

# Public Document Pack

Mid Devon District Council

**Cabinet**

Thursday, 16 January 2020 at 6.00 pm  
Exe Room, Phoenix House, Tiverton

Next ordinary meeting  
Thursday, 13 February 2020 at 6.00 pm

Those attending are advised that this meeting will be recorded

## Membership

Cllr R M Deed  
Cllr L D Taylor  
Cllr G Barnell  
Cllr S J Clist  
Cllr D J Knowles  
Cllr A White  
Cllr Mrs N Woollatt

## A G E N D A

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

1. **Apologies**  
To receive any apologies for absence.
2. **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
3. **Declarations of Interest under the Code of Conduct**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
4. **Minutes of the Previous Meeting** (*Pages 7 - 18*)  
Members to consider whether to approve the minutes as a correct record of the meeting held on 19 December 2019.
5. **Corporate Health & Safety Policy** (*Pages 19 - 34*)  
Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the Cabinet note that the Health and Safety Policy had been approved by the JNCC on 4<sup>th</sup> September 2018, following

subsequent review by the Health and Safety Committee and representatives from the union, there were no changes to be made to the current policy.

6. **Council Tax Reduction Scheme** (*Pages 35 - 182*)  
Arising from a report of the Group Manager for Revenues and Benefits, the Community Policy Development Group had recommended that:
  - a) The Council Tax Reduction (banded) scheme be adopted; and
  - b) The updated Exceptional Hardship Policy (revised) be adopted.
  
7. **Scrutiny Committee - Call-in - Tiverton Town Centre Regeneration Tender Outcome** (*Pages 183 - 194*)  
To consider the following recommendation from the Scrutiny Committee (6<sup>th</sup> January 2020) following the call-in of the Cabinet Decision with regard to the Tiverton Town Centre Regeneration Tender Outcome.

That the Cabinet be asked to reconsider its decision: to postpone the specific scheme that came forward in advance of the forthcoming Tiverton Town Centre Masterplan, and allow the second stage of the process to be properly completed before seeking to prioritise strategic investment opportunities.
  
8. **Tax Base Calculation** (*Pages 195 - 218*)  
To receive a report of the Group Manager for Revenues and Benefits setting out the details of the statutory calculations necessary to determine the Tax Base for the Council Tax.
  
9. **Crediton GP/NHS Hub**  
To receive a verbal report from the Deputy Chief Executive (s151 Officer) on progress with this project. This may include details of any revision to the total level of funding sought following final meetings between the GP practice and NHS England Due to the timings of those meetings, a written report will not be available.
  
10. **Corporate Plan** (*Pages 219 - 236*)  
To receive a report of the Chief Executive considering the new corporate plan for the council in light of comments and feedback from all four policy development groups that reviewed the working draft in December 2019. It is proposed that the new corporate plan will replace the current plan which expires in March 2020.
  
11. **Financial Monitoring**  
To receive a verbal report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.
  
12. **Off Street Parking Places Order** (*Pages 237 - 250*)  
To consider a further report of the Deputy Chief Executive following the decision at the previous meeting to defer the item so that the Cabinet

could consider objections and representations made in regard to the proposed changes to the Off-Street Parking Places Order (“OSPPO”).

The Cabinet may also receive a view with regard to the OSPPO from Council following the receipt of a petition at its meeting on 8 January 2020.

13. **Draft Budget** (*Pages 251 - 274*)  
To consider a report of the Deputy Chief Executive (S151) reviewing the revised draft budget changes identified and discussing any further changes required in order for the Council to move towards a balanced budget for 2020/21. Also, to highlight the impact of the proposed changes on the Medium Term Financial Plan (MTFP).
14. **Area B Eastern Urban Extension - Masterplan Stage II Public Consultation** (*Pages 275 - 428*)  
To consider a report of the Head of Planning, Economy and Regeneration requesting approval of the Draft Tiverton Eastern Urban Extension SPD Area B Masterplan for Stage 2 Public consultation.
15. **Cullompton Town Centre Masterplan Stage 1 Public Consultation** (*Pages 429 - 458*)  
To receive a report from the Head of Planning, Economy and Regeneration considering the key themes detailed and to seek approval to progress to a Stage 1 Public consultation on the Cullompton Town Centre Masterplan and Delivery Plan.
16. **Replacement PVCU Double Glazed Unit / Entrance Doors 2020 - 2025, Award** (*Pages 459 - 464*)  
To consider a report of advising Members on the results for the tendering of the Replacement PVCU Windows and Doors Programme 2020–2025 and confirm the award of the contract.
17. **Notification of Key Decisions** (*Pages 465 - 476*)  
To note the contents of the Forward Plan.
18. **Access to Information - Exclusion of the Press and Public**  
During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

To consider passing the following resolution so that financial information may be discussed.

**Recommended** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

19. **Disposal of Land at Park Nursery, Park Road, Tiverton** (Pages 477 - 494)

To consider a report of the Group Manager for Corporate Property and Commercial Assets with regard to the disposal of an asset.

**Stephen Walford**

Chief Executive

Wednesday, 8 January 2020

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 19 December 2019 at 6.00 pm

### **Present**

#### **Councillors**

R M Deed (Leader)  
L D Taylor, G Barnell, S J Clist,  
D J Knowles, A White and Mrs N Woollatt

### **Also Present**

#### **Councillor(s)**

Mrs C P Daw, Mrs I Hill, F W Letch, B A Moore and  
R L Stanley

### **Also Present**

#### **Officer(s):**

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), John Bodley-Scott (Economic Development Team Leader) and Sally Gabriel (Member Services Manager)

## 93. **APOLOGIES**

There were no apologies.

## 94. **PUBLIC QUESTION TIME**

Felicity Salter asked the following questions with regard to item 9:

- Is the half hour free in some of the car parks going to be taken away
- Is there a reason the parking meters are out of order at the hospital car park and how much income have you lost since they have been out of order.
- Is the reason you have raised charges simply to increase revenue and if you need more money why not put 10p on the community charge.
- Is the reason you have put the charges up is to deter people from using their cars.
- Are you trying to kill our town
- Have you considered the emissions of cars driving around and around looking for places to park
- Has MDDC had time to consider all the objections before you make any decision

Jo Webber again referring to item 9 on the agenda asked:

- Do you realise what you are doing to our town we need customers and footfall to survive.
- When was the consultation and did it involve the local business owners.

Marilyn Clothier in relation to item 9 gave the views of her customers on the multi storey car park and that they would not be able to afford the increase. She asked:

- How much the revenue from the Premier Inn had influenced the decision
- Have the Council considered the fact that people will park in Tesco and residential streets
- Do Council workers get their parking for free

Honorary Alderman David Nation speaking with regard to item 7 asked:

- Do stakeholders include members of the public
- Will the Working Group meetings be open to the public
- Have you ascertained from existing authorities who have changed governance systems and how they work

Mrs Tucker again referring to item 7 asked:

- Can the Cabinet assure us that you will do everything possible to ensure that the scope of any review will not be blighted by irrelevant scare stories from the past?

#### 95. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-20-59)**

Cllr Mrs N Woollatt declared a personal interest as a supporter of the Campaign for Local Democracy for item 7 (Governance Arrangements) on the agenda.

#### 96. **MINUTES OF THE PREVIOUS MEETING (00-21-34)**

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

#### 97. **HOMELESSNESS STRATEGY (00-22-00)**

Arising from a report of the Group Manager for Housing, the Homes Policy Development Group had recommended that the revised Homelessness Strategy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the existing strategy originally covered the period from 2013 to 2018 and that a Cabinet Member decision had extended the policy until now. He highlighted the objectives within the strategy:

- Minimising rough sleeping
- Maximising prevention activities and outcomes
- Increasing accommodation options
- Improving health and wellbeing by supporting those with complex needs

Consideration was given to:

- The number of applicants presenting as homeless had increased by 25% rising from 455 in 2017/18 to 602 in 2018/19.
- The triggers of homelessness in Mid Devon
- The increase in numbers of approaches from those being evicted by social landlords
- The reports and data received by the Homes Policy Development Group
- The number of rough sleepers
- The use of S106 monies (for affordable housing) to offset the shortfall in accommodation.

**RESOLVED** that the recommendation of the Policy Development Group be approved.

(Proposed by the Chairman)

Note: \*Report previously circulated, copy attached to minutes.

98. **STRATEGIC GRANTS ALLOCATION PROCESS FOR 2020-2023 (00-29-57)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration requesting Members to agree the approach to community grant funding when the current 3 year agreements come to an end in 2020.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that given the financial constraints on Council spending at the current time, it seemed appropriate to have a complete review of strategic grant funding, but that there was insufficient time this year. There were currently 7 recipients of strategic grants:

- INVOLVE
- Citizens Advice
- Churches Housing Action Team
- Age UK
- Mid Devon Mobility
- The Museum and Tourist Information Service
- The Grand Western Canal

The report suggested that all these grants be brought together into a single strategic grants pot under the Community Well-Being PDG, prior to this all recipients would be offered a one year extension to their current grant.

Consideration was given to the importance of a 3 year settlement for the recipients so that financial planning could take place.

**RESOLVED** that:

1. Recipients of all grant agreements in place as part of the council's strategic grants programme are offered a single year extension (to end 31<sup>st</sup> March 2021) to ensure they have continuity of funding for their services
2. Recipients of the two grants not currently included within the council's strategic grants programme (Grand Western Canal and Tiverton Museum and Tourist Information Service) are also offered a single-year extension (to end 31<sup>st</sup> March 2021) to ensure they have continuity of funding for their services .
3. In future years all grants are considered as part of one budget and decision-making process, and that these sit within the Community Well-Being portfolio.
4. Officers are instructed to commence work early in the financial year 2020/21 to initiate a full evaluation and review of the grants programme; to carry out the same process as was undertaken previously to establish the 3-year programme; and to bring forward recommendations on a new 3-year programme with reference to the Community PDG as appropriate.

(Proposed by Cllr D J Knowles and seconded by Cllr G Barnell)

Notes:

- i) Cllrs D J Knowles and B A Moore declared personal interests due to their involvement with INVOLVE;
- ii) \*Report previously circulated, copy attached to minutes.

99. **GOVERNANCE REVIEW (00-34-00)**

The Cabinet had before it a \*report of the Group Manager for Legal Services and Monitoring Officer outlining the current governance arrangements and discussing the potential for a Governance Working Group to review arrangements and make recommendations.

The Leader outlined the contents of the report stating that a working group had been suggested to look at various different forms of governance.

Responding to the questions posed in public question time, the Leader and the Monitoring Officer stated that the Cabinet were taking a review of governance arrangements seriously, stakeholders would include members of the public, the terms of reference of the working group would set out who would be requested to attend the meetings and information would be gathered from various sources which would include the Local Government Association and other councils.

Consideration was given to:

- Option 1 within the report and that it was felt that this would be of benefit in the short-term to the current Cabinet
- A possible amendment to the recommendation to expand on the reasons for the formation of a working group

**RECOMMENDED** that:

The Standards Committee be asked to recommend to Council that the changes to the current arrangements set out in part 3 of this report be agreed and the Constitution amended accordingly and the Monitoring Officer be asked to draft the changes to the Constitution required to implement those changes for consideration by the Standards Committee.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr G Barnell)

In consequence of the discussion, a revised recommendation was proposed expanding on the proposed purpose of the Working Group and the scope of the review

**RECOMMENDED** to Council that a politically-balanced Governance Working Group be established, such working group to:

- (a) comprise 12 members;
- (b) carry out a comprehensive review of Council governance arrangements in order to identify the different options available to bring together best practice and develop a model tailored to the needs and aspirations of Mid Devon's residents and stakeholders. Such review to include -
  - (i) exploring the views of members and other stakeholders;
  - (ii) taking advice where appropriate from experts in the field; and
  - (iii) identifying the cost and value for money implications;
- (c) Report its findings, options and recommendations to the Council (via the Standards Committee where major changes are proposed to the Constitution); and
- (d) ensure that such recommendations are made by no later than December 2020 with a view to any changes taking effect for the municipal year 2021/22

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr G Barnell)

Note: \*Report previously circulated, copy attached to minutes.

**100. GAS SAFETY CONTRACT (00-44-36)**

The Cabinet had before it a \*report of the Director of Operations seeking authority to exercise the option in the 4+1+1 year contract for the inspection and maintenance of gas appliances across the Housing Revenue Account stock.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the report sought an extension to the current contract for the HRA stock and that a new tender process would be undertaken in 2020 to ensure continuance of service from April 2021.

Consideration was given to:

- Whether the provider was meeting the expectations of the authority
- The fact that the authority was happy with the standard of service

**RESOLVED** that the option to extend the existing contact for a further year from 1 April 2020 to 31 March 2021 be approved.

(Proposed by Cllr S J Clist and seconded by Cllr A White)

Note: \*Report previously circulated, copy attached to minutes.

#### 101. **OFF STREET PARKING PLACES ORDER (00-50-27)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) providing Members with an update on the progress of the Off- Street Parking Places Order (“OSPPO”).

The Deputy Chief Executive (S151) outlined the contents of the report and responded to questions posed in public question time:

- Changing the car parking policy was always a challenge as there was a need to strike a balance with regard to value for money and to secure revenue for maintenance purposes. Consideration of increasing charges had been taken seriously, the issue had been discussed at the Car Parking Working Group and further considered by the Economy Policy Development Group before being presented to the Cabinet.
- The free half hour was still available in the evening but had been removed during the day time, it had been noted that the traders preferred people to stay longer in the town and the recommendation had been that the 1 hour tariff be reduced to £1.25.
- The hospital car park was administered by the hospital not by the Local Authority.
- The car parks cost a lot of money to maintain especially the multi storey car park, a report had been considered by the Cabinet in August where an £800k maintenance and enhancement project had been approved and any increase would be used for that project.
- Putting 10p on the Council Tax was not an easy option, local authorities could only increase Council Tax by 2%.
- The decision to increase charges was not a decision to reduce congestion, there was a reliance on the car in Mid Devon as other transport provision in the area was considered to be poor.
- The main reason for the increase was to maintain the assets of the council, the purchase of a permit would reduce costs for the user
- With regard to killing the town, there was a need to set a balance. He explained the strategic investment in Market Walk and that the shops were nearly all filled, the Council did not want a reduction in footfall.
- The Premier Inn had influenced the decision.
- There was still a long stay tariff available for people who made bus trips
- Council Officers did currently have free parking
- The consultation process had ended and that he would be looking at the responses

Consideration was given to:

- A request that the Cabinet Members consider the responses from the consultation process
- The need to advertise the use of permits more and the availability of payment instalments, details of which were on the website.

**RESOLVED** that: as the consultation deadline was 18th December and Cabinet wished to have sight of this feedback, that this report be amended to return to the next meeting with the inclusion of information relating to the consideration of objections and representations received during that consultation.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr G Barnell)

Notes:

- \*Report previously circulated, copy attached to minutes;
- Cllr L D Taylor left the meeting at this point.

**102. REPLACEMENT ROOFING CONTRACT 2020- 2023 (1-08-28)**

The Cabinet had before it a \*report of the Director of Operations advising Members on the results for the tendering of the Replacement Roofing Programme 2020 – 2023 to Council houses and requesting it to confirm the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report explaining the procurement exercise and that the capital investment into the stock would result in a lower revenue cost in the coming years and would lower the amount of fossil fuels used to run and maintain the homes.

Consideration was given to the range of prices.

**RESOLVED** that the new three-year Roofing Replacement Contract be awarded to Contractor 4 with a forecast annual cost £600,000.00.

(Proposed by Cllr S J Clist and seconded by Cllr G Barnell)

Note: \*Report previously circulated, copy attached to minutes.

**103. CARBON BASE-LINE REPORT (1-14-22)**

The Cabinet had before it a \* report of the Group Manager for Corporate Property and Commercial Assets providing Members with the results of the Carbon Footprint exercise for the Council's operational activities and to provide an overview of areas that it could control and guide, which would assist the Council to become carbon neutral by 2030.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council had declared a Climate Emergency in the summers and that as part of that commitment it had agreed to produce a carbon footprint baseline. The report outlined the results of the carbon baseline work and gave

options to reduce the footprint, he added that this was just the start of the work that would take place.

Consideration was given to:

- Whether the fuel use of elected members could be added to table 1
- The use of reserves for funding, with the Deputy Chief Executive (S151) explaining the use of ear marked reserves for certain projects
- Liaison with town and parish councils with regard to informing local residents and local groups
- The details within annex C of the report
- The need to encourage the use of teleconferencing

**RESOLVED** that Carbon Emissions Baseline figure be noted.

(Proposed by the Chairman)

Note: \*Report previously circulated, copy attached to minutes.

104. **TIVERTON TOWN CENTRE REGENERATION PROJECT - TENDER OUTCOME - DEFERRED FROM A PREVIOUS MEETING. (1-26-33)**

The Cabinet had before it a \* report of the Group Manager for Corporate Property and Commercial Assets/Deputy Chief Executive (S151) deferred from a previous meeting requesting the Cabinet to review the results of the Tiverton Town Regeneration tender.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the history of the project, the initial consultation process for the Tiverton Town Centre Masterplan and the decisions that had been taken to start the project within the town centre prior to the completion of the masterplanning exercise. He explained the planning permission that had been granted and the recent discussions with Tiverton Town Council who had felt that their representations had not been considered and that there was a need to delay the proposed works for consideration of the final masterplan. He wanted to initiate a Town Centre Regeneration Fund to form the basis for matched funding offers to regenerate the town.

Consideration was given to:

- The views of some of the Tiverton Town Councillors who had differing views of the proposals for the town centre
- The views of the traders in the market
- The various schemes that had come forward over recent years
- Whether match funding could be found
- The consultation that had or had not taken place with Tiverton Town Council and the Town Council's disapproval of the current scheme
- Whether a gold star scheme could be afforded
- The money that would be lost if the scheme stalled

**RESOLVED** that:

1. The specific scheme that came forward in advance of the forthcoming Tiverton Town Centre Masterplan be postponed, and allows the second stage of the process to be properly completed before seeking to prioritise strategic investment opportunities.
2. The Cabinet Members for Planning & Economic Regeneration and Housing and Property Services:
  - a) Consider how a Tiverton Town Centre Regeneration Fund might be established to facilitate match-funding opportunities and encourage external investment into the town, with proposals to be brought back to the Cabinet.
  - b) Work with Tiverton Town Council, market traders, the Town Centre Partnership and other businesses in the town to identify a programme of works that will make a significant improvement to the Town Centre in the short term.

(Proposed by the Chairman)

Notes:

- i) Cllr R L Stanley declared a personal interest as the previous Cabinet Member for Housing and Property Services and a Director of 3 Rivers Development Limited;
- ii) Cllr Mrs N Woollatt requested that her abstention from voting be recorded;
- iii) \*Report previously circulated, copy attached to minutes.

## 105. **PERFORMANCE AND RISK (1-54-26)**

The Cabinet had before it and **NOTED** a \* report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report making reference to the Homeless statistics discussed within the earlier item, she informed the meeting that the Homes Policy Development Group had received statistics but that she would look into what measures could be considered within the performance and risk report.

Consideration was given to:

- The number of empty shops in the towns
- Sickness absence figures which were fully considered by the Leadership Team and the Health and Safety Committee
- The new sickness policy
- IDOX record handling

- The Officer Programme Board monitoring 3 Rivers Development Limited; the fact that the Cabinet received half yearly reports as the shareholder but did not sit on the programming board

Note: \* Report previously circulated, copy attached to minutes.

#### 106. **FINANCIAL MONITORING (2-08-10)**

The Deputy Chief Executive (S151) provided the meeting with a verbal update on financial monitoring to date stating that the September variance on budget had been a surplus of £29k, this had changed in October to a deficit of £95k the main factors being:

- **Leisure** – There had been a reduction in vacant posts by £19k and also a reduction in casual swimming (£17k) which was in-keeping with a national trend.
- **Revenues and Benefits** – Housing Benefit Recovery forecasts had dropped by £20k and the recovery of court costs had also dropped by £4k. There was also a slightly lower single occupancy discount penalty forecast by £3k.
- **Property Services** – There had been a rate revaluation at Carlu Close which had added £56k of cost to the forecast.

With regard to the Housing Revenue Fund there had been no material changes from the last month's monitoring; the underspend primarily related to vacant posts and underspends on new projects.

It was hoped that the Government's financial settlement would be received in early to mid January.

#### 107. **SCHEDULE OF MEETINGS (2-12-53)**

The Cabinet had before it \* a schedule of meetings for the municipal year 2020/21.

**RECOMMENDED** to Council that the Schedule of Meetings for the 2020/21 municipal year be approved.

(Proposed by the Chairman)

Note: \*Schedule previous circulated, copy attached to minutes

#### 108. **NOTIFICATION OF KEY DECISIONS (2-14-00)**

The Cabinet had before it and **NOTED** its rolling plan \* for January 2020 containing future key decisions.

Note: \*Plan previously circulated, copy attached to minutes.

#### 109. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (2-14-49)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and

public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

#### 110. **POTENTIAL DISPOSAL OF LAND AT OLD ROAD, TIVERTON**

The Cabinet had before it a report \* of the Deputy Chief Executive (S151) outlining options for the disposal of an asset.

The Cabinet Member for Housing and Property Services outlined the contents of the report and a full discussion took place.

Returning to open session, the Cabinet:

**RESOLVED** that the procedure set out in Section 122(2A) of the Local Government Act 1972 be followed, namely by placing public notices in newspapers for 2 consecutive weeks and the consideration of any objections that are then made.

(Proposed by the Chairman)

Notes: \*Report previously circulated.

(The meeting ended at 8.25 pm)

**CHAIRMAN**

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## COMMUNITY POLICY DEVELOPMENT GROUP 10 DECEMBER 2019

### Health and Safety Policy review

**Cabinet Member(s):** Cllr Nikki Woollatt  
**Responsible Officer:** Michael Lowe (Health and Safety Officer)

**Reason for Report:** To advise Members that, in accordance with the Health and Safety at Works Act 1974, the Council's Health and Safety at Work Policy has been reviewed by the Health and Safety Committee.

**RECOMMENDATION:** Members to note that the Health and Safety Policy was approved by the JNCC on 4 September 2018, and following subsequent review by the Health and Safety Committee and representatives of the union, there are no changes to be made to the current policy.

**Relationship to Corporate Plan:** Health and safety impacts across all aspects of the corporate plan as there is an obligation on the Council to ensure that its activities do not adversely affect the health and safety of employees, members of the public, contractors and others with whom we interact.

**Financial Implications:** Failure to meet the Council's obligations could lead to serious financial implications. The maximum penalties for failing to discharge its duties are unlimited. In addition, litigation costs could be imposed through any civil action.

**Legal Implications:** Failing to comply with health and safety legislation and regulations could result in the Council being issued with Improvement/Prohibition Notices and/or prosecution. The Council would also be at risk of potential civil litigation.

**Risk Assessment:** Ensuring the Council has robust health and safety policies and procedures, which are proactively monitored, will ensure the health and safety of employees and those who are affected by its actions and also reduce the potential risk of legal challenges and civil litigation.

**Equality Impact Assessment:** The policy covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristic. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures. The policy as a whole seeks to advance equality of opportunity for and between different protected groups. The organisation has a range of other policies, projects and actions to help bring people together, e.g. Equality Training, Dignity at Work, Harassment Policy.

**Impact on Climate Change:** There are no implications regarding climate change.

## **1.0 Introduction**

- 1.1 The Health and Safety Policy was approved by JNCC on 4 September 2018.
- 1.2 A review was carried out during November 2019 by the Health & Safety Committee, which identified there were no amendments required to the existing Health and Safety Policy.

## **2.0 Future actions**

- 2.1 In accordance with the Health and Safety at Works Act 1974, the Safety Representatives and Safety Committee Regulations, Mid Devon District Council will continue to review the Health and Safety Policy on an annual basis.

**Contact for more Information:** Michael Lowe, Health and Safety Officer, [mlope@middevon.gov.uk](mailto:mlope@middevon.gov.uk)

**Circulation of the Report:** Members of Community PDG, Cllr Woollatt, Leadership Team

# Corporate Policy

## **Version Control**

*Title: Mid Devon District Council Health and Safety Policy*

*Purpose: Health and Safety*

*Owner: Stephen Walford, Chief Executive*

*Date: 12<sup>th</sup> January 2020*

*Version Number: v3.3*

*Status: Final*

*Review Frequency: Annually*

*Next review date: January 2021*

### *Consultation*

This document obtained the following approvals:

<b>Who</b>	<b>Date</b>	<b>Version Approved</b>
Leadership Team	<b>26.11.19</b>	<b>v3.3</b>
JNCC	<b>12.09.18</b>	<b>V3.3</b>
H&S Committee	<b>11.10.18</b>	<b>V3.3</b>
Community PDG	<b>10.12.19</b>	<b>V3.3</b>
Cabinet		<b>V3.3</b>

## Index

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2. Part 2: Organisation
3. Part 3: Arrangements
4. Part 4: Statement of general policy

### PART 1 Statement of general commitment towards health and safety at MDCC

- 1.1 Mid Devon District Council is committed to ensuring high standards of health, safety and welfare for its employees. It is also committed to ensuring that Council activities do not adversely affect the health or safety of members of the public, contractors and others with whom we interact. This policies applies to employees, contractors and agency staff
- 1.2 Policies and procedures on specific areas of health and safety can be found on SharePoint [Policies & Strategies - Home](#)
- 1.3 The Council regards compliance with statutory requirements as the minimum standard. Policies may extend beyond the legal standard if this is agreed. This general policy sets out the steps that will be taken to ensure compliance with the Health and Safety at Work Act 1974 and other statutory provisions, which should lead to a progressive improvement in health and safety standards over time in accordance with the principles of good health and safety management described in HSG65 ([www.hse.gov.uk/managing/index.htm](http://www.hse.gov.uk/managing/index.htm)).
- 1.4 The Council believes that minimising risks to people, equipment and premises is an essential part of offering quality services in a cost conscious and competitive environment. The successful implementation of this policy requires the commitment and co-operation of management and all employees at all levels within the organisation. The Council delegates the responsibility for day to day operational health and safety management to the Chief Executive, Directors, Group Managers, Supervisors and Team Leaders through the normal line management structure.
- 1.5 All managers, supervisors and staff have responsibility for the health and safety of persons and facilities within their designated areas of control.
- 1.6 **All employees should take note when reading this policy that they also have their own legal obligations under the Health and Safety at Work Act 1974. Under this law there is the duty to take reasonable care of their own health and safety and that of others who may be affected by their acts or omissions at work. Failure to do this could result in prosecution and a fine. Employees are also required to work in accordance with the provided training and instructions and to report situations that could be considered unsafe and shortcomings in health and safety procedures to their line manager or Corporate Health and Safety Officer.**
- 1.7 The Chief Executive and Directors will be supported in their efforts by provision of competent health and safety advice from the Corporate Health and Safety Officer. Effective communication will be maintained with staff and union safety representatives e.g. through the weekly staff newsletter (The Link) and the H&S Committee. The Council will maintain and improve competence in health and safety through staff training and development.

- 1.8 This policy does not form part of any employee's contract of employment and MDDC may amend it at any time. This policy will be monitored to ensure that the objectives are achieved. It will be reviewed regularly and changes made as may be necessary. The policy has been agreed following consultation with the trade union.

## **PART 2: Organisation**

### General

- 2.1 This section sets out the range of duties and responsibilities throughout the Council for the implementation of this policy.
- 2.2 **Service specific policies and operating procedures will be required to supplement this policy to ensure that the specific risks associated with the activities of each service are identified and controlled throughout the diverse range of the Council's activities.**
- 2.3 The following management process will be applied (HSG65) in managing health and safety:

- Plan: what it is you want to do
  - Policy
  - Planning
- Do: Profiling the organisation's health and safety risk
  - Carry out risk assessment first then implement it
  - Risk profiling
  - Organising for health & safety
- Check: that the risk assessment is effective
  - Measuring performance
  - Investigating incidents
- Act by learning from experience
  - Reviewing performance
  - Learning lessons

### **2.4 Councillors**

- 2.4.1 Elected members cannot be responsible on a practical level for the implementation of Health and Safety arrangements within the Council – this is a responsibility of the Chief Executive, Directors, Group Managers and all other employees. Members, however, are required to ensure that overall health and safety arrangements are in place through the scrutiny process and the receiving of committee reports e.g. relating to the auditing and performance of the Council's health and safety management system. This will also be monitored through the Health and Safety Committee on which a Cabinet Member is nominated. Any resultant reports that require a decision will be passed through the Cabinet.
- 2.4.2 To assist them, the Chief Executive, Directors and Group Managers will provide Councillors with professional advice and guidance. This is also available from the Corporate Health and Safety Officer where needed.

## 2.5 Chief Executive

2.5.1 The Chief Executive is responsible for:

- The overall implementation of corporate policy decisions, day-to-day operations and will review and decide upon matters within the Council's corporate policies;
- Ensuring that the Council has an effective Health and Safety Committee and for responding to its recommendations;
- Encouraging a positive safety culture throughout the Council by providing leadership and commitment to high standards of health and safety;
- Appraising the effectiveness of this policy and making changes where appropriate;
- Ensuring that the attention of Councillors is drawn to information regarding health, safety and welfare where this has a bearing on their decisions;
- Ensuring the Council provides adequate resources to implement and maintain the effectiveness of this policy, and that measures are in place for joint consultation regarding safety between employee and member representatives in accordance with the Safety Representatives and Safety Committee Regulations 1977 (as amended);
- Ensuring that a sufficient number of competent persons are available to give advice on the application of the provisions of health and safety law as they apply to the activities of the Council in accordance with Regulation 7 of the Management of Health and Safety at Work Regulations 1999.

2.5.2 The Chief Executive will be informed by the most appropriate method of any incident, accident or deviation from this policy.

2.5.3 The Health and Safety Executive (HSE) gives the following definition of what a health and safety culture is:

*The safety culture of an organisation is the product of individual and group values, attitudes, perceptions, competencies and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisation's health and safety management.*

*Organisations with a positive safety culture are characterised by communications founded on mutual trust, by shared perceptions of the importance of safety and by confidence in the efficacy of preventive measures.*

## 2.6 Directors

2.6.1 Directors will be responsible for:

- The implementation of the Council's health and safety policies, including the monitoring and review of the safety performance of each service within their remit;
- Where they are identified, implementation of the specific arrangements in Part 3 of this policy;
- Managing the health and safety performance of their service in accordance with the management process outlined above;
- Encouraging and sustaining a positive safety culture as described above within their specific services;

- Establishing risk assessment as a positive approach to the management of their service's activities;
- Ensuring that arrangements are made within their service's for all staff to be kept informed on matters of health and safety;
- Seeking to ensure, and where necessary document, that adequate resources are made available within their service's to implement and maintain the Council's policies for health, safety and welfare;
- Ensuring that for all work and places of work under their control, risk assessment processes are applied with equal importance to all other management functions;
- Dealing with any wilful disregard by employees of health and safety arrangements including, where necessary, the use of the Council's disciplinary procedure;
- Working with their managers and team leaders towards ensuring that health and safety performance requirements are objectively set, monitored and reviewed;
- Reporting any known deviance from this policy to the Corporate Health and Safety Officer or Chief Executive.

## **2.7 Group Managers Supervisors and Team Leaders**

2.7.1 Groups Managers, Supervisors and Team Leaders are responsible to their relevant Director for the health and safety performance of their respective areas. In this they will be required to:

- Have sufficient knowledge of the activities under their control and the Council's policies relating to them to be in a position to assure their competency in managing the Council's Health and Safety Policy and provide positive leadership on health and safety;
- Work with the Chief Executive and Directors in achieving a positive safety culture throughout the authority;
- Manage the day to day operations based on safe systems of work with a considered proactive approach towards managing risks;
- Where they are identified, implement the specific arrangements in Section 3 of this policy;
- Ensure through the provision of training and selection that each employee involved is competent to undertake safely the responsibilities given to them BEFORE they carry them out;
- Ensure that sufficient instruction, information and supervision is given to individual staff under their management, based on the level of risk to which they may be exposed, and that employment of their staff includes the necessary elements of competency (in accordance with Regulation 13 of the [Management of Health and Safety at Work Regulations 1999](#));
- Be responsible, where required, for making returns and reports to the Corporate Health and Safety Officer – including reports of near misses, accidents or dangerous occurrences;
- Ensure that before the issue of contracts or orders, adequate checks are made to confirm the suitability of the contractor's health and safety policies, method statements and risk assessments (Contractor Arrangements Section). This will include assessment of their arrangements to provide adequate welfare facilities and ability to manage all the activities they will undertake for, or on behalf of, the Council. All arrangements must be consistent with those required by the Council for its own staff;

- Ensure that policies, safe systems of work and risk assessments specifically tailored to control the hazards for their functions or work areas are created, implemented, recorded, monitored, and reviewed as necessary. Employees will be briefed on any risk assessment that affects their work and given the opportunity to contribute to the assessment e.g. through 'Toolbox talks' before work begins;
- Ensure that all statutory records of testing/inspection/maintenance pertinent to their service area are maintained and create and record as necessary routine maintenance arrangements;
- Ensure that all new work places and work activities are subject to a risk assessment and that all identified hazards are documented and measures taken to minimise or control the risks as far as is reasonably practicable;
- Ensure that before employment a Young Person's Risk Assessment is carried out on any employee who has not yet reached their 18<sup>th</sup> birthday, in accordance with Regulation 19 of the [Management of Health and Safety at Work Regulations](#) and its Approved Code of Practice. (This is intended to identify whether the individual is suitable for the tasks they may be given, and to limit those tasks where necessary, and what training and supervision will be required to ensure their competency and safety whilst at work);
- Ensure that risk assessments are carried out for expectant mother or employees with special needs [Risk management: Health and safety in the workplace](#);
- Consult with the Corporate Health and Safety Officer regarding specific health and safety queries, training needs and, where needed, risk assessments;
- Ensure their staff, as far as is reasonably practicable, apply all legal, corporate and directorate requirements relative to the work of their specific function that may affect health, safety and welfare at work;
- Ensure the provision of welfare facilities (clean water, seating, toilets and washing facilities) for all work situations under their control and ensure that first-aid, to the standard required by law, is available and made known to all their staff, and periodic checks are made of first-aid equipment. First aid arrangements can be assessed using the free HSE tool available on the [www.hse.gov.uk](http://www.hse.gov.uk) website;
- Ensure that employees are fully aware of procedures to be followed in the event of a fire;
- Ensure that, in circumstances where the use of Personal Protective Equipment (PPE) has been identified, the type and quality selected will be appropriate and will adequately protect that person from the hazards encountered. Supervisors must ensure that those who are required to wear PPE; have been given the PPE and adequate training in its use, care and maintenance and, where appropriate, keep the appropriate records.

## **2.8 Corporate Health and Safety Officer**

2.8.1 The Health and Safety Officer is responsible for providing advice, support and information on the application of health and safety legislation within the Council to comply with [Regulation 7 of the Management of Health and Safety at Work Regulations 1999](#). In particular, the Health and Safety Officer will:

- Assist the Council in establishing and maintaining appropriate monitoring and auditing systems for health and safety;
- Carry out internal 'Health and Safety Status Reviews' of each Council Service;

- Provide information and advice on request to management and staff on all aspects of health and safety, including fire safety;
- Carry out fire risk assessments on all relevant Council properties;
- Advise management on the formulation, development and implementation of health and safety policy and procedures in line with legal requirements and guidance, such as that available from the HSE and other relevant bodies;
- Advise on the need for health and safety training, including at induction, and to be a key participant in developing and, where necessary, delivering such training;
- Work with management and staff to ensure that we meet our legal requirement to carry out risk assessments;
- Advise management on the steps needed to achieve adequate control of risks to health and safety;
- Work with managers, staff and safety representatives to ensure that we carry out a programme of regular safety inspections;
- Advise management on systems for recording and reporting accidents and ill-health and be responsible for the maintenance of adequate records;
- Where required, make RIDDOR reports to the HSE;
- Investigate accidents and cases of reported ill-health in order to recommend actions to avoid a recurrence;
- Liaise on health and safety with external bodies and enforcing authorities.

