age – from 16 to 64 – are now on Universal Credit. In North Devon it is about one in seven or 14% and has doubled since March and the threat of homelessness, hunger and debt is very real for many people at this time. I know that you and the North Devon food banks have been doing a great job in responding to those in genuine need and the public have been generous in their donations of food. The challenge we have is that as many of our staff as possible are working from home rather than coming into their offices. Exactly what we will be able to do depends partly on what Tier we will be in from next week and whether we can open our front desks. We also have the problem that some of our staff are self-isolating because of Covid. We will look into what can be done and discuss it with you as a matter of urgency.”

(b) Question to Councillor Worden from Councillor Hunt “What is happening about the homeless this winter as I am concerned about their safety during the cold weather? Last year we had ‘Safe sleep’. What are we replacing it with?” Councillor Worden’s response “Thank you for this question Cllr Julie Hunt. It is a very important one and the Housing Team is working on a variety of solutions as we are in a very unusual scenario this year. Dormitory type accommodation is virtually impossible this year because of the coronavirus situation and regulations. What we are working on includes the following : -

a. Licensing Beaufort flats from North Devon Homes. This will provide eight units of accommodation for rough sleepers and will hopefully provide a stepping stone to move at least some on to supported accommodation.

b. We have two self contained pods on the way and so with the Salvation Army one will have three available this winter.

c. We are planning to lease a shared house property which will provide accommodation for several of those in need.

d. We have secured two units of supported accommodation at Alabare Christian Care in Bideford.

e. For our statutory demand we will be using Boyton House (the old women’s refuge) in Barnstaple.

f. A proposal to lease Victoria House from the Pickwell Foundation will be coming to committee shortly.

The Housing Team are conscious that demand is increasing and it isn’t going to be easy monitoring all the provisions which we are putting in place but I can assure you that they are working extremely hard to make it all work during this difficult time.”

In response to supplementary question, Councillor Worden advised that the Head of Environmental Health and Housing and his team could provide an update on the position regarding homeless during the winter period.

173. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 2 OF 2020/21

Council considered the Performance and Financial Management report Quarter 2 2020/21 to the Strategy and Resources Committee on 2 November 2020 (circulated previously).

(a) **Report by Policy Development Committee**

Councillor Spear, Chair of the Policy Development Committee presented the Committee's report on the Performance and Financial Management for Quarter 2 of 2020/21 (circulated previously).

(b) **Report of meeting of the Strategy and Resources Committee**

Councillor Worden, Chair of the Strategy and Resources Committee reported the recommendations of the Strategy and Resources Committee on the Performance and Financial Management for Quarter 2 of 2020/21 (circulated previously).

It was moved by Councillor Worden and seconded by Councillor Yabsley "that minute 205 (f) of the Strategy and Resources Committee held on 2 November 2020 regarding the Performance and Financial Management report for Quarter 2 of 2020/21 be adopted".

Councillor Worden thanked the Head of Resources and his team for their hard work.

RESOLVED that minute 205 (f) of the Strategy and Resources Committee held on 2 November 2020 regarding the Performance and Financial Management report for Quarter 2 of 2020/21 be adopted.

174. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY: MID YEAR REVIEW REPORT 2020/21

Council considered the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2020/21 to the Strategy and Resources Committee on 2 November 2020 (circulated previously).

(a) **Report by Policy Development Committee**

Councillor Spear, Chair of the Policy Development Committee presented the Committee's report on the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2020/21 (circulated

previously).

(b) **Report of meeting of the Strategy and Resources Committee**

Councillor Worden, Chair of the Strategy and Resources Committee reported the recommendations of the Strategy and Resources Committee on the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2020/21 (circulated previously).

It was moved by Councillor Worden and seconded by Councillor Biederman “that minute 206 of the Strategy and Resources Committee held on 2 November 2020 regarding the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2020/21 be adopted”.

RESOLVED that minute 206 of the Strategy and Resources Committee held on 2 November 2020 regarding the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2020/21 be adopted.

175. APPOINTMENT OF COMMITTEES FOR 2019/20

Council considered a report by the Chief Executive (circulated previously) regarding appointments of Committees for 2019/20.

The Chief Executive referred to paragraph 5 in the report which set out the agreement that had been reached between the Group Leaders. Table 3 detailed the names of Councillors put forward by each Group Leader. He advised that Councillor Prowse had confirmed that the Independent Group had nominated Councillor Lane to be appointed to the Governance Committee and Councillor Mackie to the Policy Development Committee.

It was moved by Councillor Worden and seconded by Councillor Yabsley:

(a) “That the Council appoints Committees and Joint Committees each with the total number of voting Members and Group allocations as shown in Tables 1 and 2 for the 2019/20 municipal year with the terms of reference set out in the Council’s constitution.

(b) That, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees and Joint Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined, as set out for the time being in Table 3 circulated at the meeting subject to Councillor Lane being appointed to the Governance Committee and Councillor Mackie to the Policy Development Committee.”

RESOLVED:

(a) That the Council appoints Committees and Joint Committees each with the total number of voting Members and Group allocations as shown in Tables 1 and 2 for the 2019/20 municipal year with the terms of reference set out in the Council's constitution;

(b) That, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees and Joint Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined, as set out for the time being in Table 3 circulated at the meeting subject to Councillor Lane being appointed to the Governance Committee and Councillor Mackie to the Policy Development Committee.

176. MINUTES OF COMMITTEES

(a) **Governance Committee**

RESOLVED that the following minutes of the Governance Committee (circulated previously) be noted and adopted as follows:

(i) 5 October 2020 (Council noted that the recommendation minute 103 Letter of Representation had been adopted by Council on 7 October 2020)

(ii) 3 November 2020

(b) **Licensing and Community Safety Committee**

RESOLVED that the following minutes of the Licensing and Community Safety Committee (circulated previously) be noted and adopted as follows:

(i) 13 October 2020

(c) **Planning Committee**

RESOLVED that the following minutes of the Planning Committee (circulated previously) be noted and adopted as follows:

(i) 14 October 2020

(d) **Policy Development Committee**

RESOLVED that the following minutes of the Policy Development Committee (circulated separately) be noted and adopted as follows:

(i) 19 November 2020

(e) **Strategy and Resources Committee**

RESOLVED that the following minutes of the Strategy and Resources Committee (circulated previously) be noted and adopted as follows:

(i) 5 October 2020

(ii) 19 October 2020

(iii) 2 November 2020

(A) Minute 203: Review of North Devon and Torridge Local Plan 2011-2031

(iv) 13 November 2020 (circulated separately)

(A) Minute 218: Public Spaces Protection Orders

(B) Minute 219: Approval and Release of Section 106 Public Open Space Funds, Chulmleigh

(C) Minute 220: Approval and Release of Section 106 Public Open Space Funds, North Molton

(D) Minute 221: Approval and Release of Section 106 Public Open Space Funds, Instow

(E) Minute 222: Approval and Release of Section 106 Public Open Space Funds, Fremington

Chair

The meeting ended at 9.49 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of Council.

NORTH DEVON COUNCIL

COUNCIL: 13 JANUARY 2021

LEADER'S REPORT

May I first of all wish everyone a very happy 2021 and I trust that you had a good Christmas despite the restrictions. I hope that in the next few months that we will have turned the corner regarding Covid 19 and that as a council we can concentrate on moving forward rather than focusing primarily on maintaining services. We have just moved to lockdown and it will be some time before the pandemic comes to an end but vaccinations have begun. I was disappointed that we were the last area in Devon to start the vaccinations but now that the Oxford vaccine has been approved I am expecting the roll out to go ahead quite rapidly. It is important that we encourage as many as possible to take advantage of this in order that the infection rate and serious illness is drastically cut and less pressure put on the NHS. Hopefully then we will go down the Tiers rather than up and business can begin to recover. For many it has been a double whammy with us leaving the EU as well thus causing a lot of extra paperwork, red tape and a change of regulations.

As you are aware we have received a letter from Rt Hon Robert Jenrick MP Secretary of State for Housing, Communities and Local Government bringing us potentially good news. What he said was, "I am writing to inform you of the outcome of the Future High Streets Fund Competition (he then explained what is happening nationally)

I am therefore delighted to confirm your business case met the gateway criteria, and our assessment concluded it demonstrated overall good value for money. We would therefore like to make you an in-principle funding offer of £6,548,876 to invest in Barnstaple supporting you to deliver a much-needed boost to your high street at this challenging time. Now that you know the quantum of investment we are able to offer in principle, I would ask you to provide a final version of your plans. We have designed a streamlined process to enable plans to be updated in as quick and straightforward a way as possible and I can confirm £5,000 of financial support will be made available to support any work required. There will be no need to amend the business case documents – any update can be made via an online survey and pre-formulated spreadsheet. This will confirm how the new funding envelope will be allocated and any relevant updates that flow from it (for example, a revised BCR). My officials will be in touch next week with further details and guidance. My officials also stand ready to provide guidance at any time about how to complete the revisions and provide a sounding board for any proposed changes you may wish to make.

My Department is ready to move at speed to ensure projects can get underway quickly. In recognition that you will need to seek sign-off for your revised proposals we have set

a deadline of the end of February but my department will review updated proposals as soon as they come in. I therefore encourage you to submit these in January. For all approved revised proposals that we receive in January we plan to confirm funding before the end February, and for all approved revised proposals sent in February we plan to confirm funding before the end of March.”

So our economic development team will be working with government officials in the hope that we will be successful in moving forward to actually secure the funding. At the time of writing I am unsure whether we are expected as a council to make up the short fall in funding as our original bid was for around nine million but a big thank you to all those involved in the putting together our original submission. By the time of our Full Council meeting the situation will hopefully have become much clearer.

Since the last full council meeting we have received the provisional local government finance settlement regarding our funding for the next financial year. The core funding was in line with the current year 20-21 for next year 21-22; New Homes Bonus grant was about £500,000 less than we got for current year 20-21 but we were predicting in our financial plans that the reduction might be even more. The rural services grant was in line with this current year and it was also announced that we would receive some additional Covid-19 support grant for ongoing additional costs into 21-22 that will cover additional costs currently being seen for the early part of next financial year at least. We will also benefit from the extension of the current government scheme of reimbursement of 75% lost income because of coronavirus impact for the first 3 months of 2021-22 year.

The overall budget position, with increased costs and income reductions and taking into account the funding changes above, as I write this is showing an overall budget gap at moment of around £200,000 - £300,000 for 2021-22. This is much better than we anticipated a few months ago but of course some of the current pressures will continue into next year and provide some uncertainty and more importantly we do not know the level of funding for the following year 2022-23. Thanks to Jon Triggs and his team for the work they are doing to try and bridge this gap.

We are also busy distributing grants to businesses affected by the Tier 2 and now Tier 3 restrictions. We have had hundreds of applications but some businesses have so far yet to apply for this support. Despite our attempts to communicate that these are available some businesses may still not be aware of them and are currently missing out. If you know of a business that is likely to be eligible please refer them to the website <https://www.northdevon.gov.uk/coronavirus/business-support/business-grants/>

The MHCLG homelessness data shows that North Devon has had a very high rate of presentations during 2020 and this is significantly higher than most of the other local authorities in the County. The principal cause for this being people who have been asked to leave the household by family or friends. The current demand is on average

30-35 new cases per week and we are working hard to provide temporary accommodation. The refurbishment of Boyton House in Bear Street was progressing well, but some additional works has been identified. We were hoping that this will now be ready in February 2021 providing 7 single units of good quality accommodation. To help with winter and severe weather provision two rough sleeper pods have been installed in the car park of the Salvation Army's Hall in Barnstaple. An individual who has not engaged before is now using one, and a third pod is located at the Salvation Army in Ilfracombe. Other winter provision includes Beaufort Walk, two units in Bideford and we are discussing additional options with Encompass Southwest, who have increased their property portfolio and provision this year. A bid has been submitted seeking funding to assist in meeting the costs of severe weather provision; we have been advised that we may receive up to £50,000 from this application. A new scheme has been launched this month which has recently been featured on local radio and social media called Tap for North Devon; this provides four pay points in Barnstaple allowing visitors to give money to local homeless charities. People can present their payment or debit card at the screen for a contactless payment to be made of £3.00.

We have included a proposal within the service plan to provide a new home energy advisory service to around 200 households per year, delivered by 361 Energy. This will primarily aim to address fuel poverty and make our homelessness prevention interventions more successful whilst also reducing household carbon emissions. There will be a housing equity review of Devon Home Choice, which was announced in December regarding a consultation period seeking feedback from statutory and voluntary agencies, those currently or have used DHC and the general public. The aim of this is fair allocation of social housing, which is important as we support our communities recover from the COVID-19 pandemic and the financial impact this and will result in.

We will be seeking to provide emergency accommodation for care leavers, acting as the landlord in a pilot project (the first in Devon), addressing an area of weakness identified in the Ofsted report of DCC's Children's Services.

The Parish Forum in December proved to be a very worthwhile meeting. Despite its nearness to Christmas it was well attended and there has been some very positive feedback since from some of the parishes. Having a virtual meeting proved to be successful and a way forward.

Finally it is good to hear that we were recently awarded DCC's local authority of the year for Community Refugee Sponsorship. This relates to our work in Ilfracombe, Georgeham and Chulmleigh where families were housed under this scheme.

David Worden

4th January 2021.

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NORTH DEVON COUNCIL

Open

REPORT TO: STRATEGY AND RESOURCES

Date: 4 JANUARY 2021

TOPIC: COUNCIL TAX REDUCTION SCHEME

Report By: HEAD OF RESOURCES

1 INTRODUCTION

- 1.1 The Government announced as part of its spending review in 2010 that it would abolish Council Tax Benefit and replace it with localised support for Council Tax by 2013-14.
- 1.2 This change did not affect Pension Age claimants whose scheme is prescribed by Central Government in line with the 2012/13 Council Tax Benefit scheme.
- 1.3 Each year we have to review our scheme. Changes have been made over recent years to bring schemes in line with the changes being made by Central Government in Housing Benefit and Universal Credit.
- 1.4 The current CTR banded scheme for working age claimants was introduced in April 2020. We are proposing to make four changes to this scheme from 1 April 2021.
- 1.5 These changes are intended to bring the scheme in line with the changes being made by Central Government in Housing Benefit and Universal Credit. They will also enable the Council to alter the scheme within the financial year should it be deemed necessary. The need for us to be able to do this has been highlighted during the current Covid-19 situation.

2 RECOMMENDATIONS

That Strategy and Resources:

- 2.1 Recommends to Council that it adopts all four of the proposals, as detailed in 4.5 below and as in North Devon Council, Council Tax Reduction Scheme Policy S13A and Schedule 1a of the Local Government Finance Act 1992, **Appendix A**, from 1 April 2021.
- 2.2 Considers the Equality Impact Assessment in relation to the scheme, as set out in **Appendix B**.

- 2.3 Approves and recommends to Council the Exceptional Hardship Policy in relation to the CTR Scheme, as set out in **Appendix C**.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the Council adheres to the legislative requirements to provide CTR Scheme for 2021-22.

4 REPORT

4.1 Due to the current COVID-19 crisis, the Government has introduced a number of changes to the welfare benefits system to award additional allowances to those on a low income. As the Council Tax Reduction Scheme can only be changed annually, these increases in state benefits could have had a detrimental effect on entitlement to Council Tax Reduction.

4.2 The proposed changes will give the Council the option to make changes to the scheme during the financial year to ensure that applicants would not be disadvantaged should the Government take similar action again in the future.

4.3 Currently the Council restricts the number of children, for the purpose of assessing CTR entitlement, to two. This restriction does not apply where the claimant or any partner receives a disability benefit. The Council is proposing to extend this to households where there is a dependant child who receives a disability benefit. This will make the scheme fairer as the Council recognises the difficulties faced by our customers in such situations.

4.4 The Government has introduced a number of changes into the prescribed scheme for pension age applicants. We are proposing making the same changes to align the working age scheme. These changes include the following:

- Payments of Shared Parental Leave and Parental Bereavement Leave, are to be treated as earned income and this also allows for child care disregards to be awarded.
- The Grenfell Tower Residents' Discretionary Fund payments would be totally disregarded for Council Tax Reduction purposes.
These changes would align the working age scheme with the pension age scheme and would create a fairer scheme for those customers affected.

4.5 Full details of all these proposed changes are shown below:

Proposal 1 - To allow the Council to increase the levels of incomes within each Band to allow for any changes made by Government to other benefits

Under the current scheme, the Council is only able to increase the income levels within each discount band annually by inflation. This change would allow the Council to increase the income levels within each band to counter any increase in welfare benefits.