## **2.9 Safety Representatives**

2.9.1 Recognised Trades Unions have, in consultation with the Council, identified employees to represent the staff on matters relating to Health, Safety and Welfare at work. Their duties are defined in Part 3 but as representatives on the Corporate Health and Safety Committee they may:

- Investigate potential dangers and hazards;
- Examine the cause(s) of accidents;
- Investigate complaints relating to Health, Safety or Welfare at work;
- Inspect the scene of an accident, dangerous occurrence/near miss or reported case of disease, if it is safe to do so (after consultation with the Corporate Health and Safety Officer);
- Carry out formal inspections of the workplace or part of the workplace. The maximum frequency of formal inspections will be quarterly, except by written agreement of the Chief Executive.

## **2.10 Health and Safety Committee**

2.10.1 The Health and Safety Committee will be the principal forum for the Council to consult both its employees and the Union on measures taken to ensure, as far as reasonably

practicable, their health, safety and welfare. The Committee will be administered in accordance with the Safety Representatives and Safety Committee Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended). In its operation the Health and Safety Committee will assist the Council to discharge its general obligations under the Health & Safety at Work etc. Act 1974

- 2.10.2 The Health and Safety Committee will monitor and review the operation of the Council's Health and Safety Policy and any related arrangements and procedures, receive reports of incidents, trends and any remedial action taken and, where necessary, make recommendations to the Cabinet and or other relevant Council Committees regarding any revisions or additions that may be required. Minutes of meetings and agreed actions will be kept.
- 2.10.3 The Health and Safety Committee will consider and make recommendations to the Chief Executive and Councillors, as appropriate, concerning priorities and the strategic direction for MDDC to achieve compliance with statutory obligations and continually improve performance.
- 2.10.4 An elected member, who acts as the elected Member's Health and Safety champion, will be a member of the Health and Safety Committee.
- 2.10.5 The Health and Safety Committee will specifically consider the Council's overall position and performance in relation to the [Corporate Manslaughter and Corporate Homicide Act 2007](#).

## **2.11 Employees**

- 2.11.1 The Council commits itself to providing suitable and sufficient health and safety information, instruction and training as is appropriate to the activities employees carry out.
- 2.11.2 Individual responsibilities of all employees are as follows:
- In accordance with Section 7 of the Health and Safety at Work etc. Act 1974, it is the duty of every employee while at work to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work;
  - As regards any duty or requirement imposed on the Council under health and safety law, to co-operate with the Council so far as is necessary to enable it to comply;
  - Not to intentionally or recklessly interfere with, or misuse anything provided in the interests of health, safety and welfare by the Council, e.g. fire or safety equipment;
  - If the fire alarm sounds, to leave the building by the nearest fire exit and go to the fire assembly point. Do not stop to collect belongings and do not use the lifts. Fire Wardens will assist in the evacuation of the building and the employee must follow their instructions and not re-enter the building until told to do so;
  - If involved in an accident, or injury at work, however minor, the employee should report this to their supervisor/team leader.
- 2.11.3 Note: As the above are statutory duties, failure to comply will not only result in investigation and, where proven, disciplinary action, but also may lead to investigation and prosecution by the HSE.

## **PART 3: Arrangements**

3.1 The Council is required by Regulation 5 of the Management of Health and Safety at Work Regulations 1999 to make, and give effect to such arrangements as are appropriate, having regard to the nature of its activities and the size of its undertaking, for the effective planning, organisation, control, monitoring and review of its preventive and protective measures, and to put these arrangements in writing.

**3.2 Effective management of health and safety will depend, amongst other things, on the robust application of proactive risk assessment and, leading from this, the implementation of reasonable mitigating controls to prevent, avoid or minimise the risk of injury. The law requires a written summary be kept of the risk assessments. At MDDC this would be using the SPAR system and the Risk Assessment Register on SharePoint.**

3.3 Corporate policies on health and safety are listed on SharePoint under Corporate Health and Safety. [Policies & Strategies - Home](#)

### **3.4 Risk Assessment**

3.4.1 Directors will take responsibility for the completion, implementation, monitoring and review of Risk Assessments for their areas of responsibility. Collectively this will cover all activities of the Council. In practical terms this process will need to be broken down and delegated to competent individuals who will be in a position to assess the risk of significant hazards that exist within each work area and report back to the relevant Director, who will retain overall responsibility for ensuring the risk assessment process is completed. The Corporate Health and Safety Officer through his routine reviews will monitor performance and report back to the H&S Committee any findings.

3.4.2 The Council will apply HSE guidance on Risk Assessment ([Risk management: Health and safety in the workplace](#)), including adoption of the '5 Steps to Risk Assessment' approach for all new assessments and reviews. The 5 steps are as follows:

**Step 1: Identify the hazards**

**Step 2: Decide who might be harmed and how**

**Step 3: Evaluate the risks and decide on precautions**

**Step 4: Record your findings and implement them**

**Step 5: Review your assessment and update if necessary**

3.4.3 The findings of the risk assessments will be recorded on the Risk Assessment Register and, where they meet the criteria, SPAR.

3.4.4 Action required to remove/control risks will be approved by the Director who will, if necessary, take them to the Chief Executive.

3.4.5 Group Managers Supervisors and Team Leaders will be responsible for ensuring the required actions are implemented as part of their day-to-day management supervision.

3.4.6 The Corporate Health and Safety Officer will check that the implemented actions have removed/reduced the risks as part of his routine reviews and accident/near-miss investigations. Feedback will be provided to the relevant Director, including the need for a review, which they must act on without delay.

3.4.7 Assessments will be reviewed every 12 months, or when the work activity changes, whichever is soonest.

### **3.5 Consultation with employees**

3.5.1 MDDC recognises Unison as the union that represents employees for consultation on Health and Safety under the Safety Representatives and Safety Committee Regulations

1977 (as amended) and the Health and Safety (Consultation with Employees) Regulations 1996 (as amended).

### **3.6 Safe use of plant and equipment**

- 3.6.1 Directors will be responsible for ensuring the [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) - Work equipment and machinery](#) are implemented and adhered to. The Group Managers Supervisors and Team Leaders shall ensure that equipment is suitable for the task it is being used for and that effective maintenance procedures are drawn up and implemented.
- 3.6.2 Employees will report any problems found with plant/equipment to the relevant Group Managers Supervisors and Team Leaders who will authorise its repair or replacement.
- 3.6.3 On request, the Corporate Health and Safety Officer can check that new plant and equipment meets health and safety standards before it is purchased e.g. CE marking.

### **3.7 Safe use of hazardous substances**

- 3.7.1 The Council will comply with the requirements of the Control of Substances Hazardous to Health Regulations 2002 (COSHH). <http://www.hse.gov.uk/pubns/indg136.pdf>
- 3.7.2 Hazardous substances include:
- Substances used directly in work activities (e.g. adhesives, paints, cleaning agents)
  - Substances generated during work activities (e.g. fumes and dust)
  - Other substances that can be a hazard that employees may come into contact with during their work, e.g. blood, vomit and faeces containing biological agents such as bacteria and other micro-organisms e.g. viruses.
- 3.7.3 The COSHH assessment process is detailed under a separate Policy [Policies & Strategies - Home](#). Responsibility for its implementation, monitoring and review rests with the individual Director, Group Managers, Supervisors and Team Leaders for their particular area. The initial priority will be to have an overview of what substances require assessment and obtain the relevant Product Data Sheet for each chemical purchased from the manufacturer/supplier.
- 3.7.4 The COSHH Regulations require the Council to prevent exposure to substances hazardous to health, if it is reasonably practicable to do so. In achieving this, the Council may:
- Change the process or activity so that the hazardous substance is not needed or generated;
  - Replace it with a safer alternative;
  - Use it in a safer form e.g. pellets instead of powder, gels instead of liquids etc.
- 3.7.5 If prevention is not reasonably practicable, the Council will introduce control measures identified by the COSHH Assessment [Health & Safety - Home](#). These will be applied in the following order of priority:
1. Use appropriate work processes and systems, engineer controls and provide suitable work equipment and materials e.g. use processes which minimise the amount of material used or produced, or equipment which totally encloses the process;
  2. Control exposure at source (e.g. local exhaust ventilation) and reduce the number of employees exposed to a minimum, the level and duration of their exposure, and the quantity of hazardous substances used or produced in the workplace;
  3. Provide PPE, including face masks, gloves, clothing, but only as a last resort and never as a replacement for other control measures which are required.
- 3.7.6 Following the assessment, a written record of any findings and control measures will be retained and employees provided with suitable and sufficient information, instruction and

training to minimise any identified risk to their health. The Corporate Health and Safety Officer will review each Service on COSHH and provide feedback.

### **3.8 Information, instruction and supervision**

3.8.1 A Health and Safety Law poster will be displayed at each Council building.

3.8.2 Health and Safety advice is available from the Corporate Health and Safety Officer:

Michael Lowe Tel 07714 680171 Email <a href="mailto:mlowe@middevon.gov.uk">mlowe@middevon.gov.uk</a>
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3.8.3 Supervision of young workers/trainees will be arranged/undertaken/monitored by Line Managers.

3.8.4 The Council has a duty to provide relevant health and safety information to its employees in **any reasonably foreseeable circumstance**. It is for Group Managers, Supervisors and Team Leaders to be aware of this as part of their Risk Assessment e.g. who needs to know what information? This is of particular importance where Council employees are working off-site e.g. at locations under the control of another employer where information may be provided to their employees but not to ours. Where informed, the Corporate Health and Safety Officer can provide advice on the information required.

### **3.9 Competency for tasks and training**

3.9.1 Human Resources will support induction training for all employees in liaison with Directors, Group Managers, Supervisors and Team Leaders.

3.9.2 Group Managers Supervisors and Team Leaders will arrange job specific training in liaison with the Council's Learning and Development Officer.

3.9.3 Training records will be kept by each Service and will be reviewed by the Corporate Health and Safety Officer and Internal Audit.

3.9.4 Training on health and safety will be identified, arranged and monitored by Team Leaders through their risk assessment process (see above).

### **3.10 Accidents, first aid and work-related ill health**

3.10.1 Under Regulation 6 of the Management of Health and Safety at Work Regulations 1999, the Council will ensure that all its employees are provided with health surveillance as is appropriate, having regard to the risks to their health and safety. The need for health surveillance and its appropriate level, frequency and type will be identified as part of the Council's Risk Assessments taking into account current HSE guidance. [HSE: Health surveillance](#)

3.10.2 Where the assessment requires it, the relevant Group Managers, Supervisors and Team Leaders for the activity will arrange for appropriate health surveillance in liaison with Human Resources, who will maintain a Health Surveillance Record with the employee's other personal information.

3.10.3 Names of employees identified as requiring health surveillance will be passed to the Corporate Health and Safety Officer for his information.

3.10.4 To fulfil its obligations under the Health and Safety Regulations 1981 [First aid at work - The Health and safety \(First Aid\) Regulations 1981](#), the Council will maintain an appropriate level of First Aiders in addition to the minimum legal requirement of identifying Appointed Persons. The level of cover will be set within a specific First Aid Policy. [Policies & Strategies - Home](#)

- 3.10.5 First aid kits will be provided at each Council building and, subject to risk assessment, appropriate first aid equipment will be maintained in Council-owned vehicles.
- 3.10.6 All accidents and cases of work-related ill health are to be recorded on an Accident Report Form and reported under RIDDOR where necessary. The Accident Reporting Procedure will be maintained by the Corporate Health and Safety Officer (found under Corporate Health and Safety on SharePoint). [Health & Safety - Home](#)
- 3.10.7 In addition to this, if there is a work related accident resulting in the death or major injury to an employee, self-employed person working on Council premises or a member of the public, it will be investigated by the Corporate Health and Safety Officer (or by a nominated person in his absence) and reported to the HSE within 10 days (or 15 days if due to an over 5 day absence from work), [How to make a RIDDOR report - RIDDOR - HSE](#)

### **3.11 Monitoring**

- 3.11.1 To check our working conditions and ensure our safe working practices are being followed, we will:
- Carry out regular workplace inspections;
  - Investigate any accidents or reports of ill health;
  - Regularly review policies and procedures whenever necessary.
- 3.11.2 The Corporate Health and Safety Officer will be responsible for this.
- 3.11.3 The Human Resources Service, in liaison where necessary with the Corporate Health and Safety Officer, is responsible for investigating work-related causes of sickness absences. The relevant Director is responsible for acting on investigation findings to prevent a recurrence.

### **3.12 Emergency procedures – fire and evacuation**

- 3.12.1 Group Managers, Supervisors and Team Leaders with responsibility for the buildings they are operating in must ensure that:
- There are emergency plans in place to deal with any potential emergency [Emergency procedures](#);
  - Emergency evacuation procedures are developed and implemented;
  - All fire safety checks are completed in accordance with the fire risk assessment;
  - Emergency evacuation procedures are tested randomly at least twice a year.
- 3.12.2 The Corporate Health and Safety Officer is responsible for:
- Ensuring a fire risk assessment is undertaken and implemented for all Council managed buildings;
  - Supporting the Group Managers, Supervisors and Team Leaders in developing and implementing emergency action plans and evacuation procedures;
  - Monitoring that all emergency action plans and fire safety checks are being maintained and reviewed.
- 3.12.3 The Group Manager for Corporate Properties and Commercial Assets is responsible for:
- Ensuring all firefighting equipment meets and is maintained in accordance with BS-5306;
  - Ensuring all fire alarm systems meet and are maintained in accordance with BS-5839;
  - Ensuring that all emergency lighting fittings meet and are maintained in accordance with BS-5266;
  - Ensuring any faults brought to the attention of Property Services which impact on the safe evacuation of people from a Council building are given priority.

**This is the statement of general policy and arrangements for**

**Mid Devon District Council**

**Stephen Walford Chief Executive**

**has overall and final responsibility for health and safety**

**Michael Lowe Corporate Health and Safety Officer**

**has day-to-day responsibility for ensuring this policy is put into practice**

Statement of general policy	Responsibility of: Title	Action/Arrangements (What are you going to do?)
To prevent accidents and cases of work-related ill health by managing the health and safety risks in the workplace	Group Managers Corporate Health and Safety Officer	All accidents are to be reported to H&S Officer immediately using an Accident Report form available on SharePoint or from the Health and Safety Officer <a href="mailto:healthandsafety@middevon.gov.uk">healthandsafety@middevon.gov.uk</a>
To provide clear instructions and information and adequate training, to ensure employees are competent to do their work	Learning & Development Manager Group Managers, Supervisors, Team Leaders	Training needs are assessed by the Team Leaders, with the delivery of the training program supported by the Learning and Development Manager. Group Managers and Team Leaders are responsible for ensuring the completion of appropriate risk assessments and using these to generate safe systems of work
Engage and consult with employees on day-to-day health and safety conditions	Unison Branch Secretary Corporate Health and Safety Officer	Mid Devon District Council complies with the Health & Safety (Consultation with Employees) Regulations 1996 by taking a joint consultation process with union involvement
Implement emergency procedures – evacuation in case of fire or other significant incident.	Group Managers, Supervisors, Team Leaders with responsibility for buildings under their control	Each MDDC site has an emergency evacuation plan in place created from their fire risk and specific risk assessments. It is the responsibility of the designated site manager to ensure staff are trained in the procedures and they are regularly tested
To maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances	Group Manager for Corporate Property and Commercial Assets Group Manager, Supervisors, Team Leaders	The Group Manager for Corporate Property and Commercial Assets has overall responsibility for ensuring the maintenance of facilities and plant equipment. Group Managers, Supervisors and Team Leaders are responsible for the maintenance and safe use of operational equipment, machinery and safe storage/use of hazardous substances
Signed:	Stephen Walford Chief Executive	Date:
Health and safety law poster is displayed on	Staff noticeboards in all MDDC sites	
First-aid box is located:	Listed in the emergency action plans for each site	
Accident book is located:	Blank forms are accessed through SharePoint with the completed forms sent to the H&S Officer with escalation to RIDDOR where necessary <a href="#">Health &amp; Safety - Home</a>	

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**COMMUNITY PDG  
10 DECEMBER 2019**

## **COUNCIL TAX REDUCTION – BANDED SCHEME**

**Cabinet Member(s):** Cllr Alex White  
**Responsible Officer:** Andrew Jarrett – Deputy Chief Executive (S151 Officer)

**Reason for Report:** Section 13A (2) of the Local Government Finance Act 1992 requires the Council as the billing authority to make a localised Council Tax Reduction Scheme in accordance with Section 1A of the act.

The Council is looking to remodel the current scheme in order to improve our processes making them more streamlined for our customers.

### **Introduction**

In April 2013 Council Tax Benefit was replaced by a new Council Tax Reduction scheme.

Council Tax Benefit had been funded by the Department for Work and Pensions and supported people on low incomes by reducing the amount of Council Tax they have to pay.

The Council Tax Reduction scheme is determined locally by District Councils rather than the Department of Work and Pensions. Although the Government initially provided funding for the scheme, the funding has reduced each year in line with the reduction in Revenue Support Grant provided to councils. From 2020 no funding will be provided for the scheme.

Universal Credit is replacing legacy benefits such as Income Support, Tax Credits and Housing Benefit. Universal Credit has increased the workload for local authorities, revenues and benefits departments. Nationally local authorities have developed a new income banded scheme to make administering Council Tax Support easier for themselves and the customer.

A separate Central Government scheme is retained for people of pension age so the new changes will only affect working age residents.

Mid Devon District Council along with other Devon Billing Authorities are proposing a revised scheme using Income Bands from 1 April 2020.

**RECOMMENDATION:** that the Policy Development Group recommend to the Cabinet that the Council:

- 1) Adopts the Council Tax Reduction (banded) scheme; and**
- 2) Adopts the updated exceptional Hardship Policy (revised).**

**Financial Implications:** The cost of the current scheme is increasing this is further compounded by zero support from the Revenues Support Grant. Banded Schemes are easier to administer and the proposed scheme will help manage expenditure whilst targeting those that really need the help. A hardship scheme will allow those

under the banded scheme to apply for additional assistance, during the transition period. It is envisaged that the funding for the extra support will come from the year one saving of the redesigned scheme.

**Legal Implications:** The Welfare Reform Act 2012 provided for the abolition of Council Tax Benefit and brought in instead, localisation of Council Tax Support under the Local Government & Finance Act 2012 from 1 April 2013. This Act made councils responsible for administering their own Council Tax Support Schemes. Councils are required to review their schemes annually and Full Council must make a decision as to whether to revise or replace the scheme.

**Risk Assessment:** Should the proposed scheme not be agreed there is a risk of reduced collection rates and further cost to the Council in funding the increasing administration requirements. The current scheme not fit for purpose and is expensive.

**Equality Impact Assessment:** The Revenues and Benefits service constantly monitors the issues affecting claimants on Council Tax Reduction. The banded scheme has been developed to support our most vulnerable customers in the ever changing landscape of welfare reform, whilst keeping the cost of the scheme cost neutral.

Since the roll out of Universal Credit it has become evident that the number of changes in circumstances issued by the Department of Work and Pensions (DWP) has increased significantly, this in turn has had a direct impact on Council Tax Reduction scheme and the amount customers receive.

The impact has been reviewed and modelled for the 2020/21 financial year. It is apparent that unless changes are made to the scheme the increased number of change of circumstances will result in higher volumes of bills and correspondence being issued to customers. This will in turn lead to confusion for customers due to the reissue of bills on one or more occasions and increase the costs of administering the scheme. Ultimately, this would have an impact on Council Tax collection rates.

Having reviewed our scheme and taken into consideration funding cuts, Council Tax arrears, Universal Credit and the impact of wider welfare reform Mid Devon Council recommends that the Banded Scheme starts from 01/04/2020.

Further detail can be seen on the Equality Impact Assessment attached to this report.

**Relationship to Corporate Plan:** Making sure that the “public purse” is used in an economic way.

**Impact on Climate Change:** This policy has no known detrimental effect on climate change. The administration will be almost paperless and administered electronically where possible. As such it's considered to have a positive effect and will reduce the amount of paper currently used.

## **1.0 Introduction/Background**

- 1.1 Council Tax Reduction (CTR also known as Council Tax Support -CTS) was introduced in April 2013 and replaced the national Council Tax Benefit Scheme, with a 10% funding reduction. The CTR scheme for working-age customers is a local scheme, however the scheme that exists for pension age recipients is a national scheme prescribed by regulations and cannot be varied locally. Therefore any savings to the scheme must come from working age customers.
- 1.2 Councils are required to consult fully on any changes they would like to bring into place within the scheme.
- 1.3 It is proposed to adopt a new scheme from 1 April 2020.
- 1.4 All Devon Billing Authorities are looking to implement similar Banded Schemes, this is also happening nationally.

## **2.0 CTR – Drivers for Change**

- 2.1 Universal Credit Rollout.
- 2.2 Loss of joint Housing Benefit/Council Tax Reduction Claims.
- 2.3 High Volume Changes – Customers could receive a revised Council Bill c9 times a year. Generating confusion around what they have to pay.
- 2.4 Reduction in Admin Grant.
- 2.5 Digital and Self – Service Transformation – Citizen Access.
- 2.6 Simplify claim procedure.
- 2.7 Potential for full automation saving complex processing work – Officers can focus on other tasks/areas.

## **3.0 Options**

### **Option 1 - Retain Current scheme**

- 3.1 No migration, no losers, no additional software costs.
- 3.2 No efficiency gains, increasing volumes of UC claims and changes.
- 3.3 Current scheme is expensive to administer.
- 3.4 UC customers would continue to receive 9+ bills per year.

### **Option 2 - Move to Income Banded Scheme**

- 3.5 Admin savings due to the bands 'catching' most of the changes in income.
- 3.6 C1500 or 75% of customers will gain entitlement due to changes.
- 3.7 C400 or 25% customers will have reduced or zero entitlement.
- 3.8 Scheme is simplified.
- 3.9 Customers should be able to work out their entitlement before applying.
- 3.10 Potential for customers to 'self-serve'.
- 3.11 Consistent with other Councils in Devon and Country wide.
- 3.12 Year one Hardship Relief to assist customers who see a reduction.

#### 4.0 Summary of Impact as at 16/10/2019

Customers can apply for help via the Hardship Policy should the reduction in entitlement be causing them financial concern. Customers will be notified of changes due to the new scheme, they will be advised on what help can be applied for understanding that 'vulnerability' must and will be recognised by Mid Devon Council

Scheme	Total Annual award for working age claims	Number of working age claims	Number of Gainers	Numbers of Losers	No Change	Lost Claims
Current	£1,746,431	2074	0	0	0	0
Income Banded	£1,599,520	1889	1459	430	0	185

#### 5.0 Banded Scheme

Passported		Family 2 Children		Family 1 Child		Couple		Couple	
Income From	%	Income From	%	Income From	%	Income From	%	Income From	%
£0.00	85%	£0.00	85%	£0.00	85%	£0.00	85%	£0.00	85%
		£260.01	65%	£200.01	65%	£120.01	65%	£75.01	65%
		£310.01	45%	£250.01	45%	£160.01	45%	£120.01	45%
		£360.01	25%	£300.01	25%	£210.01	25%	£170.01	25%
		£410.01	0%	£350.01	0%	£260.01	0%	£220.01	0%

The advantage of the banded scheme is that customers can see at a glance what % reduction they would get in accordance with their net income off their Council Tax. Increases and decreases in income should mainly stay with the bands, this will significantly reduce the amount of bills being issued. Currently some customers may receive up to 9 bills a year, this causes confusion and missed payments. The scheme should also help reduce enforcement due to keeping the amount owed stable.

## **6.0 What is Changing**

- 6.1 Model takes into account the household size and income.
- 6.2 Increases maximum award from 80% to 85% to all passported claims and those in the lowest income band.
- 6.3 Capital limit reduced to £6,000 in line with UC and other Devon Authorities
- 6.4 Ignores non-dependents.
- 6.5 Simpler to administer – no complex calculations.
- 6.6 Banded scheme will continue to disregard Disability Living Allowance (DLA), Personal Independence Payment (PIP), Child Benefit and child maintenance payments.
- 6.7 Additional disregards for Carer's Allowance, the ESA support component.
- 6.8 £50 per week income disregard for any household including a disabled person.
- 6.9 The first £25 per week will be disregarded from their earned income.
- 6.10 Streamlines billing and enforcement, reduced bills, reminders and prosecution.

## **7.0 Key Impacts**

- 7.1 Significant reduction in bills generated from small changes in income.
- 7.2 Officers will have greater flexibility when making payment arrangements.
- 7.3 Customers more likely to pay due to not having multiple bills.
- 7.4 Hardship policy to allow those who lose under the new scheme to apply for additional assistance during the transition period of 01/04/2020 – 31/03/2021

## **8.0 Rationale for Change**

- 8.1 Over 25% of working age CTR cases have Council Tax Arrears.
- 8.2 Consistent with universal Credit Rules.
- 8.3 Simplifies claim procedure – no need to verify capital as Universal Credit already do this.
- 8.4 Much simpler to administer – no requirement to request non-dependent details.

- 8.5 Out of 187 claims with non-dependents in the household, only 19 have a charge.
- 8.6 Helps cushion the loss of old scheme premiums.
- 8.7 Recognises vulnerable groups.
- 8.8 Incentivises work.
- 8.9 Helps stakeholders such as CHAT and CAB to advise customers on reductions that could be claimed.

## 9.0 Consultation with the public and Preceptors

	Surveys Received	405
Survey Question	Survey Results	
	Yes	No & Skipped
Should we keep the same scheme	43.73%	56.27%
Should we change to a banded scheme	46.10%	53.90%

Mid Devon had a very good response by receiving 405, however it must be noted that not all questions were answered by everyone.

	Date Agreed	Comments
Devon & Somerset Fire & Rescue Service	23/07/2019	Happy to Support the Banded Scheme
Devon County Council	31/07/2019	No Objection to the Introduction of the Scheme
Police & Crime Commissioner	08/08/2019	Proposed Scheme is Agreed

**Contact for more Information:** Dean Emery, Group Manager for Revenues and Benefits – 01884 234945 / [demery@middevon.gov.uk](mailto:demery@middevon.gov.uk)

**Circulation of the Report:** Leadership Team, Cllr Alex White, Community PDG and Cabinet

**List of Background Papers:** Hardship Policy, Equality Impact Assessment, CTR Policy

## Equality Impact Assessment

"I shall try to explain what "due regard" means and how the courts interpret it. The courts have made it clear that having due regard is **more than having a cursory glance** at a document before arriving at a preconceived conclusion. Due regard requires public authorities, in formulating a policy, to give equality considerations the weight which is **proportionate in the circumstances**, given the potential impact of the policy on equality. It is not a question of box-ticking; it requires the equality impact to be **considered rigorously and with an open mind.**"

**Baroness Thornton, March 2010**

**What are you completing the Impact Assessment on (which policy, service, MTFP reference etc)?**

Changes to the Council Tax Reduction Scheme from April 2020

**Version**

1

**Date**

29.11.2019

### **Section 1 – Description** of what is being impact assessed

Section 13A (2) of the Local Government Finance Act 1992 requires the Council as the billing authority to make a localised Council Tax Reduction Scheme in accordance with Section 1A of the act.

In April 2013 Council Tax Benefit was replaced by a new Council Tax Reduction scheme.

Council Tax Benefit had been funded by the Department for Work and Pensions and supported people on low incomes by reducing the amount of Council Tax they have to pay.

The Council Tax Reduction scheme is determined locally by District Councils rather than the Department of Work and Pensions. Although the Government initially provided funding for the scheme, the funding has reduced each year in line with the reduction in Revenue Support Grant provided to councils. From 2020 no funding will be provided for the scheme.

Universal Credit is replacing legacy benefits such as Income Support, Tax Credits and Housing Benefit. Universal Credit has increased the workload for local authorities, revenues and benefits departments. Nationally local authorities have developed a new income banded scheme to make administering Council Tax Support easier for themselves and the customer.

A separate Central Government scheme is retained for people of pension age so the new changes will only affect working age residents.

Mid Devon District Council along with other Devon Billing Authorities are proposing a revised scheme using Income Bands from 01 April 2020.

**Section 2A** – People or communities that are **targeted or could be affected** (taking particular note of the Protected Characteristic listed in action table)

The scheme works across the community, however it does look at working age people who will be expected to pay something towards their Council Tax.

Pension age customers will not be affected by the change.

**Section 2B** – People who are **delivering** the policy or service

The scheme will be delivered by the Revenues and Benefits Service.

**Section 3 – Evidence and data** used for the assessment (Attach documents where appropriate)

**Proposal 1 – to introduce an Income Grid scheme, replacing the current scheme for applicants of working age**

At present there are 2129 working age Council Tax Reduction claims which will be affected by the proposal to change to an income grid scheme from April 2020. The proposal will also affect any new working age applications from April 2020 onwards.

**Proposal 2 – to limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two for all applicants**

110 claims with 3+ dependent children (does not include passported claims which will not be affected).

20 of those will gain CTR of an average of £2.88 per week

90 of those will lose CTR of an average of £9.22 per week (56 of those losers are in receipt of Universal Credit so would lose anyway).

**Proposal 3 – to remove non-dependant deductions from the scheme**

235 working age claims have a non-dependant present in the household

61 have non-dependant deductions. These 61 claims will gain from not having a deduction taken.

**Proposal 4 – to replace the current earnings disregards with a standard £25 disregard**

Breakdown of affected claims:

**Single** - 132 earnings cases – 57 gain on average £3.48 per week – 56 lose on average £4.11 per week

**Couples** – 43 earnings cases – 5 gain on average £4.09 per week – 38 lose on average £12.46 per week – 32 of those claims are in receipt of UC

**Family with 1 or 2 children** – 129 earnings cases – 23 gain on average £3.87pw, 89 lose on average £9.75 per week.

**Proposal 5 – to disregard a further £50 per week where the applicant, partner or dependant receives Disability Living Allowance (DLA) or Personal Independence Payment (PIP)**

This proposal would help protect those with a disabled person in the household against reductions in their entitlement.

There are 186 claims with a disabled person in the household (excluding passported claims and those in the lowest income bands as they will already receive the maximum 85% discount).

The average increase for these claims is £5.03 per week.

**Proposal 6 – to disregard Carer’s Allowance which is currently taken into account as income**

119 claims have Carer Premium at present and so would gain solely based on this proposal.

However, once other proposals are applied the effects would be:

Single – 20 claims – 6 gain an average of £3.11pw, 13 lose an average £8.31pw

Couples – 22 claims – 3 gain an average of £3.31pw, 18 lose an average of £11.05pw

Family with 1 child – 14 claims – 5 gain an average of £10.40pw, 8 lose an average of £11.61pw

Family with 2 or more children – 63 claims – 15 gainers an average of £3.06pw, 45 lose an average of £12.17pw

**Proposal 7 – to remove the Extended Payment provision**

The current scheme allows for a four-week ‘extended payment period’ (EPP) when their entitlement to certain legacy benefits ends due to starting work (and other specific conditions are met). Customers entitled to an EPP receive a further four weeks’ full entitlement to Council Tax Reduction following the end of their legacy benefit.

In the 2018/19 subsidy year, a total of 68 claims were eligible for an EPP. This number will reduce due to the gradual introduction of Universal Credit. Customers moving from Housing Benefit to Universal Credit are entitled to a different extended payment period.

**Proposal 8 – Any change in circumstances which affects Council Tax Reduction entitlement will be made from the date on which the change occurs, rather than on a weekly basis as at present**

This proposal will affect all working age customers and will simplify the current scheme. Any changes to the customer’s circumstances affecting their entitlement will take effect from the date of the change, as opposed to the Monday following the date of the change.

### **Proposal 9 – to reduce the capital limit to £6,000**

43 working age CTR claims have over £6000 in capital and so will lose all their entitlement (an average loss of £15.90 per week).

Affected groups: Passported – 30 claims, Singles – 6 claims, Couples – 1 claim, Family with 1 child – 2 claims, Family with 2 or more children – 4 claims.

19 claims affected have someone in the household with a disability.

### **Proposal 10 – Remove the one calendar month limit for back date requests**

This proposal will only serve to benefit customers as there will be no limit on backdated Council Tax Reduction.

### **Analysis of point 4 of the covering report**

185 claims are lost due to not already being entitled 31.03.20, Capital being over £6000 or their weekly income is above the band limit for the household.

They are lost in the following areas:

Passported = 30

Single = 48

Couple = 23

Fam + 1 = 19

Fam +2 = 65

The new banded scheme shows a total of 1889 working age claims with 1459 gainers and 430 losers.

The losers are made up as follows:

Passported = 0

Single = 170

Couple = 20

Fam + 1 = 105

Fam +2 = 135

### **Couples**

Having looked at all the Couple claims there are 14 biggest losers of over £10+ per week – this is due to the current scheme using the gross Universal Credit award as the applicable amount. All claims had a net income after disregards between £130.00 and £191.00 per week which puts them into the 65% or 45% categories. If Universal Credit had not been awarded the standard allowance used for a couple is £114.85 per week. All the biggest losers have a weekly income of more than this.

## **Singles**

There are 41 claims which lose £10+ per week. These are all Universal Credit claimants. Income ranges are between £121.00 and £219 per week. The current allowance for a single claimant is £73.10 per week and these customers are all above this amount. A majority of these claimants also have other benefits such as personal independence payments and carers allowance of which are all disregarded under the new scheme.

Those that lose less than £10 per week have incomes ranging from £76.55 to £216.16 per week.

## **Fam +1**

There are 2 claims which lose over £10+ per week, the income after disregards is £300.30+ per week they are both lone parents. There are 103 claims which lose less than £10 per week and their incomes range from £283.00 to £335.52 per week. Of the 105 claims 104 are Universal Credit customers.

11 claims have a partner present, 94 are lone parents. 3 claims have a disabled child. 69 claims have earnings.

## **Fam +2**

There are 30 claims which lose over £10+ per week of which 27 are Universal Credit customers. The income range of these 27 is £310.41 to £408.80 per week.

12 claims are lone parents with 2 or more children and all in receipt of Universal Credit.

The weekly income of these customers range from £362.57 to £408.80 per week. Of these 12 claims 4 have disabled dependants. 3 claims have earnings.

18 claims have a partner present and 4 have a disabled dependant. The income ranges from £310.41 to £401.52 per week. 15 claims have earnings.

**Section 4 – Conclusions** drawn about the equalities impact (positive or negative) of the proposed change or new service/policy

The Revenues and Benefits Service constantly monitors the issues affecting customers in receipt of Council Tax Reduction (CTR). The proposed income grid scheme has been developed to support our most vulnerable customers in the ever changing landscape of welfare reform, whilst remaining cost neutral.

Since the roll out of Universal Credit, it has become evident that the number of changes in circumstances issued by the Department for Work and Pensions (DWP) has increased significantly. Subsequently, this has placed an increasing demand on the administration required from council officers and a complex system for customers. In addition to this, due to the way that Universal Credit income is taken into account under the current CTR scheme rules the amount of CTR paid out by Mid Devon District Council is increasing.

The impact of the new scheme has been reviewed and modelled for the 2020/2021 financial year. It is apparent that unless changes are made to the scheme, the increased administration will continue to cause confusion for customers due to the high number of bills they are sent and this could have implications for collection rates.

Having reviewed our scheme and taking into consideration funding cuts, Council Tax arrears, Universal credit and the impact of wider welfare reform changes on our residents we are proposing to change Mid Devon's Council Tax Reduction scheme from 1 April 2020.

Identified issue drawn from your conclusions	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions? When will the action be completed?	How will it be monitored? What is the expected outcome from the action?
<b>Age</b>			
<p>Working age customers suffer disproportionately due to the requirement to protect pensioners from financial loss.</p> <p>This could driver working age people out of the area because of the increased burden arising from Devon having a higher number of pensioners than other parts of the UK.</p> <p>Working age customers in Devon are already disadvantaged by low wages and seasonal work, rurality and poor ICT connectivity.</p>	<p>The new scheme is supplemented by a hardship relief policy. Those adversely affected by the changes can apply for additional help.</p>	<p>The new scheme will be monitored and treated as work in progress. Managers will have regular discussions to make sure any issues are flagged and worked through.</p>	<p>As this is a new approach, issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when required.</p>
<b>Disability</b>			
<p>Schemes must have regard to their statutory duties under The Disabled Persons (Services, Consultation and Representation) Act 1986, and Chronically Sick and Disabled Persons Act 1970, which include a range of duties relating to the welfare needs of disabled people.</p> <p>The proposed CTR scheme as part of our ongoing commitment to support disabled people will disregard Carer’s Allowance and the support element of Employment Support Allowance as well as continuing to disregard Disability Living Allowance,</p>			

<p>Personal Independence Payments and War Disablement Payments.</p> <p>All working age people will lose out and this could continue to affect some people with a disability if they are not part of the protected group.</p>	<p>The new Banded Scheme is supplemented by a Hardship Relief policy. Should some see an adverse effect that cannot be managed they can apply for additional help.</p>	<p>The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through</p>	<p>Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when or if required.</p>
<p><b>Gender Reassignment</b></p>			
<p>The Banded Scheme works on the basis of “working age” people not gender.</p> <p>There are no known equality issues within this group</p>	<p>The new Banded Scheme is supplemented by a Hardship Relief policy. Should some see an adverse effect that cannot be managed they can apply for additional help.</p>	<p>The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through.</p>	<p>Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when or if required.</p>
<p><b>Marriage and Civil Partnership</b></p>			
<p>No issues identified</p>	<p>The new Banded Scheme is supplemented by a Hardship Relief policy. Should some see an adverse effect that cannot be managed they can apply for additional help.</p>	<p>The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through.</p>	<p>Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when or if required.</p>

<b>Pregnancy and Maternity</b>			
No issues identified.	The new Banded Scheme is supplemented by a Hardship Relief policy. Should some see an adverse effect that cannot be managed they can apply for additional help.	The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through.	Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when or if required.
<b>Race</b>			
Whilst information is held on 'race' the scheme looks at income only.  No issues identified	The new scheme will be monitored and concerns are raised the policy will be corrected as required.	The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through.	Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when or if required.
<b>Religion and Belief</b>			
We do not hold details of religion or belief. The scheme is an income/household based reduction and so will not treat people of different religion or belief differently.	The new Banded Scheme is supplemented by a Hardship Relief policy. Should some see an adverse effect that cannot be managed they can apply for additional help.	The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through.	Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when or if required.

<b>Sex</b>			
Same as race question?			
<b>Sexual Orientation</b>			
We do not hold details of sexual orientation. The scheme is an income/household based reduction.	The new Banded Scheme is supplemented by a Hardship Relief policy. Should some see an adverse effect that cannot be managed they can apply for additional help.	The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through.	Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take

<b>Other</b> (including caring responsibilities, rurality, low income, Military Status etc)			
<b>Rurality</b>			
The proposed changes will not have any impact on those customers living in rural areas in comparison with those living in towns.	The new Banded Scheme is supplemented by a Hardship Relief policy. Should some see an adverse effect that cannot be managed they can apply for additional help.  Issues with regards connectivity can be overcome by a home visit. Customers can also call Customer Services or Revenues and Benefits	The Band Scheme will be monitored and treated as work in progress. Managers will discuss on a regular basis to make sure all issues are flagged and worked through.  Any issues raised will be reviewed and a way forward discussed on a case by case basis.	Being this is a new approach issues and resolutions will be tracked and closely monitored by all officers and managers. Reactive corrections will take place as and when or if required.

**Section 6** - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment?

General publicity via the website, social media channels, individual letters to those existing customers affected and face-to-face with customers on a case by case basis. We are also engaging with local agencies such as CHAT and Citizen's Advice.

<b>Completed by:</b>	Revenues & Benefits Leadership
<b>Date</b>	29/11/2019
<b>Signed off by:</b>	Dean Emery (GM)
<b>Date</b>	29/11/2019
<b>Compliance sign off Date</b>	
<b>To be reviewed by:</b> (officer name)	
<b>Review date:</b>	

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**Mid Devon District Council**



**Council Tax Reduction  
(Banded Scheme)  
Exceptional Hardship Policy**

**April 2020**

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## 1.0 Background

1.1 An Exceptional Hardship Policy has been created by the Council to assist customers who have applied for Council Tax Reduction who are facing 'exceptional hardship'. This is to provide further assistance where an applicant is in receipt of Council Tax Reduction but the level of support being paid by the 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)

1.3 The main features of the policy are as follows:

- The operation of the policy will be at the total discretion of the Council;
- The policy will be operated by the Revenues and Benefits section on behalf of the 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 discounts in this policy version will only be available from 1<sup>st</sup> April 2020 and **will not be available for any other debt other than outstanding Council Tax**;
- A pre-requisite to receive a discount is that an application for Council Tax Reduction has been made;
- Where an Exceptional Hardship backdating discount is requested Exceptional Hardship must have been proven to have existed throughout the whole of the period requested; - backdating will only be restricted to the beginning of the financial year in which the claim was made.
- Exceptional Hardship Discount is designed to help the 'applicant' only and it is expected that any discount awarded will be for a short term only; and
- All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so will inevitably mean that no discount will be made.

## **2.0 Exceptional Hardship and Equalities**

2.1 The creation of an Exceptional Hardship Policy facility meets the Council's obligations under the Equality Act 2010.

2.2 The 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 discount made will be at the total discretion of the 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 the 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 discount 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 the 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 applicant;
- f. Assist the Council to minimise liability by ensuring that all discounts, exemptions and support 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 the 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 applicant 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 the 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, section 3 penalties may apply in these circumstances

- To cover previous years Council Tax arrears

## **5.0 Awarding an Exceptional Hardship**

5.1 The Council will decide whether or not to make an Exceptional Hardship award, and the level that will be given

5.2 When making this decision the 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 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 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 on a “case by case” basis
- 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 discount may be less than the difference between the Council Tax liability and the amount of Council Tax Reduction paid. The level of discount may be nil if the authority feels that, in its opinion, the applicant is not suffering ‘exceptional hardship’ or where the applicant has failed to comply with the Exceptional Hardship process.

## **6.0 Publicity**

- 6.1 The Council will make a copy of this policy available for inspection and will be published on the Council’s website.

## **7.0 Claiming an Exceptional Hardship discount**

- 7.1 An applicant must make a claim Exceptional Hardship by submitting an application to the Council. The application form can be obtained via the Council’s website in the first instance, however you can obtain the form by calling Customer Services or in person at the Council offices
- 7.2 Applicants can get assistance with the completion of the form from Customer Services at the Council, supported by the Revenues and Benefits Service for technical advice
- 7.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council. Supporting evidence needs to be provided within one calendar month

7.4 In most cases the person who claims Exceptional Hardship will be the person entitled to 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 The 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 applicant and the applicant's household**

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

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

## **10.0 The award and duration of an Exceptional Hardship Discount**

10.1 Both the amount and the duration of the award are determined at the discretion of the 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 discount and the duration of any discount will be determined by the 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.

10.3 The level of support will be restricted to a maximum of 50% of the loss when compared to the previous year's reduction. The amount awarded will be used to reduce the balance of Council Tax owed. If discounts have been received the support will be applied to the balance net of discounts made. Support cannot be used to generate credits as such there will be no refunds.

## **11.0 Discount**

11.0 Any Exceptional Hardship discount will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable. Please see 10.3 for further information

## **12.0 Overpaid Exceptional Hardship Discount**

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

## **13.0 Notification of Discount**

13.1 The Council will notify the outcome of each application for Exceptional Hardship discount.

## **14.0 Appeals**

14.1 Exceptional Hardship discounts 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 the Council who will review any decision. Ultimately any decision can be considered by the Valuation Tribunal Service, their role is to make sure that the policy has been applied correctly.

## **15.0 Fraud**

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship discount 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 the 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 The Council's 'Compliments and Complaints Procedure' (available on the Council's 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 and updated as appropriate to ensure it remains fit for purpose. Reasons for review could be due to legislation or changes in local policy, but not restricted to.

## **18 Vulnerable Persons**

Enter link to Corp Debt Policy

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

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## **1.0 Introduction to the Council Tax Reduction Scheme**

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1<sup>st</sup> April 2020.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1<sup>st</sup> April 2020 for a period of one financial year.
- 1.3 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 2019: and
  - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

- 1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;
- a. has attained the qualifying age for state pension credit; and
  - b. is not, or, if he has a partner, his partner is not;
    - i. a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
    - ii. a person with an award of universal credit

The three prescribed classes are as follows;

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

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of

- Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
  - e. not have capital savings above £16,000; and
  - f. who has made an application for a reduction under the authority's scheme.

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

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

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

**Class C: alternative maximum Council Tax Reduction**

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

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

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

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

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

- disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
  - e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

#### **Disregard of certain incomes**

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

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

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

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

#### **Class D**

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule

- 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
  - g. not have capital savings above £6,000;
  - 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.

DRAFT

## **Council Tax Reduction Scheme**

Details of support to be given for **working age applicants** for the financial year 2020/21

**DRAFT**

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

## 2.0 Interpretation – an explanation of the terms used within this scheme

### 2.1 In this scheme–

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

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

**‘the 1973 Act’** means 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;

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

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

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

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

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

**‘attendance allowance’** means–

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

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

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

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

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

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

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

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

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

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

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

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

**‘the Caxton Foundation’** means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering

from hepatitis C and other persons eligible for payment in accordance with its provisions;

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

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

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

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

**'claim'** means a claim for council tax reduction;

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

**'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 reduction (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;

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

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

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

**'couple'** means;

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

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 application or claim is made, or treated as made, for the purposes of this scheme

**'designated authority'** means any of the following;

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

**'designated office'** means the office designated by the authority for the receipt of claims for council tax reduction;

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

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

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

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

**'the Eileen Trust'** means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

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

**‘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’**;

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

**‘extended reduction’** means a payment of council tax reduction payable pursuant to section 60;

**‘extended reduction period’** means the period for which an extended reduction is payable in accordance with section 60A or 61A of this scheme;

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

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

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

**‘a guaranteed income payment’** means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

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

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

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

**‘an income-based jobseeker’s allowance’** and **‘a joint-claim jobseeker’s allowance’** have the meanings given by section 1(4) of the Jobseekers Act 1995;

**‘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 by section 10F of the National Health Service (Scotland) Act 1978;

**‘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 an 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 1996 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;

**'occasional assistance'** means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of:

(a) meeting, or helping to meet an immediate short-term need;

- (i) arising out of an exceptional event or exceptional circumstances, or
  - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- (b) enabling qualifying individuals to establish or maintain a settled home, and—
- (i) 'local authority' has the meaning given by section 270(1) of the Local Government Act 1972; and
  - (ii) 'qualifying individuals' means individuals who have been, or without the assistance might otherwise be:
    - (aa) in prison, hospital, an establishment providing residential care or other institution, or
    - (bb) homeless or otherwise living an unsettled way of life; and 'local authority' means a local authority in England within the meaning of the Local Government Act 1972;

**'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

**'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'** in relation to a person, means

- (a) where that person is a member of a couple, the other member of that couple;
- (b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- (c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

**'payment'** includes part of a payment;

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

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

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

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

**'person from abroad'** means, subject to the following provisions of this regulation, a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland

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

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

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

**'personal pension scheme'** means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

for a term dependent on human life;

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

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

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

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

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

**'qualifying contributory benefit'** means;

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

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

**'qualifying income-related benefit'** means

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

**'qualifying person'** means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

**'reduction week'** means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

**'relative'** means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

**'relevant authority'** means an authority administering council tax reduction;

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

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

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

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

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

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

**'second adult'** has the meaning given to it in Schedule 2;

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

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

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

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
- (c) the Employment, Skills and Enterprise Scheme;
- (d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- (e) Back to Work scheme.

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

- a. a person who is being consulted by or on behalf of—
  - (i) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
  - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- b. the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph.”.

**‘service user group’** means a group of individuals that is consulted by or on behalf of;

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a public authority in consequence of a function relating to disability under section 149 of the Equality Act 2010;
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (i) the Care Quality Commission in consequence of a function under section 4 or 5 of the Health and Social Care Act 2008,
- (j) the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

**‘single applicant’** means an applicant who neither has a partner nor is a lone parent;

**‘the Skipton Fund’** means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions.

**‘special account’** means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker’s Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;

**‘sports award’** means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;

**‘the SSCBA’** means the Social Security Contributions and Benefits Act 1992

**‘State Pension Credit Act’** means the State Pension Credit Act 2002;

**‘student’** has the meaning prescribed in section 43;

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

**‘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;

**‘Working Tax Credit Regulations’** means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended<sup>1</sup>; and

**‘young person’** has the meaning prescribed in section 9(1) and in section 142 of the SSCBA.

- 2.2 In this scheme, 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 scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day;

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

- (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 scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income- related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
  - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income- related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- 3.0 Definition of non-dependant**
- 3.1 In this scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the applicant's family;
  - b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
  - c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
  - d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
  - e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
  - f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

- 3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–
- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
    - i. that person is a close relative of his or her partner; or
    - ii. the tenancy or other agreement between them is other than on a commercial basis;
  - b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
  - c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

#### **4.0 Requirement to provide a National Insurance Number<sup>2</sup>**

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

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

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

4.3 Paragraph 4.2 shall not apply–

- a. in the case of a child or young person in respect of whom council tax reduction is claimed;
- b. to a person who;
  - i. is a person in respect of whom a claim for council tax reduction is made;
  - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
  - iii. 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.

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<sup>2</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

## **6.0 Remunerative work**

- 6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- 6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;
- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
  - b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,
- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
  - b. no other payment is made or is expected to be made to him.

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

### **Persons treated as not being in Great Britain**

- 7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive 2004/38/EC;
  - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
    - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
    - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
  - (ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or
  - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).
- 7.5 A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations<sup>(5)</sup> as a worker or a self-employed person;
  - (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
  - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
  - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
  - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971<sup>3</sup> where that leave is—
    - (i) discretionary leave to enter or remain in the United Kingdom,
    - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
    - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
  - (f) a person who has humanitarian protection granted under those rules;
  - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
  - (h) in receipt of income support or on an income-related employment and support allowance; 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.

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

- 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 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.

#### **Persons subject to immigration control**

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

#### **7A.0 Transitional provision**

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

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

- 8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable
- 8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.
- 8.3 In paragraph 8.2, a ‘period of temporary absence’ means—
- a. a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
    - i. the person resides in that accommodation;
    - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
    - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,where he has entered the accommodation for the purpose of ascertaining whether it suits his

needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
  - i. the person intends to return to the dwelling;
  - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
  - iii. that period is unlikely to exceed 13 weeks; and
- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
  - i. the person intends to return to the dwelling;
  - ii. the part of the dwelling in which he usually resided is not let or sub-let;
  - iii. the person is a person to whom paragraph 8.4 applies; and
  - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
  - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
  - ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is;

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or the Mental Health (Scotland) Act 2015; and
- b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

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

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

8.7 In this section;

- 'medically approved' means certified by a medical practitioner;
- 'patient' means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; 'residential accommodation' means accommodation which is provided;
  - a. in a care home;
  - b. in an independent hospital;
  - c. in an Abbeyfield Home; or
  - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- 'training course' means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

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**Sections 9 - 11**

**The family for Council tax reduction purposes**

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## **9.0 Membership of a family**

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
  - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
  - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
  - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
  - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
  - f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'  
A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
  - b. an income-based jobseeker's allowance or an income-related employment and support allowance; or has an award of Universal Credit; or
  - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) 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 and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

10.4 In accordance with Schedule 1 of this scheme, the number of dependants determined to be within the household shall be limited to two.

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

11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

11.2 A child or young person shall not be treated as a member of the applicant's household where he is;

- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—

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

11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household where;

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

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

**12.0 – 14.0 Not Used**

**Sections 15 – 32 & Schedules 3 & 4**

**Definition and the treatment of income for Council tax reduction purposes**

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**15.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage**

- 15.1 The income and capital of:
- (a) an applicant; and
  - (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

- 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 have an award of universal credit**

- 15A.1 In determining the income of an applicant
- a. who has, or
  - b. who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

- 15A.2 The authority 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) and housing costs;
  - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings);
  - (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);
  - (d) section 16 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
  - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable)

- 15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

- 15A.4 Sections 16 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

**16.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's**

16.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax reduction 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 by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;

17.3 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 29A of this scheme

**21.0 Average weekly income other than earnings**

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

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

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

**22.0 Calculation of average weekly income from tax credits**

22.1 This section applies where an applicant receives a tax credit.

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

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

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- c. a two-weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four-weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

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

**23.0 Calculation of weekly income**

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined—
  - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
  - ii. in any other case, by dividing the amount of the payment by the number equal to

the number of days in the period to which it relates and multiplying the product 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 product 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;

in the maximum rate of child tax credit or working tax credit,

**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 pay or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule

3 to the Social Security (Contributions) Regulations 2001 as amended<sup>4</sup>.

- 25.2 Earnings shall not include—
- a. subject to paragraph 25.3, any payment in kind;
  - b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
  - c. any occupational pension
  - d. any payment in respect of expenses arising out of the applicant's participation in a service user group or 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 l)

## **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, 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—

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<sup>4</sup> Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

- 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 plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

27.3 This paragraph applies to—

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any—
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by

- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
- (b) 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 28.8, 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 deductions 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. deductions 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

- 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

#### **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 30.2 to 30.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.1, 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 2008 or 2013 as appropriate, 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 2002 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 30.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—  
A - (BxC)  
D  
Where  
A = the total amount of the relevant payment which that person would have received had he remained a student until he last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5  
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;  
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;  
D = the number of reduction weeks in the assessment period.
- 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 these 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 1999 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 1999.

### **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 Employment and Training Act 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 person's participation in the Work for Your Benefit Pilot Scheme
  - e. in respect of a previous participation in the Mandatory Work Activity Scheme;
  - f. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
  - g. 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 reduction) 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 in a service user group or an applicant participating as a service user

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**Sections 33 – 42 & Schedule 5**

**Definition and the treatment of capital for Council tax reduction purposes**

DRAFT

**33.0 Capital limit**

33.1 For the purposes of this scheme, the prescribed amount is £6,000 and no reduction 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 reduction 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 subparagraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

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 reduction; and

- b. but for paragraph 39.1, he would have received an additional amount of council tax reduction 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 2006 (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 1996 (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 2008 (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 reduction 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 reduction 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 reduction 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 1996, 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 2008, 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 reduction 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 reduction 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 reduction which resulted in the weekly amount being re-determined, or
    - (iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and
  - b. the applicant would have been entitled to council tax reduction 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 reduction 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 reduction; or
    - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;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, in the absence of evidence to the contrary, 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.

DRAFT

**Sections 43 - 56**

**Definition and the treatment of students for Council tax reduction purposes<sup>5</sup>**

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<sup>5</sup> 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 authority as defined in section 579 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 Islands, 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 reduction

#### **45.0 Students who are excluded from entitlement to council tax reduction**

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council tax reduction 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) **but for the implementation of this scheme** , whose applicable amount would, but for this section, include the disability premium or severe disability premium;
  - (d) **but for the implementation of this scheme**, whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
  - (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
  - (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
  - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
  - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
  - (i) who is;
    - i) aged under 21 and whose course of study is not a course of higher education
    - ii) aged 21 and attained that age during a course of study which is not a course of higher education – this condition needs adding
    - iii) 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 Paragraph 45.3(i)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
  - (i) engaged in caring for another person; or
  - (ii) ill;
- (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
  - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

#### **46.0 Calculation of grant income**

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;

- (e) on account of any other person but only if that person is residing outside of the United Kingdom and ,**but for the implementation of this scheme**, there is no applicable amount in respect of him;
  - (f) intended to meet the cost of books and equipment;
  - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
  - (h) intended for the child care costs of a child dependant.
  - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
  - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
  - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.
- 47.0 Calculation of covenant income where a contribution is assessed**
- 47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

- 47.2 The weekly amount of the student's covenant shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
  - (b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

**48.0 Covenant income where no grant income or no contribution is assessed**

48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with 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 June,

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 reduction**

DRAFT

## **57.0 Maximum council tax reduction**

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

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

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

57.2 In calculating a person's maximum council tax reduction any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

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 reduction) applies, in determining the maximum council tax reduction 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 There shall be no non-dependant deductions.

## **59.0 Extended reductions: movers into the authority's area 6**

59.1 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.

## **60.0 - 63.0 Not Used**

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<sup>6</sup> 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 reduction purposes**

DRAFT

**68.0 Making an application<sup>7</sup>**

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

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

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

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

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

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

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

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

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

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

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<sup>7</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**69.0 Procedure by which a person may apply for a reduction under the authority's scheme<sup>8</sup>**

69.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme. 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. For the purposes of this scheme any Universal Credit claim, a Local Authority Information Document (LAID) or Local Authority Customer Information document (LACI) issued by the Department for Work and Pensions shall be treated as a valid claim

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with sections 101 – 106A of this scheme, or by means of an electronic communication from either the DWP or HMRC; or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

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

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

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

69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

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

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

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

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<sup>8</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(1) Where an applicant requests that the application is backdated to an earlier date, the authority shall determine, at its discretion, the date from which the application shall be deemed to take effect.

**69A.0 Date on which an application is made**

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

(a) in a case where;

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

(ii) the application is made within one calendar 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 is received at the designated office within one calendar month of the date of the change,

the date on which the change takes place;

(c) in a case where;

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

(ii) the applicant makes an application for a reduction under that scheme within one calendar 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 calendar month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

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

69A.2 For the purposes only of sub-paragraph (1)(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 there is a defect in an application by telephone;

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

(b) is not corrected within one calendar month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must

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

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

69A.5 The conditions are that—

(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one calendar 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 calendar 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 calendar 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 calendar month of the request or within such longer period as the authority considers reasonable.

69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;

(a) in the case of an application made by;

(i) a pensioner, or

(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

#### **70.0 Submission of evidence electronically**

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

#### **71.0 Use of telephone provided evidence**

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

**72.0 Information and evidence<sup>9</sup>**

- 72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.
- 72.2 This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by;
    - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
    - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
  - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
    - (i) evidence of the application for a national insurance number to be so allocated; and
    - (ii) the information or evidence enabling it to be so allocated.
- 72.3 Sub-paragraph (2) does not apply;
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
  - (b) to a person who;
    - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
    - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
    - (iii) has not previously been allocated a national insurance number.
- 72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one calendar month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- 72.6 Where the authority makes a request under sub-paragraph (4), it must;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
  - (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 72.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
  - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);

<sup>9</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(c) a payment which is disregarded under paragraph 58.9.

- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
  - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

**73.0 Amendment and withdrawal of application<sup>10</sup>**

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

**74.0 Duty to notify changes of circumstances<sup>11</sup>**

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

<sup>10</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>11</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

given by telephone; or

(c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
  - (b) changes in the age of the applicant or that of any member of his family;
  - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

**Sections 75- 90**

**Decisions, decision notices and awards of Council tax reduction**

DRAFT

**75.0 Decisions by the authority<sup>12</sup>**

75.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.

**76.0 Notification of decision<sup>13</sup>**

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

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

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

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

(a) informing the person affected of the duty imposed by paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;

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

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

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

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

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

76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

76.8 This sub-paragraph applies to—

(a) the applicant;

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

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

(ii) in Scotland, a judicial factor or any guardian acting or appointed under the

Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or

<sup>12</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>13</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

(c) a person appointed by the authority to act for a person unable to act.

**77.0 Time and manner of granting council tax reduction<sup>14</sup>**

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
  - (i) such a reduction is not possible; or
  - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
  - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
  - (i) must be paid to that person if he so requires; or
  - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

**78.0 Persons to whom reduction is to be paid<sup>15</sup>**

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount

<sup>14</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

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 reduction<sup>16</sup>**

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

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

**80.0 Payment on the death of the person entitled<sup>17</sup>**

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

**81.0 Offsetting**

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

**82.0 Payment where there is joint and several liability<sup>18</sup>**

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,

it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

<sup>16</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>17</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>18</sup> Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

82.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

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

**83.0 - 90.0 Not used**

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**Sections 91 – 94**

**Collection, holding and forwarding of information for Council tax reduction purposes**

DRAFT

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

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

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements<sup>19</sup>.

**92.0 Collection of information**

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

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

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 reduction.

**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 reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

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<sup>19</sup> Data Retention and Investigatory Powers Act 2014, Data Retention Regulations 2014 and The Regulation of Investigatory Powers (Acquisition and Disclosure of Communications Data: Code of Practice) Order 2015

**Sections 95 – 98**

**Revisions, Written Statements, Termination of Council tax reduction**

DRAFT

#### **95.0 Persons affected by Decisions**

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

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
  - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
  - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
  - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

#### **96.0 Revisions of Decisions**

96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one calendar 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 calendar 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 reduction. The request must be received within one calendar 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 reduction where it appears to the authority that an issue arises whether;

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

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

- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
- b. a decision as to an award of such a 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

**DRAFT**

**Section 99**

**Appeals against the authority's decisions**

**99.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>20</sup>**

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
  - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing;
    - (i) that the grievance is not well founded, giving reasons for that belief; or
    - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act<sup>21</sup>.

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

<sup>21</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014, The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2015 and The Tribunal Procedure (Amendment) Rules 2015

**Section 100**

**Procedure for applying for a discretionary reduction**

DRAFT

**100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act<sup>22</sup>**

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

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

100.2 Where;

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

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

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**Section 101 – 106A<sup>23</sup>**  
**Electronic Communication**

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

**101.0 Interpretation**

- 101.1 In this Part;  
“**information**” includes an application, a certificate, notice or other evidence; and  
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

**102.0 Conditions for the use of electronic communication**

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme including any or all information received via DWP or HMRC.
- 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.

**DRAFT**

**Section 107  
Counter Fraud and Compliance**

### **107.0 Counter Fraud and compliance**

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

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

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 2020/21 shall be calculated on the basis of the following Banded Discount Scheme:

Band	CTR level	Passported	Single (weekly £)	Couple (weekly £)	Family 1 child (weekly £)	Family 2+ (weekly £)
1	85%	Relevant benefit	£0 - £75	£0 – 120	£0 – £200	£0 – 260
2	65%	N/A	£75.01 - £120	£120.01 - £160	£200.01 – £250	£260.01 - £310
3	45%	N/A	£120.01 - £170	£160.01 - £210	£250.01 - £300	£310.01 - £360
4	25%	N/A	£170.01 - £220	£210.01 - £260	£300.01 - £350	£360.01 - £410

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
  - The Council Tax family as defined within this scheme
  - The income of the applicant 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 1<sup>st</sup> 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, **whichever is the lowest**.
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**

**DRAFT**

**Schedule 3**

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

DRAFT

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 receipt of remunerative work.

DRAFT

**Schedule 4**

**Sums to be disregarded in the calculation of income other than earnings<sup>24</sup>**

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<sup>24</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the applicant and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group or where the applicant is participating 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 or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
  - (a) any payment specified in paragraph 7 or 10;
  - (b) income support;
  - (c) an income-based jobseeker's allowance.
  - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment—
  - (a) by way of an education maintenance allowance made pursuant to;

- (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
    - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
  - (b) corresponding to such an education maintenance allowance, made pursuant to;
    - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
    - (ii) regulations made under section 181 of that Act; or
    - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
  - (a) regulations made under section 518 of the Education Act 1996;
  - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
  - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14**
  - (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
    - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
    - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
    - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
  - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15**
  - (1) Subject to sub-paragraph (2), any of the following payments;
    - (a) a charitable payment;
    - (b) a voluntary payment;
    - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
    - (d) a payment under an annuity purchased;
      - (i) pursuant to any agreement or court order to make payments to the applicant; or
      - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or

- (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
  - (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
  - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.
- 16.** 100% of any of the following, namely
  - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
  - (b) a war widow’s pension or war widower’s pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 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, 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 fund provision
- 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 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 the implementation of this scheme**, an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the 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 reduction 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. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017
65. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
66. Any payments made by the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017 or the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017
67. Any payment of child benefit.
68. Any Carer's Allowance
69. Any support component of Employment and Support Allowance
70. Any payments disregarded for Housing Benefits under the Social Security (*Emergency Funds*) Amendment) *Regulations 2017*
71. An amount of £50 where the applicant, their partner or any dependant who resides with him receives Disability Living Allowance or Personal Independence Payments.

DRAFT

**Schedule 5**  
**Capital to be disregarded<sup>25</sup>**

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<sup>25</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
  - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8.
  - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
  - (2) The assets of any business owned in whole or in part by the applicant where—
    - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
    - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged

or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

- (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
  - (4) 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 reduction, 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 reduction' 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 reduction 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 reduction), the whole of his capital.  
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and  
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;  
(b) which can only be disposed of by order or direction of any such court; or  
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.  
(2) This sub-paragraph applies to a sum of capital which is derived from;  
(a) an award of damages for a personal injury to that person; or  
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from  
(a) award of damages for a personal injury to that person; or  
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items

specified in sub-paragraph (2).

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

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

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
    - (i) regulations made under section 518 of the Education Act 1996;
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
    - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
  - (b) corresponding to such an education maintenance allowance, made pursuant to;
    - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
    - (ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
  - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
  - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

**53A.-53B.** Not used

**54.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

**55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

**56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
  - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
  - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person—
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
  - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 20,whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
  - (b) being a member of a diagnosed person's family;
  - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

- (6) In this paragraph– ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;  
‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;  
‘trust payment’ means a payment under a relevant trust.
- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
  - (b) had suffered property loss or had suffered personal injury; or
  - (c) was a parent of a child who had died,
- during the Second World War.
- 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)
- 64.** Any payments made by the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017 or the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017
- 65.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017

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## Scrutiny Committee – 6 January 2020 Minute 101

### Decisions of the Cabinet

The Chairman informed the Committee that a decision made by the Cabinet at its meeting on 19 December 2019 (with regard to the Tiverton Town Centre Regeneration Project – Tender Outcome) had been called in for consideration by the Scrutiny Committee by Councillors R B Evans, R J Chesterton and B A Moore for the following reasons:

1. The decision that was not unanimously supported by Cabinet fails to understand its significant negative impact when considering the stated council wide ambitions within the current and proposed strategy for regeneration of town centres made within the corporate plan and is contrary to the stated strategic aims of Mid Devon Council as a whole.
2. The decision has been set against a wish to seek views from a number of sections of society, however is clearly driven by the wishes of a small number of Tiverton Town Council planning committee members in particular as stated by individual members of Cabinet on several occasions.
3. Cabinet have failed to acknowledge documented evidence of previous wide ranging consultations that satisfied all consultation requirements.
4. Cabinet have failed to offer a plan that can realistically off set the evident clash of priorities when full-council are asked to consider the future corporate plan at its meeting on 26th February 2020 with no measurable time line set for future decisions against this vital project, yet its delay is contrary to stated aims within the economic strategy of the MDDC plan.
5. Cabinet have failed to recognise the reputational damage that can affect the council given their failure to show a clear economic commitment towards the town, this may possibly also manifest itself in reduced investment from other investors who may see MDDC's Cabinets continued dither and delay as systematic across a range of future investment opportunities.
6. Cabinet have failed to offer a viable alternative except a delay in any works towards the town's regeneration ambitions.
7. Cabinet have failed to consider the financial loss that is already known and continues to grow as each days delay adds to the cost of non-action set against a known budgetary challenge over the coming months and years. These losses should be clearly and openly publicised too aid a decision that is enshrined in openness and transparency to aid informed debate.

The Chairman invited Cllr R Evans who had led the 'call in' to address the Committee. Cllr R Evans explained that he felt that the decision made by the Cabinet

on 19<sup>th</sup> December to postpone the contract award for the Tiverton Town Centre Regeneration project should be reconsidered.

He explained that that project had been fully considered by the previous administration and that it was aligned to the Corporate Plan. He informed the Committee of the previous public consultation, the planning application in which Tiverton Town Council had commented and the full member review which had taken place. He explained that the market entrance project was part of the wider Tiverton Town Centre Masterplan. He explained that the Scrutiny Committee did not have the power to overturn the decision of the Cabinet but that it could ask it to reconsider its decision to postpone the project.

Other Members who had supported the Call In raised concerns that the Cabinet had consulted with only 14 Members of Tiverton Town Council and that the Council could lose £88k by cancelling the project and starting again.

The Monitoring Officer informed the Committee that the decision made by the Cabinet had not breached Article 15 (Principles of Decision-Making) of the Constitution.

The Cabinet Member for Planning and Economic Regeneration explained to the Committee that the key issues for Cabinet in making the decision to postpone the project were fitness of purpose and involvement of the community. He explained that the project would involve the Council borrowing a large sum of money and that the Cabinet wanted to be sure that this was the best scheme to go forward. He explained that the Cabinet would like Tiverton Town Council to become a full partner in any future consultation on the regeneration of Tiverton Town Centre.

Members gave consideration to the following:

- The public consultation which had taken place
- The involvement of Tiverton Town Council
- The reputation of the Council
- The Councils corporate aims

The Committee **RECOMMENDED** to the Cabinet that:

The decision to defer the Tiverton Town Centre Regeneration Project – Tender Outcome be reconsidered.

(Proposed by Cllr R Evans and seconded by Cllr B A Moore)

Note:

- i) Cllr R L Stanley declared a personal interest as the previous Cabinet Member for Housing.
- ii) Cabinet report previously circulated and attached to the minutes

## CABINET 19<sup>TH</sup> DECEMBER 2019

### TIVERTON REGENERATION PROJECT- TENDER OUTCOME

**Cabinet Member(s):** Cllr Simon Clist, Cabinet Member for Housing and Property Services

**Responsible Officer:** Andrew Busby Group Manager Corporate Property & Commercial Assets.

**Reason for Report:** For Cabinet to review the results of the Tiverton Town Regeneration tender.

#### RECOMMENDATION:

1. That the Cabinet postpones the specific scheme that came forward in advance of the forthcoming Tiverton Town Centre Masterplan, and allows the second stage of the process to be properly completed before seeking to prioritise strategic investment opportunities.
2. That the Cabinet Members for Planning & Economic Regeneration and Property Services:
  - a. consider how a Tiverton Town Centre Regeneration Fund might be established to facilitate match-funding opportunities and encourage external investment into the town, with proposals to be brought back to the Cabinet.
  - b. work with Tiverton Town Council, market traders, the Town Centre Partnership and others businesses in the town to identify a programme of works that will make a significant improvement to the Town Centre in the short term.