The change would **only** be made where Government takes emergency action as in the current COVID-19 crisis.

The change would only increase income levels within each discount band **not** decrease the levels.

The change would not vary the percentage of discount in each band.

The benefits of this are:

- more flexibility within the scheme; and
- prevent applicants having their Council Tax Reduction award reduced when the Government increases any welfare benefits

The drawback of doing this is:

- There may be a slight increase in the cost of the scheme should the change be made

Proposal 2 – To allow the Council to suspend the use of the Minimum Income Floor for the Self-Employed in exceptional circumstances

The Minimum Income Floor is a provision within both Universal Credit and Council Tax Reduction which assumes a level of income for self-employed applicants after they have been in business for one year or more. Due to the COVID-19 crisis, the Department for Work and Pensions (DWP) suspended the use of the Minimum Income Floor in Universal Credit but the Council was unable to change the Council Tax Reduction scheme in the same way.

This option would allow the Council flexibility to 'suspend' the Minimum Income Floor in exceptional circumstances, such as the COVID-19 crisis. The Council feels that this would be fairer to applicants who are self-employed and unable to trade normally due to the crisis.

The benefits of this are:

- it allows the Council more flexibility in dealing with self-employed applicants in exceptional circumstances, such as the COVID-19 crisis; and
- it would allow the Council to make the change automatically for all cases affected.

The drawback of doing this is:

- there may be a small additional cost to the scheme where the Minimum Income Floor is suspended.

Proposal 3 - To remove the two child restriction where the claimant or partner or any dependent child in the household receives a disability benefit

Within the current scheme, applicants who have children are awarded a dependent's addition within the calculation of their needs. This is currently limited to a maximum of two children additions for all applicants.

The change would allow the Council not to restrict any applicants' child additions to two where the applicant, their partner or any dependent child is in receipt of any disability benefit.

The benefit of this is:

- it would make the scheme fairer to our disabled customers.

The drawback of doing this is:

- there may be a slight increase to the cost of the scheme.

Proposal 4 - To amend the scheme to allow for Shared Parental Leave, Parental Bereavement Leave and the Grenfell Tower Residents' Discretionary Fund

The Government has introduced a number of changes into the scheme for pension age applicants to cater for the new Shared Parental Leave, Parental Bereavement Leave and the Grenfell Tower Residents' Discretionary Fund. In the case of Shared Parental Leave and Parental Bereavement Leave, the payments would be treated as earned income and could allow for child care disregards to be given.

The Grenfell Tower Residents' Discretionary Fund payments would be totally disregarded for Council Tax Reduction purposes.

These changes would align the working age scheme with the pension age scheme.

The benefits of this are:

- all working age applicants would be treated the same way as pensioner applicants; and
- the change would make the scheme simpler to administer.

The drawback of doing this is:

- There are no drawbacks to this change

4.6 The Council undertook a comprehensive consultation on the proposals during the period 2 November 2020 – 13 December 2020. This consultation was promoted in the following ways;

- Press release in local newspaper
- North Devon Council website
- Social Media (Facebook and Twitter)
- 2000 mail shots included in Council Tax bills and Benefit notification letters.

4.6 Precepting Authorities and the local Citizens Advice were also consulted and their responses, where received, are shown in **Appendix D**.

4.7 A total of 33 responses to the consultation were received. The results are shown, in full, in **Appendix E**. The majority of responses were in favour of the proposed changes.

5 RESOURCE IMPLICATIONS

5.1 Prior to 2013/14 the Council Tax Benefit Scheme cost the public purse in the region of **£7.50m**.

5.2 The first year of the CTR Scheme was originally forecast to cost **£6.57m**.
The schemes have so far cost -:

Year 1 (2013/14) the scheme cost **£6.26m**
Year 2 (2014/15) the scheme cost **£5.95m**
Year 3 (2015/16) the scheme cost **£5.69m**
Year 4 (2016/17) the scheme cost **£5.59m**
Year 5 (2017/18) the scheme cost **£5.45m**
Year 6 (2018/19) the scheme cost **£5.50m**
Year 7 (2019/20) the scheme cost **£5.60m**
Year 8 (2020/21) has a current forecasted cost to the Council of **£6.5m**

6 EQUALITIES ASSESSMENT

6.1 EIA attached at Appendix B

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 2 Article 4.4	Referred

8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

8.1 No background papers have been used in preparation of this report other than legislation and government guidelines already in the public domain.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Julie Dark

Date: 14/12/20

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North Devon District Council
Council Tax Reduction Scheme Policy
S13A and Schedule 1a of the Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2021 until 31st March 2022.
- 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 2021 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2018;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2020; 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 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 a level of discount. Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;
- a. has not attained the qualifying age for state pension credit; or
 - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.
- 1.7 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

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

- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- g. not have capital savings above £6,000;
- h. not have income above the levels specified within the scheme;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income* is within a range of incomes specified within Schedule 1; and
- j. has made a valid application for reduction.

Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2021/22

Sections 2- 8
Definitions and interpretation

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 the 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;

‘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 and the, 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 repaired 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 as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

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

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

‘claim’ means a claim for council tax 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 an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

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

‘council tax benefit’ means council tax benefit under Part 7 of the SSCBA;

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

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

‘couple’ means;

- a. a man and a woman who are married to each other and are members of the same household;
- b. a man and a woman who are not married to each other but are living together as if they were a married couple or civil partners;
- c. two people of the same sex who are civil partners of each other and are members of the same household; or
- d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
and for the purposes of sub-paragraph (d) Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

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

‘the Grenfell Tower charitable funds’ means the funds identified in the document entitled “Charity Commission for England and Wales – Grenfell Tower charitable funds update – 29th January 2019;

‘the Grenfell Tower Residents’ Discretionary Fund’ means the £5 million fund announced on 16th June 2017 and administered by Westminster City Council for the benefit of households affected by the fire at Grenfell Tower on 14th June 2017;

‘Grenfell Tower support payment’ means any payment made by the council of the Royal Borough of Kensington and Chelsea to an individual as a result of the fire at Grenfell Tower on 14th June 2017

‘guarantee credit’

‘a guaranteed income payment’ means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005**(b)**;

‘he, him, his’ also refers to the feminine within this policy

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

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

‘an income-based jobseeker’s allowance’ and **‘a joint-claim jobseeker’s allowance’** have the same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

‘income-related employment and support allowance’ means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

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

‘independent hospital’–

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

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

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

‘Jobseekers Act’ means the Jobseekers Act 1995; **‘Jobseeker’s Allowance Regulations’** means the Jobseeker’s Allowance Regulations 1996 and Jobseeker’s Allowance Regulations 2013 as appropriate;

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

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

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

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

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

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

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

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

‘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 a 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;

'parental bereavement leave' means leave under section 80EA of the Employment Rights Act 1996;

'paternity leave' means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

'payment' includes part of a payment;

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

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

'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' as defined within the Welfare Reform Act 2012

'personal pension scheme' means—

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

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

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

'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 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;

'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;

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

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

'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;

d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

e. Back to Work scheme.

'Service User' references in this scheme to an applicant participating as a service user are to

a. a person who is being consulted by or on behalf of–

(i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

b. the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph;

'single 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;

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

'subsistence allowance' means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

'support or reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

'the Tax Credits Act' means the Tax Credits Act 2002;

'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next;

'training allowance' means an allowance (whether by way of periodical grants or otherwise) payable—

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

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

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

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

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

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

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

'war pension' means a war disablement pension, a war widow's pension or a war widower's pension;

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

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

'water charges' means;

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

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

'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 amended¹; 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).

3.0 Definition of non-dependant

¹ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- 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 support scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
 - c. a person who becomes jointly and severally liable with the 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 Number²**
- 4.1 No person shall be entitled to support unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming support.
- 4.2 This subsection is satisfied in relation to a person if–
- a. the claim for support is accompanied by;
 - i. a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
 - b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated 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–

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

- 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

5.1 This scheme applies to a person if:

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

6.0 Not used

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

Persons treated as not being in Great Britain

7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations;
- (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

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

- (a) article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
- (b) Appendix EU to the immigration rules made under section 3(2) of that Act; or

- (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act.

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

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971³ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance;
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4) or
- (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an "accession State national subject to worker authorisation")

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

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

7.8 In this regulation—

- "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
- "Crown servant" means a person holding an office or employment under the Crown;
- "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and
- and the The Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014;
- and
- "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

³ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

Persons subject to immigration control

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

7A.0 Transitional provision

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

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

7A.2 The events are—

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

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

8.0 Temporary Absence (period of absence)

8.1 A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

8.2 In sub-paragraph (1), 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 in Great Britain;
- (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 within Great Britain 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;
- (iii) that period is unlikely to exceed 13 weeks; and

(c) a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that 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 sub-paragraph (3) applies; and

(iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain 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 resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

8.2A The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

8.2B Where:

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

8.2C The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

8.2D Where:

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

8.2E This sub-paragraph applies where:

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

8.2F If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of:

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;
- (b) the person's close relative;
- (c) the close relative of the person's partner; or
- (d) the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

8.3 This sub-paragraph applies to a person who—

- (a) is 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 sub-paragraph (1), or
- (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following, a training course;
- (e) is undertaking medically approved care of a person;
- (f) is 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 or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) 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.

- 8.3A This sub-paragraph applies to a person (“P”) who is:
- (a) detained in custody on remand pending trial;
 - (b) detained pending sentence upon conviction; or
 - (c) as a condition of bail required to reside—
 - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007(7), and who is not also detained in custody following sentence upon conviction.
- 8.3B This sub-paragraph applies where:
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a member of Her Majesty’s forces posted overseas, a mariner or a continental shelf worker;
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- 8.3C Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.
- 8.3D This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- 8.3E Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
- (a) the person intends to return to the dwelling;

(b) the part of the dwelling in which he usually resided is not let or sub-let;
(c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

8.3F This sub-paragraph applies where:
(a) a person is temporarily absent from Great Britain;
(b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

8.3G Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
(a) the person intends to return to the dwelling;
(b) the part of the dwelling in which he usually resided is not let or sub-let;
(c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.”;

8.4 This sub-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 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and
(b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

8.5 Where sub-paragraph (4) 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 sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
(b) for the purposes of sub-paragraph (3A), he must be treated as if he remains in detention;
(c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

8.6 In this paragraph—
“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;
“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;”;
“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(10)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;”

“residential accommodation” means accommodation which is provided in:

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) 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 work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.
- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

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

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies
- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

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

11.1 Subject to paragraphs 11.2 and 11.3, the 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 An 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 Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as amended.

Sections 12 – 14 Not Used

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

15.0 Calculation of income and capital of members of 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 may, 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 may 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); and
 - (f) any sum determined by the authority to be in respect of an award for housing costs.

- 15A.3 The amount for the award of universal credit may 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 may 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 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 Not used

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 an authority to disregard any such income other than that specified in Schedule 4 of this scheme

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

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

22.0 Calculation of average weekly income from tax credits

22.1 This section applies where 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.

24.1 In calculating the applicant's income the appropriate authority may disregard any legislative change

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

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

25.0 Earnings of employed earners

25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes–

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to 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, shared parental 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, shared parental leave, bereavement 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 amended⁴.

25.2 Earnings shall not include–

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of an applicant participating as a service user.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 m)

26.0 Calculation of net earnings of employed earners

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of 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,

⁴ 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 or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self- employed earner, means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the 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 accommodate 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 national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

28.2 There shall be disregarded from 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) national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.4 For the purposes of paragraph 28.1b) 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. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution.
- 28.10 For the avoidance of doubt where 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.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
 - b. in any other case, by dividing the amount of the qualifying premium by the number equal

to the number of days in the period to which the qualifying premium relates.

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

29.0 Deduction of tax and contributions of self-employed earners

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

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

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

29.3 In this section 'chargeable income' means—

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (28.3)(a) or, as the case may be, (28.4) of section 28;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

29A.0 Minimum Income Floor

29 A.1 Where no start up period (as defined within 29A.2) applies to the applicant or partner, the income used by the Council in the calculation of their award will be the gross amount declared by the applicant or a substituted amount whichever is the higher. This substituted amount shall not be less than 35 hours multiplied by the national living wage (or national minimum wage as appropriate) From that, the Council will deduct only an estimate for tax, national insurance and half a pension contribution (where a pension contribution is being made).

29 A.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the applicant or partner. This will normally be one year from the date of commencement of the employment activity. During this period, no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

- 29 A.3 Where an applicant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the substituted amount where appropriate.
- 29 A.4 No start-up period may be applied in relation to an applicant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Reduction.
- 29 A.5 In order to establish whether to award a start up period, the applicant must satisfy the Council that the employment is
- Genuine and effective. The Council must be satisfied that the employment activity is being conducted; and
 - Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.
- 29 A.6 For the purposes of determining whether an applicant is in gainful self-employment or meets the conditions for a start up-period, the Council will require the applicant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start up period are met.
- 29 A.7 The Council may at any time suspend the action of the Minimum Income Floor.

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—
$$\frac{A - (B \times C)}{D}$$

Where
A = the total amount of the relevant payment which that person would have received had he remained a student until 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 dates is earlier
- ‘quarter’ in relation to an assessment period means a period in that year beginning on;
- a. 1st January and ending on 31st March;
 - b. 1st April and ending on 30th June;
 - c. 1st July and ending on 31st August; or
 - d. 1st September and ending on 31st December;
- ‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.
- 30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1
- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
 - b. in the case of 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 £6,000, 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 or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

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

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Support purposes

33.0 Capital limit

33.1 For the purposes of this scheme, the prescribed amount is £6,000 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;
 - (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;
 - (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (c) 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 Not used

Sections 43 - 56

Definition and the treatment of students for Council Tax Support purposes⁵

⁵ 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 scheme, include the disability premium or severe disability premium;

(d) whose applicable amount would include, but for this scheme, 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;

- (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 sub-paragraphs (a) to (d) of paragraph 48.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme

50.0 Other amounts to be disregarded

50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

51.2 In calculating the weekly amount of the loan to be taken into account as income

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides

with, or immediately follows, the first day of the single academic year;
(ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,

- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
(i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
(ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term,
and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
(i) the first day of the first reduction week in September; or
(ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,
and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

51.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
(b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
(i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
(ii) any contribution whether or not it has been paid to him;
(b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
(i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
(ii) no deduction in that loan was made by virtue of the application of a means test.

51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

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

57.0 Maximum council tax support

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by 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

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

58.1 Subject to the following provisions the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax reduction) shall be £4 x 1/7.

58.2 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.

58.3 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.

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

- a. blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
- b. receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that

component but for:

- i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
- ii. an abatement as a result of hospitalisation; or
- c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

59.0 Not used

60.0 Extended reductions: - Movers Generally ⁶

60.1 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 Council Tax Reduction scheme by the amount of that extended reduction.

62.0 - 63.0 Not used

⁶ 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 reduction is made and who is otherwise entitled to that support shall be so entitled from the date on which that claim is made or is treated as made.

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

68.0 Who may claim⁷

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

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

- (a) a deputy has been appointed by the Court of Protection with power to apply, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

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

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

68.4 Where the authority has made an appointment under paragraph (3) or treated a person as an appointee under paragraph (5);

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

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

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

69.0 Procedure by which a person may apply for a reduction under an authority's scheme⁸

69.1 Paragraphs 2 to 8 apply to an application for a reduction under an authority's scheme.

69.2 An application may be made—

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of Schedule 7 Council Tax Reductions (Prescribed requirements) Regulations 2012 or

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

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

- (c) (where the authority has published a telephone number for the purpose of receiving such applications) by telephone.

- 69.3 (1) An application which is made in writing must be made to the offices of the authority on a properly completed form.
(2) The form will be provided free of charge by the authority for the purpose.

- 69.4. Where an application received by the authority is defective because
- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

- 69.5. (1) Where an application made in writing is defective because—
- (a) the form provided by the authority has not been properly completed; or
 - (b) if it is made in writing, but not on the form provided by the authority, and the authority does not consider the application as being in a written form which is sufficient in the circumstances of the case;

the authority may request the applicant to complete the defective application or (as the case may be) supply the applicant with the form to complete or request further information or evidence.

- (2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

- 69.6. (1) If an application made by electronic communication is defective the authority will provide the person making the application with an opportunity to correct the defect.
(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

- 69.7. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

- 69.8. (1) If an application made by telephone is defective the authority will provide the person making the application with an opportunity to correct the defect.
(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

- 69.9 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

- 69.10 Where an applicant ('C')—
- (a) makes a claim which includes (or which C subsequently requests should include) a 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 a date determined by the authority.