**Relationship to Corporate Plan:** The regeneration of Tiverton Town Centre supports the Corporate Plan Priority: Economy - Improving and regenerating our town centres.

**Financial Implications:** The procurement and cost of commissioning this regeneration scheme follows a Stage one master planning process that identified this project as a key regeneration project for the heart of Tiverton Town Centre. As this scheme is recommended not to go forward, the scheme cost of circa £87k will become “sunk costs” and will be recharged to the General Fund revenue budget as identified in paragraphs 3.13 and 3.14.

**Legal Implications:** Legal implications which may arise from this redevelopment opportunity include lease renegotiation and party wall notices, as well as the terms of the contract. If external advice is required, this would be an additional financial cost to the project, if required a sum of circa £5k would be met from the project contingency budget.

**Risk Assessment:** This would have been an opportunity to utilise Council assets to support a regeneration of Tiverton Town Centre failure to do so could lead to

deterioration in commercial activity and a less vibrant centre. The risk arising from a historic funding agreement with the South West Regional Development Agency relating to the Market has now been resolved.

**Equality Impact Assessment:** An Equality Impact Assessment has previously been completed and no issues have been identified.

**Impact on Climate Change:** Any contractor would be required to be committed to managing and minimising the environmental impact. The project would be planned in a manner which took account of the environmental impact, seeking to reduce such effects as much as possible.

## 1.0 Introduction

- 1.1 At the meeting on the 8 March 2018 Cabinet approved the draft consultation material to scope out the content of the Tiverton Town Centre Masterplan Supplementary Planning Document (SPD) and resolved that public consultation should take place based on the draft material. Accordingly, a Stage 1 public consultation exercise was undertaken between 30 April and 10 June 2018.
- 1.2 This regeneration project would encourage footfall through to the Pannier Market and Market Walk and then onto Bampton Street to create the circular shopping route that would assist all traders on its path. This would be backed up by additional signage that would be funded partly from s106 monies secured from future Tiverton Town developments.
- 1.3 Officers were asked to explore whether regeneration projects associated with the sites in the Council's control be brought forward. This would align with the emerging masterplan and associated feedback obtained at stage 1 public consultation and could deliver a series of 'quick wins' for town centre regeneration and enhancement by utilising the Council's assets.
- 1.4 Clifton Emery Design was appointed at the beginning of 2018 to undertake an urban design feasibility study to consider how the Pannier Market could play a more positive role in the town. The Market itself is an attractive asset to the town which could contribute to the vibrancy and uniqueness of the town if it was more assessable to the visitor.
- 1.5 This study focused on two key areas which connect the Pannier Market to the wider town that includes the entrance from Fore Street to the Pannier Market area.
- 1.6 The study was presented informally to Members of the Cabinet, including the vision for the Pannier Market. Feedback from this presentation fed into subsequent work which explored deliverables. The study was also presented at an All Member Briefing on the 17 December 2018. Subsequent work explored deliverables from the feasibility work focusing on projects in and around the existing entrance to the Pannier Market off Fore Street. This would form an initial phase of works which could be built upon over time as funding allowed for the regeneration of Tiverton.

- 1.7 It was resolved at the Cabinet meeting dated 7 February 2019 to proceed to tender the regeneration project. This included commissioning detailed design work that included structural and mechanical and electrical work.
- 1.8 This scheme has been presented to the Planning Committee at Tiverton Town Council who did not support the project during the planning application process. Two meetings have taken place with representatives from Cabinet and the Deputy Chief Executive (S151), the first of those meetings took place on 7<sup>th</sup> October 2019 and the second on the 18<sup>th</sup> November 2019.
- 1.9 Feedback from the two meetings made it clear that the Planning Committee from Town Council did not support the scheme in its current format.

## **2.0 Regeneration project details:**

- 2.1 The development site consists of approximately 0.17 hectares situated off 34 Fore Street and adjacent to the Pannier Market.
- 2.2 The site itself consists of a retail premises (34 Fore Street) with a pedestrian walkway running adjacent to this providing access to the Pannier Market from Fore Street as shown on Part 1 Annex A. The existing boundary wall to the walkway that bounds 36-38 Fore Street (Card Factory and Crusty Cob). The rear service yard to 36 Fore Street also forms part of this development along with some parking spaces directly northwards which form part of a larger open area immediately adjacent to the Pannier Market.
- 2.3 The various aspects to the development site have been identified as important drivers to improve the relationship between the pedestrianised retail area of Fore Street and the Pannier Market. This would not only provide an improved access but also visual improvements and additional retail offerings to entice visitors to move between the two areas of town.
- 2.4 Retail properties bound the site to the west, east and south of the site with the Pannier Market located directly north. Residential flats are typically located above these retail premises with town houses flanking both sides of the Pannier Market to the north and the proposed development would therefore fit in with surrounding properties.
- 2.5 The Pannier Market forms an important part of the town centre in terms of its heritage and varied retail offering compared to the more usual high street shops found on Fore Street and Gold Street. However, to the passing visitor, the Pannier Market may well be elusive aside from a restricted passageway with subtle signage adjacent to 34 Fore Street. Providing an improved gateway to the market from Fore Street is important to create an enhanced connection.

## **3.0 Financial analysis**

- 3.1 Property Services instructed an independent cost consultant to obtain the potential cost of this regeneration project that was circa £1.2 million.

- 3.2 Property services have been working with Employer's Agents Faithful and Gould and internal Procurement to undertake a full tender process. The results of that tender are attached to this report as Part 2 Annex 1.
- 3.3 To borrow 1.5 million over a 25 year period at a rate of 3.08%, the repayments would be circa £84k per annum. This would either be borrowed from the Public Works Loan Board or another suitable source which would be confirmed by the Group Manager for Finance.
- 3.4 This regeneration scheme would also result in an income for the authority from three two bed duplex apartments and three retail units on the ground floor for start-up businesses. The Group Manager for Corporate Property and Commercial Assets obtained potential rental values from a local estate agent for the apartments and the retail units. The anticipated income for the scheme is circa £40-£45k per annum.
- 3.5 The property at number 34 Fore Street has been vacated and is therefore available to progress works. The Group Manager for Corporate Property and Commercial Assets liaised with the previous tenant who has relocated their business to Gold Street. The loss of rent on this property is £20k per annum.
- 3.6 This regeneration project included the ground floor demolition of number 34 Fore Street which currently has an asset book value of £160k (excluding the land and the flat above) which would be effectively written off once the demolition works commence.
- 3.7 Flat 34a directly above 34 Fore Street is still vacant in preparation for the project. It is forecast that this flat could be re-let for £550 per month.
- 3.8 The flat directly above number 32 Fore Street (Johnsons Cleaners) has recently come back to the authority to manage; this follows the surrender on the lease from Johnson Cleaners. The Council has not let this flat until after a decision is made. It is forecast that this flat could be let for £550 per month.
- 3.9 It is the intention that the existing/newly constructed flats would be retained by the Council for encouraging those who rent a commercial asset, can also rent accommodation. This would be achieved by granting a Letting Agent a head lease to ensure that the Landlord and Tenant conditions are not met, this would ensure that no secure tenancy is created.
- 3.10 Project management to date has been supported by Employer's Agents Faithful & Gould who has ensured that the tender exercise captures all associated work and that contractual arrangements are in place upon contract award to protect the Council's interests.
- 3.11 The Part 2 financial analysis of the project details any associated losses and includes potential values resulting from lease renegotiations to enable the project to be delivered.

- 3.12 This project was required to unlock a regeneration objective that the Council has been looking to facilitate for a number of years. Additional revenue streams are business rates, Council tax charges and potentially new homes bonus.
- 3.13 The expenditure on enabling a detailed tender exercise that was necessary to protect the Council liability ahead of entering a £1.5 million project, including design appraisal work is £87,471. This figure excludes rental losses on two flats and a shop unit as well as officer time.
- 3.14 The expenditure for this project to date has been coded to the Council's Capital budget. In the event that this project does not proceed the costs would need to be transferred to the Council's Revenue budget that has not been budgeted for in the 2019/20 financial year.

#### **4.0 Project proposals**

- 4.1 This regeneration project had consisted of the following aspects:
- Demolition of the ground floor retail shop at 34 Fore Street to create a widened pedestrian access to the Pannier Market.
  - Display windows to the blank wall of 36-38 Fore Street. (These would now not be completely knocked through to the retail space)
  - New cladding, canopy and signage to 34 Fore Street.
  - Part demolition of the rear boundary wall to 36-38 Fore Street to create a new mixed use building comprising three ground floor retail units and three two bedroom apartments above.
  - Quality footpath paving for the entrance from Fore Street and through the alleyway would also be important to enhance the scheme.
  - Upgrade of the surrounding street furniture.
- 4.2 The layout and design of the proposal demonstrated that the site could accommodate the amount of retail and residential development proposed as well as provide ancillary accommodation such as bin and cycle storage. It also reflected adjacent building uses which also consisted of ground floor retail with residential apartments above, evident along Fore Street and beyond.
- 4.3 The layout of the proposal would build on the existing pedestrian access adjacent to 34 Fore Street. The widening of this entrance would improve pedestrian access and visibility of the Pannier Market from Fore Street, making it a more welcoming approach.
- 4.4 Whilst the entrance from Fore Street was proposed to be widened, this would remain pedestrian only with vehicular access being provided via the Pannier Market as present. This would serve the new proposed building at the rear of 36-38 Fore Street as well as existing shops and the Half Moon public house.
- 4.5 Scale and massing had been considered from the outset to ensure that this development proposal did not dominate the character of the Pannier Market, utilising building forms that reflect the character of the surrounding buildings.

4.6 The Group Manager for Corporate Property and Commercial Assets has been liaising with the owner of the land to the rear of 40-42 Fore Street and if the Council purchase the land it could be used for providing car parking or garden space for the proposed apartments.

## 5.0 The Procurement Process

5.1 The tender was released through the e-tendering portal 'Supplying the South West' on 3 July 2019. The tender submissions were received on 21 August 2019 from a total of four suppliers. The tender was out for 50 days to ensure that contractors had enough time to price accurately, the minimum is 31 days.

## 6.0 Summary of Tender Valuation

### 6.1 Evaluation Criteria and Weightings

- The tender submissions have been evaluated on the most economically advantageous tender. The evaluation criteria contained a mix of quality and commercial questions to which a percentage weighting was assigned.
- The evaluation criteria and weightings used for this procurement process are 60% on ten quality questions and 40% on price.

6.2 The scoring methodology used to evaluate the quality and commercial criteria is shown below.

Score 0	No response	No response	
Score 1	Extremely Weak	Very poor proposal/ response; does not cover the associated requirements, major deficiencies in thinking or detail, significant detail missing, unrealistic or impossible to implement and manage	<b>Weak</b>
Score 2	Very Weak	Poor proposals/ response; only partially covers the requirements, deficiencies in thinking or detail apparent, difficult to implement and manage	
Score 3	Weak	Mediocre proposal/ response, moderate coverage of the requirements, minor deficiencies in either thinking or detail, problematic to implement and manage	
Score 4	Fair- Below Average	Proposal/ response partially satisfies the requirements, with small deficiencies apparent, needs some work to fully understand it	<b>Fair - Good</b>
Score 5	Fair – Average	Satisfactory proposal/ response, would work to deliver all of the Authority's requirements to the minimum level	
Score 6	Fair – Above Average	Satisfactory proposal/ response, would work to deliver all of the Authority's requirements to the minimum level with some evidence of where the Applicant could exceed the minimum requirements	

Score 7	Good	Good proposal/ responses that convinces the Authority of its suitability, response slightly exceeds the minimum requirements with a reasonable level of detail	
Score 8	Strong	Robust proposal/ response, exceeds minimum requirements, including a level of detail or evidence of original thinking which adds value to the bid and provides a great deal of detail	<b>Strong – Excellent</b>
Score 9	Very Strong	Proposal/ response well in excess of expectations, with a comprehensive level of detail given including a full description of techniques and measurements employed	
Score 10	Outstanding/ Excellent	Fully thought through proposal/ response, which is innovative and provides the reader with confidence of the suitability of the approach to be adopted due to the complete level of detail provided	<b>Strong - Excellent</b>

6.3 A summary of the tender submissions has been set out in Part 2 of this report as Part 2 Annex 2.

## 7.0 Evaluation process

7.1 Tender evaluation was conducted independently by Faithful and Gould and supervised by internal Procurement. The tender was released from “Supplying the South West” electronically by Internal Audit, that was done for transparency reasons.

7.2 The scoring methodology used in the report and associated ranking – further details will be shown in Part 2 Annex 2.

### NAME: Supplier A

Deliverables	Weighting	Weighted Score
Total Price	40%	30.8%
Total Quality	60%	36%
<b>Grand Total</b>	<b>100%</b>	<b>66.8%</b>
<b>Rank</b>		<b>3</b>

**NAME: Supplier B**

<b>Deliverables</b>	<b>Weighting</b>	<b>Weighted Score</b>
<b>Total Price</b>	<b>40%</b>	<b>25.60%</b>
<b>Total Quality</b>	<b>60%</b>	<b>40%</b>
<b>Grand Total</b>	<b>100%</b>	<b>65.6%</b>
<b>Rank</b>		<b>4</b>

**NAME: Supplier C**

<b>Deliverables</b>	<b>Weighting</b>	<b>Weighted Score</b>
<b>Total Price</b>	<b>40%</b>	<b>34.33%</b>
<b>Total Quality</b>	<b>60%</b>	<b>49%</b>
<b>Grand Total</b>	<b>100%</b>	<b>83.33%</b>
<b>Rank</b>		<b>2</b>

**NAME: Supplier D**

<b>Deliverables</b>	<b>Weighting</b>	<b>Weighted Score</b>
<b>Total Price</b>	<b>40%</b>	<b>40%</b>
<b>Total Quality</b>	<b>60%</b>	<b>44%</b>
<b>Grand Total</b>	<b>100%</b>	<b>84%</b>
<b>Rank</b>		<b>1</b>

**8.0 Budget**

8.1 The budget available to fund this project within the current 2019/20 financial year was £1.2 Million. The remaining budget to complete this project would be vired from the Capital for the districts wide redevelopment project. Please refer to para 3.14 regarding the financial impact of not proceeding with the project.

## 9.0 Quality Control

- 9.1 The contract would have been let by a JCT Design & Build 2016 Contract with Amendments. The terms of the contract would be managed by the Employer's Agent and the Client (Property Services).

## 10.0 Conclusion

- 10.1 This regeneration scheme resulting in the proposed widened entrance to 34 Fore Street would provide improved physical and visual access to the Pannier Market. This would be reinforced by incorporating cladding panels above the entrance as well as an entrance canopy and signage to act as a visual gateway to the Market. This is a well adopted approach used by shopping arcades and centres to attract additional visitors to the Town. The use of cladding would add warmth to the new proposed entrance, compliment neighbouring brick buildings and reflect the metal structure of the Pannier Market itself, however it is clear that the feedback from the Planning Committee at Tiverton Town Council did not support this view.
- 10.2 The mixed use building to the rear of 36-38 Fore Street was intended to appear contemporary in details but be constructed of traditional materials such as facing brick facades which would sit on a glazed ground floor to reflect its use for retail units. These retail units would be used to assist with businesses who are looking to grow (incubator space) for example where a trader requires more space than the stalls at the Pannier Market can offer but where the trader is not quite established enough to take on the financial burden of a shop within the town. The size of the retail units would offer this opportunity and would be designed to be flexible so as to attract a wide range of local businesses.
- 10.3 Considering all the items within this report, it is recommended that the Cabinet should.
- Postpone the specific scheme that came forward in advance of the forthcoming Tiverton Town Centre Masterplan, and allows the second stage of the process to be properly completed before seeking to prioritise strategic investment opportunities.
  - Work with Tiverton Town Council, market traders, the Town Centre Partnership and others businesses in the town to identify a programme of works that would make a significant improvement to the Town Centre in the short term.

**Contact for more Information:** Andrew Busby Group Manager Corporate Property & Commercial Assets. [abusby@middevon.gov.uk](mailto:abusby@middevon.gov.uk) / 01884 234948.

**Circulation of the Report:** Cabinet, Leadership Team and Group Managers.

**List of Background Papers:** Cabinet Report 7<sup>th</sup> February 2019.

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## CABINET

16<sup>th</sup> January 2020

### Tax Base Calculation 2020/21

**Cabinet Member:**

**Cllr Alex White**

**Responsible Officer:**

**Group Manager Revenues and Benefits**

**Reason for Report:** This paper details the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations made follow a formula laid down in Regulations.

#### RECOMMENDATIONS:

1. That the calculation of the Council's Tax Base for 2020/21 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **29,040.56** an increase of circa 233 Band D equivalent properties from the previous financial year.
2. That the current Council Tax Rebate scheme is replaced by a banded system paragraph 4.
3. That a new empty property premium be amended to include further classes of premium detailed in paragraph 3.7.

#### Relationship to Corporate Plan:

1. This report sets out how the Tax Base is calculated for 2020/21. This calculation is then used as a basis to set the Council's budget for the forthcoming year.
2. This report is in line with the Council's Corporate Plan objectives.

**Financial Implications:** Mid Devon District Council is a Statutory Billing Authority and must set its Council tax each year. If it were not to set a Council Tax then the Authority and all precepting authorities would be unable to raise money to pay for all the services they provide.

**Legal Implications:** This is a statutory function and is a legal requirement. The Council must now set its budget annually using Council Tax information as at 30<sup>th</sup> November each year in accordance with The Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012 calculating the relevant amount by applying the formula set out in the above regulations.

**Risk Assessment:** If the Council fails to carry this duty out then the Council Tax cannot legally be set. In accordance with the LGF Act 2012 above and SI 2914 of 2012 The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012, The Council Tax Base calculation includes a deduction for the CTR scheme within its Tax Base calculation.

#### 1.0 Introduction

- 1.1 Every year each billing authority is required to calculate and approve its Band D Equivalent Council Tax base. For 2020/21 this technical calculation is as follows:

## 2.0 **The Collection Rate calculation (A)**

- 2.1 It is necessary to estimate a 'collection rate', which is the proportion of Council Tax due that will actually be paid. It is recommended that a collection rate of 98.0% be estimated for the year 2020/21, which is consistent with previous years.
- 2.2 Any variation from the collection rate of 98% is pooled in a collection fund, which is distributed in the next financial year to all precepting authorities.

## 3.0 **Calculation of the relevant amount (B)**

### *Number of Properties per Valuation Band*

- 3.1 The starting point will be the total number of properties within Mid Devon set out in the Valuation List.

### ***Less Exemptions***

- 3.2 Properties are exempt from Council Tax under certain circumstances. The calculated tax base uses the information currently held in deciding the level of exempt properties that are likely to apply for 2020/21.

### ***Add Appeals, new properties and deletions from the Valuation List***

- 3.3 The Valuation Officer has dealt with the vast majority of Council Tax appeals to date and so no further allowance is believed to be necessary at this time. At the **7th October 2019** we have estimated a net increase in properties within Mid Devon of **54** properties to go live on or before 1<sup>st</sup> April 2020 and a further **151** properties during the financial year, totalling **(205)**. This estimate is based on the current number of reports outstanding with the Valuation Officer.

### ***Disabled Allowance (move down a Band)***

- 3.4 Where a disabled resident has made structural alterations to their property to help with their disability or they use a wheelchair internally at the premises, the property is entitled to a reduction and is afforded by moving the property to the next lowest band. Existing Band A properties are also entitled to a reduction by reducing the 6/9ths charge down to 5/9ths Charge.

### ***Less 25% Discounts***

#### *Single Persons Discounts*

- 3.5 If only one person lives in the dwelling as their main residence then a discount of 25% is allowed.

### ***Less 50% discount***

- 3.6 A discount of 50% is allowed where two or more persons who can be disregarded for Council Tax purposes occupy the property, e.g. care workers.

## **Second homes now pay full Council tax.**

### ***Long Term Empties***

- 3.7 After a three month free period no further discount is allowed.

***With effect from the 1<sup>st</sup> April 2019 100% premium after 2 years***

***With effect from the 1<sup>st</sup> April 2020 200% premium after 5 years***

***With effect from the 1<sup>st</sup> April 2021 300% premium after 10 years***

- 3.7.1 Currently if a property remains empty of furniture and residents for two years or more, the Council will apply an additional 100% premium to the Council tax charge, so the Charge payer will have to pay 200% of the Council Tax charge in that area. With effect from the 1<sup>st</sup> April 2020 a premium of 200% can be levied so the Charge payer will have to pay 300% of the Council Tax in that area after a period of five years and with effect from the 1<sup>st</sup> April 2021 a premium of 300% can be levied so the Charge payer will have to pay 400% of the Council Tax in that area. The Regulations detailing the additional premium are **Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018**.

- 3.7.2 For clarity you will see in table **Calculation of the Relevant Amount** this will affect 115 properties.

## **4.0 Estimated cost of the Council Tax Reduction Scheme (CTR)**

- 4.1 Before we convert the properties to Net Band D equivalents we must reduce the total properties by the estimated cost of the CTR Scheme amount.
- 4.2 The criteria for the CTR scheme is that everyone should pay something (with the exception of those protected by legislation namely pensioners in receipt of guaranteed pension credit).
- 4.3 All working age claimants are required to pay a contribution towards their Council Tax.
- 4.4 Support is restricted to 85% i.e. the claimant will be required to pay 15% of their Council Tax.
- 4.5 Support is limited to Band D charges so claimants in a higher banded property will receive CTR up to 85% of a band D and be required to pay the balance of additional banding in full.
- 4.6 Savings limited to £6,000.
- 4.7 Changes were made to the CTRS in April 2017 to align it with Universal Credit, it is proposed that the current scheme is changed to a banded assessment from April 2020
- 4.8 For your information Mid Devon's CTR scheme for 2020/21, is estimated to cost in the region of **£4.096m**, based on the new schemes criteria.

4.9 CTR has been included within the tax base calculation and applied to each band and parish individually then a band D equivalent calculation has been used to arrive at a final figure.

4.10 The cost of the CTR scheme must be reflected in the Tax Base calculation so the following calculation is carried out for each valuation band to arrive at the net chargeable Dwellings:

#### Calculation of the Relevant Amount

	2019/20	2020/21
Number of properties per valuation list	36,181.00	36,621.00
Exemptions	-467.00	-521.00
Single occupiers and 25% disregards	-2,843.80	-2816.00
50% discount	-31.50	-30.00
100% exempt 3 months only	-59.50	-58.00
Additional LTE at 200%	+101.00	+115.00
Additional net new properties	+370.00	+205.00
Class D 50% loss	-14.50	-27.00
Annexes (new)	-11.00	-25.00
Chargeable dwellings before conversion to Band D equivalent	33,224.70	33,464.00

#### Conversion to Band D equivalents

4.11 The net chargeable dwellings are then converted to Band D equivalents. This is carried out by multiplying the Net chargeable dwellings by the appropriate factor (A=6, B=7, C=8, D=9, E=11, F=13, G=15, H=18) for the band and dividing by that for Band D (9). The Table below details the Net Chargeable Dwellings converted to Band D equivalents.

4.12 The calculation shows the estimated annual cost of the CTR scheme, shown as the number of Band D equivalents. For the 2020/21 year this is estimated as 2,151.89 Band D equivalent properties.

4.13 The Tax Base is finally calculated by applying the collection rate to the total Band D equivalents when summarised below for the 2020/21 financial year.

Band D equivalent properties	CTR properties	Revised properties
@ 8.51	-3.86	4.65
A 3,548.45	-847.57	2,700.88
B 6,375.98	-682.34	5,693.64
C 5,675.96	-331.01	5,344.95
D 5,930.00	-174.14	5,755.86
E 5,367.70	-77.49	5,290.21
F 3,293.69	-26.25	3,267.44
G 1,483.31	-8.29	1,475.02
H 101.50	-0.94	100.56

<b>31,785.10</b>	<b>-2,151.89</b>	<b>29,633.21</b>
------------------	------------------	------------------

- 4.14 To clarify the table detailing the **Calculation of the Relevant Amount** is based on actual properties and the final calculation above is based on a Band D equivalent of actual properties.
- 4.15 Therefore, based on the above detailed calculations in accordance with SI 2914 of 2012 the Tax Base is to be calculated as: Total relevant amounts (A) **29,633.21** multiplied by the estimated collection rate (B) (98%)
- 4.16 Mid Devon District Council's Council Tax Base for 2020/21 will be **£29,040.56**.

Contact for more information: Fiona Wilkinson 01884 234329 / [fwilkinson@middevon.gov.uk](mailto:fwilkinson@middevon.gov.uk)

Background Papers: CTB1 and supporting documentation

File Reference: FW/G/CTB1

Circulation of Report: Cabinet Member for Finance, Leadership Team

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Calculation of Council Tax Base

Please e-mail to : [ctb.state@communities.gov.uk](mailto:ctb.state@communities.gov.uk)  
Please enter your details after checking that you have selected the correct local authority name

Please select your local authority's name from this list

- Mid Devon
- Mid Suffolk
- Mid Sussex
- Middleborough
- Midon Keynes
- Mole Valley

Check that this is your authority :

E-code :

Local authority contact name :

Local authority contact telephone number :

Local authority contact e-mail address :

CTB(October 2019) form for **Mid Devon**

Completed forms should be received by MHCLG by Friday 11 October 2019

Dwellings shown on the Valuation List for the authority on Monday 9 September 2019	Band A entitled to disabled relief reduction COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
<b>Part 1</b>										
1. Total number of dwellings on the Valuation List		6,284	9,069	6,884	6,351	4,625	2,400	951	57	36,621.0
2. Number of dwellings on valuation list exempt on 7 October 2019 (Class B & D to W exemptions)		195	100	70	82	39	20	15	0	521.0
3. Number of demolished dwellings and dwellings outside area of authority on 7 October 2019 (please see notes)		0	0	0	0	0	0	0	0	0.0
4. Number of chargeable dwellings on 7 October 2019 (treating demolished dwellings etc as exempt) (lines 1-2-3)		6,089	8,969	6,814	6,269	4,586	2,380	936	57	36,100.0
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 7 October 2019		18	29	38	46	42	30	16	4	223.0
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	18	29	38	46	42	30	16	4		223.0
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	18	6,100	8,978	6,822	6,265	4,574	2,366	924	53	36,100.0
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 7 October 2019	8	3,212	3,170	1,866	1,422	794	295	107	2	10,876.0
9. Number of dwellings in line 7 entitled to a 25% discount on 7 October 2019 due to all but one resident being disregarded for council tax purposes	1	52	89	68	69	46	15	11	1	352.0
10. Number of dwellings in line 7 entitled to a 50% discount on 7 October 2019 due to all residents being disregarded for council tax purposes	0	4	8	6	6	11	15	6	3	59.0
11. Number of dwellings in line 7 classed as second homes on 7 October 2019 (b/fwd from Flex Empty tab)		33	48	41	32	31	28	15	4	232.0
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 7 October 2019 (b/fwd from Flex Empty tab)		156	82	76	64	29	20	13	1	441.0
13. Number of dwellings in line 7 classed as empty and receiving a discount on 7 October 2019 and not shown in line 12 (b/fwd from Flex Empty tab)		132	100	68	41	16	8	3	0	368.0
14. Number of dwellings in line 7 classed as empty and being charged the Empty Homes Premium on 7 October 2019 (b/fwd from Flex Empty tab)		48	26	16	17	12	2	1	0	122.0
15. Total number of dwellings in line 7 classed as empty on 7 October 2019 (lines 12, 13 & 14)		336	208	160	122	57	30	17	1	931.0
16. Number of dwellings that are classed as empty on 7 October 2019 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		51	23	20	29	13	10	4	0	150.0
16a. The number of dwellings included in line 16 above which are empty on 7 October 2019 because of the flooding that occurred between 1 December 2013 and 31 March 2014 and are only empty because of the flooding		0	0	0	0	0	0	0	0	0.0
16b. The number of dwellings included in line 16 above which are empty on 7 October 2019 because of the flooding that occurred between 1 December 2015 and 31 March 2016 and are only empty because of the flooding		0	0	0	0	0	0	0	0	0.0
17. Number of dwellings that are classed as empty on 7 October 2019 and have been for more than 6 months and fall to be treated under empty homes discount class D (formerly Class A exemptions). NB These properties should have already been included in line 15 above. Do NOT include any dwellings included in line 16a and 16b above.		8	5	6	5	2	1	0	0	27.0
18 Line 15 - line 16a - line 16b - line 17 This is the equivalent of line 18 on this CTB(October 2018) and will be used in the calculation of the New Homes Bonus.		43	18	14	24	11	9	4	0	123.0
19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annexe discount	9	2,652	5,585	4,797	4,708	3,695	2,030	796	47	24,319.0
20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	9	3,448	3,393	2,025	1,557	879	336	128	6	11,781.0
21. Reduction in taxbase as a result of the Family Annexe discount (b/fwd from Family Annexe tab)	0.5	10.0	0.5	0.5	0.5	0.0	0.0	0.5	0.0	12.5

## CTB(October 2019)

**Calculation of Council Tax Base**Please e-mail to : [ctb.stats@communities.gov.uk](mailto:ctb.stats@communities.gov.uk)

Please enter your details after checking that you have selected the correct local authority name

Ver. 1.0

22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	15.3	5,195.5	8,091.8	6,290.5	5,870.8	4,357.0	2,276.0	889.5	50.8	33,037.0
23. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
24. Total number of band D equivalents (to 1 decimal place) (line 22 x line 23)	8.5	3,463.7	6,293.6	5,591.6	5,870.8	5,325.2	3,287.6	1,482.5	101.5	31,425.0
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2019-20 (to 1 decimal place)										0.0
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										31,425.0

CTB(October 2019)

Calculation of Council Tax Base

Please e-mail to : [ctb.state@communities.gov.uk](mailto:ctb.state@communities.gov.uk)  
Please enter your details after checking that you have selected the correct local authority name

Ver. 1.0

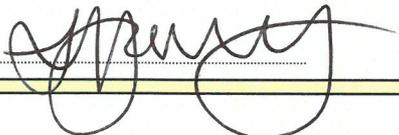
Part 2

27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	15.25	5,195.50	8,091.75	6,290.50	5,670.75	4,357.00	2,276.00	889.50	50.75	33,037.0
28 Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	6.94	1,271.36	877.29	372.39	174.14	63.40	18.17	4.98	0.47	2,789.1
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	8.3	3,924.1	7,214.5	5,918.1	5,696.6	4,293.6	2,257.8	884.5	50.3	30,247.9
30. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
31. Total number of band D equivalents after allowance for council tax support (to 1 decimal place) (line 29 x line 30)	4.6	2,616.1	5,611.2	5,260.5	5,696.6	5,247.7	3,261.3	1,474.2	100.6	29,272.8
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2019-20 (to 1 decimal place)(line 25)										0.0
33. Tax base after allowance for council tax support (to 1 decimal place) (line 31 col 10 + line 32)										29,272.8

Certificate of Chief Financial Officer

I certify that the information provided on this form is based on the dwellings shown in the Valuation List for my authority on 9 September 2019 and that it accurately reflects information available to me about exemptions, demolished dwellings, disabled relief, discounts and premiums applicable on 7 October 2019 and, where appropriate, has been completed in a manner consistent with the form for 2018.

Chief Financial Officer : .....



Date : .....

14/10/19



**CTB(Supplementary)(October 2019) form**

Please e-mail to : [ctb.stats@communities.gov.uk](mailto:ctb.stats@communities.gov.uk)

Ver 1.0

Check that this is your authority :   
 Local authority contact name :   
 Local authority contact telephone number :   
 Local authority contact e-mail address :

Please read the Notes for completion of the CTB(Supplementary)(October 2019) form before completing this form

Please note that Parts 1, 2 & 3 ask for information on the number of dwellings on the valuation list as at 9 September 2019 that were subject to discounts and exemptions at 7 October 2019.

Part 2 asks for information relating to the power in section 13A of the Local Government Finance Act 1992, as inserted by section 76 of the Local Government Act 2003, enabling local authorities to reduce the amount of council tax payable, in individual cases or classes of case.

Part 3 asks for information on the number of Class M & N exemptions as at 31 May 2019 and 7 October 2019.

**PART 1 - NUMBER OF DWELLINGS ON THE VALUATION LIST ON 9 September 2019 THAT WERE IN EXEMPT CLASSES B & D TO W ON 7 October 2019**

Line 2 of CTB(October 2019) asks for the number of dwellings on the valuation list that were exempt on 7 October 2019. Please provide a split of these figures between each of the exempt classes B & D to W in the table below.

NB The total figure below should be equal to the total figure in line 2 of the CTB(October 2019).

**EXEMPT CLASS**

B	Unoccupied dwellings owned by a charity (up to six months).	<input type="text" value="2"/>
D	A dwelling left unoccupied by people who are detained e.g. in prison.	<input type="text" value="2"/>
E	An unoccupied dwelling which was previously the sole or main residence of a person who has moved into a hospital or care home.	<input type="text" value="64"/>
F	Dwellings left empty by deceased persons.	<input type="text" value="160"/>
G	An unoccupied dwelling where the occupation is prohibited by law.	<input type="text" value="19"/>
H	Unoccupied clergy dwellings.	<input type="text" value="0"/>
I	An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and has moved to receive personal care.	<input type="text" value="7"/>
J	An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and has moved to provide personal care to another person.	<input type="text" value="0"/>
K	An unoccupied dwelling where the owner is a student who last lived in the dwelling as their main home.	<input type="text" value="0"/>
L	An unoccupied dwelling which has been taken into possession by a mortgage lender.	<input type="text" value="2"/>
M	A hall of residence provided predominantly for the accommodation of students.	<input type="text" value="4"/>
N	A dwelling which is occupied only by students, the foreign spouses of students, or school and college leavers.	<input type="text" value="25"/>
O	Armed forces' accommodation. (Included as exempt dwellings rather than chargeable dwellings because contributions in lieu will be paid in respect of them, allowed for in line 20 of the CTB form).	<input type="text" value="0"/>
P	A dwelling where at least one person who would otherwise be liable has a relevant association with a Visiting Force.	<input type="text" value="0"/>
Q	An unoccupied dwelling where the person who would otherwise be liable is a trustee in bankruptcy.	<input type="text" value="1"/>
R	Empty caravan pitches and boat moorings.	<input type="text" value="10"/>
S	A dwelling occupied only by a person, or persons, aged under 18.	<input type="text" value="8"/>
T	A dwelling which forms part of a single property which includes another dwelling and may not be let separately from that dwelling, without a breach of planning control.	<input type="text" value="55"/>
U	A dwelling occupied only by a person, or persons, who is or are severely mentally impaired who would otherwise be liable to pay the council tax or only by a one or more severely mentally impaired persons and one or more students, students' foreign spouses and school and college leavers.	<input type="text" value="112"/>
V	A dwelling in which at least one person who would otherwise be liable is a diplomat.	<input type="text" value="0"/>
W	A dwelling which forms part of a single property including at least one other dwelling and which is the sole or main residence of a dependent relative of a person who is resident in the other dwelling.	<input type="text" value="50"/>

**TOTAL** NB The total figure should be equal to the total figure in line 2 of the CTB(October 2019) form

**PART 2 INFORMATION IN RESPECT OF SECTION 13A OF THE LOCAL GOVERNMENT FINANCE ACT 1992 TO REDUCE THE AMOUNT OF COUNCIL TAX PAYABLE, IN INDIVIDUAL CASES OR CLASSES OF CASE**

Section 13A of the Local Government Finance Act 1992 enables local authorities to reduce the amount of council tax payable in individual cases or classes of case (ie effectively to grant local council tax discount and exemptions).

Any decisions taken by local authorities to reduce the amount of council tax payable or as to any classes of case in which the amount payable will be reduced, made by 7 October 2019, in respect of the financial year 2019-20, should be recorded below.

1 Has your local authority used this power to reduce the council tax payable between 1 April and 7 October 2019?

No

2 Does your authority plan to use this power between the 8 October 2019 and 31 March 2020?

No

*If yes, please provide details (eg as to the circumstances in which your authority has reduced, or will reduce, the amount payable, any classes of case in respect of which a reduction has been, or will be granted and the reduction which you granted). Highlight especially any instances of discounts awarded because of flooding.*

**Part 3 - NUMBER OF STUDENT EXEMPTIONS**

1) Combined total of class M and class N exemptions (a) as at 31 May 2019 in respect of dwellings on the valuation list on 31 May 2019.

Class M		Class N		Total M+N	
Band A	0	8	8		
Band B	0	2	2		
Band C	0	5	5		
Band D	0	2	2		
Band E	0	2	2		
Band F	1	0	1		
Band G	3	2	5		
Band H	0	0	0		
Total	4	21	25		

2) Estimated number of class M and class N exemptions as 7 October 2019 in respect of dwellings on the valuation list on 9 September 2019.

Class M		Class N		Total M+N	
Band A	0	10	10		
Band B	0	3	3		
Band C	0	6	6		
Band D	0	2	2		
Band E	0	2	2		
Band F	1	0	1		
Band G	3	2	5		
Band H	0	0	0		
Total	4	25	29 <sup>(b)</sup>		

(a) A class M exemption relates to a hall of residence provided predominantly for the accommodation of students, and a class N exemption relates to a dwelling which is occupied only by students, the foreign spouses of students, or school and college leavers.

(b) The figure entered in the total cell should equal the sum of the amounts entered for class M and class N exemptions in Table 1 of the CTB(Supplementary)(October 2019) form.

Comments, if any :

Council Tax Support : Mid Devon

PLEASE ENTER DATA IN PART A.

**PART A**

Please enter by band and category, the amount of council tax expected to be foregone in 2019-20 as a result of dwellings receiving council tax support. The figure to be shown in £. If it is not possible to split the amount foregone by category and band, please get in contact with us. For example if a band D property would normally pay £1,500 per annum but as a result of discounts and council tax support only pay £300 then you should enter £1,200 in column 5.

Amount ( £ ) of council tax forgone	Band A entitled to disabled relief reduction Column 1	Band A Column 2	Band B Column 3	Band C Column 4	Band D Column 5	Band E Column 6	Band F Column 7	Band G Column 8	Band H Column 9	Total Column 10
Pensioners	6,004	849,943	711,024	367,471	250,862	125,707	40,899	11,853	1,822	2,365,585
Working age people	1,503	800,197	617,421	276,973	88,174	25,159	10,199	4,293	0	1,823,919
<b>Total council tax foregone for Council Tax Support</b>	<b>7,507</b>	<b>1,650,140</b>	<b>1,328,445</b>	<b>644,444</b>	<b>339,036</b>	<b>150,866</b>	<b>51,098</b>	<b>16,146</b>	<b>1,822</b>	<b>4,189,504</b>

Ratio council tax band to Band D

Average Band D council tax for area (inc Parish precepts) (£) is shown below

**Average Band D (inc parish precept) £ 1,946.90**

Figures below are calculated in dwelling equivalents

Reduction in council tax base due to council tax support - pensioners	5.6	654.8	469.6	212.3	128.9	52.8	14.5	3.7	0.5	1,542.63
Reduction in council tax base due to council tax support - working age people	1.4	616.5	407.7	160.0	45.3	10.6	3.6	1.3	0.0	1,246.50
<b>Total reduction in tax base due to Council Tax Support (to 2 dp)</b>	<b>6.94</b>	<b>1,271.36</b>	<b>877.29</b>	<b>372.39</b>	<b>174.14</b>	<b>63.40</b>	<b>18.17</b>	<b>4.98</b>	<b>0.47</b>	<b>2,789.14</b>

The figures in the bottom line are transferred to line 28 of part 2 of the main CTB(October 2019) form



**Family Annexe discount : Mid Devon**

Please enter, by band, a) the amount the council tax base will be reduced by in 2019-20 as a result of dwellings receiving the Family Annexe discount and b) the number dwellings in receipt of the Family Annexe discount as at 7 October 2019.

As at 7 October 2019									
Band A entitled to disabled relief reduction Column 1	Band A Column 2	Band B Column 3	Band C Column 4	Band D Column 5	Band E Column 6	Band F Column 7	Band G Column 8	Band H Column 9	Total Column 10
A. Reduction in taxbase as a result of the Family Annexe discount (show to 1dp)	0.5	10.0	0.5	0.5	0.0	0.0	0.5	0.0	12.5

B. Actual number of properties subject to the Family Annexe discount	1	20	1	1	0	0	1	0	25
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The figures in Part A are transferred to line 21 of part 1 of the main CTB(October 2019) form

Validation check:



**Empty Property Council Tax Relief : Mid Devon**

Please enter by band and percentage reduction, the number of dwellings that are empty as at 7 October 2019.

This sheet should be used to record the variable level of discount your authority grants to empty dwellings. If the value of discount is not shown in the top table please add the value at the bottom of the "Percentage reduction" column.

Whatever level of discount you award (zero%, 50%, 100% or any other) the number of dwellings in each tax band should be entered below. If you offer a zero% discount the figures must be entered in the first row; you can enter any other discounts in any order. The data are transferred through to the lines indicated on the main CTB(October 2019) form.

**Table A - Actual Dwelling numbers**

Percentage Reduction	Band A Column 2	Band B Column 3	Band C Column 4	Band D Column 5	Band E Column 6	Band F Column 7	Band G Column 8	Band H Column 9	Total Column 10
0	156	82	76	64	29	20	13	1	441
10	0	0	0	0	0	0	0	0	0
25	0	0	0	0	0	0	0	0	0
50	15	14	16	14	5	3	1	0	68
100	117	86	52	27	11	5	2	0	300
Total variable discount	132	100	68	41	16	8	3	0	368
<b>Total</b>	<b>288</b>	<b>182</b>	<b>144</b>	<b>105</b>	<b>45</b>	<b>28</b>	<b>16</b>	<b>1</b>	<b>809</b>

Transferred to line 12 of CTB(October 2019)

Transferred to line 13 of CTB(October 2019)

**Empty Property Council Tax Premium**

Please enter by band and percentage the premium your authority charges for dwellings that have been empty for more than 2 years as at 7 October 2019 and not included in table above.

**Table B - Actual Dwelling numbers**

Percentage Premium	Band A Column 2	Band B Column 3	Band C Column 4	Band D Column 5	Band E Column 6	Band F Column 7	Band G Column 8	Band H Column 9	Total Column 10
10	0	0	0	0	0	0	0	0	0
25	0	0	0	0	0	0	0	0	0
50	0	0	0	0	0	0	0	0	0
100	48	26	16	17	12	2	1	0	122
<b>Total</b>	<b>48</b>	<b>26</b>	<b>16</b>	<b>17</b>	<b>12</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>122</b>

Transferred to line 14 of CTB(October 2019)

**Second Homes**

Please enter by band and percentage the discount your authority awards for dwellings registered as second homes

**Table C - Actual Dwelling numbers**

Percentage Discount	Band A Column 2	Band B Column 3	Band C Column 4	Band D Column 5	Band E Column 6	Band F Column 7	Band G Column 8	Band H Column 9	Total Column 10
0	33	48	40	30	31	27	15	4	228
10	0	0	0	0	0	0	0	0	0
50	0	0	1	2	0	1	0	0	4
100	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>33</b>	<b>48</b>	<b>41</b>	<b>32</b>	<b>31</b>	<b>28</b>	<b>15</b>	<b>4</b>	<b>232</b>

Transferred to line 11 of CTB(October 2019)



Local authority : Mid Devon : E1133  
 Local authority contact name :  
 Local authority contact number :  
 Local authority contact email address :

This sheet automatically highlights any validation queries and provides space for your explanations  
 The note CTB Validation Checks October 2019 provides further details on the validations we carry out. Please consult this when completing this validation sheet.

Test Main Form	Data		Change		Parameters		Please comment below where required
	2018	2019	Actual	%	Actual	%	
1 Compare dwellings on CTB 2019 with VoA data 2019	36,621	36,621	0	0%	0	0%	OK
2 Compare dwellings on CTB 2018 with CTB 2019	36,181	36,621	440	1.2%	1,000	1.5%	OK
3 Exempt dwellings compared with previous year	467	521	54	12%	100	10%	OK
4 Exempt dwellings as % of total stock	0.0	1%	-	1%	-	5%	OK
5 Number of demolished dwellings	0	0	0	0%	20	0%	OK
6 Number of disabled reductions	204	223	19	9%	20	5%	OK
7 Number of single person discounts	11,063	10,876	187	2%	750	0%	OK
8 Number of 25% disregards	310	352	42	14%	100	10%	OK
9 Number of 50% disregards	63	59	4	6%	20	0%	OK
10 Number of second homes	238	232	6	3%	100	15%	OK
11 Number of empty homes - 0% discount	425	441	16	4%	100	25%	OK
12 Number of empty homes - variable discount	344	368	24	7%	100	25%	OK
13 Number of empty homes - charging a premium	101	122	21	21%	50	20%	OK
14 Number of empty homes - Total	870	931	61	7%	100	20%	OK
15 Number eligible for NHB	113	123	10	9%	100	20%	OK
16 Number of 'O' exemption	0	0	0	0%	20	0%	OK
17 Tax base after council tax reduction scheme	29,180	29,273	93	0%	1,000	2%	OK
18 Reduction in taxbase as a result of local council tax support	2,793	2,789	4	0%	0	6%	OK
19 Family Annexe tax base reductions, year on year	11	13	2	14%	5	0%	OK
<b>Supplementary checks</b>							
20 Exempt class F: Dwellings left empty by deceased persons	132	160	28	21%	50	20%	OK
21 Exempt class M+N: Student exemptions	33	29	4	12%	100	10%	OK
22 Exempt class U: A Dwelling occupied by a person, or persons, who is or are severely mentally impaired	99	112	13	13%	75	10%	OK
<b>Consistency checks</b>							
23 Reduction in taxbase due to Family Annexe discount	25	12.5	-	50%	Actual	%	OK
24 Total number of exemptions	CTB - Line 2 521	CTBS - Row 79 521	Actual 0	% -	Actual 0	% -	OK
25 Total Class M and N exemptions	CTBS - Part 1 29	CTBS - Part 3 29	Actual 0	% -	Actual 0	% -	OK

Number of comments still required: 0

Please provide any further comments below



### Council Tax Discounts & Exemptions (People & Property)

Type/Class	Description
Single Person Discount	The full council tax charge for a property assumes there are at least 2 adults living in the property.  If you live alone you may qualify for a 25% discount.
Students and Student Burses Discount	If you're a full time student or student nurse in Mid Devon you can apply for student discount or exemption. Each student in the house must register for council tax and apply for student exemption.
Apprentices Discount	Someone employed to learn a trade, business, profession or vocation may be entitled to a discount. They must be training to gain a qualification and they should earn less than £195 per week.
People in Detention	Someone detained in a prison, hospital or elsewhere (e.g. a police station) under a UK court order may be entitled to a discount. They should not be detained for non-payment of a fine or council tax.
Carers Discount	You may be eligible to a discount if someone lives at your address and provides care for more than 24 hours a week and is not your spouse, partner or child under 18.
Child Benefit (Persons over the age of 18)	If child benefit can be claimed for an 18 or 19 year old in a household, that person is not counted for council tax and you may be eligible to a discount.
Patients in hospital or care home discount	You can claim discount and in some cases an exemption to council tax if you are the sole occupant of a property and are now a permanent resident of a hospital, or a residential care home or nursing home.
Disabled Band Reduction	People with certain disabilities may be entitled to a reduction in council tax. Your income does not affect your claim and it does not matter which council tax band your property is in. We can reduce the council tax if a physically disabled person needs at least one of the following: <ul style="list-style-type: none"> <li>• An extra bathroom or kitchen</li> <li>• Extra space for a wheelchair if they need to use a wheelchair inside</li> <li>• A room that is used mainly to meet their needs</li> </ul>

Severely Mentally Impaired Discount	Someone with a severe impairment of intelligence and social functioning that appears to be permanent. For council tax purposes they must also be in receipt of one of the benefits listed on the online application form. If a person with a severe mental impairment is the sole occupant (of a property that they own or have a tenancy agreement for), they can claim an exemption.
Class D Properties Undergoing or in of Structural Repairs	You may be able to claim a 50% discount for up to 12 months if your property is in need of or undergoing major structural repairs and it is not occupied.

### **Council Tax Exemptions**

Class B	Owned and last used by a charity
Class E	Left empty by someone who has moved into a hospital, home or elsewhere to receive care
Class D	Left empty by someone who has gone into prison
Class K	Left empty by someone who has moved so they can care for someone else
Class F	Waiting for probate to be granted and for six months after probate has been granted
Class L	Repossessed
Class Q	The responsibility of a bankrupt's trustee
Class K	Left empty by a student whose term-time address is somewhere else
Class G	Empty because it is against the law to live there
Class T	Part of another property and may not be let separately
Class R	A pitch or mooring which is not occupied by a caravan or boat
Class C	If a property is unoccupied and substantially unfurnished exemption of a maximum of 3 months may be claimed
Class H	Unoccupied Dwelling held for a minister of religion
Class I	Person living with someone else in order to receive care
Class J	Property left empty by a person providing care
Class M	Halls of Residence
Class N	Property Occupied by Students
Class O	Armed Forces Accommodation

Class P	Members (and dependants) of visiting forces
Class S	Occupied by persons under the age of 18
Class U	Occupied by the Severely Metal Impaired
Class V	Main residence of a person with diplomatic privilege or immunity
Class W	Occupied by a dependant relative Note: Family discount is 50% (brought in and paid for by the Government)

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## **CABINET 16 JANUARY 2020**

### **Corporate Plan 2020-24**

**Cabinet Member(s):** Leader, Cllr Bob Deed  
**Responsible Officer:** Chief Executive, Stephen Walford

**Reason for Report:** To consider the new corporate plan for the council in light of comments and feedback from all four policy development groups that reviewed the working draft in December 2019. It is proposed that the new corporate plan will replace the current plan which expires in March 2020.

### **RECOMMENDATION:**

**That the Cabinet recommends to Council that the new Mid Devon Corporate Plan be adopted. That delegated authority is given to the Chief Executive to make minor changes to layout or images as necessary prior to publishing.**

**Relationship to Corporate Plan:** This report introduces the final draft of what will replace the current corporate plan. The new corporate plan will set the overarching direction of travel for the council and will guide all future decision-making for the next four year cycle.

**Financial Implications:** The adoption of a new corporate plan will set the direction of policy travel for the council at a strategic level. However, it does not have any direct actions associated with it at this point, and the council's financial context will continue to be set at a strategic level via the annual budget and Medium Term Financial Planning processes. To that end, subsequent decisions that may be taken to realign activity to the new corporate plan in due course, will each be subject to the appropriate impact assessments given to decisions made by the council in the normal way.

**Legal Implications:** As above.

**Equalities Impact Assessment:** As above

**Risk Assessment:** As above.

**Climate Change:** As above.

### **1.0 Introduction**

1.1 The current council Corporate Plan expires in March 2020. The council administration has substantially changed following the local elections in May 2019, and a cabinet of mixed political makeup now forms the executive.

1.2 As part of the arrangements for renewing the Corporate Plan, the new approach was discussed at an early stage with the new cabinet once those members had collectively had the chance to consider shared priorities. It was

then the subject of an all-member workshop session on 6<sup>th</sup> September 2019, where the whole membership had the opportunity to contribute.

## 2.0 **Background**

2.1 The member ‘away day’ produced not only a range of content, but also confirmed that there was cross-party support for a continuation of the four ‘thematic’ headings of the council’s current Corporate Plan approach (Community, Economy, Environment, Homes). This is notable since it also goes in some way to the format of governance arrangements of the council, since the four Policy Development Groups (PDGs) are based on these overarching headings. By agreeing to continue with the overarching themes, the council is giving clarity and certainty to the PDGs that are currently in place – making the most of experience and knowledge already clustered around these themes as a format for continuing policy development and onwards recommendations to cabinet. It is worthwhile recalling at this point that the council’s most recent Corporate Peer Review (March 2017) described the PDGs as *‘a novel concept that provides an opportunity for wider member involvement in the work of the council...[providing] a resource for the council to develop new policy ideas and recommend these to cabinet’*.

2.2 Alongside the four headings, there was an almost universally-agreed notion of embedding sustainability more prominently within the new plan. This would seem to be supported by a range of discussions and motions discussed by full council in recent months. This has been effected by introducing the plan as a matrix model rather than being presented as a purely thematic-based approach. There is no (and no need for) exact science about the formatting, but bearing in mind this will be the top-level public-facing expression of the council’s approach to prioritising outcomes, it is important for it to be well-understood without a lengthy supporting narrative.

2.3 After the member workshop, the content was refined in discussion with the cabinet to try and balance the many and varied priorities that were put forward, with the result that the first draft of a new Corporate Plan was taken to members via the PDGs in November and December 2019.

## 3.0 **Member Views**

3.1 The first draft of the new corporate plan was presented to each of the four Policy Development Groups (PDGs) to seek their views and comments so that the final version is seen by the whole membership as a genuinely co-produced document, as part of an open and transparent process. These meetings were as follows, and their recordings and minutes can be found in the usual places via the council’s website:

- 3.1.1 Environment PDG – 26<sup>th</sup> November
- 3.1.2 Economy PDG – 28<sup>th</sup> November
- 3.1.3 Homes PDG – 3<sup>rd</sup> December
- 3.1.4 Community PDG – 10<sup>th</sup> December

- 3.2 At the time of the draft going through each of the PDGs, it was only in a text format – so members will not have seen the proposed layout and imagery until this point.
- 3.3 The detailed list of feedback can be found at Appendix B, however the broad consensus was one of support, with a few common points of interest to note:
- 3.3.1 Balancing the need for the corporate plan to be an ambitious and aspirational reflection of the council’s intent, with the financial reality (as currently known) which makes it extremely challenging to deliver all that the council would wish to see.
  - 3.3.2 The tension in many of the statements where clearly there is going to need to be a balanced judgement made in future about how, and to what extent, some of these issues should be addressed.
  - 3.3.3 Reflecting on what was directly in the control of the council, and what would need us to influence partners, stakeholders and government.
- 3.4 There were also specific comments made on the following, which cabinet may wish to consider:
- 3.4.1 Should we remove many of these priorities where we have little or no direct control?
  - 3.4.2 Should it be shorter and concentrate only on projects we are going to deliver?
  - 3.4.3 Should we include areas where we explicitly disagree with the government’s position? (Right-to-Buy for example).
  - 3.4.4 Should we explicitly include reference to trying to increase the amount of incubator and start up space available as part of the ‘Economy’ actions?

#### 4.0 **Finalising the New Corporate Plan**

- 4.1 It is anticipated that the new Corporate Plan will be in a position to be adopted by full council alongside the budget at February’s meeting of full council.
- 4.2 The changes made to the substantive text of the first draft are limited to the inclusion of the additional reference as shown in 3.4.4 above. However, the draft as published contains additional contextual and supporting information as well as proposing a layout and design appropriate for the public document. As such, cabinet is invited to consider the views as put forward by members, in addition to their own views, in order to allow the finalised document to be recommended to full council on 26<sup>th</sup> February 2020.
- 4.3 It is proposed that the current system of publicising ‘priority activities’ each year and publishing these online, continues as per the delegations agreed under the previous administration – in order to be transparent on delivery activity while ensuring the document is kept ‘live’ on an annual basis. This ensures that officer activity on key priorities, as set out in operational

business plans, is made public in terms of understanding how council resources are being deployed.

### **Appendices**

Appendix A - Proposed Corporate Plan 2020-24

Appendix B - Bullet point feedback from members as captured from previous discussion

### **List of Background Papers:**

Draft Corporate Plan Report (to each of the 4 PDGs); available here:

<https://democracy.middevon.gov.uk/documents/s15755/Draft%20Corporate%20Plan%20for%20PDGs.pdf>

## Appendix A – Corporate Plan 2020-24

## Appendix B – Feedback on First Draft

Feedback from the PDGs in relation to the corporate plan

Environment PDG:

- Car park pricing mechanism – how would that be seen to be helping our town centres if the Council was also encouraging outside business parks like J27?
- Concern that the plan was a 4 year programme and that there were too many things to achieve in that timescale.
- Right to Buy – this is a Government Policy and should not be included.
- Promote sustainable farming practices – Some Members felt that this was down to DEFRA and others thought that it should be kept in the plan as an aspiration for farming communities to network and share good practice.
- Emissions from cattle and food production.
- Community Land Trusts.

Community PDG:

- Pleased to see that health and healthier living were part of the plan.
- ANOB for Exe Valley should be promoted.
- The need to understand what the Council could lobby others on and what could be directly influenced.
- The welcome change in emphasis due to the climate change declaration.

Homes PDG:

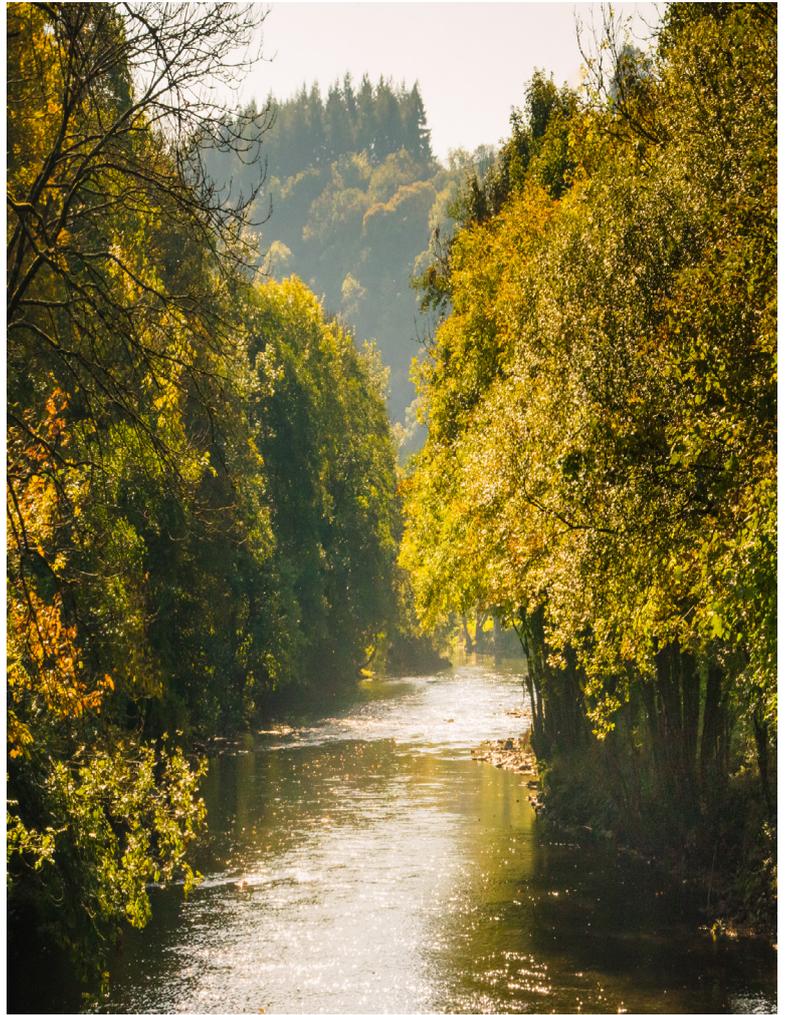
- The tension within the document between competing priorities and competing objectives. Decisions on how to implement activity and actions would be taken at a more detailed level at the appropriate time. However, it was important that the Corporate Plan set out what the Council was trying to achieve for the good of the local community.
- The difference between having direct control over an issue as a district council as compared to only having the ability to influence or lobby, for example, lobbying Devon County Council regarding the provision of post 16 education within the district. This was a good example of an issue that was collectively important across the district but which the Council had no direct control over.
- Another example of the Council working with partners would be to promote issues for the over 65s such as free bus passes as a means of promoting healthy lifestyles physically, socially and mentally.
- The need for a national policy for new developments regarding such issues as the installation of solar panels on new buildings.
- Concerns about whether information regarding emissions from farm animals and agriculture's contribution to emissions was truly accurate?
- Developers had become increasingly keen on stating that 'building materials were locally sourced' but where a product was made and transported from needed to be borne in mind as well.

Economy PDG:

- The tension within the document between competing priorities and competing objectives. Decisions on how to implement activity and actions would be taken at a more detailed level at the appropriate time. However, it was important that the Corporate Plan set out what the Council was trying to achieve for the good of the local community.

- It was stated that it would be good to know what the advantages and disadvantages were under each subject area, for example, the promotion of the Exe Valley as an Area of Outstanding Natural Beauty. It was explained that the word 'consider' was important in relation to this as the promotion of the AONB could be an aspiration but the implications of this needed to be fully 'considered'.
- It was suggested that incubation and start-up space be moved as a specific ambition under the Economy column rather than remain in the overarching comment at the top of the draft document.
- Projects and ambitions that were impossible to achieve, for example, due to a lack of funds, would not be included in the draft or final document. The final approved Corporate Plan needed to include realistic goals and aspirations.
- It was felt that it was correct to include lobbying or the abolition of 'Right to Buy' in the Homes column of the draft document since this reflected the views of the Homes PDG in the previous council and appears to have cross-party support in the new council. However, it was reiterated that full Council would need to sign off the final document and agree all the aspirations within it.
- The Chairman commented that he felt that the overarching comment at the top of the draft document reflected a change in the Council's commitment to the Climate Change Declaration as well as a number of green initiatives.

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# Corporate Plan 2020-2024

# Background

## Mid Devon

Introduction  
from Councillor Bob Deed

Wording to follow

Council Leader:  
Bob Deed

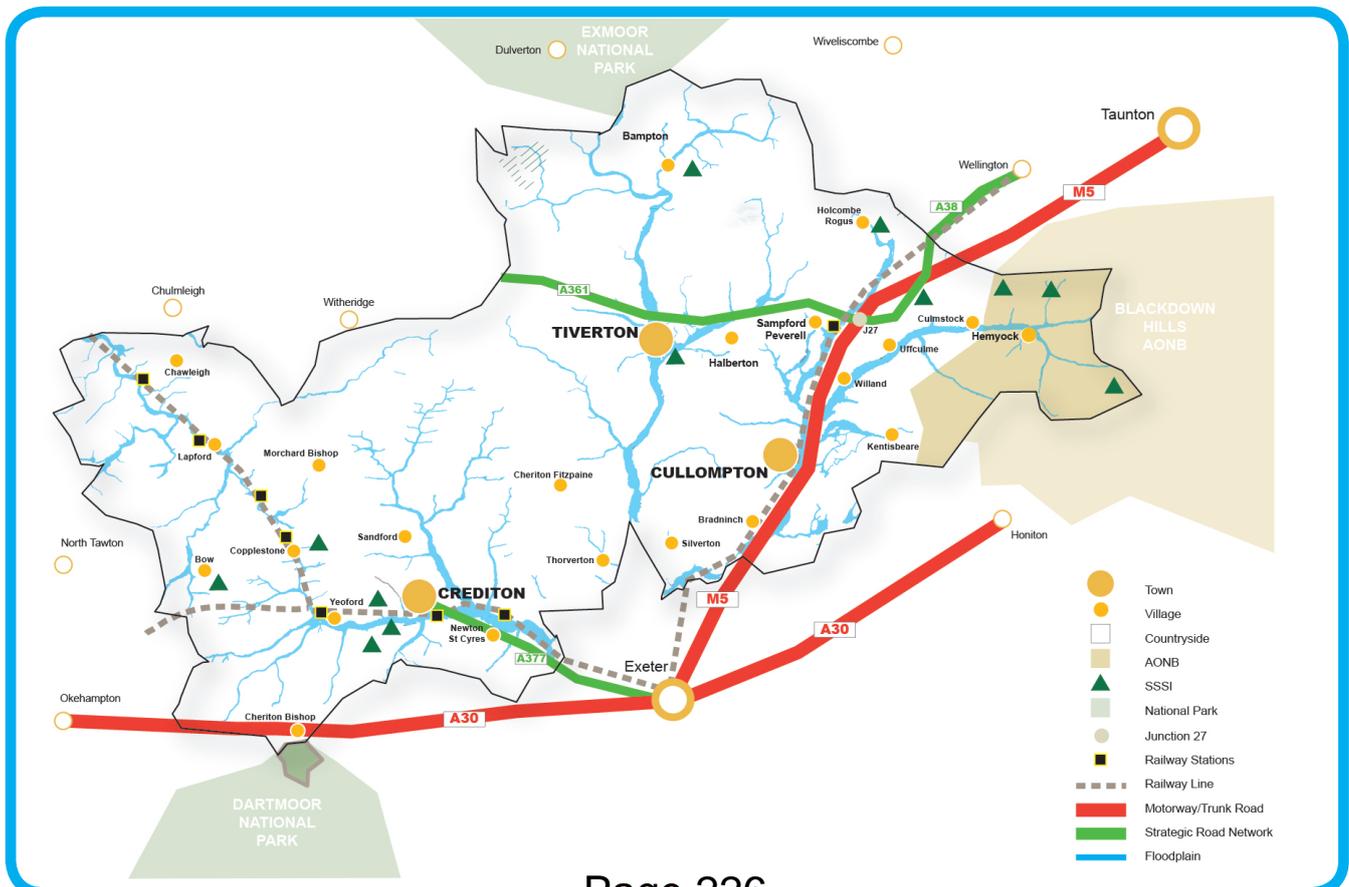


[www.middevon.gov.uk](http://www.middevon.gov.uk)

Mid Devon District Council serves a rural location covering an area of 353 square miles (914 km<sup>2</sup>) in the agricultural heartland of Devon, between Dartmoor, Exmoor and the Blackdown Hills. More than half the population of some 78,000 people is scattered in villages in the rural hinterland, with the balance divided between the three main towns of Tiverton, Cullompton and Crediton.

While it is the 23rd-largest district council in England by area, it is also the 34th-smallest by population. Our main offices lie to the north of the city of Exeter, one of the most rapidly expanding economies in the country, and as a district council Mid Devon has sought to maximise this opportunity by delivering quality growth in a high-quality environment.

Mid Devon District Council is a progressive council committed to providing high quality and sustainable services, creating an environment where communities and businesses can flourish and grow together.



# Our Plan, Aspirations and Approach to Sustainability

This document sets out to share with you our plans and ambitions for the next four years. It also shows how these priority areas of work are funded and how they each support our pledge to tackle climate change at a local level.

Within this document you will see the keys areas of work the Council aspires to deliver over the next four years, but also how each of these priorities can be delivered in a way that also supports our focus on sustainability, be it through creating: sustainable and prosperous communities, a sustainable planet or by encouraging sustainable participation.

We have also set out how the Council's work will be funded over the next four years, shared the achievements the Council has made over the previous four years through our existing Corporate Plan (2012-2016) and highlighted the values our staff work towards when delivering these priorities.

Our Corporate Plan is a document which sets out what we want to achieve in the district to support and enrich our communities and businesses and the environment we are in. Our Corporate Plan for 2020-2024 retains the four key priority areas that were identified in 2016 and for the next four years our elected members and officers will work together to ensure these areas continue to be the focus of our work.

These strands are:





In 2019 Mid Devon District Council joined other local authorities in the county and became part of the Devon Climate Emergency Response Group, following Devon County Council's declaration of a climate emergency.

Members also voted unanimously to sign the Devon Climate Declaration and the Council is now a formal partner in the process to produce a county-wide carbon plan.

By pledging our support to tackling climate change and cutting carbon emissions the Council has agreed to look at the way it supports our people and environment to ensure we encourage and support projects that are sustainable long into the future.

Throughout each of the four priority areas within our corporate plan there is now a strong emphasis on local-level sustainability.



# For each of our Corporate Plan priority strands the Council will ensure Mid Devon is working towards:

## Sustainable and prosperous communities



Our villages and towns need affordable housing for local people. We aim to build more social rented housing and housing for purchase that is truly affordable. We seek to bring higher skill and better paid jobs to the district, promoting economic development and greater economic diversity. Local businesses need incubation space, grow-on space, and places to expand - and digital businesses need the capability and capacity to work from home as well as a business park.

Long distance commuting will have to drastically reduce in future to deliver on our carbon objectives, and we will support people seeking to lead a more 'local' life; living, working, eating, shopping, and spending locally. We aim to ensure that new housing and commercial developments support and are consistent with the Council's policies on Climate Change.

These objectives will be achieved by encouraging and, where necessary, intervening in the market to deliver the jobs and sustainable communities, and by working in partnership with statutory and non statutory bodies to win the resources we need.

## A sustainable planet



Rural Devon is a great gift to us and the planet. We will challenge the suburbanisation of the countryside while encouraging growth in locations that provide low carbon homes for our children, our relatives, our colleagues and the communities of tomorrow. This will sit alongside the economic opportunities of greater digital connectivity in rural areas, our support for clean growth industry sectors, and a thriving agricultural industry that showcases sustainable food-to-fork practices and low food-miles to market.

## Sustainable participation



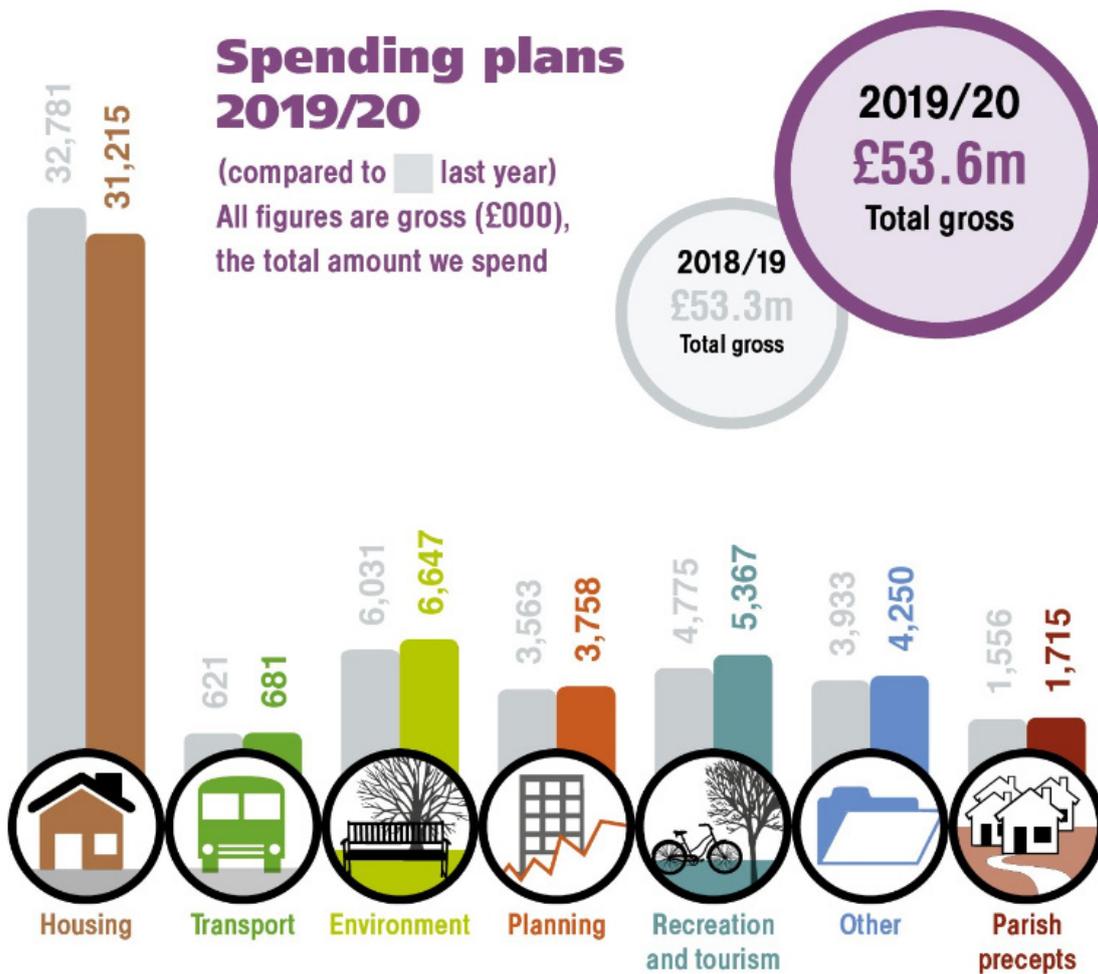
We will enable and support local decisions made by local councillors using local funds and resources aimed at local problems in our community. Working in partnership with parish and town councils, voluntary and community groups, we will seek to deliver positive outcomes where the district no longer has the means to directly commission services.