69A.0 Date on which a claim made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is

(a) in a case where;

(i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and

(ii) the application for a reduction under this scheme is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(b) in a case where—

(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and

(iii) the application to the authority is received at the authority's offices within one month of the date of the change,

the date on which the change takes place;

(c) in a case where—

(i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and

(ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,

the date of the death or separation;

(d) except where paragraph (a), (b) or (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 the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(e) in any other case, the date on which the application is received at the offices of the authority.

69A.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

69A.3 Where the defect in an application by telephone:

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance;

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c)

are satisfied.

- 69A.5 The conditions are that—
- (a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
 - (b) where an application is not on approved form or further information requested by authority applies;
 - (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
 - (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
- in either case, within such longer period as the authority may consider reasonable; or
- (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 United Kingdom, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

- 69A.7 Except in the case of an application made by a person treated as not being in United Kingdom, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than
- (a) in the case of an application made by a pensioner, the seventeenth reduction week following the date on which the application is made, or
 - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,
- the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

- 69A.8 Sub-paragraph (7) applies in the case of a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit.

70.0 Submission of evidence electronically

- 70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

- 71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Evidence and information⁹

- 72.1 Subject to paragraph (2), a person who makes an application, or a person to whom a reduction under an authority's scheme has been awarded, shall furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under

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

its scheme and shall do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

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

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

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

72.4 This sub-paragraph applies to any of the following payments—

(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

(b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);

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

72.5 Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information

(a) the name and address of the pension fund holder;

(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

73.0 Amendment and withdrawal of claim ¹⁰

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

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

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

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

73.5 Where the application was made by telephone in accordance with this scheme, the withdrawal

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

may also be made by telephone.

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

74.0 Duty to notify changes of circumstances¹¹

74.1 Subject to paragraphs (2), (5) and (6), if at any time between the making of an application to an authority and a decision being made on it there is a change of circumstances which the applicant (or any person acting on his behalf) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under that authority's scheme, that person is under a duty to notify that change of circumstances by giving notice to the authority;

(a) in writing; or

(b) by telephone;

(i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or

(ii) in any case or class of case where the authority determines that notice may be given by telephone; or

(c) by any other means which the authority agrees to accept in any particular case.

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

(a) the amount of a council tax payable to the authority;

(b) the age of the applicant or that of any member of his family;

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

74.3 Notwithstanding paragraph (2)(b) or (c) an applicant is required by paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he ceases to be a child or young person.

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

Sections 75- 90

Decisions, decision notices and awards of Council Tax Support

75.0 Decisions by the authority¹²

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

76.0 Notification of decision¹³

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

(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;

(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

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

(a) informing the person affected of the duty imposed by paragraph 74.1;

(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

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

76.4 The written statement referred to in sub-paragraph (3) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.5 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (6).

76.6 This sub-paragraph applies to—

a) the applicant;

b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—

(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or

(iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise, a person appointed by the authority under paragraph 68.2.

c) a person appointed by the authority under paragraph 68.3

77.0 Time and manner of granting council tax support¹⁴

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

¹² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

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 paid¹⁵

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 / reduction¹⁶

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

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

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

- (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 entitled¹⁷

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

81.0 Offsetting

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

82 – 90 Not used

¹⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 91 – 94

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

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

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

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements¹⁸.

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.

¹⁸ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Support

95.0 Persons affected by Decisions

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

- 99.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁹**
- 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 Act²⁰.

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁰ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act²¹

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

- (a) in writing,
- (b) by means of an electronic communication in accordance with this scheme

100.2 An application to the authority for a reduction not in accordance with paragraph 1 on the grounds of Exceptional Hardship under this scheme must be made:

- (a) in writing,
- (b) by any means acceptable to the authority.

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

Section 101 – 106A²²
Electronic Communication

²² Inserted by Council Tax Reduction 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 paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of:
- a. authenticating the identity of the sender of the communication;
 - b. electronic communication;
 - c. authenticating any application or notice delivered by means of an electronic communication; and
 - d. subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

- 103.1 The authority may use intermediaries in connection with;
- a. the delivery of any information by means of an electronic communication; and
 - b. the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed:
- a. by this section; and
 - b. by or under an enactment,
- are satisfied.

- 104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- 104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.
- 105.0 Proof of identity of sender or recipient of information**
- 105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of:
- a. the sender of any information delivered by means of an electronic communication to an official computer system; or
 - b. the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.
- 106.0 Proof of delivery of information**
- 106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- 106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- 106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.
- 106A.0 Proof of content of information**
- 106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

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

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

Schedule 1

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

- 1 The authority's Council Tax Reduction scheme from 2021/22 shall be calculated on the basis of the following Banded Discount Scheme:

Discount	Amount	Single person	Couple	Lone Parent with child/children	Couple with Child/Children
Band 1	80%	£0 - £75.00	£0.00 to £118.00	£0 to £ 143.00	£0 to £186.00
Relevant Benefit					
Band 2	64%	£75.01 to £108.00	£118.01 to £149.00	£143.01 to £175.00	£186.01 to 216.00
Band 3	48%	£108.01 to £141.00	£149.01 to £182.00	£175.01 to £208.00	£216.01 to £249.00
Band 4	32%	£141.01 to £174.00	£182.01 to £215.00	£208.01 to £241.00	£249.01 to £282.00
Band 5	16%	£174.01 to £207.00	£215.01 to £248.00	£241.01 to £274.00	£282.01 to £315.00
	0%	£207.01 and above	£248.01 and above	£274.01 and above	£315.01 and above

- 2 Where the applicant is responsible for more than one dependant child or young person and who is resident in the household, a single amount of £68.27 only shall be added to the income levels stated within the table above. This represents a limit of two dependants per household. This limit shall not apply where the applicant would, but for the operation of this scheme, be entitled to a disability premium or disabled child premium.
3. The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme
 - The income of the applicant as defined within this scheme;
 - The capital of the applicant as defined within this scheme.
- 4 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
- 5 Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, it should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
- 6 Any applicant who capital is greater than £6,000 shall not be entitled to any Council Tax Reductions whatsoever.
7. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 1st October preceding the effective financial year **or** by a percentage representing the increase in personal allowance within the applicable amounts for Housing Benefit for the relevant financial year.
8. In exceptional circumstances, or at such time as Government increases welfare benefits beyond the level of if inflation, the authority may vary either the discount levels or the income ranges to ensure that applicants are not disadvantaged.
8. Where an applicant or partner is in receipt of a relevant benefit namely Income Support,

Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.

Schedule 2

Not used

Schedule 3

Sums to be disregarded in the calculation of earnings²³

²³ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. There shall be disregarded from an applicant's net earnings, £25 per week (the standard earnings disregard). This shall apply irrespective of the claimant's household and only one disregard shall be applied per claim.
2. The disregard shall apply where the applicant or partner is in work.
3. Where, but for the operation of this scheme, the applicant would have been entitled to a disability premium, enhanced disability premium, severe disability premium or a disabled child premium, a further amount of £25 shall be deducted from the applicant's net earnings.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings²⁴

²⁴ Any amounts shown in this schedule will be uprated 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 as a service user.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where 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
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.
- 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 or council tax benefit.
- 38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 39. - 40. not used
- 41. Any payment to a juror or witness in respect of attendance at a court other than compensation

for loss of earnings or for the loss of a benefit payable under the benefit Acts.

- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
- 46.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where, but for this scheme, an applicant's applicable amount would include an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
- (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
- (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
- (2) In paragraph (1)
- 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
- (a) the Child Support Act 1991;
 - (b) the Child Support (Northern Ireland) Order 1991;
 - (c) a court order;
 - (d) a consent order;
 - (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
- 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

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. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
66. Any payment of child benefit.
67. Any Carer's Allowance
68. Any payments disregarded for Housing Benefits under the Social Security (*Emergency Funds*) Amendment) *Regulations 2017*
69. Any payment made under any of the following - the Grenfell Tower charitable funds, the Grenfell Tower Residents' Discretionary Fund, or Grenfell Tower support payment.

Schedule 5

Capital to be disregarded²⁵

²⁵ Any amounts shown in this schedule will be uprated 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. – 6. Not Used
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 subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** (1) Subject to sub-paragraph (2), where 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 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.
- 58 (1)** Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

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Equality Impact Assessment

Service Area: RESOURCES REVENUES AND BENEFITS

Head of Service: JON TRIGGS

Lead Officer: JULIE DARK

Date: 25 NOVEMBER 2020

Name of policy/function/project/service area to be assessed:

COUNCIL TAX REDUCTION SCHEME 2021/22

Brief description of proposals to be assessed:

To introduce amendments to the Council Tax Reduction Scheme for 2021/22

The Government announced as part of its spending review in 2010 that it would abolish Council Tax Benefit and replace it with localised support for Council Tax by 2013-14.

This change did not affect Pension Age claimants whose scheme is prescribed by Central Government in line with the 2012/13 Council Tax Benefit scheme.

Each year we have to review our scheme. Changes have been made over recent years to bring schemes in line with the changes being made by Central Government in Housing Benefit and Universal Credit.

The current CTR banded scheme for working age claimants was introduced in April 2020. We are proposing to make four changes to this scheme from 1 April 2021.

These changes are intended to bring the scheme in line with the changes being made by Central Government in Housing Benefit and Universal Credit. They will also enable the Council to alter the scheme within the financial year should it be deemed necessary. The need for us to be able to do this has been highlighted during the current Covid-19 situation.

Who will this affect?

Working age households in the Council's area who currently receive or will apply for Council Tax Reduction.

Pension age households will not be affected as Central Government prescribe the scheme.

North Devon Council is aiming to make this change from April 2021.

<p>Date of Assessment:</p> <p>25 November 2020</p>	<p>Person responsible for completing the assessment:</p> <p>JULIE DARK Contact Details: julie.dark@northdevon.gov.uk</p>
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Brief description of the anticipated outcomes of the proposal:

Provision	Current Arrangement	Proposed Arrangement	Comment
To allow the Council to increase the levels of incomes within each Band to allow for any changes made by Government to other benefits	Under the current scheme, the Council is only able to increase the income levels within each discount band annually by inflation.	To allow the Council to increase the levels of incomes within each Band to allow for any changes made by Government to other benefits	<p>The benefits of this are:</p> <ul style="list-style-type: none"> • more flexibility within the scheme; and • prevent applicants having their Council Tax Reduction award reduced when the Government increases any welfare benefits • This measure can only increase the level of support <p>The drawback of doing this is:</p> <ul style="list-style-type: none"> • There may be a slight increase in the cost of the scheme should the change be made
To allow the Council to suspend the use of the Minimum Income Floor for the Self-Employed in exceptional circumstances	The Minimum Income Floor is a provision within both Universal Credit and Council Tax Reduction which assumes a level of income for self-employed applicants after they have been in business for one year or more. Due to the COVID-19 crisis, the Department for Work and Pensions (DWP) suspended the use of the Minimum Income Floor in Universal Credit but the	This option would allow the Council flexibility to 'suspend' the Minimum Income Floor in exceptional circumstances, such as the COVID-19 crisis. The Council feels that this would be fairer to applicants who are self-employed and unable to trade normally due to the crisis.	<p>The benefits of this are:</p> <ul style="list-style-type: none"> • it allows the Council more flexibility in dealing with self-employed applicants in exceptional circumstances, such as the COVID-19 crisis; and • it would allow the Council to make the change automatically for all cases affected. <p>The drawback of doing this is:</p> <ul style="list-style-type: none"> • there may be a small additional cost to the scheme where the Minimum Income Floor is suspended.

	Council was unable to change the Council Tax Reduction scheme in the same way.		
To remove the two child restriction where the claimant or partner or any dependent child in the household receives a disability benefit	Within the current scheme, applicants who have children are awarded a dependent's addition within the calculation of their needs. This is currently limited to a maximum of two children additions for all applicants.	The change would allow the Council not to restrict any applicants' child additions to two where the applicant, their partner or any dependent child is in receipt of any disability benefit.	<p>The benefit of this is:</p> <ul style="list-style-type: none"> it would make the scheme fairer to our disabled customers. <p>The drawback of doing this is:</p> <ul style="list-style-type: none"> there may be a slight increase to the cost of the scheme.
To amend the scheme to allow for Shared Parental Leave, Parental Bereavement Leave and the Grenfell Tower Residents' Discretionary Fund	Currently, there is no provision for these	<p>In the case of Shared Parental Leave and Parental Bereavement Leave, the payments would be treated as earned income and could allow for child care disregards to be given.</p> <p>The Grenfell Tower Residents' Discretionary Fund payments would be totally disregarded for Council Tax Reduction purposes.</p> <p>These changes would align the working age scheme with the pension age scheme.</p>	<p>The benefits of this are:</p> <ul style="list-style-type: none"> all working age applicants would be treated the same way as pensioner applicants; and the change would make the scheme simpler to administer. <p>The drawback of doing this is:</p> <ul style="list-style-type: none"> There are no drawbacks to this change

Impact:

Summarise any positive impacts or benefits, any negative impacts (i.e. potential for discrimination, disadvantage or disproportionate treatment) and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and

neutral impacts within each characteristic. (NOTE: please refer to the Equality Strategy for the characteristics) Where an impact is unknown, state so, and identify what steps will be taken to address any gaps in data:

Age

Positive The council needs to take into account the Child Poverty Act. There will be an allowance for certain incomes not to be included in the financial assessment of CTR e.g. Child Benefit etc. The decision to protect pensioners is a national one and will be reflected in legislation. Central Government is therefore responsible for conducting their own EIA on this aspect. This is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf

Negative None

Disability

Positive The change would allow the Council not to restrict any applicants' child additions to two where the applicant, their partner or any dependent child is in receipt of any disability benefit.

Negative None

Gender Reassignment

Neutral No information is collected on the gender reassignment status of CTR claimants and gender has no impact on the claiming or calculation of CTR.

Marriage and Civil Partnership

Neutral Marriage and civil partnership status of CTR claimants will have no impact on claiming or the calculation of CTR.

Pregnancy and Maternity

Neutral No information is collected on the pregnancy and maternity status of CTR claimants and this characteristic will have no impact on claiming or the calculation of CTR.

Race

Neutral No information is collected on the race of CTR claimants and this characteristic will have no impact on claiming or the calculation of CTR.

Religion or Beliefs

Neutral No information is collected on the religion or beliefs of CTR claimants and this characteristic will have no impact on claiming or the calculation of CTR.

Sex/Gender

Neutral All Working Age people will be eligible to apply for support, and this characteristic will have no impact on claiming or the calculation of CTR.

Sexual Orientation

Neutral No information is collected on the sexual orientation of CTR claimants and this characteristic will have no impact on claiming or the calculation of CTR.

Consideration of Alternatives

Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative effect identified above (attach evidence or provide link to appropriate data, reports, etc):

We have considered;

Continuing with the current scheme:

- The Council could decide to continue with the current scheme but the risk of this is that applicants may lose entitlement if the Government increases other benefits or continues to make changes to the welfare benefit system.

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Due to the COVID-19 crisis, the Department for Work and Pensions (DWP) suspended the use of the Minimum Income Floor in Universal Credit but the Council was unable to change the Council Tax Reduction scheme in the same way. This would mean that self employed customers affected by exceptional circumstances such as Covid-19 would be unable to receive financial support from the CTR scheme.

The current scheme would not be up to date and in line with changes to Universal Credit and Housing Benefit

Consultation

Brief description of any consultation with stakeholders and summarise how it has influenced the proposal. Please attach evidence or provide link to appropriate data or reports:

The Council undertook a comprehensive consultation from the 2 November 2020 – 13 December 2020. 33 responses were received. The consultation was promoted in the following ways :

- Press release in local newspaper
- North Devon Council website
- Social Media (Facebook and Twitter) with ongoing posts/tweets.
- 2000 mail shots included in Council Tax bills and Benefit notification letters.

- Advertising posters displayed in our three community offices.

Our precepting authorities were also asked for their comments and input. These are : Devon County Council, Devon Fire Authority, Devon and Cornwall Police. We also wrote to Citizens Advice TNMWD.

Monitoring Arrangements

Briefly describe the monitoring arrangements/systems that will be put in place to monitor the effects of this proposal:

The scheme will be reviewed annually using a new software module purchased for this purpose. Throughout the year, regular monitoring of how our customers are affected will take place and Exceptional Hardship applications will be offered where such affects are negative.