# Budget

The Council's overall net annual budget (not including council housing and capital expenditure) is about £10million. Income comes from a combination of council tax, central government grant and revenue earned from providing services such as collecting trade waste and car parking charges.

Prior to the start of each financial year the Council is required to set a budget for day-to-day income and expenditure for the year. This is the revenue budget. As part of this budget setting process the council tax for the district is decided.

The Council also has a capital budget which is used for expenditure of a one-off and high value nature, such as for buying buildings or improving an asset the Council already owns. The Council has a legal duty to set a balanced budget and not to spend more money than it brings in, so expenditure must be matched by income or existing reserves.



\* Chart to be updated with figures from the approved 2020 - 2024 Medium Term Financial Plan.

## Homes

Deliver more affordable housing and greater numbers of social rented homes

Work with Community Land Trusts and other organisations to deliver homes retained in perpetuity for local need



Work with landlords to ensure the high quality of homes in the private rented sector

Lobby to see the abolition of the 'Right-to-Buy' or the devolvement of discounting powers to individual local housing authorities

Promote the regeneration of our town centres by working with landlords and property developers to improve and increase the supply of quality housing

Introduce zero carbon policies for new development



Encourage the piloting of Modern Methods of Construction (MMC) and self-build opportunities

Use new development as opportunities to help communities to become increasingly sustainable and self-sustaining at neighbourhood level (district heating, energy use, recycling/re-use systems etc)

Work with local stakeholders to initiate delivery of the new garden village at Culm



Support and grow active tenancy engagement

Support the establishment of Community Land Trusts in partnership with parish councils and other local bodies

## Environment

Encourage retro-fitting of measures to reduce energy use in buildings

Encourage hydro energy and wind power as "green" sources of energy, supply new policies and develop plans to decarbonise energy consumption in Mid Devon



Identify opportunities to work with landowners to secure additional hedgerow planting, biodiversity and reforestation

Consider promoting the designation of the Exe Valley as an Area of Outstanding Natural Beauty (AONB).

Encourage new housing and commercial developments to be "exemplars" in terms of increasing biodiversity and reducing carbon use.

Increase recycling rates and reduce the amounts of residual waste generated



Explore large-scale tree-planting projects and re-wilding to enhance biodiversity and address carbon pressures

Promote sustainable farming practices in partnership with local farmers, district and county councils; including research into best practice re better soil management and animal husbandry.

Work with parish and town councils to promote the development and retention of parks and play areas across the district



Support community activities that improve the environment such as litter-picks, guerilla gardening, or community adoption of assets

## Economy

Work with developers to secure our ambitious plans for J27 'Devon Gateway' development site

Consider acquiring or creating new business parks to accelerate economic growth, and creating new opportunities for incubator and start-up space.

Identify strategic and tactical interventions to create economic and community confidence and pride in the places we live. This includes a continued focus on Town Centre Regeneration.



Facilitate the creation of exciting new commercial opportunities within strategic developments at Culm Garden Village and Tiverton Eastern Urban Extension

Produce business plans for the creation of a commercial Economic Development function perhaps in partnership with other agencies

Explore commercial opportunities that deliver new or innovative services for customers that can generate revenue for the council

Promote zero carbon exemplar sites within commercial settings



Use car park pricing mechanism to effectively balance the needs of vehicular access with those of reducing car use

Promote the development of the farming economy and local food production. Working in partnership with farmers to develop and grow markets on the principle of reducing carbon emissions and sustainability.



Support the creation of South West Mutual Bank and seek opportunities to encourage new branches being opened in areas that aren't well-served by existing banking services providers

Develop and deliver regeneration plans for all three main towns in partnership with Town and Parish Councils

## Community

Work with developers and Devon County Council to deliver strategic cycle routes between settlements and key destinations

Secure decent digital connectivity for all of Mid Devon

Work with education providers to secure appropriate post-16 provision within the district to minimise the need to commute out for A/T level studies



Lobby Devon County Council and others to introduce 20mph speed limits where children play, and take opportunities to pilot car-free days/routes

Promote new, more integrated approaches to promoting good health and healthier living especially in the context of planned new developments.

Seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon



Enable communities to deliver their own projects to reduce carbon emissions

Facilitate networking across volunteer and community groups to spread knowledge, expertise and awareness on climate issues

Work with the NHS and other health bodies to promote use of our leisure centres

Promote community involvement in Council activity by holding more meetings in the evening



Promote new approaches to rural transport in partnership with town and parish councils through the deployment of emerging technologies

Work with county, town and parish councils to identify safer walking journeys to school

# Achievements

Recycling rate increased by 2.83% since 2016

£18.2million funds from the Housing Infrastructure Fund, which is designed to unlock housing delivery, was secured. £10million has been earmarked for the Cullompton Relief Road while £8.2 million will fund further junction improvements for Tiverton's Eastern Urban Extension.

A record breaking number of food hygiene interventions have been carried out across Mid Devon. 1,291 food hygiene interventions were carried out in 2018/19 compared to a previous total of 554.

£1.2million invested in an extension and refurbishment at Exe Valley Leisure Centre. A refit of the fitness studio at Lords Meadow Leisure Centre costing £185,000 was completed and a £200,000 investment in new equipment at Culm Valley Leisure Centre was made.

Finalist for the LGC (Local Government Chronicle) Driving Growth Award 2019

The Council continues to support key 3rd party organisations with strategic grants of around £75,000 per annum.

All household waste decreased by 6.23% since 2016

Our Empty Homes strategy has been hugely successful, bringing nearly 400 empty homes back into use in the past three years.

Completed 78 new social housing units

Preferred route for the Cullompton town centre relief road agreed

The Local Plan Review has progressed significantly and the examination hearings have been completed. The plan provides for sustainable development up to 2033 and contains policies for the protection and enhancement of the natural as well as built environment.

Demand for business space continues to be strong, particularly along the M5 corridor, with significant investment interest at sites in Cullompton and Willand

# Our Values and Priorities

## Values

The organisation has an agreed set of core values that underpin the way we work and how we fulfil our aspirations.

These values are known as the four Ps and set out what we believe should be the basis for the type of organisation we are. These values are:

**People**  
**Performance**  
**Pride**  
**Partnership**

Words from Stephen Walford to follow

Chief Executive:  
Stephen Walford



While our organisation is a place-based entity, rooted in the custodianship of a specific geographical area, it is primarily a people-focused business. Serving the democratically-elected representatives of the people, and run for the benefit of the people of Mid Devon.

Our performance as individuals and as a collective is paramount, and we expect all those working for or with Mid Devon to take pride not only in their own work, but in the way we operate and the outcomes that are achieved for our great communities.

Finally, we recognise the core value of partnership as the organisation's role increasingly changes from being a simple provider of local government services, to one where we deliver outcomes in partnership in a multi-agency way. This could be through a systemic or structural partnership with government departments, neighbouring councils, or the health sector. Or through much more local partnerships with our many town and parish councils, or community groups that seek to deliver outcomes and improvements in their area.

## **CABINET 16<sup>TH</sup> JANUARY 2020**

### **Off-Street Parking Places Order**

**Cabinet Member(s):** Councillor Alex White (Cabinet Member for Finance) and Councillor Luke Taylor (Cabinet Member for the Environment)

**Responsible Officer:** Andrew Jarrett, Deputy Chief Executive (S151)

**Reason for Report:** For Members to consider objections and representations made in regard to the proposed changes to the Off-Street Parking Places Order (“OSPPO”).

#### **RECOMMENDATION: That the Cabinet,**

- (i) Consider any objections or representations received in time;**
- (ii) Decide whether the proposed changes to the OSPPO should be made with or without modification as set out in Appendix B;**
- (iii) Issue instructions for the variation order to be made.**

**Financial Implications:** Previous reports to the Economy PDG and the Cabinet have provided an estimate of circa £226k that could be generated from the implementation of the proposed new car park pricing strategy.

**Legal Implications:** There is a statutory procedure to be followed in making changes to the OSPPO. The appropriate notices have been posted for the changes. Where objections or representations are received in relation to the changes, these must be considered before the final variation order is made. There are other requirements for the making of the order and these will be adhered to.

**Risk Assessment:** If the statutory process is not strictly followed the parking order cannot be enforced.

**Equality Impact Assessment:** There are no direct equality implications.

**Relationship to Corporate Plan:** The revised pricing strategy would look to both maximise income and importantly ensure sufficient funds are available for ongoing maintenance works of these key corporate assets.

**Impact on Climate Change:** No impact assessed.

#### **1.0 Introduction/Background**

1.1 On 22 August 2019 the Cabinet resolved the new car park pricing strategy and associated tariffs for its Pay & Display Car Parks be approved (minute attached at **Appendix A**).

1.2 Since then, officers have taken the opportunity to review other aspects of the order – these are described in paragraph 2.2 below.

## 2.0 Public Consultation

- 2.1 In order to introduce these new charges and make some other amendments/inclusions, the Council is required to carry out a 21 day public consultation process, which includes adverts in the local press and the display of schedules for inspection at all of our car parks located throughout the District.
- 2.2 The formal advertising period commenced with an advert in the Tiverton Gazette on the 26 November 2019 and schedules being placed prominently on our car park display boards. For completeness, in addition to our proposed new pricing strategy, we have also taken the opportunity to include some additional new housing/amenity car parks that aren't currently included in the existing OSPPO. These additions are summarised in the notice itself (**Appendix B**).
- 2.3 This was completed on the 18 December 2019 and a summary of objections and representations made can be found in Table 1 and the full list in Appendix C to be considered.

Table 1 – Summary of Objections and Representations Made

Issue Raised	Number of respondents	Officer Responses
1. Will adversely affect trade in town	66	<ul style="list-style-type: none"><li>• Current parking charges have been frozen at the level introduced back in April 2016.</li><li>• Reduction in the 1 hour tariff on all short stay car parks.</li><li>• Introducing stepped tariffs to suit the customers' needs in our long stay car parks.</li><li>• Still offering 4 days free parking in our long stay car parks on Saturdays at three Town Councils' choice.</li></ul>
2. Will reduce visitors to town	20	<ul style="list-style-type: none"><li>• As above</li></ul>
3. Increase for regular users/employees working in the area	23	<ul style="list-style-type: none"><li>• Frozen all day-time permit prices (undertook a major advertising of permits with the C/Tax bills to increase uptake).</li><li>• We have frozen the price of our annual daytime permits at £310.00 per annum. Therefore, a trader using the MSCP is effectively paying just under £1.35 per day based on a 46 week – 5 day working year.</li><li>• Reduced overnight permits from £180 to £100 to help relieve residents parking issues during the evening.</li></ul>

4. Don't support increasing charges	31	<ul style="list-style-type: none"> <li>• No changes made to tariffs for overnight parking, Sundays and Bank Holidays.</li> <li>• Maintain 10 amenity car parks throughout the District which have no charging tariffs in them.</li> <li>• Introducing stepped tariffs to suit the customers' needs in our long stay car parks.</li> </ul>
5. Don't support evening charges	2	<ul style="list-style-type: none"> <li>• No changes to tariffs for overnight parking, Sundays and Bank Holidays.</li> <li>• 30 mins of free parking is currently offered.</li> </ul>
6. Other	5	
<b>Total</b>	<b>138</b>	

2.4 In addition to individual responses the Council has also received a petition signed by 2,118 signatories which asked the Council to reconsider the increased fees for the MSCP in Tiverton. This petition was considered at a meeting of Full Council on the 8/1/20 and any comments/proposals can now be verbally updated to this Cabinet meeting (16/1/20) as this would be the earliest opportunity.

### 3.0 Conclusion and Recommendation

3.1 Following the objections and representations that are received, the recommendation is to implement the new pricing strategy with effect from the 28<sup>th</sup> January 2020. This date has been chosen to ensure that the necessary notices can be placed confirming that the order has been made (before the changes take effect) and that external contractors (who will be reconfiguring our Pay & Display machines) have sufficient operational contingency plans in place to cope with any go-live issues. It will also allow our District Officers and administrative parking staff to undertake sufficient testing of any changes that are necessary to our back office systems.

**Contact for more Information:** Andrew Jarrett, Deputy Chief Executive, (01884) 234242, [ajarrett@middevon.gov.uk](mailto:ajarrett@middevon.gov.uk)

**Circulation of the Report:** Cabinet Member and Leadership Team

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## Appendix A

### Cabinet – Minute 39 – 22 August 2019

Arising from a report of the Deputy Chief Executive (S151) and Group Manager for Street Scene & Open Spaces, the Economy Policy Development Group had made the following recommendations:

- a) The proposed new tariffs for each of the council owned car parks in Mid Devon be approved as detailed in the annexe to the Working Group report;
- b) Overnight parking permits be altered to offer greater value for money for local residents and that the annual one off charge be set at £100. To also approve an option to pay by monthly direct debit at £10 per month with a one month cancellation period.

The Cabinet Member for Finance outlined the contents of the report stating that the Economy Policy Development Group had set up a working group to re-examine the effectiveness of the current charging regime and to consider any appropriate recommendations for changes. The Council had last visited its Pay and Display charges in April 2016 and in 2018/19 it generated £656K from 604,450 vends. In addition circa £115K was raised in charges for permits and off-street parking fines. He considered the findings of the working group's report and explained that the tariff proposals had been put through a pricing model based on historic vend analysis.

Consideration was given to:

- A proposition for overnight charges to be removed except for the MSCP and outside Phoenix House
- Residents parking overnight in narrow side streets and the impact on emergency services
- Properties within the towns with no parking facilities
- Climate change issues would not stop people using cars in Mid Devon, especially in the rural areas
- The lack of bus services in the evenings
- The views of the Chairman of the Working Group and the work of the previous working group, the proposed suggestions of the Group, the need for the William Street car park to continue to have free time, the need to increase publicity for purchasing permits and the savings that could be made. He voiced concern with regard to the removal of night time charges as that would be an impact on income received.
- The proposal of £1.25 per hour in short stay car parks and whether that was an awkward amount to charge
- The amount of parking fees paid digitally
- The cost of parking across the county and into Somerset
- A concern that the William Street car park was very busy at school times and that shoppers could not park there
- Where the money went from overpayments and whether any overpayments collected should be given to charity

It was therefore:

**RESOLVED** that:

- a) the proposed new tariffs for each of the council owned car parks in Mid Devon be approved as detailed in the annexe to the Working Group report apart from overnight charges from 1800 - 0800 which are to revert to being free of charge, with the exception of Tiverton Multi Storey and Phoenix House car parks (which will remain 24 hour charging).
- b) the Economy Policy Development Group be requested to consider the issue of overpayments for car parking and what should happen to that additional income.

(Proposed by Cllr A White and seconded by Cllr Mrs N Woollatt)

Notes:

- i) Cllr Mrs N Woollatt informed the meeting that she had had correspondence with residents regarding the item;
- ii) Cllr D J Knowles declared a personal interest as he had a residents parking space in Wellbrook Street car park;
- iii) \*Report previously circulated, copy attached to minutes.

**Mid Devon District Council**

**The Mid Devon (Off-Street Parking Places Order 2016) Amendment No 1 (“the Order”)**

Mid Devon District Council under the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and all other enabling powers propose to make the above the Order. The Order will, if made, amend the Mid Devon (Off-Street Parking Places) Order 2016 (the “Parking Order”).

The general effect of the amendments will be as follows:

1. The parking charges for the Parking Places listed below shall be as follows:-

<b>Parking Place</b>	<b>Parking during these Charging Hours</b>		<b>Parking Charges</b>	
Becks Square Car Park Tiverton	Mon-Sat	8.00am-6.00pm	Up to 1 hour	£1.25
			Up to 2 hours	£2.20
	Sun and Bank Hols	8.00am - 6.00pm	Up to 10 hours	£1
	Mon-Sun	6.00pm - 8.00am	Up to 30 mins	Free
Up to 14 hours			£1	
Market Place Car Park Tiverton	Mon-Sat	8.00am-6.00pm	Up to 1 hour	£1.25
			Up to 2 hours	£2.20
	Sun and Bank Hols	8.00am - 6.00pm	Up to 10 hours	£1
	Mon-Sun	6.00pm - 8.00am	Up to 30 mins	Free
Up to 14 hours			£1	
Multi-Storey Car Park Tiverton	Mon-Sun 24 Hours everyday		Up to 2 hours	£2
			Up to 5 hours	£4
			Up to 10 hours	£6
			Up to 1 day	£10
			Up to 2 days	£20

			Up to 3 days	£30
			Up to 4 days	£40
			Up to 5 days	£50
			Up to 7 days	£70
Phoenix House Car Park Tiverton	Mon-Sun	24 hours every day	Up to 15 mins	Free
			Up to 1 hour	£1
Welbrook Street Car Park Tiverton	Mon-Sat	8.00am-6.00pm	Up to 1 hour	£1.25
			Up to 2 hours	£2.20
			Up to 3 hours	£2.80
			Up to 24 hours	£5.00
	Sun and Bank Hols	8.00am-6.00pm	Up to 10 hours	£1
	Mon-Sun	6.00pm - 8.00am	Up to 30 mins	Free
Up to 14 hours			£1	
Westexe South Car Park Tiverton	Mon-Sat	8.00am-6.00pm	Up to 1 hour	£1.25
			Up to 2 hours	£2.20
			Up to 3 hours	£2.80
	Sun and Bank Hols	8.00am-6.00pm	Up to 10 hours	£1
	Mon-Sun	6.00pm - 8.00am	Up to 30 mins	Free
			Up to 14 hours	£1
William Street Car Park Tiverton	Mon-Fri	8.30am-9.30am	Up to 30 minutes	Free
	Mon-Fri	3.00pm-4.00pm	Up to 30 minutes	Free
	Mon-Sat	8.00am-6.00pm	Up to 1 hour	£1.25
			Up to 2 hours	£2.20
	Sun and Bank Hols	8.00am-6.00pm	Up to 10 hours	£1

	Mon-Sun	6.00pm - 8.00am	Up to 30 mins	Free
			Up to 14 hours	£1
High Street Car Park Crediton	Mon-Sat	8.00am-6.00pm	Up to 2 hours	£1.80
			Up to 5 hours	£2.50
			Up to 10 hours	£3.00
			Up to 24 hours	£5.00
	Sun and Bank Hols	8.00am-6.00pm	Up to 10 hours	£1.00
	Mon-Sun	6.00pm - 8.00am	Up to 30 mins	Free
Up to 14 hours			£1	
Market Street Car Park Crediton	Mon-Sat	8.00am-6.00pm	Up to 1 hour	£1.25
			Up to 2 hours	£2.20
	Sun and Bank Hols	8.00am-6.00pm	Up to 10 hours	£1
	Mon-Sun	6.00pm - 8.00am	Up to 30 mins	Free
			Up to 14 hours	£1
	Station Road Car Park Cullompton	Mon-Sat	8.00am-6.00pm	Up to 1 hour
Up to 2 hours				£1.80
Up to 10 hours				£3.00
Up to 24 hours				£5
Sun and Bank Hols		8.00am-6.00pm	Up to 10 hours	£1
Mon-Sun		6.00pm - 8.00am	Up to 30 mins	Free
	Up to 14 hours		£1	

2. To allow for virtual parking permits which can be applied for online and which do not have to be displayed when using a car park.
3. To prohibit certain forms of anti-social behaviour
4. To allow payment of the Parking Charges by “contactless payment” of a debit/credit card.
5. To remove the ability to pay the Penalty by cheque.

6. To clarify that even if the Parking Charge is free a ticket must be obtained.
7. To add new car parks to the Parking Order which will be governed by the Parking Order. These car parks are at Amory Car Park Tiverton, Jubilee Place Car Park Tiverton, Jubilee Gardens Car Park Cullompton, Prospect Way Car Park Lapford, Sycamore Road Tiverton, Silver Street Tiverton, Vickery Close Cullompton, and Palmerston Park Tiverton.
8. To allow the Council to remove car parks from the Parking Order provided 7 days' notice is given.
9. To remove the existing plans of the car parks attached to the Parking Order and replace with new plans which will include the existing and additional new car parks to be governed by the Parking Order.
10. To update various definitions in the Parking Order.
11. To prohibit parking on certain surface markings laid in a car park.
12. Option to pay Annual Overnight Permit by 12 months instalments of £10
13. Replacement of Schedule of the Parking Order with new Schedule incorporating the charges listed in this notice

Full details of the proposals are in the draft Order which together with a statement of the Council's reasons for proposing to make the Order may be examined at the Council's offices at Phoenix House, Phoenix Lane Tiverton Devon EX16 6PP during the Council's normal office hours.

If you wish to submit an objection or other representation relating to the proposed Order you must write, to arrive no later than the 18<sup>th</sup> December 2019, to Vicky Lowman at the Council's offices at Phoenix House Phoenix Lane Tiverton Devon EX16 6PP

Kathryn Tebbey  
Group Manager Legal Services and Monitoring Officer  
Mid Devon District Council  
26 November 2019

App C - Parking Charge Objections and Representations Full List

Candidate Number	Comment Summary
1	Will affect shops, will drive customers away from town
1A	Will affect shops, will drive customers away from town
2	Will put off customers to shop, detrimental to business
3	Will lose custom for clients needing to have longer treatments, clients will struggle to afford prices
4	Off putting to visitors to tiverton, customers will use other car parks in Tiverton - Reduce vistors to town
5	Inpact financially for work, works within Phoenix Lane, dramatic increase
6	300% increase will inpact on expenses paid by company
7	Business owner will be detrimental to shop
8	Unhappy this was advertised on machines, confusing to customers
9	Work within town centre increase would not be affordable
10	Not wanting parking charges in the evening.
11	Will deter people from using car parks, town centre & local shops, people will park within residential areas
12	Will deter people from using car parks, town centre & local shops, people will park within other car parks
13	Will deter people from using car parks, town centre & local shops, people will park within other car parks
14	Increases to Multi-storey will mean parking in Wellbrook Street which is to far to walk into town.
15	Will futher serve a run down town, odd charging schemes
16	Unfair will predominantly effect work force, to triple the fee is extortionate, discourage customers to Tiverton
17	200% increase unacceptable, unaffordable in MS
18	Will drive customers away for the town
19	Extortionate,short sighted harmful to town would not be able to afford as daily user
20	Objections to William Street parking increases
21	Volunteers who give time may think again, parking in residential roads will increase. Already lost shops
22	Penalising residents and community by tripling fees. Will be unable to afford to park within MS
23	Visitors unlikely to use MS due to expected cost of £30 per week
24	increase charges of 200% unacceptable increase
25	200% increase unacceptable, unaffordable in MS.Maybe look at charging council staff instead
26	Increase charges of 200% this increase would put servere
27	200% rise is ludicrous and is higher than inflation. Most people in Tiverton are on a low wage.If extra revenue is needed charge staff
28	I have no objection to a small increase however 200% is unfairly penalising for those people who work in the town
29	The increases to the MS is a massive increase.People will park in residential areas
30	The increases to the MS is a massive increase. It will deter people from using the MS. People will opt to park free in other car parks
31	The increases to the MS is massive, it will deter people from using the MS. People will park in other free car parks and use those stores rather than independent shops
32	The increases to the MS is massive, it will deter people from using the MS. People will park in other free car parks and use those stores rather than independent shops
33	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
34	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
35	Higher prices in the MS will drive shoppers to other locations, local business will drop in trade. Reduce fees will encourage people into the town
36	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
37	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
38	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
39	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
40	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
41	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
42	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
43	It will deter people from coming into the town, it will discourage volunteers without an adequate bus service, increase in motorists parking and catching the bus out of town, more road users
44	MS proposed prices are absolutly outrageous
45	Deter more locals and vistors from visting and shopping within the town. Increasing MS will force people to park in residential streets, this has already happended in Westexe
46	Shops are closing down people are shopping out of town, MDDC should be encouing shoppers and shops to stay
47	People are doing more online, people are less likely to visit town centres increasing the charges will be a death nail in some businesses.More disabled spaces in gold street needed
48	Objection, people will use supermarkets and walk into town.Support local traders and make parking cheaper
49	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
50	Objection
51	Increase to MS is not going to be affordable to most of the towns workforce which like me only earn minimum wage.
52	£2 is manageable for up to 10 hours which covers most people's working day, a small increase is understandable £6 is ridiculous and unmanageable
53	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
54	The town is dead enough and free parking is what is needed.Raising the cost will not raise revenue it will clear the town of shops and shoppers.
55	If the parking charges increase I will struggle to visit the local shops and post office or go to the library. People will visit other towns
56	I absolutely refuse to pay for parking in or around Tiverton, I feel sorry for the traders the increases are not encouraging vistors to the town. To even comtemplate increase parking charges is a further death nail for the traders
57	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
58	Increase of parking charges to the MS of 200% is greed, it will only result in death in this town. For those of us who work in the town 200% fee increase is unaffordable
59	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
60	The increase to the MS will deter people from using the town and local shops

61	The increase is ridiculous and I don't know how you expect families already struggling to afford this.
62	Make car parks free, you are our servants. Do not raise charges
63	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shopping in supermarkets. Daily users of the MS will park within residential streets
64	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shopping in supermarkets. Daily users of the MS will park within residential streets
65	I object to the new parking charges which are rising by 25% they are too high
66	Proposed charges will kill the town centre.
67	The increases adversely affect the footfall in the towns shopping centre and drive shoppers to larger supermarkets with free parking and internet based purchasing.
68	Object to increase in parking charges, I work in town and I have always supported the town but I feel this is outrageous. If you increase the charges I believe that several will leave as they cannot afford the proposed charge rates.
69	The proposed increases will deter shoppers and will have a detrimental effect, I understand the need to increase charges but 200% is just too disproportionate, the increase will kill the town.
70	Strongly object to proposed increases within the town, are you actively trying to dissuade people from the town
71	The town is getting quieter with shops closing and the town needs to bring people in. I am a daily user the multi-storey currently costing £12 per week proposed cost will be £36 per week.
72	I use the car park weekly, if the parking increase I will have to re think things. This will either lead to go on street parking or lack of support for the high street shops
73	Objection
74	Objection
75	Outraged by the parking proposals particularly the multi-storey. I am at the increase and think its utterly disgusting. The proposed parking charges would triple the weekly cost of my parking.
76	Strongly object to proposed increases within the town.
77	I travel to Tiverton to work in a local business and a massive parking increase would make me seriously reconsider the viability, I believe this would damage local business by reducing footfall in the town and probably would increase street congestion as people search for free short stay spaces.
78	Outrageous increase to proposed parking charges. Not only does it massively affect people who work in the town parking all day. The visitors to the town will wonder if its worth stopping for those prices, therefore killing the town.
79	For a successful town, parking has to be its life blood. It is essential for the people who work in the town, live in the town as well as visitors to the town. You are hitting people and businesses that make Tiverton a desirable location.
80	Strongly object to the increase parking charges, they are extortionate. People will not come into Tiverton to shop which will have an effect on the shops.
81	The increases intended for Tiverton town centre I object. The charges will have a detrimental effect on trade and the town as a whole.
82	I object to the parking fees being raised by 200%
83	This will affect the town in a negative way, it will turn customers and potential business away from town and in the current state if the market we need all the help and support from the council we can not hinderance.
84	The proposed increase will be from £2 per day to £6 this is a real worry for me I will have to park further away from town, which is unlit in the back streets.
85	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shopping in supermarkets. Daily users of the MS will park within residential streets
86	MS to increase from £2 per day to £6, staff are restricted and limited to parking elsewhere, negotiating prices for offices at Phoenix Lane
87	Proposed increase will occur more closures
88	I am very unhappy there is going to be a massive increase. Its triple and I think that's a ludicrous amount.
89	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shopping in supermarkets. Daily users of the MS will park within residential streets
90	I am horrified to hear you tend to raise the parking charges by 200%, shops are struggling enough without driving away custom. The town is already terminally ill and this increase puts another nail in the coffin.
91	If anything should be reduced it is the night charges as I find it ridiculous that the streets are full of cars and the car parks are empty, the free 30 mins is good for the town and should be kept. Rates are car parking are destroying the town.
92	I would like to attend the cabinet meeting on the 19th december
93	Objecting against increased parking charges in the multi-storey car park
94	Object all parking charges increase in Tiverton
95	As a small town within a very rural setting and many people rely on their cars to access works. Putting up charges encourages people to race and do their business and race back before their parking expires.
96	Raising parking fees by 200% is totally unreasonable, the high street is struggling and I believe it has a lot to do with the high parking costs along with business rates.
97	If the parking charges increase employees will not use Phoenix lane car park, instead they will park on the roadside parking in residential streets surrounding the town.
98	I cannot believe 200% has been proposed, how can this be justified especially at the time when footfall is lower than ever
99	Proposed increase of 200% is ridiculous and if accepted and carried would be a gross dereliction of duty on councils part given precarious state of our thriving high street
100	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shopping in supermarkets. Daily users of the MS will park within residential streets
101	It is now going to be more expensive to park in Tiverton than Taunton. I fear for the prosperity of Tiverton with such unintelligent decisions being made
102	I think most would not be so against a small increase, the current proposals are hideous. Everyone linked with the town will feel the detriment of this huge hike in costs
103	Putting up parking charges will kill the town, businesses are struggling enough with the current charges, our part time staff are on minimum wage. How about bringing in charges for council staff. Tiverton is going down hill
104	Objection to parking charges in the multi-storey car park, I don't encourage public transport will have a detrimental effect on the environment.
105	Huge mistake to increase parking charges to the proposed extent, particularly in the current climate
106	The increase to Phoenix Lane car park from £2 to £6 is scandalous. Parking charges that do not undermine the vitality of the town centres
107	Small independent businesses amongst others in Tiverton we are working really hard to encourage people to visit the town and shop and use the facilities to support the community
108	As well as a business owner I also park in the MS, increasing the price will reduce footfall to this end of town, this end of town always get missed out with xmas lights etc
109	Current tariffs are cost effective as a volunteer in the town, the proposed increase will be far less affordable. Visitors will park within the local supermarket free for 3 hours
110	How can an increase of 200% be justified. The town has independent shops and businesses why should prices be higher in the MS than Exeter and Taunton
111	Presently the all day charge works well, the increase will mean I no longer come to Tiverton. As inflation is at 1.5% how can the increase be at 200%, this will also clog up residential streets.
112	Object to the proposed charges in the multi-storey as it will harm the local economy because visitors will be put off visiting the town due to the high parking charges.
113	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shopping in supermarkets. Daily users of the MS will park within residential streets
114	The town is already struggling to achieve footfall outside of seasonal periods, increases to charges by 200% will only deter potential clients, this will also impact on existing business and potential business
115	Raising the prices in the MS to 200% will make shopping and socialising in Tiverton unaffordable. This in turn will lead local business and activities to close down.
116	I think the increase is a blinkered approach of the council to raise more monies. It will have a huge knock on effect on shops.
117	Any increase to the charges would financially affect us. Any increase will affect the local shops
118	Charges have already stopped me bringing my car into town. Increase charges will stop people visiting the town, this will affect local shops.
119	200% will cost £4.50 to visit the doctor or Chemist. The town will turn into a ghost town
120	The proposed charges are totally unfair, such a great rise to shopping in Tiverton, You cannot always rely on supermarkets for parking
121	I am appalled to read about the proposed hike in parking charges for Tiverton, for retailers are struggling to stay in business is another nail in their coffin
122	Objection to all parking charges

123	The proposed charges will have a detrimental effect on the town, and will burden on the finances of workers. Removing the free half hour will effect our business
124	The proposed 200% increase will be detrimental to the town and the trade and burden the finances of workers. Removing the free half hour will effect our business
125	The increases will make the MS unaffordable to use, this will push people to park on the streets this will affect the revenue in the town. The rise in charges is detrimental to local people, shops and businesses
126	Object to the increase of parking charges to MS, I use this car park daily and the increase is an exceptional amount. 200% is unreasonable
127	I strongly object to the parking price increase of 200% this is appalling and unacceptable. I will never use the MS car park again. Tiverton does not have enough facilities to warrant this increase
128	The increase to £6 per day us not sustanable for daily users, the increases will have a negitive inpact on local workers busnesses and footfall in the town. People will find alternitive parking in residential streets
129	The increase to £6 per day us not sustanable for daily users. People will find alternitive parking in residential streets
130	Rural commuinity where public transport is poor and wages are low, people will stop using their cars there is no environmental benefit, there will be irrervesible damage to the town
131	Objections to all increases in particualr the MS proposed increases, poorly paid employees will try to find parking in residential streets. This will be a deterrent to those wishing to support the high street
132	Removal of 30 mins free is detrimental to the town trade. 200% increases will encorage people to park in residential streets. Proposal could have a detrimental effect on the harmony that has been built between parties.
133	The increase in parking will have an inpact on shoppers and local businesses and will cause people to park on residential streets
134	Ojection to all increases specifically the MS the 200% increase for less time parking. Tripling the fees will make prople park else where people will be discouraged from working and visiting Tiverton
135	Make parking more affordable and propotionate amount
136	Increases in MS are massive, it will deter people from using the town centre and local shops with people opting to park in other free car parks and doing shoping in supermarkets. Daily users of the MS will park within residential streets
137	The proposal seems a little opportunistic of the council to increase the charges within weeks of the hotel opening, the proposed increase will be perceived negatively by our guests, Maybe to offer reduced rate permits for the hotel is an option. Staff who are on a low wage would like the offer of free parking permits.

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## **CABINET 16 JANUARY 2020**

### **BUDGET 2020/21 - UPDATE**

**Cabinet Member** Cllr Alex White  
**Responsible Officer** Andrew Jarrett, Deputy Chief Executive (S151)

**Reason for the report:** To review the revised draft budget changes identified and discuss any further changes required in order for the Council to move towards a balanced budget for 2020/21. Also, to highlight the impact of the proposed changes on the Medium Term Financial Plan (MTFP).