Reporting and Publication

Equality Impact Assessments will be published on North Devon Council's website.

Date published:

NOTE: The completion of an Equality Impact Assessments is an ongoing process. Impacts will be continually reviewed during projects and the decision making process and the Assessment will be updated accordingly and published. A further assessment will also be undertaken between 6 to 12 months following the implementation of the policy, project, decision or service change has been implemented.

Proposed implementation date of project/proposal: 01 April 2021.

Date approved by Head of Service:

Corporate and Community Services Use Only:

Date of publication to NDC Website:

Date of Feedback (if required):

Feedback:

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COUNCIL TAX REDUCTION - EXCEPTIONAL HARDSHIP POLICY

2021/22

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1.0 Background

- 1.1 An Exceptional Hardship Policy has been created by North Devon Council to assist applicants for Council Tax Reduction who are facing 'exceptional hardship'. This is to provide further assistance where an application has been received for Council Tax Reduction but the level of support being paid by the North Devon Council does not meet their full Council Tax liability.
- 1.2 Exceptional Hardship will be available to any applicant where their daily award of Council Tax Reduction does not meet 100% of their Council Tax liability (less any appropriate discounts and non-dependant deductions).
- 1.3 The main features of the policy are as follows:
- The operation of the policy will be at the total discretion of the North Devon Council;
 - The policy will be operated by the Revenues and Benefits section on behalf of North Devon Council;
 - Exceptional Hardship falls within S13A 1 A of the Local Government Finance Act 1992 and forms part of the Council Tax Reduction Scheme;
 - Exceptional Hardship payments will only be available from 1st April 2018 and **will not be available for any other debt other than outstanding Council Tax**;
 - A pre-requisite to receive a payment is that an application for Council Tax Reduction has been made;
 - Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
 - Exceptional Hardship Payments are designed as a short-term help to the customer only and it is expected that payments will be made for a short term only; and
 - All applicants will be expected to engage with North Devon Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.

2.0 Exceptional Hardship and Equalities

- 2.1 The creation of an Exceptional Hardship Policy facility meets North Devon Council's obligations under the Equality Act 2010.
- 2.2 North Devon Council recognises the importance of protecting our most vulnerable customers and also the impact the changes imposed by the removal of Council Tax Benefit by Central Government. This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that an Exceptional Hardship Policy is intended to help in cases of **extreme** financial hardship and not support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that changes to the level of support generally will cause financial hardship and any payment made will be at the total discretion of North Devon Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered.

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how North Devon Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in both accessibility and also decisions made with applications.

4.0 The Exceptional Hardship Process

- 4.1 As part of the process of applying for additional support, all applicants must be willing to undertake **all** of the following:
- a. Make a separate application for assistance;
 - b. Provide full details of their income and expenditure;
 - c. Where a person is self-employed or a director of a private limited company, details of their business including business accounts must be supplied;

- d. Accept assistance from either North Devon Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non essential expenditure;
- e. Identify potential changes in payment methods and arrangements to assist the customer;
- f. Assist North Devon Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
- g. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

4.2 Through the operation of this policy North Devon Council will look to

- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the customer seeks alternative solutions;
- Enable long term support to households in managing their finances;
- Help applicants through personal crises and difficult events that affect their finances;
- Prevent exceptional hardship;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

4.3 It cannot be awarded for the following circumstances:

- Where the full Council Tax liability is being met by Council Tax Reduction;
- For any other reason, other than to reduce Council Tax liability;
- Where North Devon Council considers that there are unnecessary expenses/debts etc and that the applicant has not taken reasonable steps to reduce these;
- To pay for any arrears of Council Tax Reduction caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly; or
- To cover previous years Council Tax arrears

5.0 Awarding an Exceptional Hardship Payment

5.1 North Devon Council will decide whether or not to make an Exceptional Hardship award, and how much any award might be.

5.2 When making this decision North Devon Council will consider:

- The shortfall between Council Tax Reduction and Council Tax liability;
- Whether the applicant has engaged with the Exceptional Hardship process;
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist;
- The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
- How reasonable expenditure exceeds income;
- In the case of a self-employed applicant, whether they are in gainful employment;
- All income received by the applicant, their partner and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Reduction Scheme;
- Any savings or capital that might be held by the applicant, their partner and any member of their household irrespective of whether the capital may fall to be disregarded under the Council Tax Reduction Scheme;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances; and
- The length of time they have lived in the property;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award of Exceptional Hardship does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

5.5 An Exceptional Hardship payment may be less than the difference between the Council Tax liability and the amount of Council Tax Reduction paid. The level of payment may be nil if the authority feels that, in its opinion, the customer is not suffering 'exceptional hardship' or where the applicant has failed to comply with the Exceptional Hardship process.

6.0 Publicity

6.1 North Devon Council will make a copy of this policy available for inspection and will be published on the North Devon Council's website.

7.0 Claiming an Exceptional Hardship payment

7.1 An applicant must make a claim for an Exceptional Hardship award by submitting an application to North Devon Council. The application form can be obtained via the telephone, in person at one of North Devon Council offices and/or via North Devon Council's website.

7.2 Applicants can get assistance with the completion of the form from the Revenues and Benefits Service or from the Customer Services Team at one of the three North Devon Council offices.

7.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by North Devon Council. The form must be returned within one calendar month of its issue.

7.4 In most cases the person who claims the Exceptional Hardship award will be the person who claimed Council Tax Reduction however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

8.1 North Devon Council may revise an award of Exceptional Hardship where the applicant's circumstances have changed which either increases or reduces their Council Tax Reduction entitlement.

9.0 Duties of the customer and the customer's household

9.1 A person claiming an Exceptional Hardship payment is required to:

- Provide North Devon Council with such information as it may require to make a decision;
- Tell North Devon Council of any changes in circumstances that may be relevant to their ongoing claim; and
- Provide North Devon Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

10.1 Both the amount and the duration of the award are determined at the discretion of North Devon Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.

10.2 The start date of such a payment and the duration of any payment will be determined by North Devon Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Payment

11.0 Any Exceptional Hardship payment will be made direct onto the applicant's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Payments

12.1 Overpaid Exceptional Hardship payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 North Devon Council will notify the outcome of each application for Exceptional Hardship payment.

14.0 Appeals

14.1 Exceptional Hardship payments are granted under S13A 1A of the Local Government Finance Act 1992 as part of the Council Tax Reduction Scheme, as such the normal Council Tax appeal process applies and an appeal can be made at any time. The initial appeal should be made to North Devon Council

who will review any decision. Ultimately any decision can be considered by an independent Valuation Tribunal.

15.0 Fraud

- 15.1 North Devon Council is committed to protecting public funds and to ensure that funds are awarded to the people who are rightfully eligible to them.
- 15.2 An applicant who tries to fraudulently claim an Exceptional Hardship payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 15.3 Where North Devon Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

- 16.1 North Devon Council's Complaints Procedure (available on the North Devon Councils website) will be applied in the event of any complaint received about this policy.

17.0 Policy Review

- 17.1 This policy will be reviewed on a regular basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant changes in legislation.



Devon Finance Services

Julie Dark
Revenues and Benefits Manager

[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Tel: [Redacted]
email: [Redacted]

Date: 30th October 2020

Dear Julie

North Devon Council Working Age Council Tax Reduction Scheme 2021/22

Thank you for your e-mail dated 28th October in which you notified the County Council of proposed changes to your Working Age Council Tax Reduction Scheme for the year 2021/22.

You have explained that the reason for the changes are to protect claimants from any adverse impact to their current Council Tax Reduction entitlement arising from measures introduced by the Government to support claimants through the Covid-19 crisis.

You have set out that *“these changes will have a minimal impact upon the cost the scheme as well as the tax base.”*

Would you please clarify what you mean by “minimal impact” – do you mean that there won't be any additional cost? If there is an additional cost are you able to outline what you expect this to be, please?

Unfortunately, without knowing the impact on the council tax base, the County Council can only comment that council tax is its largest source of income and is essential to help finance the provision of services to vulnerable people in Devon. Consequently, it is important that the council tax base is protected, and additional costs are kept to a minimum.

Yours sincerely

A handwritten signature in black ink, appearing to read "P Lappin".

Peter Lappin
Head Accountant
(Strategy and Compliance)

From: Peter Lappin
To: [REDACTED]
Subject: RE: North Devon Council CTR Scheme 2021/22
Date: 25 November 2020 12:11:41
Attachments: [~WRD0000.jpg](#)
[image001.png](#)

Hi David

Thanks for your e-mail clarifying the situation and level of uncertainty regarding future decisions by Govt including levels of disregards.

The county council has received one other notification of a proposal to amend the CTR scheme for 21/22 and no detailed costings were provided.

Best wishes

Peter



Peter Lappin
Head Accountant, Finance Strategy Group
Devon Finance Services – *strength in numbers*
T: [REDACTED]
Room 180, County Hall, Topsham Road
Exeter EX2 4QD
Disclaimer: www.devon.gov.uk/email

From: David Good [REDACTED]
Sent: 21 November 2020 12:45
To: Peter Lappin [REDACTED]
Subject: North Devon Council CTR Scheme 2021/22

Hi Peter

Julie has asked me to reply to your email.

Proposals 1 and 2 are more precautionary measures to allow us to amend our scheme in response to situations such as the Covid-19 pandemic. We are doing this as are most of the other Devon authorities as discussed in our DBOG meetings. Please see explanations below.

Although we do predict a minimal cost increase (due to the proposals) to this year, we cannot possibly know what changes Central Government will make to DWP benefits next year or what their other responses to the Covid-19 situation will be and so cost implications seem almost unpredictable.

Proposal 1- We're already disregarding an extra £20.00 for customers on UC or Working Tax Credit in line with HB due to the Governments COVID-19 response. This proposal will allow us to increase the income levels within each band to counter any increase in welfare benefits. Such increases are unknown at this time.

Proposal 2- We've already removed the MIF and started a new assessment period for our self employed customers who's income has been severely affected by COVID-19. The MIF will be reapplied after 12 months of when the new assessment period started.

Proposal 3- We already don't restrict to two children where there is a disabled person in the household however we did not get the wording quite right in our last consultation and so David Airey has said just to be 100% we need to do it again. No additional cost, although future claims from customers in this situation is unknown.

Proposal 4- This is to align our scheme as per the other Devon authorities and in line with HB. We have not yet had a customer with a Grenfell Tower Residents' Discretionary Fund payment nor a customer with the new Shared Parental Leave and Parental Bereavement Leave payments and it would be impossible to put a cost estimate to this too.

If other authorities did provide you with cost implications for similar proposals, please let us know so that we can take advice on how they calculated them. In such an unprecedented time and with Government changes unknown, we would be interested to find out as to how they calculated/estimated the costs for their schemes.

Kind regards

David

Mr D Good
Assistant Benefits Manager
North Devon Council
Brynsworthy Environment Centre



For more information go to www.northdevon.gov.uk/live-love-local

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From: Amy Webb
To: [REDACTED]
Subject: RE: North Devon Council
Date: 29 October 2020 16:50:31
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

Hello David,

Thank you for the opportunity to feed back ahead of the public consultation. Just to let you know that I am supportive of the proposed changes to CTR scheme as you have outlined below. Please let me know whether you would prefer an online consultation response?

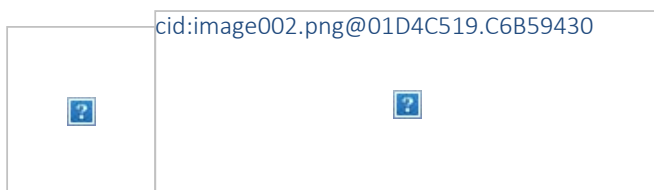
Just to let you know that Andy Turner no longer works for DSFRS so please use alternative email Dan Head

Kind Regards
Amy



Amy Webb FCCA
Director of Finance and Resourcing
m. [REDACTED] w. www.dsfire.gov.uk

I no longer send thank you emails – aiming to save energy and environmental impact



From: David Good [REDACTED]
Sent: 28 October 2020 17:24
To: [REDACTED]
Cc: Amy Webb [REDACTED]
Subject: North Devon Council

Devon Fire & Rescue
Att: Mr Andy Turner



Please ask for: Mrs J Dark

Tel: [REDACTED]

Date: 28 October 2020

Dear Mr Turner

North Devon Council, Working Age Council Tax Reduction Scheme 2021-22

The purpose of this letter/email is to formally notify you of proposed changes to our Working Age Council Tax Reduction Scheme for the year 2021-22.

The reason for the changes are to protect claimants from any adverse impact to their current Council Tax Reduction entitlement arising from measures introduced by the Government to

support claimants through the Covid-19 crisis.

This is particularly relevant to recipients of Working Tax Credit and Universal Credit who have seen a modest increase in their entitlements to those benefits but who, without revising our scheme to disregard this increase, will potentially experience a reduction in their Council Tax Reduction award as their income has increased. The increase could result in a claimant moving into a lower support band and having to pay an additional amount of their Council Tax liability. This would largely erode the Covid-19 related benefit increase awarded by the Department for Work and Pensions.

It was never the intention of the Council's 2020-21 Council Tax Reduction Scheme to cause a reduction in the award due to a rise in benefit levels, and we believe that changes need to be made to allow the Council more flexibility within the scheme to disregard such payments, should similar circumstances happen in the future.

The proposed changes are;

- 1 - To allow the Council to increase the levels of incomes within each Band to allow for any changes made by Government to other benefits
- 2 - To allow the Council to suspend the use of the Minimum Income Floor for the Self-Employed in exceptional circumstances
- 3 - To remove the two child restriction where the claimant or partner or any dependent child in the household receives a disability benefit
- 4 - To amend the scheme to allow for Shared Parental Leave, Parental Bereavement Leave and the Grenfell Tower Residents' Discretionary Fund

Please note that the main aims of the changes are:

- to assist in the overall administration of claims;
- to provide support to those that need it most;
- to assist in the collection of Council Tax; and
- wherever possible to maintain the same level of support to most applicants.

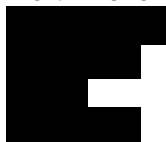
Details of these proposed changes and a link to the consultation survey can be found on the North Devon Council website. The consultation starts on the 2 November 2020 and closes on 13 December 2020 and we would welcome your comments as soon as possible.

It is anticipated that these changes will have a minimal impact upon the cost the scheme as well as the tax base.

Yours sincerely

Mrs Julie Dark

Revenues and Benefits Manager
North Devon Council



For more information go to www.northdevon.gov.uk/live-love-local

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Unless stated to the contrary, any opinions expressed in this message are personal and may not be attributed to Devon & Somerset Fire & Rescue Service.

Consultation Results

Ref 2020 /005 Council Tax Reduction Scheme 2021 – 2022

Results from the survey by question.

1: Had everyone who had taken part read and understood the information?

This was a mandatory question. Everyone answered yes.

From here onwards, the questions are firstly a multiple choice question, followed by another where they could make comments if they wished. The multiple choice questions were mandatory but where some responses were not submitted online we were unable to control this option, and some questions were left unanswered.

A total of 33 responses were received.

2: Should the Council keep the current Council Tax Reduction Scheme (continue to administer the scheme as it does at the moment)?

Number of responses, followed by the percentage of total.

Yes	7	21.21%
No	20	60.6%
Don't know	6	18.18%
Unanswered	0	0%
Total	33	100%

3: Comments received:

- “The capital limit set at £6,000 is an ageist policy. Treating working age customers unfairly. Expecting them to 'dip into their savings' to pay their Council Tax if they are on a low or nil income. Especially this year we should be supporting people on lower incomes but allow them to have savings enough for their future. Change to £10,000 or £16,000 limit, or £10k with tariff income to £16k.”
- “Changing to allow for any future changes eg covid increases would help those who are entitled and stop it being “taken” from other benefits and disadvantaging them would be good and fair as long as it doesn't inadvertently disadvantage others”.
- “The system needs the flexibility to avoid one branch of government giving and another taking away the same amount.”
- “I feel the pandemic has effected all people not just low earners”.
- “If income has gone up in one area, it has always been par course for other benefits to be reduced. We need this balance to prevent people staying on benefits. On the other hand, we need to ensure that those who work are not penalised and that the reduction shouldn't represent their wages cancelling

out the reduction they would get. This would encourage people to stay in work.”

- “Charge double to 2nd home owners and holiday homes to generate additional funds to provide better support to families in need.”

4: Do you agree with this change to the scheme - To allow the Council to increase the levels of incomes within each Band to allow for any changes made by Government to other benefits.