#### **RECOMMENDATION:**

- 1) To consider and agree the updated budget proposals for 2020/21 included in Appendix 1 and 2 and the Capital Programme included in Appendix 4.**
- 2) To agree to the payment in advance of the next 3 Years' Pension Deficit (see Section 4)**
- 3) To note the revised Medium Term Financial Plan (MTFP).**
- 4) To agree a minimum General Reserves (General Fund) limit of £2m see Section 5 and Appendix 6.**

**Relationship to the Corporate Plan:** To deliver our Corporate Plan's priorities within existing financial resources.

**Financial Implications:** The current budget for the General Fund shows a deficit of £177k. In addition we have predicted a funding deficit of £1.483m on our General Fund in 2021/22. This highlights the need to take steps to plan for further reductions to our ongoing expenditure levels.

**Legal Implications:** None directly arising from this report, although there is a legal obligation to balance the budget. There are legal implications arising from any future consequential decisions to change service provision, but these would be assessed at the time.

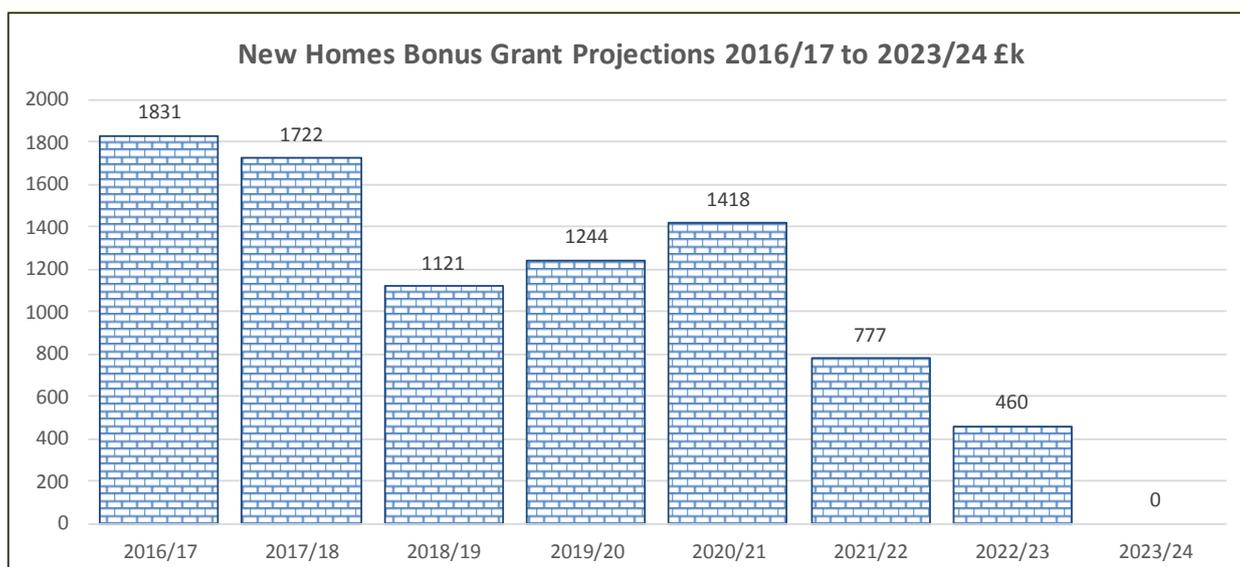
**Risk Assessment:** In order to comply with the requirement to set a balanced budget, management must ensure that the proposed savings are robust and achievable. We must also ensure that the assumptions we have used are realistic and prudent. Failure to set a robust deliverable budget puts the Council at risk of not being able to meet its commitments and casts doubt on its "going concern" and VFM status.

**Equality Impact Assessment:** There are no Equalities Impact implications relating to the content of this report.

**Climate Change Assessment:** The allocation of resources will impact upon the Council's ability to implement/fund new activities linked to climate change, as the MTFP sets the broad budgetary framework for the Council over the coming years.

## 1.0 Introduction

- 1.1 As this Report has been compiled, we have just received the Provisional Settlement from Central Government for 2020/21. The Provisional Settlement has confirmed the assumptions we have made in our budget setting. Members will recall that we are expecting only a one-year settlement as the Fair Funding Review and Business Rates Baseline reset has been delayed by a year. The Provisional Settlement has brought us an additional £88k in Business Rates in relation to previous years' assumptions. Due to the uncertainty of the baseline reset in 21/22 and the fact that we do not confirm our Business Rates levels until the end of January, we are proposing to put these funds in the Business Rates Smoothing Reserve which helps address the volatility of Business Rates and the impact of appeals.
- 1.2 Within our assumptions we have increased the Council Tax on a Band D property by £5. The Provisional Settlement has confirmed this will be within the referendum limits which have previously stood at 1.99% but in recent years have been higher with an additional choice of £5 for Shire districts. This would give us an extra £28k over the 1.99% limit
- 1.3 We have also based our New Homes Bonus (NHB) income on the current methodology. Although we are prudent in limiting the amount of NHB we use to support our revenue services, we need the future funding stream to support our capital projects.
- 1.4 The Provisional Settlement confirmed our fears that NHB will be eliminated over the next 3 years and there is no confirmation of a replacement. This is a significant risk to our Capital Programme funding. Below is a table showing how NHB has reduced over the last few years.



*NB. 16/17 was the first and only year we received 6 years' payment. Followed by 5 years' in 17/18; 4 years' in 18/19, 19/20 and 20/21. We believe we will receive 2 years' in 21/22; 1 in 22/23 and then nil 23/24. From 17/18 councils have also suffered a 0.4% top-slice of growth.*

## 2.0 2020/21 General Fund Budget – Revised Position

- 2.1 Since the first round Cabinet and PDG meetings the Finance team and Group Managers have been revisiting a range of budgets to deliver more savings or increase income levels. These options will have been discussed with the relevant portfolio holders.
- 2.2 The table below shows the position that was reported to Cabinet in October 2019 and highlights the movements since then to arrive at the current budget gap position. A more detailed view is shown in Appendix 2.

**Table 1 – Reconciliation of Major 2020/21 Budget Variances**

<b>Movements</b>	<b>Amount £k</b>
<b>20/21 Budget Shortfall (Cabinet Report 17/10/19)</b>	<b>346</b>
Further Cost Pressures identified	293
Additional Savings identified	-613
Change in Pensions Lump sum and rate	41
Additional Rural Services Delivery Grant	-92
Reduction (net) recharge to HRA	100
Minimum Revenue Provision (MRP) reduction	-10
Pensions Deficit – upfront payment	-32
Impairment of 3Rs loan	131
Business Rates Forecast adjustment	261
Use of Earmarked Reserves – for specific pressures	-248
<b>Draft budget gap for 2020/21</b>	<b>177</b>

## 3.0 Consultation

- 3.1 Members will be aware that we undertook a Public Consultation alongside our budget setting process to capture the priorities of our communities. This has helped inform our deliberations and ensure that we understand what is most important to our council taxpayers and in particular, the services they want us to protect wherever possible.

## 4.0 Pension Fund

- 4.1 We have been notified by the Devon Pension Fund that the employers' contributions for 20/21 will need to increase from 14.7% to 16.6% this adds £177k to our costs but is partly offset by a reduction in our lump sum payment of £134k. This is reflected in the detailed Gap Tracker (Appendix 2).
- 4.2 We have also been given two options by the Pension Fund to reduce our future lump sum payments by paying in advance. Option 1 allows us to make an advance payment but this would be spread over the whole of the deficit period. Option 2 which is our preferred option allows us to pay 3 years' deficit lump sum payments in advance and to take a 4.5% reduction in the lump sum cost. With our return on investments generally providing less than 1%, this is an attractive proposal to reduce costs. In-keeping with accountancy practice, the benefit and cost would be spread across the 3 years although the cash will be paid in one tranche. This would reduce our budget gap by c£32k for each of the next 3 years.

4.3 Members are asked to approve Option 2 in the recommendations.

## 5.0 Minimum Level of Reserves

5.1 Budget Setting is a good time to consider the level of reserves required to fund known pressures (from earmarked reserves) and adhoc pressures which would need to be found from General Reserves.

5.2 We have undertaken a review of General Reserves. The methodology used and recommendation of a minimum level of £2m is shown in Appendix 6.

## 6.0 Medium Term Financial Plan (MTFP)

6.1 The table below shows the effect of the proposals in this budget report on the MTFP over the next four years.

<b>MDDC MTFP Document Table - MTFP Summary</b>					
	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/2024</b>	<b>2024/2025</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Net Service Costs</b>	10,309,779	10,709,427	10,207,699	10,348,281	10,376,677
Net Interest Costs	-158,104	-100,416	-7,082	-5,082	-3,082
Provision for Repayment of Borrowing	767,540	842,140	841,420	1,100,830	1,202,884
Earmarked Reserves - New Homes Bonus	1,418,190	776,750	460,260	0	0
Earmarked Reserves - Other	-615,013	24,787	80,887	465,067	360,483
General Reserves	0	0	0	0	0
<b>Total Budget Requirement</b>	<b>11,722,392</b>	<b>12,252,688</b>	<b>11,583,184</b>	<b>11,909,096</b>	<b>11,936,962</b>
<b>Funded By:</b>					
Retained Business Rates	-3,142,727	-3,014,940	-3,061,859	-3,114,850	-3,246,052
Business Rates prior year surplus/deficit	-95,230	0	0	0	0
Pooling Dividend	-150,000	-150,000	-150,000	-150,000	-150,000
Revenue Support Grant	0	0	0	0	0
Rural Services Delivery Grant	-466,695	-466,695	-466,695	-466,695	-466,695
BR Levy Surplus Grant	0	0	0	0	0
New Homes Bonus	-1,418,190	-776,750	-460,260	0	0
Council Tax-MDDC	-6,064,831	-6,272,132	-6,482,973	-6,697,396	-6,915,467
Council Tax prior year surplus/deficit	-112,000	0	0	0	0
<b>Total Funding</b>	<b>11,544,903</b>	<b>10,680,517</b>	<b>10,621,787</b>	<b>10,428,941</b>	<b>10,778,214</b>
<b>Gap – Increase/In-year</b>	<b>177,488</b>	<b>1,394,682</b>	<b>-610,774</b>	<b>518,758</b>	<b>-321,407</b>
<b>Gap – Cumulative</b>	<b>177,488</b>	<b>1,572,171</b>	<b>961,397</b>	<b>1,480,155</b>	<b>1,158,748</b>

## 7.0 SW Mutual Bank

7.1 Members will recall that we invested £50k alongside other District councils to facilitate the first stage of a proposal by SW Mutual to establish branches across the South West. Please see Appendix 5 for an update from the founders.

## 8.0 Conclusion

8.1 It is encouraging that the Council has managed to significantly close the budget gap of £346k discussed at earlier meetings, considering the factors that have been outside of our control such as inflation; the increase in Employers' pension contribution rates and business rates volatility.

8.2 Moving forward Members and officers need to look to the pressures over the next few years reflected in our recently updated MTFP and our need to address ongoing pressures which cannot be satisfactorily addressed by the one-off use of reserves.

8.3 In order to conclude the statutory budget setting process, this updated draft budget position will go through Cabinet, another round of PDG's, Scrutiny, and a final meeting of the Cabinet before being agreed at Full Council on the 26 February 2020. During this period officers will continue to identify and examine further savings possibilities that can reduce the current budget gap.

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**Background Papers:** Draft 2020/21 Budget Papers  
Provisional Settlement Email

**Circulation of the Report:** Leadership Team, Cabinet Member for Finance,  
and Group Managers

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## GENERAL FUND REVENUE ACCOUNT DRAFT BUDGET SUMMARY 2020/21

	2019/2020 Annual Budget	Movement	2020/2021 Proposed Budget
Notes	£	£	£
Cabinet	4,864,030	80,231	4,944,261
Community	3,526,058	(153,413)	3,372,645
Economy	(466,080)	(134,290)	(600,370)
Environment	2,735,050	(27,660)	2,707,390
Homes	1,169,080	166,120	1,335,200
<b>TOTAL NET DIRECT COST OF SERVICES</b>	<b>11,828,138</b>	<b>(69,012)</b>	<b>11,759,126</b>
Net recharge to HRA	(1,571,110)	89,480	(1,481,630)
Provision for the financing of capital spending	333,280	466,541	799,821
<b>NET COST OF SERVICES</b>	<b>10,590,308</b>	<b>487,009</b>	<b>11,077,317</b>
PWLB Bank Loan Interest Payable			
Finance Lease Interest Payable	44,420	3,920	48,340
Interest from Funding provided for HRA	(49,000)	-	(49,000)
Interest Receivable / Payable on Other Activities	167,580	272,298	439,878
Interest Received on Investments	(442,540)	(154,782)	(597,322)
Transfers into Earmarked Reserves	2,267,363	329,687	2,597,050
Transfers from Earmarked Reserves	(2,146,050)	352,180	(1,793,870)
Proposed Contribution from New Homes Bonus Reserve	(253,350)	253,350	-
<b>TOTAL BUDGETED EXPENDITURE</b>	<b>10,178,731</b>	<b>1,543,662</b>	<b>11,722,393</b>
<b>Funded by: -</b>			
Revenue Support Grant	-	-	-
Rural Services Delivery Grant	(466,695)	(5)	(466,700)
New Homes Bonus	(1,243,503)	(174,687)	(1,418,190)
BR Levy Re-distribution	(33,408)	33,408	
Retained Business Rates	(3,213,597)	(24,360)	(3,237,957)
Business Rates Deficit	778,906	(874,136)	(95,230)
Business Rates Pooling Dividend	(100,000)	(50,000)	(150,000)
CTS Funding Parishes	-	-	-
Collection Fund Surplus	(71,330)	(40,670)	(112,000)
Council Tax (£29,040.60 x £208.84)	(5,829,104)	(235,723)	(6,064,827)
<b>TOTAL FUNDING</b>	<b>(10,178,731)</b>	<b>(1,366,173)</b>	<b>(11,544,904)</b>
<b>REQUIREMENT TO BALANCE THE BUDGET</b>	<b>-</b>	<b>177,489</b>	<b>177,489</b>

**Current Assumptions: -**

- Council Tax has been increased by £5 from £203.84 to £208.84 with an increased property growth of 444.
- 2020/21 Salary budgets include an increase of 2% for all scales.
- All earmarked reserves have been reviewed and adjustment made based upon existing need.
- All income flows have been reviewed and adjusted for changes in demand and unit price.
- Investment income has been based upon the existing lending criteria now in force.
- Support services have been calculated in accordance with the annual process.
- New Homes Bonus receipts based on existing legislation changes.
- BR Retained - The movement between the two years reflects 100% retention to 50% retention of growth.
- BR Deficit - 18/19 Significant increase in appeals provision resulted in a 19/20 Deficit. 19/20s growth although not reflected in year, results in a surplus in 20/21.

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## Appendix 2 – Budget Movements since Cabinet Meeting 17 October 2019

	£k
<b>Budget Gap as reported to Cabinet 17 Oct 2019</b>	<b>346</b>
<b>Cost Pressures</b>	
Interest income decrease	27
Replacement of Etarmis – Flexi recording system	25
Planning - FTE Housing Enabling role	22
Reduction in the drawdown of vehicle reserve	12
Rental income - rent reduction - Market Walk	13
Devon Rural Housing Partnership - Support Enabling role	8
Paving at Pannier Market	20
Revs and Bens - CT Software – new modules	28
Various alignments of budgets	34
Carlu Close - Business Rates	11
Membership of SWEEG - Climate change £5k per annum	5
Vehicle Contract reduction of EMR - pressure	16
General fund housing projects – Rough sleeping - to be funded from EMR	72
<b>Sub-Total</b>	<b>293</b>
<b>Proposed Savings</b>	
Public Health - Scores on Doors revisits	-2
Public Health - Private water supplies extra income	-2
Public Health - Chargeable enforcement for housing standards	-4
Street cleansing - Emptying bins on canal	-10
Grounds maintenance - Review of rates to 3rd parties - full cost recovery	-10
Rationalisation of DMS onto IDOX - Funding from EMR as saving not ready	-7
Bus station - increase 5p per visit - Property	-2
Play area inspections - increase cost to parishes reduce grass cutting	-4
Reduce flat time leisure	-11
Trade waste - increase customer base and charges - net	-60
Waste - mini-round reschedule - vacancy removal	-25
Round 2 - Interest costs decrease (reduction in number of lease vehicles)	-19
Increase in CT base following growth forecasts - from Revenues	-33
Econ Dev - Non-renewal of Exe Rail Grant	-3
Planning Performance agreements	-4
Econ Dev - Pre-App Advice - agreed at Cabinet 17 Oct 2019	-2
Waste Shared savings with Devon CC	-50
Grounds Maintenance restructure	-35
Leisure - 5% increase and growth -	-30
Collection calendars	-16
Bulky waste charges	-2
Increase GW charge	-10
Remove weed team	-53
Reduce flower beds	-13
Shared transport manager with ECC	-20
Cut remaining Public Convenience budget	-10
Rental income - Fore Street letting vacant properties	-16
New mgt arrangements	-51
Dual use recharge to DCC	-50

Restructure - Revs and Bens	-59
<b>Sub-Total</b>	<b>-613</b>
<b>Change in Pension Lump Sum and contribution rates</b>	
Pensions lump sum reduction	-134
Uplift in Ers contribution rate to 16.6%	175
<b>Sub-Total</b>	<b>41</b>
<b>General</b>	
Additional Rural Services Delivery Grant	-92
Reduction in HRA Recharge - TBC	100
MRP movement	-10
Pension Deficit Saving by paying upfront	-32
Impairment of 25% of 3Rs working capital	131
<b>Sub-Total</b>	<b>97</b>
<b>Business Rates - Fluctuations</b>	
BR - Renewables surplus/deficit adjustment - follows appeals	90
Business Rates – latest forecast	249
Prov Settlement - BR Improvement	-89
Reduction in BRR due to change in multiplier	11
<b>Sub-Total</b>	<b>261</b>
<b>Use of Earmarked Reserves</b>	
Net transfer from BR Smoothing	-135
Other various transfer from EMRs – Appendix 3	-113
<b>Sub-Total</b>	<b>-248</b>
<b><i>Budget Gap as at Cabinet 16 Jan 2020 = £177,489</i></b>	<b>177</b>

Transfers into Earmarked Reserves

SERVICE	EMR		MAINT 20/21 BUDGET	PLANT 20/21 BUDGET	EQUIPMENT 20/21 BUDGET	VEHICLES 20/21 BUDGET	OTHER 20/21	NEW HOMES BONUS	
CP540	EQ686	PAYING CAR PARKS (MACHINE REPLACEMENT SINKING FUND)			3,000.00				
IT800	EQ754	PHOENIX HOUSE PRINTING			2,200				
ES100	EQ766	CEMETERIES	25,000						
ES450	EQ767	PARKS & OPEN SPACES	25,000						
GM960	EQ760	GROUNDS MAINTENANCE - PLANT		14,360					
LD201	EQ720	ELECTION COSTS - DISTRICT					25,000		
LD300	EQ721	DEMOCRATIC REP & MANAGEMENT					5,000		
PR810	EQ728	STATUTORY DEVELOPMENT PLAN					100,000		
PS880	EQ765	BUS STATION	5,000						
PS990	EQ685	FORE STREET MAINT S.FUND	5,000						
PS992	EQ685	MARKET WALK MAINT S.FUND	20,000						
RS140	EQ837	LEISURE SINKING FUND			75,000				
WS725	EQ761	KERBSIDE RECYCLING		20,000					
WS725	EQ763	RECYCLING MAINT SINKING FUND (DEPOT FLOOR)	2,700						
WS710	EQ839	WASTE PRESSURE WASHER			2,500				
IT400	EQ755	ICT EQUIPMENT SINKING FUND			189,500				
IE435	EQ653	NEW HOMES BONUS GRANT						1,418,190	
PS980	EQ837	PROPERTY MAINTENANCE	100,000						
FM100	EQ756	FLEET CONTRACT FUND				559,600			
<b>TOTAL</b>			<b>182,700</b>	<b>34,360</b>	<b>272,200</b>	<b>559,600</b>	<b>130,000</b>	<b>1,418,190</b>	<b>2,597,050</b>
<b>2019/20</b>			<b>182,700</b>	<b>34,360</b>	<b>272,200</b>	<b>409,600</b>	<b>125,000</b>	<b>1,243,500</b>	<b>2,267,360</b>
<b>Movement</b>			<b>-</b>	<b>-</b>	<b>-</b>	<b>150,000</b>	<b>5,000</b>	<b>174,690</b>	<b>329,690</b>

## Transfers from Earmarked Reserves

SERVICE	Reserve		UTILISE NHB	OTHER	
EQ638	EQ638	DEV CONT LINEAR PARK		(4,170)	
EQ640	EQ640	W52 POPHAM CLOSE COMM FUND		(1,950)	
EQ641	EQ641	W67 MOORHAYES COM DEV FUND		(1,630)	
EQ642	EQ642	W69 FAYRECROFT WILLAND EX WEST		(4,620)	
EQ643	EQ643	W70 DEVELOPERS CONTRIBUTION		(6,650)	
EQ644	EQ644	DEV CONT WINSWOOD CREDITION		(3,080)	
ES733	EQ652	PUBLIC HEALTH		(52,090)	
PR225	EQ824	GARDEN VILLAGE PROJECT		(55,360)	
PR400	EQ653	BUSINESS DEVELOPMENT - GRAND WESTERN CANAL	(45,000)		
PR400	EQ653	BUSINESS DEVELOPMENT - ECONOMIC DEVELOPMENT PROJECTS	(80,000)		
IT400	EQ653	ICT EQUIPMENT SINKING FUND	(189,500)		
PR810	EQ728	STATUTORY DEVELOPMENT PLAN		(61,890)	
IE440	EQ659	NNDR EMR		(150,500)	
FM100	EQ756	FLEET CONTRACT FUND		(521,770)	
RS100	EQ837	PROPERTY MAINTENANCE		(347,000)	
PS992/PS995	EQ838	GENERAL FUND SHOPS		(30,000)	
Various	EQ653	NHB TO FUND ADDITIONAL PROJECTS FLAGGED IN CAPITAL - DEEMED REVENUE IN NATURE	(110,000)		
FP100	EQ755	ICT EQUIPMENT SINKING FUND		(20,000)	
CS900	EQ753	CENTRAL COPY EQUIPMENT FUND		(7,000)	
HG320	EQ752	HOMELESSNESS EMR		(101,660)	
		RELEASING OF RESERVES TO FUND THE 20/21 GF BUDGET			
<b>TOTAL</b>			<b>(424,500)</b>	<b>(1,369,370)</b>	<b>(1,793,870)</b>
<b>2019/20</b>			<b>(587,850)</b>	<b>(1,811,550)</b>	<b>(2,399,400)</b>
<b>Movement</b>			<b>163,350</b>	<b>442,180</b>	<b>605,530</b>

	Estimated Capital Programme 2020/21 £k	Estimated Capital Programme 2021/22 £k	Estimated Capital Programme 2022/23 £k	Estimated Capital Programme 2023/24 £k	Total £k
<b><u>Estates Management</u></b>					
<b><u>Leisure - Site Specific</u></b>					
<b><u>Lords Meadow Leisure Centre</u></b>					
Dance Studio space challenge		220			220
Passenger lift upgrade		30			30
<b><u>Exe Valley Leisure Centre</u></b>					
Hanovia UV unit		35			35
Tennis court dome / multi purpose area			150		150
ATP replacement				250	250
Boilers and CHP		90			90
Mansafe roof harness point access				40	40
Fitness Studio equipment				214	214
<b><u>Culm Valley sports centre</u></b>					
Reception and managers office extension		90			90
Remodelling dance studio		150			150
External doors		50			50
ATP replacement			250		250
<b><u>Leisure - Other</u></b>					
Reception infrastructure review - all sites	120				120
All Leisure Etarmis - Security Wipe - (linked to security project).	30				30
<b>Total Leisure</b>	<b>150</b>	<b>665</b>	<b>400</b>	<b>504</b>	<b>1,719</b>
<b><u>Other MDDC Buildings</u></b>					
<b><u>Phoenix House</u></b>					
Cooling options AHU				150	150
Etarmis - Security Wipe - (linked to security project).	50				50
Mansafe roof harness point access				60	60
Automatic doors		80			80
Boiler replacement & controls	90				90
<b><u>General Car parks</u></b>					
MSCP Capital Project - Phase 2	589				589
<b><u>MDDC Depot sites</u></b>					
Carlu Close - Water containment for Waste Transfer Station	80				80
Carlu Close - Fuel tank			75		75
Industrial Estate- Kings Mill		100	100		200
Hard surfacing - Kings Mill		50			50
Land acquisition for operational needs	400				400
Depot Design and Build		250	3,500		3,750
<b><u>MDDC Shops/industrial Units</u></b>					
Market Walk - Flat roof replacement	30	30			60
Market walk - Phase 2 of landscaping improvements			55		55
<b><u>Play Areas</u></b>					
Open Space infrastructure		50	50		100
<b><u>Public Conveniences</u></b>					
West Exe South - Remodelling - additional parking spaces	90				90
<b><u>Other Projects</u></b>					
Fire dampeners - Corporate sites	80				80
MDDC CCTV Review & replacement		50			50
<b>Total Other</b>	<b>1,409</b>	<b>610</b>	<b>3,780</b>	<b>210</b>	<b>6,009</b>
<b><u>HIF Schemes</u></b>					
Cullompton Town Centre Relief Road (HIF) bid	3,705	4,141	6,504		14,350
Tiverton EUE A361 Junction Phase 2 (HIF) (bid)	250	4,700	3,200		8,150
<b>Total HIF Schemes</b>	<b>3,955</b>	<b>8,841</b>	<b>9,704</b>	<b>-</b>	<b>22,500</b>
<b><u>ICT Projects</u></b>					
Final phase of Desktop estate replacement/refresh	50				50
Hardware replacement of Network Core Switch which provides all voice and data connectivity for PH and remote sites.			80		80
Workstation refresh				50	50
Secure WIFI Replacement				25	25
MPLS Remote site contract ends July 2021 - Install costs		20			20

**Other ICT Service related projects**

Replacement Access Database - Property Services		100			100
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<b>Total ICT</b>	<b>50</b>	<b>120</b>	<b>80</b>	<b>75</b>	<b>325</b>
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**Private Sector Housing Grants**

Disabled Facilities Grants-P/Sector	572	577	581	586	2,316
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Wessex Reinvestment Trust Grants Scheme	75				75
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<b>Total PSH Grants</b>	<b>647</b>	<b>577</b>	<b>581</b>	<b>586</b>	<b>2,391</b>
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<b>TOTAL GF PROJECTS</b>	<b>6,211</b>	<b>10,813</b>	<b>14,545</b>	<b>1,375</b>	<b>32,944</b>
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**Other General Fund Development Projects**

Other projected 3 Rivers Borrowing	10,889	19,709	21,335	25,500	77,433
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3 Rivers Scheme - Riverside Development (rear of Town Hall) Tiverton	2,746	177			2,923
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3 Rivers scheme - Knowle Lane, Cullompton	7,192	3,598			10,790
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Waddeton Park, Post Hill, Tiverton	3,605	4,895	3,605	220	12,325
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<b>TOTAL GF OTHER DEVELOPMENT PROJECTS</b>	<b>24,432</b>	<b>28,379</b>	<b>24,940</b>	<b>25,720</b>	<b>103,471</b>
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<b>GRAND TOTAL GF PROJECTS</b>	<b>30,643</b>	<b>39,192</b>	<b>39,485</b>	<b>27,095</b>	<b>136,415</b>
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## HRA Projects

### Existing Housing Stock

Major repairs to Housing Stock	2,260	2,260	2,260	2,260	9,040
Renewable Energy Fund	150	250	250	250	900
Home Adaptations - Disabled Facilities	300	300	300	300	1,200

### \* Housing Development Schemes

HRA regeneration scheme 1	2,000				2,000
HRA regeneration scheme 2		1,500			1,500
HRA regeneration scheme 3			3,000		3,000
Garages Block - Redevelopment		800			800
Affordable Housing/ Purchase of ex RTB	500	500	500	500	2,000
* Proposed Council House Building / Other schemes subject to full appraisal					
Depot rationalisation		850			850

<b>Total HRA Projects</b>	<b>5,210</b>	<b>6,460</b>	<b>6,310</b>	<b>3,310</b>	<b>21,290</b>
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### HRA ICT Projects

Mobile working Hardware		25			25
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<b>Total HRA ICT Projects</b>	<b>-</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>25</b>
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<b>GRAND TOTAL HRA PROJECTS</b>	<b>5,210</b>	<b>6,485</b>	<b>6,310</b>	<b>3,310</b>	<b>21,315</b>
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<b>GRAND TOTAL GF + HRA Projects</b>	<b>35,853</b>	<b>45,677</b>	<b>45,795</b>	<b>30,405</b>	<b>157,730</b>
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## MDDC Funding Summary

### General Fund

	2020/21	2021/22	2022/23	2023/24	Total
	£k	£k	£k	£k	£k
<b>EXISTING FUNDS</b>					
Capital Grants Unapplied Reserve	792	577	706	711	2,786
Capital Receipts Reserve	70	70	70	69	279
NHB Funding	1,047	1,013	442	477	2,979
Other Earmarked Reserves	92	62	123	118	395
HIF Funding	430	8,358	8,857	-	17,645
<b>Subtotal</b>	<b>2,431</b>	<b>10,080</b>	<b>10,198</b>	<b>1,375</b>	<b>24,084</b>

### NEW FUNDS

PWLB Borrowing	28,212	29,112	29,287	25,720	112,331
<b>Subtotal</b>	<b>28,212</b>	<b>29,112</b>	<b>29,287</b>	<b>25,720</b>	<b>112,331</b>

<b>Total General Fund Funding</b>	<b>30,643</b>	<b>39,192</b>	<b>39,485</b>	<b>27,095</b>	<b>136,415</b>
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### Housing Revenue Account

	2020/21	2021/22	2022/23	2023/24	Total
	£k	£k	£k	£k	£k
<b>EXISTING FUNDS</b>					
Capital Receipts Reserve	1,861	1,711	2,161	707	6,440
NHB Funding	21	21	21	21	84
HRA Housing Maintenance Fund	846	2,146	1,546	-	4,538
Other Housing Earmarked Reserves	2,482	2,582	2,582	2,582	10,228
<b>Subtotal</b>	<b>5,210</b>	<b>6,460</b>	<b>6,310</b>	<b>3,310</b>	<b>21,290</b>

### NEW FUNDS

Revenue Contributions		25			25
<b>Subtotal</b>	<b>-</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>25</b>

<b>Total Housing Revenue Account Funding</b>	<b>5,210</b>	<b>6,485</b>	<b>6,310</b>	<b>3,310</b>	<b>21,315</b>
--	--------------	--------------	--------------	--------------	---------------

<b>TOTAL FUNDING</b>	<b>35,853</b>	<b>45,677</b>	<b>45,795</b>	<b>30,405</b>	<b>157,730</b>
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## **Appendix 6**

### **Minimum Level of Reserves Review**

#### **Background Information**

It is particularly pertinent when there are significant challenges to councils' budgets and when Central Government funding is falling at an exceptional rate, to consider how this risk is being mitigated and how exposed the Council is to adhoc events, risks and pressures.

With this in mind, the Deputy Chief Executive (S151) requested a review of reserves and for the minimum acceptable level of General Reserves to be challenged to establish whether it is appropriate and to benchmark against other councils to see how we compare and whether we are over-exposed to risk.

#### **Approach and Methodology**

Reserves are reviewed by this Council on an annual basis to give assurance that they are appropriate and adequate. Due to the constraints on the Council's budget it is not possible to mitigate every eventuality and it would be imprudent to set aside funds simply as a percentage of net expenditure "just in case" without any further scrutiny. With the current challenges associated with setting a balanced budget, earmarking reserves is an important exercise and each year a review is done to challenge the levels and intended use of these reserves. In some cases, earmarked reserves are deemed to be no longer required/too high and are returned to general reserves.

In order to arrive at an appropriate level for General Reserves (GF), various publications were reviewed and the Council was benchmarked against its nearest neighbours in terms of size, demography, Business Rates (NDR) value per head etc.\*.

- LAAP Bulletin 99 Local Authority Reserves and Balances
- CIPFA Stats Nearest Neighbours Model\*
- Audit Commission "Striking a Balance" Questionnaire
- CIPFA Delivering Good Governance in Local Government
- Financial Diagnostic Report - LGA

#### **Mitigating Risk – General Reserves**

The CIPFA LAAP Bulletin says "When reviewing their medium term financial plans and preparing their annual budgets, local authorities should consider the establishment and maintenance of reserves. These can be held for three main purposes:

- A working balance to help cushion the impact of uneven cashflows and avoid unnecessary temporary borrowing – this forms part of general reserves
- A contingency to cushion the impact of unexpected events or emergencies – this forms part of general reserves.

- A means of building up funds to meet known or predicted requirements – via earmarked reserves (legally part of the General Fund).

As part of the review of the adequacy of the general reserves balance, it is prudent to consider the particular risks that the Council faces and how these are mitigated by earmarked reserves and other mechanisms.

There are a number of general risks which are relevant to all or most councils and for the most part are mitigated by a robust approach to budget setting within the MTFP. These include inflation and interest rates; the timing of capital receipts; demand led pressures; the delivery of efficiency savings; the availability of Government grants and general funding; and the general financial climate. These risks are considered at every stage of the budget setting process and the experience of the S151 Officer and senior finance officers will be fundamental in identifying and addressing the pressures relating to these risks.

An indicator of the risks particular to the Council is the Risk Register. This captures those risks which need to be managed and monitored as they can potentially have a very detrimental effect on the financial or reputational standing of the Council. We have therefore used the Council's risk register as the starting point for the risk matrix.

### **Quantifying the Financial Risk**

The risk-based assessment gave a range of appropriate "minimum" general reserves levels as £1.7m to £2.2m. With consideration to the Council's challenges in setting a balanced budget it is considered that the level currently held in General Reserves is adequate and it would not be necessary to increase this amount in line with an arbitrary percentage.

### **Striking a Balance Questionnaire**

The Audit Commission's (though now defunct) questionnaire is a good aide memoire to highlight the areas a Council should consider when assessing the minimum level of reserves. It also draws on benchmarking to establish how other councils mitigate their risks. This questionnaire and the CIPFA stats Nearest Neighbour Model were used to benchmark against 12 other councils which have similar attributes. The average minimum level of general reserves for the 13 councils for which budget levels were available, was 8.73% as opposed to the 18.74% that Mid Devon Council currently holds. It was also significant that Mid Devon's level of Earmarked Reserves stand at 124.57% of Net Expenditure which is the highest of the 13 councils included. This should give assurance over our ability to mitigate risks without having to over-inflate our General Reserves level,

### **Conclusion and Next Steps**

The risk assessment and Audit Commission questionnaire are useful tools in establishing Mid Devon's minimum level of general reserves. This must be caveated with the assertion that if the Council relies on reserves to address a budget gap it will be immediately exposed to a heightened risk if it does not remain above the minimum level.

**With reference to the analysis that has been undertaken and with attention to the risks that the Council faces and its limited ability to mitigate risk, a recommendation is made to adjust the minimum level of reserves to £2m.**

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## **CABINET**

**16<sup>th</sup> January 2019**

### **REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

#### **TIVERTON EASTERN URBAN EXTENSION SPD AREA B MASTERPLAN**

<b>Cabinet Member</b>	<b>Cllr Graeme Barnell, Cabinet Member for Planning and Regeneration</b>
<b>Responsible Officer</b>	<b>Mrs Jenny Clifford, Head of Planning, Economy &amp; Regeneration</b>

**Reason for the Report:** To approve the Draft Tiverton Eastern Urban Extension SPD Area B Masterplan for Stage 2 Public consultation.