Number of responses, followed by the percentage of total.

Yes	27	81.81%
No	3	9.09%
Don't know	3	9.09%
Unanswered	0	0%
Total	33	100%

5: Comments received:

- “Scheme would need to annually move both ways to cope with temporary measures otherwise central government could move benefit burden to councils via short term stealth benefits that are short or fixed term but trigger a more generous level of council tax support.”
- “Every house hold pays less and stop Putting court charges on bills as if people are struggling to pay how dose adding cost help”
- “This should only be done with people in employment based income. Those on benefits do not need extra money as they incur no extra expense such as travel to and from work, parking, childcare etc”.

6: Do you agree with this change to the scheme - To allow the Council to suspend the use of the Minimum Income Floor for the Self- Employed in exceptional circumstances.

Number of responses, followed by the percentage of total

Yes	30	90.9%
No	1	3.03%
Don't know	2	6.06%
Unanswered	0	0%
Total	33	100%

7: Comments received

- “Again you charge to much as it is”
- “Please ensure our PROVEN self-employed are looked after!”

8: Question: Do you agree with this change to the scheme - To remove the two child restriction where the claimant or partner or any dependent child in the household receives a disability benefit.

Number of responses, followed by the percentage of total

Yes	19	57.57%
No	8	24.24%
Don't know	4	12.12%
Unanswered	2	6.06%
Total	33	100%

9: Comments received

- “No alternative. DLA and pip are very generous and should more than cover. Parents should not be encouraged to have more children that they cannot afford in the same way parents not in receipt of benefits make financial decisions.”
- “Household income should remain the primary factor in awarding council tax relief and it's distribution should be equal for all families in need irrespective of health status. Disability benefits need to be factored in through different channels.”
- “Who pays for The increase”
- “These household receive many other premiums and extra support that others don't.”
- “This would be unfair on other larger households where restrictions are in place. This also prevents the benefits culture of having more children to get more money.”

10: Do you agree with this change to the scheme - To amend the scheme to allow for Shared Parental Leave, Parental Bereavement Leave and the Grenfell Tower Residents' Discretionary Fund.

Number of responses, followed by the percentage of total

Yes	23	69.69%
No	2	6.06%
Don't know	7	21.21%
Unanswered	1	3.03%
Total	33	100%

11: Comments received

- None.

12: Do you think North Devon Council should choose another option rather than any of the four proposed changes to the Council Tax Reduction Scheme?

Number of responses, followed by the percentage of total

Yes	3	9.09%
No	21	27.27%
Don't know	7	21.21%
Unanswered	2	6.06%
Total	33	100%

13: Comments received

- “As well as the proposal changes we should Change capital from £6k to £16k with income used from £10k to £16k (50p per week per £1000 only) Allowe all of a pension deduction in a person's pay, Send letters so people know what we are basing their claim on, form when and how it fluctuates.”
- “Do not alter the disability child per household threshold. Fairer way might be to include a specific additional percentage of relief if a household member is disabled (one tick on the assessment screen) but keep the benefit otherwise aligned for all household numbers. Increases simplicity and means all qualifying households receive the same amount of benefit as a percentage of council tax. A family with one severely disabled child, for example should receive the same support as any other for that child.”
- “Every person pays 1% of wages or benefits each month taken out of wages like paye the employer or benefit office deals with This then people know what's in there wage packet is actually there's”

14: Comments received other comments on the proposed scheme(s).

- All proposed changes are good ones, no draw backs.
- “I believe all options should be looked into and thought about in length to be fair to all and not just the groups mentioned. I feel it is also prudent to look at housing costs as these work alongside council tax benefits (housing benefits). Private rental especially has increased dramatically, eg 2 bed in Roundswell increase of £150 per month, and has a knock on effect to families especially on low wages and in receipt of benefits, local housing allowances are not relevant to actual rental prices.”
- “All the schemes are too generous to very specific groups while those working and earning just about enough to survive get no help on.”
- “The whole council tax reduction scheme needs to be looked at and a more balanced approach to working out entitlements needs to be implemented. Those who don't qualify for the free childcare, who have travel/parking expenses for work and other work related costs need to be looked at with more care. They're often the ones who fall under the radar. Those who do not have jobs, particularly ones with children, will possibly receive extra child

premiums from income support, child tax credits, child benefit etc have no extra expenses and benefit from free health and prescription services.”

- “Even though state benefits aren't classes as income, it seems that those who don't work at all are a lot better off financially than those who work. This needs to be more balanced.”

15: Comments received

would like North Devon Council to consider any other options (please state).

- “Change capital from £6k to £16k with income used from £10k to £16k (50p per week per £1000 only) Allowe all of a pension deduction in a person's pay, Send letters so people know what we are basing their claim on, form when and how it fluctuates.”
- “Charge double to 2nd homeowners And holiday homes to allow increase support to families in need.”

16: Comments received any further comments or questions to make regarding the Council Tax Reduction Scheme, that you have not already raised.

- “The capital limit set at £6,000 is an ageist policy. Treating working age customers unfairly. Expecting them to 'dip into their savings' to pay their Council Tax if they are on a low or nil income. Especially this year we should be supporting people on lower incomes but allow them to have savings enough for their future. Change to £10,000 or £16,000 limit, or £10k with tariff income to £16k.”

17: is someone in the household currently received Council Tax Reduction:

Yes	8	24.24%
No	24	72.72%
Don't know	1	3.03%
Unanswered	0	0%
Total	33	100%

18: asked the sex of the consultee

Male	12	36.36%
Female	19	57.57%
Prefer not to say	2	6.06%
Unanswered	0	0%
Total	33	100%

19: asked the age of the consultee

25-34	1	3.03%
35-44	5	15.15%
45-54	12	36.35%
55-64	10	33%
65-74	3	9.09%
75-84	1	3.03%
Prefer not to say	1	3.03%
Unanswered	0	0%
Total	33	100%

20: asked about the consultee's health

Yes	4	24.24%
No	25	75.75%
Prefer not to say	1	3.03%
Unanswered	3	9.09%
Total	33	100%

21: asked about the consultee's ethnic origin

White British	25	75.75%
White Gypsy or traveller	1	3.03%
Any other White background	1	3.03%
Other (option added manually by consultee): White English	2	6.06
Prefer not to say	4	12.12%
Total	33	100%

REPORT TO: COUNCIL

Date: 13 January 2021

TOPIC: COUNCIL TAX BASE (2021/22)

REPORT BY: HEAD OF RESOURCES

1. INTRODUCTION

- 1.1 Regulations issued under Section 31 (b) of the Local Government Finance Act 1992 require the Council to formally resolve the Council Tax Base for the following financial year.
- 1.2 The attached schedule sets out the Council Tax Base calculation for the whole of the District. A copy of the individual Parish Council Tax calculation will be circulated.

2 RECOMMENDATIONS

- 2.1 That the report for the calculation of the Council Tax Base for 2021/22 by the Head of Resources be approved.
- 2.2 That pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by North Devon District Council as its schedule for 2021/22 shall be as shown on the attached schedule.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Council needs to determine the Council Tax Base for the financial year 2021/22 to enable the required level of Council Tax to be calculated for that year.

4 REPORT

- 4.1 The Council Tax Base for the District is set out in the attached appendix for consideration and adoption as the Council Tax Base for the financial year 2021/22.
- 4.2 The Council Tax Base for 2021/22 as set out in the attached appendix is 34,397.87 Band D equivalent properties compared with 34,569.45 for 2020/21, a decrease of 0.5%.

5 RESOURCE IMPLICATIONS

- 5.1 Financial – as contained in the report.
- 5.2 Human resources – there are no additional resource implications.

6 EQUALITY and HUMAN RIGHTS

6.1 There are no identified implications in relation to equality in the report as it is focussing on the financial calculations used to set the Council Tax.

7 CONSTITUTIONAL CONTEXT

Article or appendix and paragraph	Referred or delegated power?
Part 2, 4.5.26	

8 STATEMENT OF CONFIDENTIALITY

8.1 No parts of the report contain confidential information within the meaning of the Local Government (Access to Information) Act 1985.

9 BACKGROUND PAPERS

9.1 Background papers will be available for inspection and will be kept by the author of the report.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Author: Julie Dark (Revenues and Benefits Manager)

COUNCIL TAX BASE 2021-2022

	BAND - A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
Number of dwellings in Valuation List (30 November 2020)	0	10112	11478	10199	8178	4697	1896	607	46	47213
Estimated number of dwellings not listed but which will be listed in the band for the whole or part of 2021/2022	0	19	68	112	47	27	1	0	0	274
Estimated number of dwellings listed but which will not be in the band for the whole or part of 2021/2022	0	-3	-2	-1	-3	-1	-1	0	0	-11
Estimated number of exempt dwellings	0	-292	-153	-116	-90	-33	-16	-4	-2	-706
Reductions to lower band due to disabled relief	0	-18	-46	-52	-67	-36	-28	-16	-5	-268
Additions to band due to disabled relief	18	46	52	67	36	28	16	5	0	268
CHARGEABLE DWELLINGS FOR BAND	18	9864	11397	10209	8101	4682	1868	592	39	46770
Estimated discounts - 25%	7	5352	4192	2957	1870	794	295	71	3	15541
- 50%	1	5	6	12	10	13	16	6	1	70
- 100%	0	125	85	54	33	21	4	3	0	325
Estimated premiums + 100%	0	34	20	15	5	8	2	2	0	86
+ 200%	0	19	7	7	9	3	1	1	0	47
Total number of discounts and premiums	8	5535	4310	3045	1927	839	318	83	4	16069
Number of dwellings with no discount or premium	10	4329	7087	7164	6174	3843	1550	509	35	30701
25% discounts @ 75% plus 50% discounts @ 50% less 100% discounts plus premiums @ 100% and 200%	5.75	4141.5	3208	2274.75	1444.5	627	236.25	63.25	2.75	12003.75
TOTAL DISCOUNTED DWELLINGS	15.75	8470.50	10295.00	9438.75	7618.50	4470.00	1786.25	572.25	37.75	42704.75
Estimated equivalent number of dwellings for family annexe discount	0	-42.7	-6.4	-3.9	-1	-0.5	0	0	0	-54.50
Estimated equivalent number of dwellings for council tax support scheme	-6.02	-2061.26	-1248.82	-594.52	-245.34	-73.05	-18.79	-3.02	0	-4250.81
TOTAL EQUIVALENT DWELLINGS	9.73	6366.54	9039.78	8840.33	7372.16	4396.45	1767.46	569.23	37.75	38399.44
Ratio to Band D	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9	
BAND D EQUIVALENTS	5.41	4244.40	7030.94	7858.12	7372.19	5373.46	2552.96	948.74	75.50	35461.72
Collection Rate										97%
TAX BASE										34397.87

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Open

NORTH DEVON COUNCIL

REPORT TO: COUNCIL

Date: 13th January 2021

TOPIC: PROPOSED COMMITTEE TIMETABLE FOR 2021/2022

REPORT BY: SENIOR CORPORATE AND COMMUNITY SERVICES OFFICER

1 INTRODUCTION

- 1.1 The report outlines the basic principles for timetabling standing Council, and Committee meetings and recommends a proposed timetable for the year 2021/2022.

2 RECOMMENDATIONS

- 2.1 That Council adopt the timetable of Council and Committee meetings for 2021/2022 as detailed in Appendix A.
- 2.2 That all meetings of Council, Committee and Sub-Committees continue to be held virtually in line with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and reviewed at such time as the Covid-19 crisis is at a level where social distancing is no longer required.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the Council has a timetable of Committee meetings for 2020/2021.

4 REPORT

- 4.1 The proposed Committee timetable for 2021/2022 (appendix A) is based on the following principles:

- **Council** (scheduled for Wednesdays to commence at 6.30 pm).
 - Council meets 7 times a year;
 - July 2021
 - September 2021 (NOTE: The Statement of Accounts need to be approved and published by 30th September 2021)
 - November 2021
 - January 2022 (to set the Council Tax Base)

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- February 2022 (to set the Council Tax. DCC Budget setting meeting is scheduled to be held on 17th February 2022)
- April 2022 (and Annual Council)
- **Strategy and Resources Committee** has been scheduled on a monthly cycle on the first Monday at 10.00 am except:
 - April 2021 where the committee date is the second Monday so as to fall after annual Council
 - August 2021 where a reserved date has been scheduled.
- **Licensing and Community Safety Committee** has been scheduled monthly on Tuesdays at alternating times of 10.00 am and 6.30 pm. This change in times has been suggested as a work around for those members who have commitments during the working day and struggle to find the time to attend meetings.
- **Planning Committee** has been scheduled monthly on the second Wednesday at 10.00 am.
- **Policy Development Committee** has been scheduled on Thursdays at alternating times of 2.00 pm and 6.30 pm (every month except August and October).
- **Harbour Board** will be scheduled quarterly on a Tuesday at 2 pm (May, August, November and February).
- **Governance Committee** has been scheduled on Tuesdays at 6.30 pm (June, September, November, January and March). The meeting of the Committee in June will consider the draft statement of accounts for 2020/21 and the draft Annual Governance Statement. The meeting of the Committee in September will consider the External Auditors audit findings report on the 2020/21 Financial Statements. (NOTE: The meeting scheduled in September 2021 has been scheduled on Monday 27th September 2021 due to the requirement for the recommendations from the Committee to be presented to Council on 29th September 2021).
- **North Devon Crematorium Joint Committee** will be scheduled on Fridays at 2.30 pm (June, August, November and February).
- **Building Control Joint Services Committee** will be scheduled on the second Thursday of the month at 9:30 am (February, May, July and November).

In preparing the draft timetable both Devon County Council and Exmoor National Park Authority schedule of meetings have been consulted to avoid clashes of meetings where possible.

4.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allows Local Authorities to hold virtual meetings until May 2021. It is recommended that meetings continue to be held virtually and reviewed at such time

as the Covid-19 pandemic is at a level where social distancing is no longer required. Officers will be exploring options for hybrid meetings to take place.

5 RESOURCE IMPLICATIONS

5.1 The cost of printing a diary for Members will be approximately £200 and is contained within existing budgets. The Corporate and Community Services Team have consulted with members to establish requirements for a printed diary or other electronic means i.e. use of an electronic calendar.

5.2 The production of the diary can be accommodated within existing staff resources.

6 EQUALITIES ASSESSMENT

6.1 There are no equalities implications anticipated as a result of this report. Council meetings are held at venues that are accessible where possible.

7 CONSTITUTIONAL CONTEXT

Appendix and paragraph	Referred or delegated power?
Article 4, Paragraph 4.5.15	Delegated

8 STATEMENT OF CONFIDENTIALITY

8.1 This report does not contain any information that is confidential or exempt under the Access to Information Regulations.

9 BACKGROUND PAPERS

9.1 There are no background papers.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Leader: Councillor Worden

Author: Beverley Triggs Date: 05/01/21

Reference: committee timetable report 2021/22

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NORTH DEVON COUNCIL

COMMITTEE TIMETABLE 2021/2022

CYCLE 1 (15 weeks)

12th April 2021 – 25th July 2021

APRIL	Monday	12	<i>Schools Easter Holidays</i> 10 am Strategy and Resources Committee
	Tuesday	13	6.30 pm Licensing and Community Safety Committee
	Wednesday	14	10 am Planning Committee
	Thursday	15	
	Friday	16	
	Monday	19	<i>Schools recommence</i>
	Tuesday	20	
	Wednesday	21	
	Thursday	22	
	Friday	23	
	Monday	26	
	Tuesday	27	
	Wednesday	28	
	Thursday	29	
	Friday	30	
MAY	Monday	3	<i>May Bank Holiday</i>
	Tuesday	4	<i>Exmoor National Park Authority</i> 10 am Strategy and Resources Committee 2 pm Harbour Board
	Wednesday	5	
	Thursday	6	DCC Elections and PCC Elections
	Friday	7	Election Results day
	Monday	10	
	Tuesday	11	10 am Licensing and Community Safety Committee
	Wednesday	12	10 am Planning Committee
	Thursday	13	9:30 am Building Control Joint Services Committee 10 am Policy Development Committee
	Friday	14	
	Monday	17	
	Tuesday	18	
	Wednesday	19	
	Thursday	20	
	Friday	21	
	Monday	24	
	Tuesday	25	
	Wednesday	26	
	Thursday	27	
	Friday	28	

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Appendix A

	Monday	31	<i>Spring Bank Holiday Schools Half Term</i>
JUNE	Tuesday	1	<i>Exmoor National Park Authority</i>
	Wednesday	2	
	Thursday	3	
	Friday	4	
	Monday	7	10 am Strategy and Resources Committee
	Tuesday	8	10 am Licensing and Community Safety Committee 6.30 pm Governance Committee
	Wednesday	9	10 am Planning Committee
	Thursday	10	6.30 pm Policy Development Committee
	Friday	11	2.30 pm North Devon Crematorium Joint Committee
	Monday	14	
	Tuesday	15	
	Wednesday	16	
	Thursday	17	
	Friday	18	
	Monday	21	
	Tuesday	22	
	Wednesday	23	
	Thursday	24	
	Friday	25	
	Monday	28	
	Tuesday	29	
	Wednesday	30	
JULY	Thursday	1	
	Friday	2	<i>Devon County Show</i>
	Monday	5	10 am Strategy and Resources Committee
	Tuesday	6	<i>Exmoor National Park Authority LGA Assmbley and AGM LGA Annual Conference</i>
	Wednesday	7	<i>10.30 am DCC Highways and Traffic Orders Committee (HATOC) LGA Annual Conference</i>
	Thursday	8	<i>LGA Annual Conference 9:30 am Building Control Joint Services Committee</i>
	Friday	9	
	Monday	12	
	Tuesday	13	6.30 pm Licensing and Community Safety Committee
	Wednesday	14	10 am Planning Committee
	Thursday	15	10 am Policy Development
	Friday	16	
	Monday	19	
	Tuesday	20	
	Wednesday	21	6.30 pm Council
	Thursday	22	

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Appendix A

	Friday	23	

CYCLE 2 (10 weeks)

26th July 2021 – 26th September 2021

JUL	Monday	26	
	Tuesday	27	
	Wednesday	28	<i>Schools Summer Holidays start</i>
	Thursday	29	
	Friday	30	
AUG	Monday	2	10 am Strategy and Resources Committee (reserved)
	Tuesday	3	<i>Exmoor National Park Authority</i>
	Wednesday	4	North Devon Show 8am – 6pm
	Thursday	5	
	Friday	6	2.30 pm North Devon Crematorium Joint Committee
	Monday	9	
	Tuesday	10	10 am Licensing and Community Safety Committee 2 pm Harbour Board
	Wednesday	11	10 am Planning Committee
	Thursday	12	
	Friday	13	
	Monday	16	
	Tuesday	17	
	Wednesday	18	
	Thursday	19	
	Friday	20	
	Monday	23	
	Tuesday	24	
	Wednesday	25	
	Thursday	26	
	Friday	27	
	Monday	30	<i>Summer Bank Holiday</i>
	Tuesday	31	
SEP	Wednesday	1	
	Thursday	2	
	Friday	3	
	Monday	6	<i>Schools Recommence</i> 10 am Strategy and Resources Committee
	Tuesday	7	<i>Exmoor National Park Authority</i>
	Wednesday	8	10 am Planning Committee
	Thursday	9	6.30 pm Policy Development Committee
	Friday	10	

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Appendix A

	Monday	13	
	Tuesday	14	6.30 pm Licensing and Community Safety Committee
	Wednesday	15	Barnstaple Fair
	Thursday	16	
	Friday	17	
	Monday	20	
	Tuesday	21	
	Wednesday	22	
	Thursday	23	
	Friday	24	
SEPT	Monday	27	6.30 pm Governance Committee
	Tuesday	28	
	Wednesday	29	6.30 pm Council
	Thursday	30	
OCT	Friday	1	

CYCLE 3 (8 weeks)

27th September 2021 – 28th November 2021

OCT	Monday	4	10 am Strategy and Resources Committee
	Tuesday	5	<i>Exmoor National Park Authority</i>
	Wednesday	6	
	Thursday	7	
	Friday	8	
	Monday	11	
	Tuesday	12	10 am Licensing and Community Safety Committee
	Wednesday	13	10 am Planning Committee
	Thursday	14	
	Friday	15	
	Monday	18	
	Tuesday	19	
	Wednesday	20	
	Thursday	21	
	Friday	22	
	Monday	25	<i>Schools Half Term</i>
	Tuesday	26	
	Wednesday	27	
	Thursday	28	
	Friday	29	
NOV	Monday	1	10 am Strategy and Resources Committee
	Tuesday	2	
	Wednesday	3	
	Thursday	4	9:30 am Building Control Joint Services Committee
	Friday	5	2.30 pm North Devon Crematorium Joint Committee
	Monday	8	
	Tuesday	9	6.30 pm Licensing and Community Safety Committee
	Wednesday	10	10 am Planning Committee
	Thursday	11	

Agenda Item 16

Appendix A

NOV	Friday	12	
	Monday	15	
	Tuesday	16	2 pm Harbour Board 6.30 pm Governance Committee
	Wednesday	17	
	Thursday	18	10 am Policy Development Committee
	Friday	19	
	Monday	22	<i>10.30 am DCC HATOC</i>
	Tuesday	23	
	Wednesday	24	6.30 pm Council
	Thursday	25	
	Friday	26	

CYCLE 4 (7 weeks)

29th November 2021 –16th January 2022

NOV	Monday	29	
	Tuesday	30	
DEC	Wednesday	1	
	Thursday	2	
	Friday	3	
	Monday	6	10 am Strategy and Resources Committee
	Tuesday	7	<i>Exmoor National Park Authority</i>
	Wednesday	8	10 am Planning Committee
	Thursday	9	6.30 pm Policy Development Committee
	Friday	10	
	Monday	13	
	Tuesday	14	10 am Licensing and Community Safety Committee
	Wednesday	15	
	Thursday	16	
	Friday	17	
	Monday	20	<i>Schools Christmas Holidays</i>
	Tuesday	21	
	Wednesday	22	
	Thursday	23	
	Friday	24	
	Monday	27	<i>Bank Holiday</i>
	Tuesday	28	<i>Bank Holiday</i>
	Wednesday	29	
	Thursday	30	
	Friday	31	
JAN	Monday	3	10 am Strategy and Resources Committee
	Tuesday	4	<i>Schools recommence</i> <i>Exmoor National Park Authority</i> 6.30 pm Governance Committee
	Wednesday	5	
	Thursday	6	10 am Policy Development Committee
	Friday	7	
	Monday	10	
	Tuesday	11	<i>Exmoor National Park Authority</i> 6.30 pm Licensing and Community Safety Committee
	Wednesday	12	10 am Planning Committee 6.30 pm Council
	Thursday	13	
	Friday	14	

CYCLE 5 (6 weeks)

17th January 2022 –27th February 2022

JAN	Monday	17	
	Tuesday	18	
	Wednesday	19	
	Thursday	20	
	Friday	21	
	Monday	24	
	Tuesday	25	
	Wednesday	26	
	Thursday	27	
	Friday	28	
	Monday	31	
FEB	Tuesday	1	<i>Exmoor National Park Authority</i>
			2 pm Harbour Board
	Wednesday	2	
	Thursday	3	
	Friday	4	2.30 pm North Devon Crematorium Joint Committee
	Monday	7	10 am Strategy and Resources Committee
	Tuesday	8	10 am Licensing and Community Safety Committee
	Wednesday	9	10 am Planning Committee
	Thursday	10	9:30 am Building Control Joint Services Committee 6.30 pm Policy Development Committee
	Friday	11	
	Monday	14	
	Tuesday	15	
	Wednesday	16	
Thursday	17		
Friday	18		
Monday	21		<i>Schools Half Term</i>
Tuesday	22		
Wednesday	23		6.30 pm Council
Thursday	24		
Friday	25		

CYCLE 6 (6 weeks)

28th February 2022 – 10th April 2022

FEB	Monday	28	
MAR	Tuesday	1	<i>Exmoor National Park Authority</i>
	Wednesday	2	
	Thursday	3	
	Friday	4	
	Monday	7	10 am Strategy and Resources Committee
	Tuesday	8	10 am Licensing and Community Safety Committee 6.30 pm Governance Committee
	Wednesday	9	10 am Planning Committee
	Thursday	10	
	Friday	11	
	Monday	14	<i>10.30 am DCC HATOC</i>
	Tuesday	15	
	Wednesday	16	
	Thursday	17	10 am Policy Development Committee
	Friday	18	
	Monday	21	
	Tuesday	22	
	Wednesday	23	
	Thursday	24	
	Friday	25	
	Monday	28	
	Tuesday	29	
	Wednesday	30	
	Thursday	31	
APR	Friday	1	
	Monday	4	10 am Strategy and Resources Committee
	Tuesday	5	<i>Exmoor National Park Authority</i>
	Wednesday	6	6.30 pm Council 7.00 pm (approximately) Annual Council
	Thursday	7	
	Friday	8	

T Drive/Democratic/Committee/Timetable/ 2021-2022/2021 Committee Timetable

NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held as a Virtual - Online meeting on Thursday, 12th November, 2020 at 9.00 am

PRESENT: Members Representing MDDC

Councillor Chesterton (Chair) and Deed

Members Representing NDC

Councillor(s) Yabsley

Officers:

Building Control Manager, Head of Resources (NDC), Head of Place (NDC), Head of Planning, Economy and Regeneration (MDDC) and Solicitor and Data Protection Officer (NDC)

40. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE

The Corporate and Community Services Officer outlined the virtual meeting procedure and etiquette as well as confirming those Members and Officers present.

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Topham (NDC) and Angela Barrett (MDDC).

42. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 6TH AUGUST 2020

RESOLVED that the minutes of the meeting held on 6th August 2020 (circulated previously) be approved as a correct record and signed by the Chair.

43. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

The Chair asked the Committee Members if they would consider the Building Control Service Planning report by the Building Control Manager (circulated previously).

RESOLVED that the committee consider the Building Control Service Planning report and vote on the recommendations set out in it and that it be considered after item 12 "Findings of the Devon Audit Partnership report" on the agenda.

44. DECLARATIONS OF INTEREST

There were no declarations of interest made.

45. 2020/21 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT Q2

The Head of Resources presented the 2020/21 Building Control Partnership Trading Account Q2 (circulated previously) to the Joint Committee.

The Joint Committee heard the following highlights from the report:

- This report was the pooled account for both North Devon Council (NDC) and Mid Devon District Council (MDDC) covering April to September 2020
- Column one showed the sixth month budget approved for both authorities
- Column two showed the actual position for both authorities
- Each authority's apportioned expenses were split 60%/40% to NDC and MDDC respectively
- Column three detailed the 60%/40% allocations to each authority with NDC showing a £43,000 net deficit and MDDC a £28,000 net deficit after taking into account the income received and also the job retention scheme
- The combined total income was around £260,000 around £80,000 down on the same period last year. There was a 20% drop in budgeted income across both authorities
- The recently announced Government reimbursement income scheme was not reflected in this report. Councils would be reimbursed 75% of their net income losses and the details of the effect of this would be presented to Committee on the Q3 trading account
- The trading position of both authorities should hopefully improve by the end of the year following the above adjustment
- Both authorities were showing a slight surplus on chargeable activities, £7,000 to NDC and £6,000 to MDDC

RESOLVED that the 2020/21 Building Control Partnership Trading Account Q2 report be noted.

46. BUILDING CONTROL PARTNERSHIP FORECAST TRADING ACCOUNT 2020/21

The Head of Resources gave the Joint Committee a summary of the Building Control Partnership Forecast Trading Account 2020/21 report (circulated previously).

The Joint Committee heard the following:

- Column two showed a total forecast expenditure across the partnership of £715,000
- This was £25,000 higher than last year's figure of £690,000 and was due in part, to the increase in pay awards. It was in line with what had been budgeted for
- The £508,000 forecast income across the partnership was £130,000 less than last year and equated to a 20% drop
- Each authority had set aside a level of earmarked reserves to mitigate against any impact
- In relation to the Government's recently announced income loss reimbursement scheme, after the initial 5% absorption of budgeted income each authority would be reimbursed 75% of its net income losses. As a result Q3 and Q4 would show slightly better forecast positions due to the reimbursement credits received back and would be reflected in the next report

In response to a question on whether the partnership would receive no reimbursement if their chargeable income element showed as a surplus. The Head of Resources replied that nothing relating to this had been provided in the guidance from Government. The split of 75% and 25% chargeable and non-chargeable costs respectively was not shown on returns to the Government.

RESOLVED that the Building Control Partnership Forecast Trading Account 2020/21 be noted.

47. BUILDING CONTROL BUSINESS UPDATE

The Building Control Manager gave the Joint Committee a summary in relation to the Building Control Business Update Report (circulated previously).

The Joint Committee received the following:

- The trainee Building Control Officer had progressed to his next year's degree and was on track to obtain a 2:1
- Morale remained quite high within the team
- Three staff remained working in the office, two of whom were taking phone calls and distributing work
- The workload remained sufficient that no staff were being furloughed during the second lockdown due to the Covid-19 pandemic. The situation was being monitored
- Devonshire homes had decided not to leave the Partnership. North and Mid Devon Building Control along with Devonshire Homes had won the partnership of the year award at the recent LABC awards
- Internal working with MDDC Development team had reached protocols with the Planning team for handling DM1 within the Local Plan where 25% of a site with more than 10 dwellings had to provide higher levels of disabled access

- The Building Safety Bill, detailing the timetable of the transition of powers to the new Building Inspectorate was expected to be published at the end of October/beginning of November 2020 had been delayed. Full transition was expected by Government by 2023 but further information available
- Officers currently at levels four and five couldn't be progressed due to lack of information at present
- The level six validations only remained valid for four years. It was unlikely any surveyors would retain level six after this was a portfolio now needed to be provided, and due to the lack of high rise buildings in the area this would cause difficulties
- Being a predominantly rural area it would be difficult to compete for business outside of our geographical area without the credibility of experience of high rise buildings

48. KEY PERFORMANCE INDICATORS

The Building Control Manager gave the Joint Committee an update in relation to the Key Performance Indicators Report (circulated previously).

The Joint Committee received the following:

- There was an improvement of 38% in Q2 on the market for new dwellings. This was due to the phasing of the work
- The market share had increased to 82% in Q2
- Response to applications within three week target was at 100%
- October had been the busiest month seen for the Partnership over the last five years. Although this was slowing now due to the second lockdown

Councillor Yabsley gave thanks to the team for maintaining their services during a difficult period.

RESOLVED that the Key Performance Indicators report be noted.

49. FINDINGS OF DEVON AUDIT PARTNERSHIP REPORT

The Building Control Manger updated the Joint Committee in relation to the Findings of the Devon Audit Partnership report (circulated previously).

The Joint Committee received the following:

- An audit that was commissioned by MDDC to confirm whether the necessary steps had been taken to meet the new standards as a result of the Hackett enquiry, an assessment of the Building Control quality management system was also given an overview by the audit
- The key findings were that the department were doing what they should be

RESOLVED that the Findings of Devon Audit Partnership report be noted.

50. BUILDING CONTROL SERVICE PLANNING

The Building Control Manager gave the Joint Committee a summary in relation to the Service Planning report (circulate previously).

The Joint Committee received the following:

- This report was seeking the Joint Committees input into the 2021/22 Service plan. Discussions had been undertaken with Officers from both authorities
- Customer service was the focus of the plan and the Team's promptness to respond to customers and meeting the needs of the Building regulator
- Suggested short term objectives revolved around ensuring customer focus, with high quality record keeping thus ensuring the transparency of decision making process
- It was proposed that the medium and long term objectives remained unchanged
- Cost increases were proposed at 2% which were considered realistic considering the difficult conditions ongoing

RESOLVED that the Building Control Service Plan 2021/22 be adopted.

RECOMMENDED that the Building Control fees increase by an average of 2% for the financial year 2021/22.

51. DATES AND LOCATIONS OF FUTURE MEETINGS. TO AGREE DATES AND LOCATIONS OF FUTURE MEETINGS OF THE COMMITTEE FOR 2021/22

The Joint Committee discussed the location, time and when future meetings would be held.

RESOLVED that future meetings be held at 9.30 am on the second Thursday of May, July, November and February at the Woodlands centre, South Molton, and that the Clerk draft dates and forward an email to the Joint Committee for consideration.

Chair

The meeting ended at 9.47 am

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NORTH DEVON COUNCIL

Minutes of a meeting of Harbour Board held at Virtual - Online meeting on Tuesday, 17th November, 2020 at 2.00 pm

PRESENT: Members:

Councillor Fowler (Chair)

Councillors Wilkinson

Co-optees:

Martin Cleary, Bert Gear and Tim Gibbs

Officers:

Ilfracombe Harbour Master and Head of Resources/Designated Person

Also Present:

Chair of the Ilfracombe Harbour Community Forum

65. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Corporate and Community Services Officer confirmed who was in attendance and outlined the virtual meeting procedure and etiquette to the Committee and Attendees.

66. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Campbell.

67. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11TH AUGUST 2020

There were not enough members present at this meeting to vote for the minutes of the meeting held in August 2020.

RESOLVED to consider the minutes of the meeting held on 11th August 2020 at the next meeting of the Harbour Board.

68. DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Fowler

All items – personal interest as was a trustee of Ilfracombe Yacht Club and a boat owner

Mr B Gear

All items – personal interest as was
a member of Ilfracombe Yacht Club

**69. DESIGNATED PERSON PORT MARINE SAFETY CODE AUDIT
REPORT - ILFRACOMBE AND LYNMOUTH HARBOURS**

The Board noted the Designated Person Port Marine Safety Code Audit report – Ilfracombe and Lynmouth Harbours (circulated previously).

The Designated person confirmed that the Marine Safety Management System was working effectively thus ensuring compliance with the Port Marine Safety Code.

The Designated person gave the board the following updates:

Ilfracombe Harbour

- The aid to navigation lights had passed the Trinity House audit which meant that the solar powered lighting project was not so urgent
- The new location of the gig club storage unit, meant a survey of works was not required as it was no longer planned to go below the cliff face
- The top rail on the safety barrier for the Waste Shark hoist had been lowered
- The rusty gates on the steps to the second landing had been removed
- Self- closing devices had been fitted on the end gates, harbour-side, at the steps to the loading and unloading area

Internal Risk Management – Ilfracombe

- the findings of the three areas audited were:
 - (i) Incident Reporting and Investigation – which found no non-conformity or non-compliance
 - (ii) Competency and Training – no non-conformity or non-compliance
 - (iii) Drink and Drugs – One non-conformity found which was no reference to drink or drugs procedures in the Marine Safety Management System. In the event of the Harbour Master suspecting a mariner to be under the influence of a substance there were no references to the procedures to be followed, the version being audited against was v2.2, (v3 would include reference to procedures when published after adoption at the next Board meeting)
- the boats out had completed successfully over 7th and 8th November 2020
- works still outstanding, but ongoing, were the fender works at the first landing, the electrical conduits and the removal of the top chains along Quay wall
- Examination and testing quotes were being sought for the mooring equipment and bollards on the Quay. This was quite complex as there were four different types and no confirmation from the Maritime and Coastguard Agency on testing criteria
- The Environment Agency had completed repointing works on the Harbour wall by the Royal Britannia Public House

Lynmouth

- The Environment Agency had completed their remedial works to the stone work to the flood area
- The hole left by the removal of the mooring ring needed filling or replacing
- White lines had been repainted along the edges of the slipway but were already degrading. A more permanent solution had to be found
- The rusted barrier below the Rhenish tower had been made good

Internal Risk Management – Lynmouth

- The findings of the three areas audited were:
 - (i) Incident Reporting and Investigation – no non-compliance or non-conformity
 - (ii) Competency and Training – one possible non-conformity as no specific training had been undertaken by anyone except the Mayor of Lynton and Lynmouth. Whether this needed to be addressed depended on the outcome of the legal review of the status of Lynmouth Harbour that was underway
 - (iii) Drink and Drugs – possible non-conformity as there was no policy. Will await the outcome of the legal status review as to whether one was needed
- An outstanding replacement hand rail was needed where a hand rail had been removed by the steps (opposite the Rising Sun Public House) off the slipway down to the Harbour
- Ownership of the railings on the bridge still had not been established

In response to a question about the railings posing a health and safety risk. The Designated person confirmed that part of the middle section of the railings were showing signs of rusting but that there was no health and safety risk posed at this time.

70. ILFRACOMBE HARBOUR - CHARGES REVIEW 2021 - 2022

The Board considered the Ilfracombe Harbour Charges Review 2021 – 2022 report (circulated previously) by the Harbour Master.

The Harbour Master highlighted that the increase of 2% was on all charges.

RESOLVED that the Ilfracombe Harbour Charges review 2021-2022 be adopted.

71. ILFRACOMBE HARBOUR - ENFORCEMENT AND PROSECUTION POLICY

The Board considered the Ilfracombe Harbour – Enforcement and Prosecution Policy report (circulated previously) by the Harbour Master.

RESOLVED that the Ilfracombe Harbour – Enforcement and Prosecution Policy report be adopted.

72. ILFRACOMBE HARBOUR - MARINE SAFETY MANAGEMENT SYSTEM

The Board considered the Ilfracombe Harbour – Marine Safety Management System report (circulated previously) by the Harbour Master.

RESOLVED that the Ilfracombe Harbour – Marine Safety Management System review be adopted.

73. ILFRACOMBE HARBOUR - (DANGEROUS GOODS) STANDARD OPERATING PROCEDURES

The Board considered the Ilfracombe Harbour (Dangerous Goods) Standard Operating Procedures (circulated previously) by the Harbour Master.

RESOLVED that the Ilfracombe Harbour (Dangerous Goods) Standard Operating Procedures be adopted.

74. ILFRACOMBE HARBOUR - TRAINING POLICY

The Board considered the Ilfracombe Harbour Training Policy report (circulated previously) by the Harbour Master.

The Harbour Master gave the following update:

- The Harbour Master had attended a three day specialised training course for Harbour Masters, held in Southampton, which was attended by Harbour Masters from across the country. It was a very good opportunity to network as well as being a very informative course. It was hoped that the deputy Harbour Master would be able to attend the same course in the future.

RESOLVED that the Ilfracombe Harbour Training Policy be adopted.

75. RECRUITMENT PROCESS TO APPOINT INDEPENDENT MEMBER TO HARBOUR BOARD

The Board members considered a report in relation to the Recruitment process to appoint an Independent Member to the Harbour Board (circulated previously).

RESOLVED that the recruitment of an independent member of the Harbour Board be carried out.

76. AIDS TO NAVIGATION UPDATE

The Harbour Master update the Board members in relation to aids to navigation as follows:

- As Ilfracombe harbour was now classed as a Statutory Harbour Authority (SHA) the two yearly records audit would now not be needed instead this would be five yearly

77. HARBOUR SECURITY UPDATE

The Harbour Master gave Board members an update on Harbour Security as follows:

- The funding bid to the European Maritime and Fisheries Fund (EMFF) had been accepted and if successful would contribute to the cost of the CCTV upgrade
- A second Port Security committee meeting was due to take place, at which no incidents were to be reported

In response to a question on when the harbour would hear about the EMFF application the Harbour Master advised the closing date for applications was 29th November 2020 and it was expected to hear very quickly after closing date.

78. INFRASTRUCTURE UPDATE

The Harbour Master gave Board members an update in relation to Infrastructure as follows:

- A substantial bulge in the wall at stone bench was being monitored. A further bulge near the fuel berth that was not impinging on the fuel berth was also being monitored

79. ILFRACOMBE HARBOUR COMMUNITY FORUM

The Board considered the Ilfracombe Harbour Community Forum report (circulated previously) by the Chair of the Forum.

The Chair of the Community Forum for Ilfracombe gave the Board the following update:

- No formal meetings had taken place but regular emails were sent to members of the Forum

Quay Road Congestion

- Issues with the increased numbers of visitors and obstructions along Quay Road to the carpark had caused problems for pedestrians and businesses. The increase in footfall was a positive for the local economy, however, the gridlock caused by traffic traversing along Quay Road was off putting for families visiting. It was hoped solutions could be found and put in place ahead of the next busy season but it was disappointing that there was no action to be seen to have happened as yet

The Head of Resources confirmed that this was a Highways issue under the remit of Devon County Council. The Local Authority had no jurisdiction over street parking, and that the carpark access could not be closed off as the loss of revenue would be detrimental to the authority.

The Harbour Master advised that an onsite meeting had taken place with Devon County Council but that local Businesses needed to agree on a course of action as a way of moving forward.

Recycling provision

- In anticipation of increased visitor numbers the recycling capacity needed to be increased. The overflow of waste from the current receptacles gave a negative perception to visitors

The Harbour Master confirmed finding a solution was costly as the waste needed to be separated out for the waste and recycling teams to be able to remove the waste. Sponsorship of recycling bins may be the best route to take. Due to the limited spacing along Quay Road the bins had to be a specialised size. The Harbour Master wanted to take this opportunity to thank the dedicated waste and recycling teams who had done an outstanding job over the summer months especially with the increased amounts of waste to be collected.

The Head of Resources advised that the rounds were due to be remodelled, taking into account the increased loads during peak times. The Teams had worked very closely with the local communities.

Pier Gates Development Proposal

- The Forum hoped the development was still going ahead as would be perceived as forward thinking and would provide pedestrian friendly access to the pier

The Harbour Master advised the Board that it was hoped the project would be completed by March 2021. As soon as the relocation site had funding works could begin on the Pier.

Water Sports Centre

- The Community Forum were seeking an update on the latest position of the Water Sports Centre

The Head of Resources advised that the list of funding conditions that had to be met, as set out by the Local Enterprise Partnership, were nearing completion and that as soon as funding was confirmed, and in place, tenders would be invited.

Pier Toilets

- The use of the pier toilets was part of the visitor experience and with increased usage this facility was struggling to cope. The restriction of use of one cubicle in the men's toilet (due to Covid-19 safeguarding the shared urinals were closed) had caused huge queues. Ideas were being shared with the Waste and Recycling manager on how best to provide a good visitor experience and peace of mind that the facilities were being cleaned regularly

The Head of Resources reassured the Board members that a review of public facilities was due to be carried out and the Waste and Recycling Service Manager would be looking to increase efficiencies.

80. FUTURE PROJECTS

The Board members received the following update from the Harbour Master in relation to future projects:

- Works would be kept to a minimum with just maintenance jobs undertaken as and when required
- Two self-closing gates would be installed one at the second landing and the other at stone bench
- The British Ports Association membership was due for renewal the cost of which was £900. The Harbour Master proposed not renewing this membership but instead arranging duty holder training at a time convenient to members
- Five new oil spill responders were to have their training the cost of which the Harbour Master was requesting to use the Harbour budget to cover
- Board members would be invited to attend the training session which was due to take place at Castle Quay, Barnstaple. The Harbour Master would send out email invites with further details

RESOLVED:

- That Harbour Master not renew the British Ports Association membership
- That the Harbour budget be used to cover the cost of training the emergency responders

81. CONSIDER DATES OF FUTURE MEETINGS OF THE HARBOUR BOARD 2021/2022

The following future dates of the Harbour Board were noted:

- Tuesday 4th May 2021 at 2 pm
- Tuesday 10th August 2021 at 2 pm
- Tuesday 16th November 2021 at 2 pm
- Tuesday 1st February 2022 at 2 pm

Chair

The meeting ended at 3.40 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Board.

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NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at virtual - online meeting on Wednesday, 11th November, 2020 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Crabb, Davies, Fowler, Gubb, Leaver, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Head of Place, Solicitor, Lead Planning Officer (North), Lead Planning Officer (South), Senior Planning Officer, Planning Officer and Planning Officer

Also Present:

Councillor Worden

109. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outline the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officer confirmed the names of those Councillors and officers present and advised that members of the public were also in attendance to listen to proceedings.

110. APOLOGIES FOR ABSENCE

The were no apologies for absence received.

111. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 14TH OCTOBER 2020 (ATTACHED)

RESOLVED that the minutes of the meeting of 14th October 2020 (circulated previously) be approved as a correct record and signed by the Chair.

112. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

(a) Armistice Day

The Chair advised that the Committee would be holding a two minute silence at 11.00 a.m.

(b) Lee Bay Hotel

The Chair requested an update to be provided to the Committee in relation to the design brief for the Lee Bay Hotel that had been approved by the Strategy and Resources Committee.

The Committee were advised that:

- The design brief approved by the Strategy and Resources Committee would be a material consideration which the Committee would need to take into consideration as part of the determination of a planning application for the site.
- The Applicant, owners of the Lee Bay Hotel and the Residents Association had been fully involved in the preparation of the design brief. There had been no representations from either side and both the owners, and the community, had appeared happy with the outcome.

(c) Land adj. Pearldean, West Devon

The Head of Place advised that a report in respect of planning application 60385 Land adj to Pearldean, West Down, had not been completed prior to the deadline for this Committee but should hopefully be ready for next month with a special meeting of the Committee would be convened if necessary.

113. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Leaver	Planning application 71864: Prejudicial interest as her husband was involved in an application concerning the adjacent property and the land was mentioned within the report.
Councillor Ley	Planning application 71864: Prejudicial interest as the objectors were more than just acquaintances. The Senior Corporate and Community Services Officer read a statement from Councillor Ley to the Committee explaining the reasons why he had called the application in for consideration.

114. 70952: CONVERSION OF SHOP TO FORM ONE FLAT AT COASTAL BOROUGH ROAD, COMBE MARTIN, ILFRACOMBE, DEVON, EX34 0DQ

The Committee considered a report by the Head of Place (circulated previously).

In response to a question from the Committee, Councillor Gubb advised that the area had last flooded in 1958.

The Committee noted that the Environment Agency was using a new flood modelling system.

RESOLVED that (12 for and 1 abstained) that the application be REFUSED as recommended by the Head of Place.

115. 71864: CHANGE OF USE OF LAND TO A RESIDENTIAL TRAVELLER SITE AND ASSOCIATED OPERATIONAL DEVELOPMENT AT LAND AT FOLLY LANE, SOUTH MOLTON, DEVON.

Councillors Leaver and Ley declared a prejudicial interest and left the meeting during the consideration of this item.

Councillor Mackie resumed the meeting, acting as Chair.

The Chair advised that this Application had been called in by Councillor Ley, who had since requested to withdraw his consultation response which had been based on the description of the site which had now been clarified to his satisfaction.

The Committee considered a report by the Head of Place (circulated previously).

Councillor Ian Cowley (Bishops Nympton Parish Council), John Peard (applicant) and Amanda Sing (objector) addressed the Committee.

The Committee adjourned for the two minute silence at 11.00am.

The Committee re-commenced the meeting at 11.02am.

The Senior Corporate and Community Services Officer read statements from the following in support of the application: Natasha Rowley, Laura Wyatt, Keith Parsons, Roger Wildman and Jennifer Smith.

Councillor Worden addressed the Committee as adjoining Ward Member. He confirmed unanimous support from South Molton Town Council for approval for the application as a site for one family.

In response to questions from the Committee, the Solicitor (DH) advised that personal conditions were only appropriate where there were strong compassionate or personal grounds for doing so. Otherwise, the conditions should be applied to the site only.

In response to comments from the Committee, the Lead Planning Officer (JW) advised that:

- A minor redraft to condition 4 could be made to restrict the use of the site and that it be amended to “The residential accommodation on the site at any one time shall be restricted to one mobile home and one touring caravan to be used as a single occupancy. The touring caravan shall not be occupied as a separate residential unit whilst on site. The caravans shall only be located in positions specifically allocated by approved drawing JL20 – BLOCKPROPOSED rev B, The site shall not be used at any time for the stationing of any other caravans that are occupied residentially by persons in transit.
- Condition 6 could be amended to replace the wording “the mobile home and the static caravan” with “the mobile home and touring caravan”.
- The applicant was looking to use the site as an all year base. When travelling they would be using the touring caravan.
- Any restrictions to the number of days per year which the site could be occupied would be difficult to monitor.
- It was accepted that this was not an allocated site but as there was a shortfall of permanent permitted gypsy and traveller pitches there was an increased urgency to provide them.
- This would be considered as an exceptional development site.
- In response to questions, the Planning Officer (RB) outlined the paragraphs in the report in relation to the need for the site (page 30 onwards) to the Committee.

RESOLVED that (10 for and 1 abstained) that the application be APPROVED as recommended by the Head of Place subject to conditions 4 and 6 being amended as follows:

(a) Condition 4 - “The residential accommodation on the site at any one time shall be restricted to one mobile home and one touring caravan to be used as a single occupancy. The touring caravan shall not be occupied as a separate residential unit whilst on site. The caravans shall only be located in positions specifically allocated by approved drawing JL20 – BLOCKPROPOSED rev B, The site shall not be used at any time for the stationing of any other caravans that are occupied residentially by persons in transit.

(b) Condition 6 - be amended to replace the wording “the mobile home and the static caravan” with “the mobile home and touring caravan”.

RESOLVED that the meeting be adjourned for three minutes to allow opportunity for Councillors Leaver and Ley to return to the meeting.

116. 71957: CHANGE OF USE TO LAND TO CREATE ADDITIONAL CURTILAGE, INSTALLATION OF TREATMENT PLANT AND ONE FLUE AT BARN ADJACENT HOLTGATE, CHITTLEHAMHOLT, DEVON.

Councillors Ley and Leaver re-joined the meeting.

The Committee considered a report by the Head of Place (circulated previously).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place.

117. APPEALS REPORT

The Committee considered and noted a report by the Head of Place (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

Chair

The meeting ended at 11.57 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Virtual - Online meeting on Wednesday, 9th December, 2020 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Crabb, Davies, Fowler, Gubb, Lane, Leaver, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Head of Place, Solicitor (Legal Officer), Lead Planning Officer (North), Lead Planning Officer (South), Planning Officer and Senior Planning Officer.

Also Present:

Councillors Biederman, Worden and Wilkinson

118. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officer confirmed the names of those Councillors and officers present and advised that members of the public were also in attendance to address the Committee or listen to proceedings.

119. APOLOGIES FOR ABSENCE

No apologies for absence were received.

120. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11TH NOVEMBER 2020

RESOLVED that the minutes of the meeting of 11th November 2020 (circulated previously) be approved as a correct record and signed by the Chair (13 for, and one abstained).

121. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

No items were brought forward to be considered as a matter of urgency.

122. DECLARATION OF INTERESTS

Councillor Mackie declared a Prejudicial interest on Planning application 71113 as the applicant was a former employer.

123. TO AGREE THE AGENDA BETWEEN PART 'A' AND PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

The Committee agreed the agenda between part 'A' and part 'B'.

124. 72325: ADVERTISEMENT CONSENT FOR SITING OF NON-ILLUMINATED COPPER LETTERING AT: MUSEUM OF BARNSTAPLE AND NORTH DEVON, THE SQUARE, BARNSTAPLE, EX32 8LN

Councillor Mackie re-joined the meeting.

The Committee considered a report by the Head of Place (circulated previously).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place.

125. 71113: ERECTION OF A DWELLING AT: GARAGE SITE, ADJACENT 1 HIGH ROAD, FREMINGTON, EX31 3BG

Councillor Mackie declared a prejudicial interest and left the meeting during the consideration of this item.

The Committee considered a report by the Head of Place (circulated previously).

The Committee was advised of the additional planning history, which had not been included in the report:

- Other applications relevant to the site were 41523 – erection of double garage Approved 15th March 2006 and the subsequent Listed Building approval for the double garage under 41550, 15th March 2006. Planning Officer (RB) referred to 41523 in his report which had not been included in the history section. 41550 was the only history that was not shown which was the Listed Building approval for 41523.

The Senior Corporate and Community Services Officer read statements to the Committee received from Ros Raistrick (agent), Mr and Mrs Smith, Mrs McSween and C Stott (objectors).

Councillor Biederman addressed the Committee as Ward Member. He confirmed the recommendation of Fremington Parish Council of refusal for the application.

RESOLVED that (7 for and 6 against) that the application be APPROVED as recommended by the Head of Place.

126. 72326: LISTED BUILDING CONSENT FOR COPPER LETTERING AT: MUSEUM OF BARNSTAPLE AND NORTH DEVON, THE SQUARE, BARNSTAPLE, EX32 8LN

The Committee considered a report by the Head of Place (circulated previously).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place.

127. APPEALS REPORT

The Committee considered and noted a report by the Head of Place (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

128. 60385: ERECTION OF 17 DWELLINGS (3 BUNGALOWS AND 14 HOUSES), LAND ADJACENT PEARLDEAN, WEST DOWN

The Committee considered a report by the Head of Place (circulated previously).

Councillor Lane declared a Personal Interest as he was a builder and developer.

In response to questions from the Committee, the Head of Place advised that:

- The applicant had submitted a viability study for the site.
- Plymouth City Council (PCC) had provided North Devon Council with an impartial assessment of the financial viability of the site. PCC concluded that a 10% return on a site was appropriate and that the developer could meet most of the Section 106 requirements and still have achieved a reasonable 10% margin return.
- The site was now fully completed and no further financial risks would be experienced by the developer. The final figures for the development of the site were known.
- Whilst there has been no formal challenge made to the validity of the Section 106 agreement, the applicant had provided North Devon Council with letters from their Solicitor stating that in their opinion it was not enforceable and so they did not intend to comply with it.
- Anecdotal evidence suggested that the housing market was currently booming and house prices had increased due to demand in the North Devon area.
- It was unlikely that the new increased house prices had been included in the applicant's viability study.

In response to questions, the Lead Planning Officer (North) advised the Committee that the Council had pursued financial contributions through the section 106 agreement in July 2019. As of 19 February 2020, five dwellings were occupied and therefore some financial payment should have been made by that point. On 18 March 2020 the Council received a letter from the developer's solicitor advising that they did not believe the developer would have needed to meet the legal obligations. On 21 May 2020, Acorn had advised that they believed their legal position was correct but requested that the section 106 be revisited on the grounds of viability. The Council then sought a viability assessment from PCC.

Councillor Wilkinson addressed the Committee as Ward Member.

The Committee were addressed by Stuart Bryant (former owner of the site), Mike Reeves (resident of West Down), Carole King (West Down School), John Stainer (West Down Parish Hall and Community Recreational Field) and Sue Ayers (West Down Parish Council).

The Committee were advised of the following in response to the information that the applicant had placed the five affordable properties (which were part of the Section 106 agreement) on to the open market:

- North Devon Council's solicitor had written to the Applicant (for the attention of their Legal representative). The letter had been acknowledged, although no response had been received.
- The Head of Place had written to the Estate Agents who were marketing the properties to advise that the properties were subject to a Section 106 agreement and could not be placed on the open market.

In response to questions, the Lead Planning Officer (North) advised that there had been three enforcement cases opened on this development. The first was during the early stage in relation to highways and was found by the Enforcement Officer not to be a breach. The second was in relation to fencing between an existing dwelling fronting Ilfracombe Hill and the development site, which had now been resolved. The third was still open and subject to investigation and was in relation to the compliance of highways conditions and use of materials. He confirmed that in relation to the section 106 financial contributions and the funding of local projects, planning applications had already been submitted and the extension to the village hall had already been approved.

With the agreement of the Committee, Mark Thomas (agent) addressed the Committee.

129. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

(a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 5 Part 1 Schedule 12A of the Act (as amended from time to time), namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

(b) That all documents and reports relating to the item be confirmed as "Not for Publication".

130. 60385 ERECTION OF 17 DWELLINGS (3 BUNGALOWS AND 14 HOUSES), LAND ADJACENT PEARLDEAN, WEST DOWN.

The Committee considered Appendix C of the Head of Place's report (circulated previously) and received legal advice from the Council's Solicitor.

RESOLVED that it being 1.00 p.m. that the meeting continue in order for the remaining business to be transacted.

RESOLVED that the public and press be re-admitted to the meeting to enable the Committee to consider planning application 60385 under item 11 on the agenda.

RESOLVED that (unanimous) recommendation 2.1.4 "Accept no compromise on the Section 106 and pursue delivery of five affordable dwellings and £118,201" be sought as recommended by the Head of Place.

Chair

The meeting ended at 1.39 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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NORTH DEVON COUNCIL

COUNCIL: 13 JANUARY 2021

RECOMMENDATION OF THE STRATEGY AND RESOURCES COMMITTEE HELD ON 7 DECEMBER 2020

Minute 229 Approval and Release of Section 106 Public Open Space Funds, Tawstock

RECOMMENDED that Council vary the capital programme by £7,586.52 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

Minute 232 Interim Devon Climate Change Plan and North Devon Council Environmental Policy

(a) That the interim North Devon Council Environment Policy (Appendix A) be approved and recommended to Council for adoption to guide the organisation, its Members and staff in taking a consistent and standard approach when considering the environmental impact of their actions and that the impact be reported to the relevant Committee subject to the following amendment:

(i) Second paragraph on page 52 being amended to the following wording "Support a District wide programme with the aim of making North Devon carbon neutral by 2050."

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NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Virtual - Online meeting on Monday, 7th December, 2020 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Henderson, Knight, Lofthouse, Patrinos, Pearson, L. Spear, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Resources, Senior Solicitor/Monitoring Officer, Contracts Delivery Manager, Parks, Leisure and Culture Officer and Head of Place

Also Present:

Councillors D. Spear and Tucker

223. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officer confirmed the Members of the Committee, Members and Officers who were present.

224. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

225. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 19 OCTOBER 2020, 2 NOVEMBER 2020 AND 13 NOVEMBER 2020 (ATTACHED).

RESOLVED that the minutes of the meetings held on 19 October 2020, 2 November 2020 and 13 November 2020 (circulated previously) be approved as correct records and signed by the Chair.

226. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.

The Chair advised the Committee that there would be an informal briefing for Members following the Committee.

227. DECLARATIONS OF INTERESTS.

- The current supervisor for the contractor would transfer across and had good ideas for making the service more efficient.
- Discussions had already taken place with the Works and Recycling team regarding working across both services. Unfortunately the Works and Recycling team would not be able to provide any assistance during the summer months as it was their busiest time, however there may be other opportunities to share resources within both teams. Grounds maintenance staff would not hold a HGV licence, therefore would not be able to assist Waste and Recycling with driving.
- Prior to undertaking grass cutting, a litter pick should take place in accordance with the contract.
- All required training would be provided to staff.
- The current contractor used seasonal staff, however these were used on a regular basis and should therefore be aware of the requirements of the contract.

RESOLVED that subject to Senior Management Team approval of an appropriate business case, the Grounds Maintenance Contract be brought in house ready for service delivery on 1 April 2021.

229. APPROVAL AND RELEASE OF SECTION 106 PUBLIC OPEN SPACE FUNDS - TAWSTOCK

The Committee considered a report by the Parks, Leisure and Culture Officer (circulated previously) regarding the allocation of section 106 public open space funds towards projects in Tawstock.

The Parks, Leisure and Culture Officer advised that the project would be funded from section 106 funding secured through the planning application as detailed in paragraph 5.1 of the report.

RESOLVED that £7,586.52 be allocated to Tawstock Parish Council towards the enhancement of Tower View Playing Field.

RECOMMENDED that Council vary the capital programme by £7,586.52 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

230. LEISURE CONTRACT PAYMENTS

The Committee considered a report by the Contracts Delivery Manager (circulated previously) regarding Leisure contract payments.

The Contracts Delivery Manager highlighted the following:

- Under the terms of the interim leisure contract between Parkwood Leisure and the Council in line with Government PPN Guidance, Parkwood can claim for financial support from the Council to help cover losses incurred due to Government imposed restrictions on the leisure industry.

- To date, the Council had made payments to Parkwood Leisure totalling £158,000 to cover losses for the period April–July 2020.
- Parkwood have now issued claims to the Council for further payments for the months of August and September. Parkwood’s most recent claims show a loss £48,000 in August and £19,000 in September. NDC’s Head of Resources has scrutinised the claim and was agreeable to a payment of £59,000 to Parkwood for August and September losses incurred, representing £40,000 for August and £19,000 for September.
- Parkwood were showing almost no losses for the month of October and appeared to be on the road to recovery, with no further financial assistance required from the Council, however the impact of the recent lockdown was not yet known.
- Sport England had now announced a recovery fund for leisure, specifically for centres owned or operated by local authorities. Specific funding details were still to be released, but it has been confirmed that the Council would be eligible to apply for funding to cover the losses experienced since the first lockdown began this summer.
- Works on the construction of the new leisure centre had commenced and the steel frame would be constructed in January 2021.

In response to questions, the Contracts Delivery Manager advised the following:

- The COVID Relief Period within the contract could be extended by mutual agreement between the two parties.
- The Chief Executive chairs the South West Leisure Group who were making representations to the Government regarding the need to support the leisure industry.
- The new leisure centre was due to be completed in 2022.
- If the Council was successful in obtaining funding from Sport England it was anticipated that this would enable the Council to continue to support Parkwood until March 2021.

In response to a question, the Head of Resources advised the following:

- The Council was unable to claim loss of fees and charges in relation to the Leisure Centre. It had been agreed previously to cap the monthly losses experienced by Parkwood to £40,000. The Council was funding this through the Covid fund. If Parkwood walked away from the contract, the Council would incur higher costs as it would have to pay for the building expenses.

RESOLVED that the Council makes a grant payment of £59,000 to Parkwood Leisure to cover losses experienced in the months of August and September 2020 due to Covid 19.

231. WASTE AND RECYCLING - UPDATE

The Committee considered and noted a report by Councillor Pearson, Lead Member for the Environment (circulated separately) regarding the Waste and Recycling service.

The Committee asked that their appreciation be passed on to the staff working within the Waste and Recycling service who were responsible for undertaking the waste and recycling collections.

In response to questions, the Chief Executive advised:

- That he would seek clarification regarding the frequency of the invoicing for the trade waste collection service.
- Provided an update regarding the Council's position in relation to the impact of staffing of the waste and recycling service due to Covid 19. Last week, 29 members of staff were having to self-isolate and it was anticipated that the majority of staff would return to work this week. Overall, the Council had 10 positive cases in total and were recovering well, some of which had returned to work. Crews were being kept in bubbles, which meant that if a member of the crew as off, they could not be replaced. The Council had tried to keep any disruptions to a minimum.

232. INTERIM DEVON CLIMATE CHANGE PLAN AND NORTH DEVON COUNCIL ENVIRONMENTAL POLICY

The Committee considered a report by the Head of Place (circulated previously) regarding the Interim Devon Climate Change Plan and North Devon Council Environmental Policy.

The Head of Place highlighted the following:

- The Environmental Policy was agreed by the Strategy and Resources Committee for the purposes of consultation at its meeting on 3 August 2020.
- The Committee agreed the Policy subject to the date by which the Council would achieve net-zero carbon being 2030 at the latest, rather than the recommendation of 2025 from the Council's Climate Action Team.
- For a variety of reasons the Policy had not yet been put out for public consultation. One of these reasons was that in the intervening period the early draft of the Interim Devon Climate Change Plan was received for checking by the Local Authority partners, before going out to consultation.
- This Devon Climate Change Plan included the advice from the Devon Net-Zero Task Force that the target dates for reaching net-zero carbon should be 2030 at the latest for organisations and 2050 for the whole of Devon, reflecting the government's current target.
- The Net-Zero Task Force felt that with the current powers and levers available to local areas to achieve net-zero by 2050 would be challenging and that going for an earlier date would not be realistic or deliverable.
- The Council's Climate Action Team considered the proposals within the draft Interim Devon Climate Change Plan but did not wish to amend their recommendation to Strategy and Resources Committee. However, to publish North Devon Council's Environmental Policy now would overlap with the consultation period for the Devon consultation, which commenced on Monday 7 December, with the potential for confusion amongst the public in North Devon, with two different sets of target dates.

- In consultation with the Lead Member for Climate Change, to avoid further delay in the Council adopting the policy, it was recommended that the Committee agree the Environmental Policy as it stands (as amended at Committee on 3 August) and recommended that Council adopts it as an interim policy. It was identified as interim in recognition of the review that will be carried out in light of the consultation response to the Interim Devon Climate Change Plan and the subsequent finalised Plan.
- Members had been invited to attend webinars that had been arranged in relation to the Interim Devon Climate Change Plan.
- There were inconsistencies within the draft Environmental Policy which needed to be amended to reflect the latest target for the whole of Devon reaching net zero carbon by 2050.

RESOLVED:

- (a) That the interim North Devon Council Environment Policy (Appendix A) be approved and recommended to Council for adoption to guide the organisation, its Members and staff in taking a consistent and standard approach when considering the environmental impact of their actions and that the impact be reported to the relevant Committee subject to the following amendment:
- (i) Second paragraph on page 52 being amended to the following wording “Support a District wide programme with the aim of making North Devon carbon neutral by **2050.**”
- (b) That it be noted that the Environmental Policy was interim, in recognition of the imminent consultation exercise on the Interim Devon Climate Change Plan and its subsequent adoption.

233. URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

The Committee noted the urgent decisions that had been made by the Chief Executive in accordance with paragraph 3.48, Annex 2, Part 3 of the Constitution (circulated previously), regarding Pannier Market concession, delegation of powers to authorise, E-scooter pilot and Additional Restrictions Grant Discretionary Grants Policy.

Chair

The meeting ended at 11.15 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.