#### **RECOMMENDATIONS:**

- 1. That Cabinet approves the Draft Tiverton Eastern Urban Extension SPD Area B Masterplan for Stage 2 public consultation;**
- 2. That Cabinet approve the associated Strategic Environmental Screening Report and the Habitats Regulations Assessment Screening Report for consultation; and**
- 3. That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to finalise the material and arrangements for consultation.**

**Relationship to Corporate Plan:** The Tiverton Eastern Urban Extension SPD Area B Masterplan will provide guidance on the planning and delivery of a strategic site for Mid Devon. It will form an addendum to the Adopted Tiverton Eastern Urban Extension Masterplan SPD (2018). The Area B Masterplan SPD directly relates to all four Corporate Plan priorities of economy, homes, community and environment.

**Financial Implications:** The procurement and cost of commissioning this masterplan has formally been considered and approved at Cabinet. The cost of engaging consultants to deliver the Area B Masterplan SPD has been financed through Government capacity funding at no cost to MDDC budget.

**Legal Implications:** The process for preparing and adopting the Area B Masterplan will need to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. Planning policy requires the adoption of the masterplan ahead of the submission of planning applications. Whilst the Adopted Masterplan will not form part of the Development Plan, the SPD will be a material consideration in the determination of planning applications relating to the site.

**Risk Assessment:** Policy sets out that masterplanning should take place before applications are submitted. Delay in progress on the masterplan will delay the delivery of housing on this part of the site and related infrastructure provision.

**Equality Impact Assessment:** No equality issues are identified for this report.

**Impact on Climate Change:** A core principle within the Draft Area B Masterplan is to support through design and timely delivery of infrastructure, dwellings and employment, the Council's commitment to achieving new zero carbon emissions by 2030. The Area B masterplan has regard throughout to climate change.

## 1.0 INTRODUCTION: BACKGROUND

- 1.1 The Council has resolved to develop a Masterplan for Area B of the Tiverton Eastern Urban Extension (EUE) as a Supplementary Planning Document.
- 1.2 The existing Tiverton EUE Masterplan was adopted as a Supplementary Planning Document in April 2014 and updated in June 2018. Whilst covering the whole of the development allocation site, it was not able to address all the site to the same degree of detail. This was largely due to the absence of some site-wide survey work in Area B. As a consequence the Adopted Masterplan SPD did not fully resolve the land use issues across the whole allocation. It makes reference to the fully surveyed land as Area A and the area requiring a greater degree of masterplanning, to the south east of the allocation, as Area B.



- 1.3 Following Cabinet approval (2 February 2017) information on Area B of the Tiverton EUE was agreed for submission for Stage 1 Masterplanning public consultation. Stage 1 scoped out the content and key issues for the Area B Masterplan SPD. The Stage 1 public consultation took place over a 4 week period during the 13 June to 11 July 2017. A series of key masterplan issues

formed the basis of the public consultation event. The consultation did not seek to resolve these issues but to invite comment and feedback on them:

- Means of access.
- Phasing of development.
- The extent of the developable area and amount of development.
- The uses within the green infrastructure (GI) area, where these different GI uses are to be located and their management.

In accordance with Mid Devon's Statement of Community Involvement, the Area B Masterplan SPD is required to undergo a Stage 2 public consultation to consider the draft masterplan itself.

1.4 The Draft Area B Masterplan was presented to PPAG on the 6<sup>th</sup> January 2020. Members made a number of minor amendments that have been included the Draft Masterplan (attached as **Appendix 1**). The key issues were as follows:

- i) that more emphasis be placed on bus service enhancements;
- ii) to include an illustration on parking provision;
- iii) the provision of allotments was welcomed as part of the proposal however the group suggested that additional allotment space could be considered in the vicinity;
- iv) recognise the importance of on-going management and maintenance as set out in Part 6.5 of the Masterplan Plan;

## **2.0 CONTENT OF DRAFT MASTERPLAN**

2.1 The Area B Masterplan once adopted will not in itself form part of the Development Plan for planning purposes, but will nevertheless be a material consideration in the determination of planning applications. The Draft Masterplan is attached at Appendix 1.

2.2 It seeks to provide a comprehensive framework within which to guide the development of Area B in a coordinated manner. It builds on the existing Adopted Masterplan SPD (2018) and provides a greater depth of resolution for spatial planning issues, consider means of access, amount of development and how the area identified as Green Infrastructure (GI) will function, what uses it will fulfil, their location within the GI area and how it will be delivered and managed. The structure of the Draft Area B Masterplan therefore reflects that of the Adopted Masterplan SPD (2018). A brief description of each part is provided below:

### Introduction

This sets out the relationship between the Adopted Masterplan SPD and Draft Area B Masterplan and the purpose the Masterplan to bridge the gap between

high level policy aspirations and delivery on the ground in order to ensure high quality design and place.

#### About the Site

This introduces the site within the wider context of the EUE. It provides background and context including land ownerships, constraints and opportunities across Area B.

#### Vision and Objectives

This outlines the overarching ambition for the development of Area B as an attractive, well designed garden neighbourhood that will create a positive future both for those who reside in the new development and the wider Tiverton area. This is borne out in four development concepts and guiding principles.

#### Creating the Structure

This provides specific detail for the Masterplan area whilst providing an Illustrative Framework Plan and viable land use budget.

#### Creating the Place

This chapter seeks to communicate the varied character that will be required for the new development including the Green Infrastructure. Eight distinctive locations are described in more detail alongside a series of street sections which are important to convey the varied character and response required in different areas of the masterplan area.

#### Delivering Place

This takes a specific look at the infrastructure requirements for Area B and the delivery of it including S106 contributions and their triggers as well housing delivery rates and phasing of development.

### **3.0 Strategic Environmental Assessment / Habitats Regulation Assessment Screening**

- 3.1 The Area B Masterplan SPD has been 'screened' to establish whether it requires a Strategic Environmental Assessment (SEA). The SEA Screening Report (**Appendix 2**) has identified that the Area B Masterplan SPD is unlikely to have significant effects on the environment. The SEA Screening Report has also found that there is no requirement for the Area B Masterplan SPD to be subject to a full SEA. Importantly the SPD provides additional guidance on the applications of Local Plan policies which have already been the subject of SEA assessment.
- 3.2 The Tiverton Urban Extension Area B SPD has been 'screened' for the purpose of the Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a European 'habitats site' identified under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). The HRA Screening Report (**Appendix 3**) identifies that the Tiverton Urban Extension Area B SPD is not likely to have significant

adverse effects on the integrity of Habitat sites, either alone or in-combination with other plans or projects and further ‘Appropriate Assessment’ is not required. Importantly the SPD provides additional guidance on the applications of Local Plan policies which have already been the subject of Habitat Regulations Assessment.

#### 4.0 Next Steps

- 4.1 In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council’s Statement of Community Involvement, a six week public consultation will be undertaken, commencing on a date to be agreed in February. Once the consultation has ended and officers have considered the responses, the final version of the Tiverton Urban Extension Area B Masterplan and a statement of public participation will be considered at a future meeting of the Cabinet.
- 4.2 A provisional timetable for the next stages in the production of the masterplan are set out as follows:

Action	Date
Finalise of presentation material for Stage 2 public consultation	January 2020
Stage 2 Public Consultation	February / March 2020
Adoption	May 2020

#### 5.0 Conclusion

- 5.1 The Area B Masterplan SPD will provide a comprehensive framework to guide development in a coordinated and comprehensive manner. Once adopted it will achieve full weight in decision making as a material planning consideration and will sit aside the Adopted Tiverton EUE Masterplan SPD. The first phase of public consultation has been undertaken. Consultants have produced a Draft Masterplan SPD for Stage 2 public consultation. This report seeks authority to commence this public consultation. .

**Contact for more information:** Christie McCombe, Area Planning Officer  
01884 234277

[cmccombe@middevon.gov.uk](mailto:cmccombe@middevon.gov.uk)

#### Background Papers:

The adopted policies relating to the Tiverton Eastern Urban Extension may be viewed in the AIDPD at

<https://new.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/part-2-aidpd/>

The Adopted Tiverton EUE Masterplan and Stage 1 Public Consultation material may be viewed at

<https://www.middevon.gov.uk/residents/planning-policy/masterplanning/>

Cabinet 26 October 2017

Cabinet 2<sup>nd</sup> February 2017

**Circulation of the Report:** Members of Cabinet

# Tiverton Eastern Urban Extension Supplementary Planning Document

## Area B Masterplan

December 2019 - consultation draft

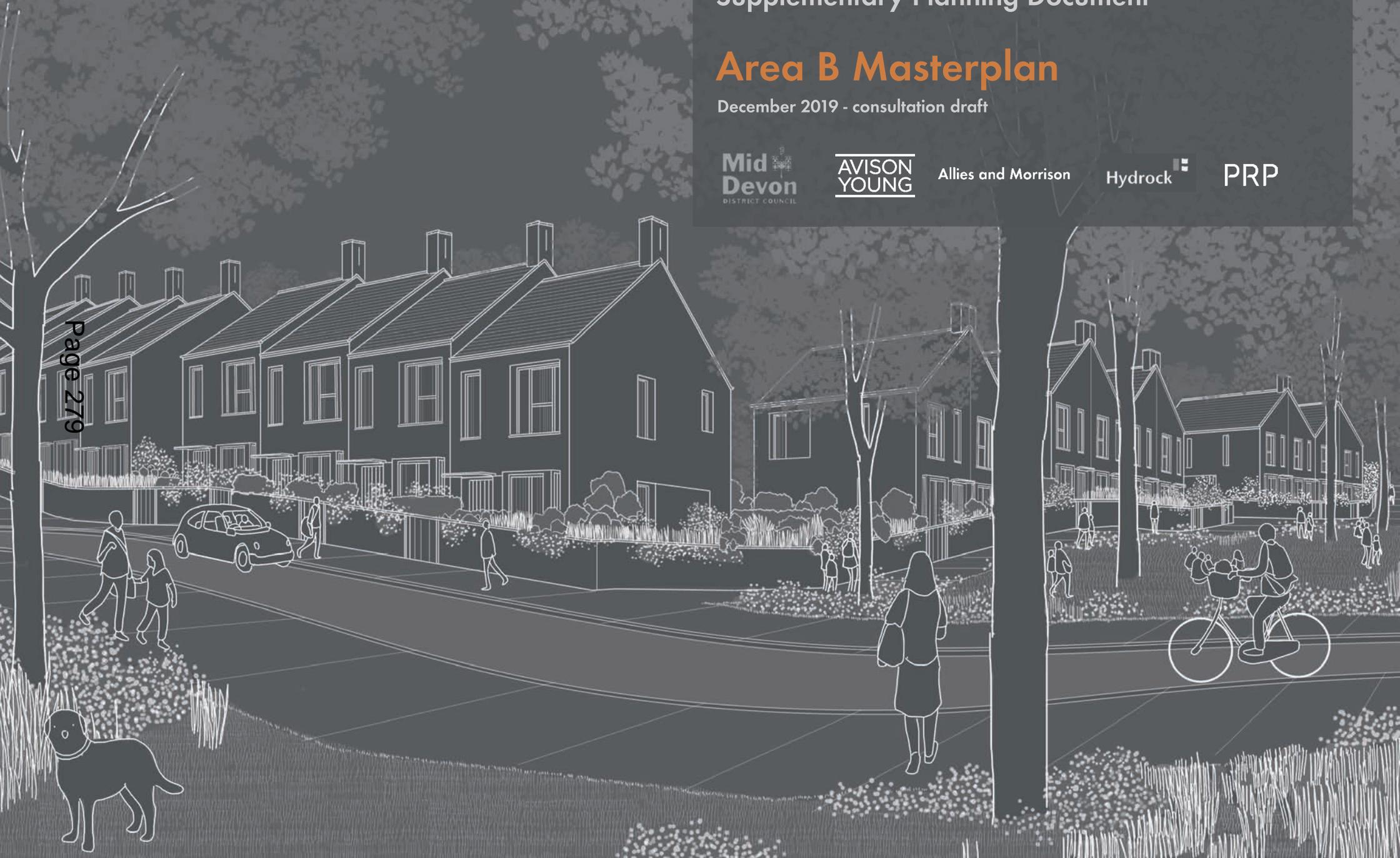


Allies and Morrison



PRP

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# ***FOREWORD TBC MDDC***

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**Setting the Scene:** Explaining the policy background to the SPD, the purpose of the document, its terms and how it should be read and used.

**Achieving a quality place:** Setting out the vision, guiding principles, concepts and design principles for achieving a quality of place and how those are going to be implemented and phased.

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# 1 INTRODUCTION



Fig.01 Tiverton EUE Area B allocation

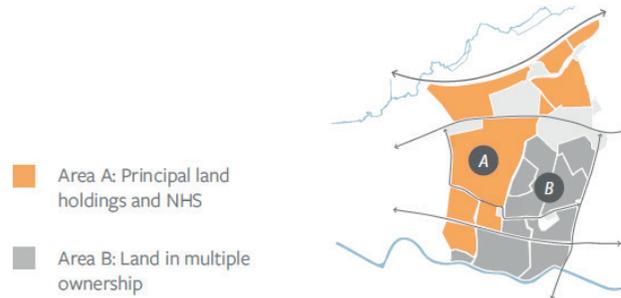
# 1.1 INTRODUCTION

The Tiverton Eastern Urban Extension (EUE) Masterplan was adopted as a Supplementary Planning Document (SPD) in June 2018 (hereafter referred to as the 2018 SPD). The document covered the entirety of the EUE allocation which covers 153 hectares as identified within the Allocations and Infrastructure Development Plan Document (AIDPD - adopted October 2010) for 1550 to 2000 dwellings and 95,000 to 130,000 square metres of employment floorspace. This context remains relevant for the purposes of this document in terms of the potential capacity of the overall EUE, however the Council is currently undertaking a Local Plan Review exercise which provides a review of these figures (refer to 1.3 below).

Two distinct areas were defined within the 2018 SPD, referred to as areas A and B. The adopted SPD established a detailed masterplan for Area A in collaboration with the landowners and using survey and design information available at the time of writing. Masterplan consideration was given to Area B but not to the extent afforded to Area A given the position of the landowners and the extent of available information. The SPD was clear however that a further masterplan for Area B would be required. This document therefore provides that masterplan.

The following sections provide an overview of the masterplan work and planning permissions secured to date within Area A, with a view to informing the masterplanning of Area B and therefore potential site capacity within the realms of the overall allocation policy identified above.

The 2018 SPD replaced the version adopted on the 30 April 2014 which was revised to remove three housing land parcels on the southern side of West Manley Lane (within Area A).



**Fig.02 Tiverton EUE Area A and Area B**

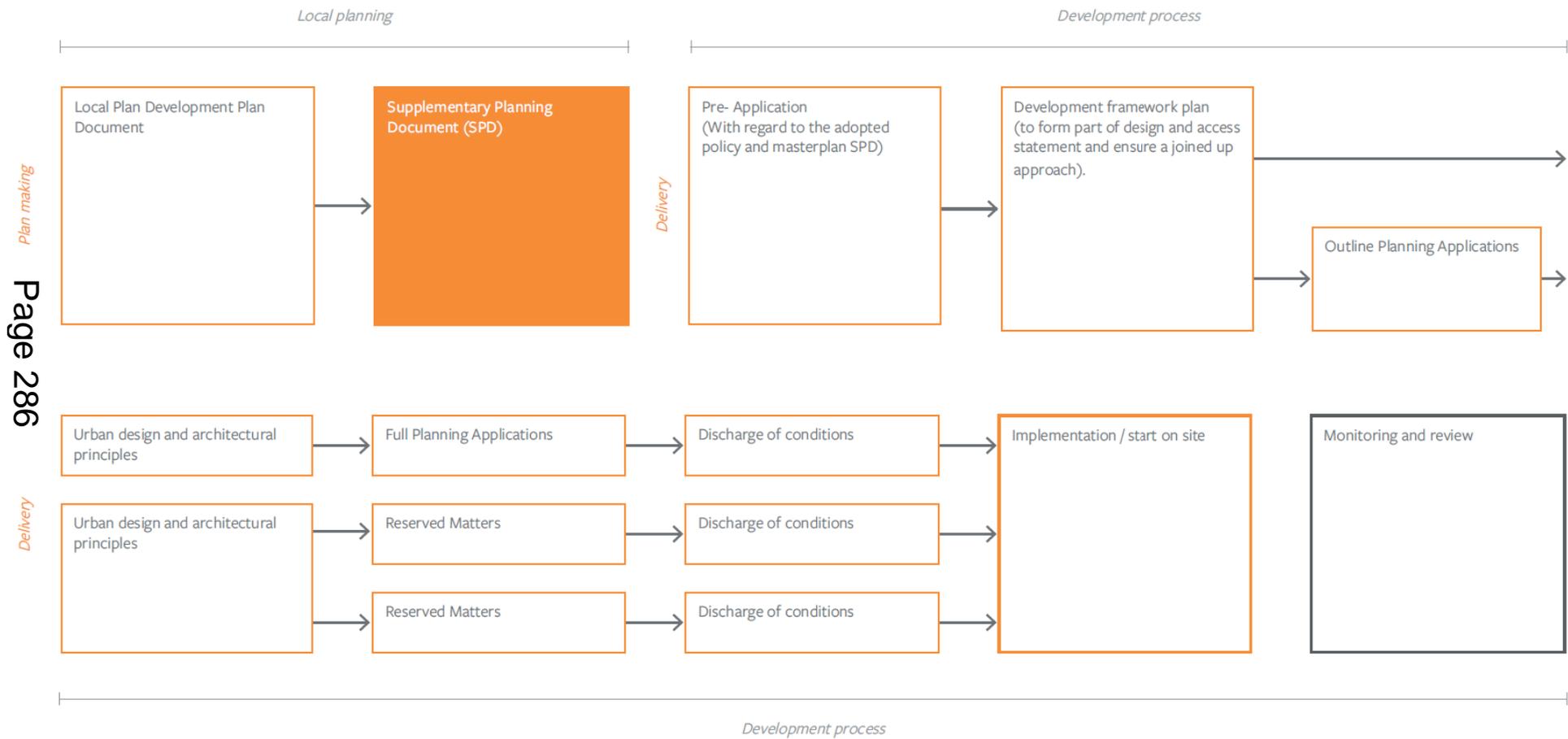


Fig.03 Plan making and development process - cross refer to 1.6 Design process

## 1.2 PURPOSE AND ROLE OF THE DOCUMENT

“the purpose of the document is to bridge the gap between high level policy aspirations and delivery on the ground in order to ensure high quality design and quality of place” ...

The document has been prepared as a Supplementary Planning Document (SPD) and as such is a material consideration to be assessed when determining planning applications.

The main objective of the document is to set out the key principles that planning applications will need to have regard to if they are to be considered acceptable by Mid Devon District Council (MDDC). Accordingly, the purpose of the document is to bridge the gap between policy aspiration and implementation in order to ensure high quality design and the delivery of a successful place. Another important role of the document is to where possible, co-ordinate the different phases of development and the delivery of infrastructure.

The flow diagram opposite (Fig.03) illustrates where the SPD sits in the development process.

The guidance will inform developers and their designers when preparing planning applications, MDDC when considering proposals, and stakeholders and people in the local community when reviewing and responding to emerging schemes.

So that the guidance retains its legitimacy over time and is able to adapt to different proposals and changing circumstances, it has been designed to be inherently flexible. It identifies what is likely to be acceptable by MDDC.

The SPD therefore sets out guiding principles on a range of high level design matters that are intended to structure the urban extension. Further, more detailed guidance, concerning issues such as street and public realm design and the character of the development, are set out in a more detailed illustrative framework plan (Fig 29) and in a series of urban design and architectural principles to guide detailed proposals. These elaborate upon the principles within this SPD and clarify design expectations that are important to the overall character and appearance of the new neighbourhood.

The overriding objective of the document is to improve the quality of proposals and the resulting developments, ensure that infrastructure and phases are co-ordinated and strategic policy aspirations are met. It should provide a foundation for improving the speed, efficiency and effectiveness of the pre-application and determination processes.

**This document should be read in conjunction with the 2018 SPD. It is not intended to replace the 2018 SPD but provides an update in the form of an addendum update with specific reference to Area B. This update document completes the masterplanning process for the EUE.**

The Area B masterplanning exercise provides the opportunity to review the requirements set out in the 2018 SPD where relevant to Area B. This document does not seek to provide new or amended requirements in relation to Area A.

This update document is therefore set out in such a manner as to follow the format and structure of the adopted SPD to aid the reader.

**This document should also be read in conjunction with the Design Guide for the EUE produced for the Council in June 2016.**

## 1.3 MEETING PLANNING POLICY OBJECTIVES

The 2018 SPD was considered under the Adopted Local Plan Policy and the SPD provides an overview of the adopted policy context, notably policies AL/TIV/1 to AL/

TIV/7 within the AIDPD which relate specifically to the allocation of the Tiverton EUE. However whilst these policies remain relevant to an extent, the preparation of the Area B masterplan, has been considered under the Local Plan Review (2013-2033) which seeks to further refine the policy requirements (as detailed below). Therefore whilst we have highlighted both the adopted and emerging policy requirements below we expect future decision making within Area B to be made in the context of the Local Plan Review once adopted.

### Allocations and Infrastructure DPD

Policy AL/TIV/7 (AIDPD) requires MDDC to carry out a major public consultation exercise into the masterplanning of the site before planning applications are made. This was undertaken in the preparation of the 2018 SPD and this document covers the requirement for Area B. Section 1.5 below provides an overview of the consultation process.

The key points of relevance highlighted in the 2018 SPD policy objectives include the following:

Policy AL/TIV/1 proposes from 1550 to 2000 dwellings and from 95,000 to 130,000 sqm of employment.

The 2018 SPD identifies capacity of around 1520 dwellings, 30,000 square metres of employment floorspace, and community and infrastructure facilities (all subject to further design development) across the EUE. Whilst the 2018 SPD established these as guide, the Area B masterplan process has been undertaken on the basis that there is scope to consider increasing the density of Area B given the overarching policy context of AL/TIV/1 in the adopted AIDPD and emerging Local Plan Review.

### Policy AL/TIV/2 Transport Provisions

Further to the preparation of the 2018 SPD a number of highways infrastructure elements have been delivered including the environmental enhancements along Blundell's Road and the construction of the southern side 'Left In Left Out' (LILLO) junction with the A361.

### Policy AL/TIV/3 Green Infrastructure

The Area B masterplan has taken forward the 2018 SPD principle of strategic green infrastructure within the southern edges of the EUE.

### Policy AL/TIV/4 Community Facilities

The 2018 SPD identifies the delivery of a primary school, shopping and community centre provision within Area A. Detailed proposals were being brought forward through the pre-application planning process at the time of the Area B masterplan exercise but further consideration will

need to be given at the earliest opportunity in order to ensure a satisfactory interaction with the north western section of Area B.

The potential housing development capacity of Area B is discussed later in this document but of key relevance are the assumptions that have informed the 2018 SPD, notably the identification of the public informal open space above policy requirements but with formal play and recreation calculated at the lower level of housing.

### Policy AL/TIV/6 Phasing

The phasing arrangements for Area B are discussed within section 6, however the context of Area A and current phasing arrangements is of relevant consideration. At the time of writing development has now started to the north of Blundell's Road by Barratt David Wilson Homes for their Braid Park development.

The Chettiscombe Trust (land north and south of Blundell's Road) is understood to be placing land parcels on the market to seek developer interest to deliver the first phases of their scheme.

### Local Plan Review (LPR)

Whilst MDDC is pursuing a Local Plan Review (LPR) at the time of writing, the document has reached Examination stage so therefore does not carry full material weighting. However the document is expected to be adopted in time to carry full weight in determining planning applications on Area B and therefore once adopted the LPR will supersede and replace the following earlier plans:

- Core Strategy 2026 (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Local Plan Part 3: Development Management Policies (adopted 2013)

The proposed LPR Submission version with modifications (January 2017) retains the thrust of the above mentioned policies AL/TIV/1 to AL/TIV/7 but consolidates them into policies TIV1 to TIV5 as follows:

#### Policy TIV1

The key consideration within the Employment Land Review is TIV1 and the reference to a reduced housing target of 1580 to 1830 dwellings and at least 30,000 square metres of employment. The emerging policy TIV1 requires:

A site of 153 hectares east of Tiverton is allocated for mixed use development as follows:

- a) 1580 to 1830 dwellings;
- b) A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;
- c) At least 30,000 square metres commercial floorspace;
- d) 47 hectares strategic green infrastructure;
- e) Highway mitigation measures and transport provision to ensure appropriate accessibility for all modes;
- f) Environmental protection and enhancement;
- g) Community facilities to meet local needs arising, including a new primary school and neighbourhood centre;
- h) An agreed strategy to bring forward development and infrastructure in step and retain the overall viability of development; and
- i) Compliance with the adopted masterplan and completion of a public Masterplanning exercise in respect of the southeast of the site (Area B in the adopted masterplan).

The supporting text to Policy TIV1 requires the development target of 35% affordable housing although it is recognised that this is subject to

viability as phases come forward. The text (3.11) also acknowledges that the site will be zero rated for Community Infrastructure Levy reflective of the high cost of infrastructure on the site, instead being secured by Section 106 agreements.

#### Policy TIV2 – EUE Transport Provision

The transport related requirements set out within AIDPD Policy AL/TIV/2 Transport Provision have been largely carried forward into Policy TIV2. Requirements include the provision of bus, pedestrian and cycle routes at appropriate locations throughout the development, and cycle and pedestrian links to the Railway Walk, Grand Western Canal and nearby public rights of way which is of key relevance to Area B.

#### Policy TIV3 EUE Environmental Protection and Green Infrastructure

The new policy TIV3 refines the AIDPD policy AL/TIV/3. The new policy retains reference to the majority of requirements including the 47 hectares of strategic green infrastructure on the western and southern edges of the EUE, although additional reference is now made (within clause b) to the implementation of management and funding arrangements of this space.

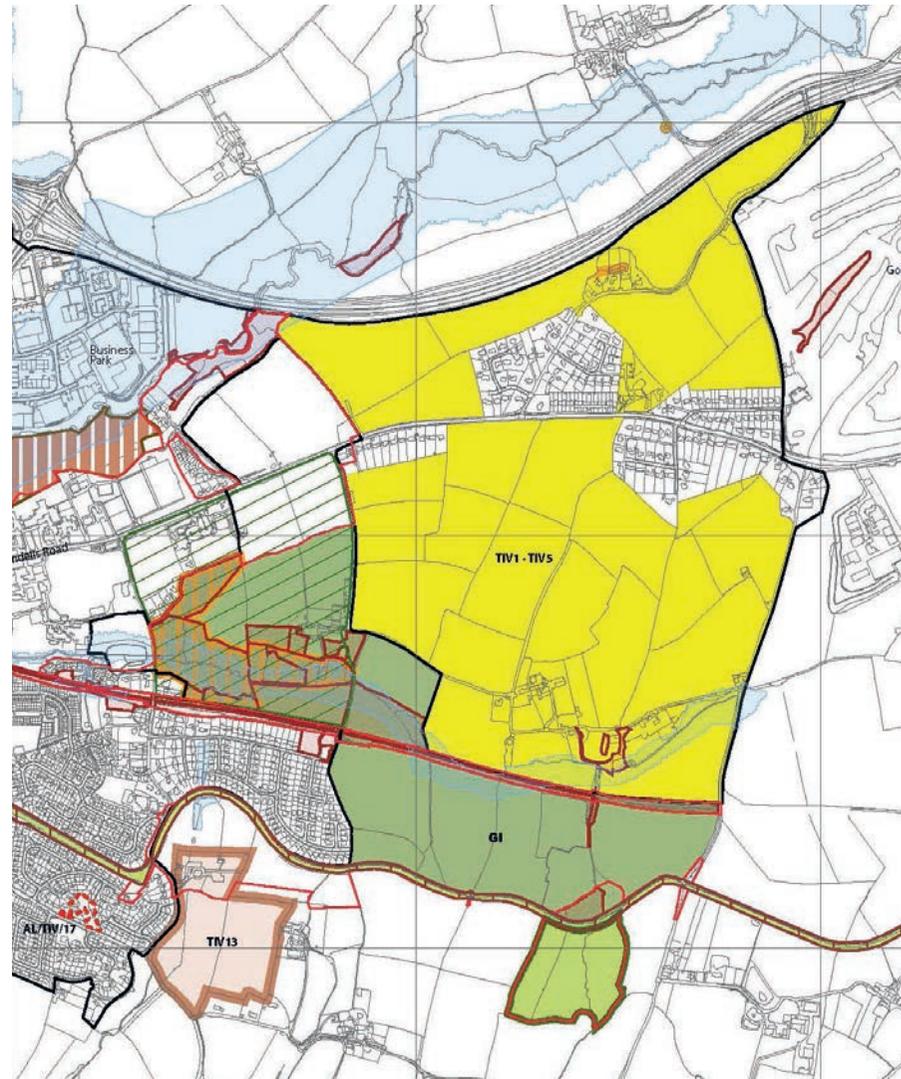


Fig.04 Extract from key diagram Local Plan Review 2013 - 2033

#### Policy TIV4 EUE Community Facilities

Policy TIV4 broadly retains the requirements of AL/TIV/4 but these predominantly relate to the provision of education, shopping and community facilities which will fall within Area A. Consideration will however need to be made to the contributions referenced within the policy wording.

#### Policy TIV5 EUE Phasing

This policy replaces AIDPD Policy AL/TIV/6 and adds a number of additional clauses. The policy criteria should be read in conjunction with the delivery strategy elements discussed further within Section 6 of this document, and as noted above a number of triggers will be met through the delivery of Area A.

#### Other LPR Policy Considerations

Future planning applications within Area B will be considered against the full suite of policies within the ELR beyond those in TIV1 to TIV5. Other policies and guidance of particular note include:

- Policy S3 – ‘Meeting Housing Needs’ which includes reference to self-build and custom dwellings being required on sites of over 20 dwellings or more through 5% of serviced dwelling plots. Reference is also made to the provision of gypsy and traveller pitches which are discussed later into this document.
- Policy S6 – ‘Public Open Space’ sets the required standards all types of open space.



where we are:



1. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and MDDC's Statement of Community Involvement.

2. Pursuant to Section 23(1) of the Planning and Compulsory Purchase Act 2004 including publication of a summary setting out the issues raised and accordingly, modifications made.

3. Pursuant to Section 23(1) of the Planning and Compulsory Purchase Act 2004 including publication of a summary setting out the issues raised and accordingly, final modifications made.

Area A: Principal land holdings and NHS  
Area B: Land in multiple ownership



Fig.05 Where we are in the process

## 1.4 THE SUPPLEMENTARY PLANNING DOCUMENT

A similar process set out within the 2018 SPD has been followed in preparation of the Area B masterplan. The above mentioned policy background remains as previously, albeit with the acknowledgment of the forthcoming Local Plan Review. However the same flexibility, referred to in the 2018 SPD applies with regards to the potential for the SPD to differ from policy where justification is provided.

Sustainability remains a key consideration and the required provisions have been considered in a consistent manner as the 2018 SPD.

There will be one round of public consultation in early 2020 and liaison with landowners and key stakeholders including a stakeholder workshop which took place in October 2019. The document has therefore been reviewed throughout this process in order to take account of the feedback received.

The work also builds upon the extensive consultation undertaken during preparation of the 2018 SPD which included a Feasibility Study which formed the basis for a Stage 1 public consultation for Area B that was undertaken over a 4 week period between June 2017 and July 2017. The Feasibility Study considered the scope of the remaining masterplanning work, including significant issues to be addressed. Therefore the two stage consultation process (as required through the MDDC Statement of Community Involvement, October 2016) has been undertaken.

The 2018 SPD refers to a robust evidence base and two stage process. Further technical work has been undertaken on Area B as discussed within section 2.4 below.

In addition, the further information produced to support the planning applications submitted on Area A provides further contextual evidence to assist in determining the key constraints and opportunities for the Area B masterplan.

## 1.5 CONSULTATION

The content of the draft masterplan SPD has been informed by a workshop and meetings with a range of local residents, stakeholders and landowners. The following provides a brief overview of the issues raised at events:

### Workshop 1

A workshop for key stakeholders was held on Wednesday 9 October from 5pm until 7:30pm to discuss the emerging design proposals and vision for the Area B masterplan for the Tiverton Eastern Urban Extension Masterplan. Around 22 representatives from local residents' groups, landowners and statutory stakeholders attended the event. The following notes provide a summary of the key messages recorded at the event:

#### Natural landscape and public open space:

There was strong support for the Country Park but there was concern from a number of attendees about how this and the other green spaces within the masterplan area will be managed and maintained. It was felt that this strategy should be set out as part of the masterplan. Careful consideration was felt to be required about how the canal is accessed from within the park. Access on foot should be promoted but there should be limited access points for cyclists. There was support for the retention of the existing green infrastructure including hedgerows and a call for more allotment

space. The character of the environment along the country lanes was felt to be an important asset to protect – these should be used in the future as recreational routes with no additional vehicular access, but with an emphasis on their role as green infrastructure.

#### Character and built development

Feedback during the workshop emphasised that the rural setting must have an impact on the development's character. Designated conservation areas and the surrounding lanes should be protected. The existing countryside setting and green edges of the lanes is an important part of the setting of heritage assets and listed buildings. Some commented that 3.5 storeys was not in keeping with the character of the existing area. One landowner who attended the workshop raised concerns about restrictive covenants which have been placed over land to the north of the area. The County Council raised concerns of archaeological constraints within the site and the potential impact this might have on development viability.

#### Movement and transport

The movement and transport theme was the topic that received the greatest level of discussion. The strategy to protect Manley Lane and West Manley Lane from any additional traffic was supported. This should be a leisure route and connect into the Country Park and the canal edge. There was concern from the representative from the Grand

Western Canal Country Park about the number of connections proposed onto the canal route, particularly for cyclists. Others supported lots of routes to strengthen the relationships between this route and the new county park.

Access to the site was discussed at some length. It was recognised that one of the access point options was beyond the settlement boundary and involves other land. One landowner was keen to see Mayfair provide limited capacity access to a part of the site.

It was felt that the masterplan presented a positive opportunity to encourage use of the sustainable route along the old railway corridor into the town centre. Connections to this from the residential area should be direct and strong and opportunities including the improvements of the junctions and level changes to the route, surfacing improvements and lighting, which should be delivered as part of the masterplan. There was significant support for other sustainable modes such as an improved bus route and/or good routes to Blundell's Road to the existing bus route.

In terms of connections within the site, there was concern about the scale and potential effect of the primary route through the site. Discussions emphasised the importance of this road feeling like a street and not to be too wide. It was felt that there should be very safe routes planned within the area to schools and that cyclists should be separated from traffic on the main routes to help encourage people to cycle.

Other comments were made about car parking and a concern over the use of parking courts. Stakeholders were keen to emphasise that parking should be carefully planned for, with some feeling that parking standards should be exceeded to take account of other uses such as visitors to the sports facilities and country park.

**Sustainability and climate change**

There was support for the strategy to integrate new green spaces and protect existing assets. It was felt that the announcement of a climate emergency should have a significant impact on the masterplan proposals. Ideas included car charging places, an increase in street tree planting, consideration of housing orientation, water attenuation, carbon zero homes, reduction in hard surfaces and the consideration of terraced houses as a typology that was felt to be sustainable given its efficient use of land.

Further engagement will be undertaken as part of the formal consultation on the draft masterplan and comments received at this stage will help to shape the final draft of the document.



Fig.06 photos from workshop event

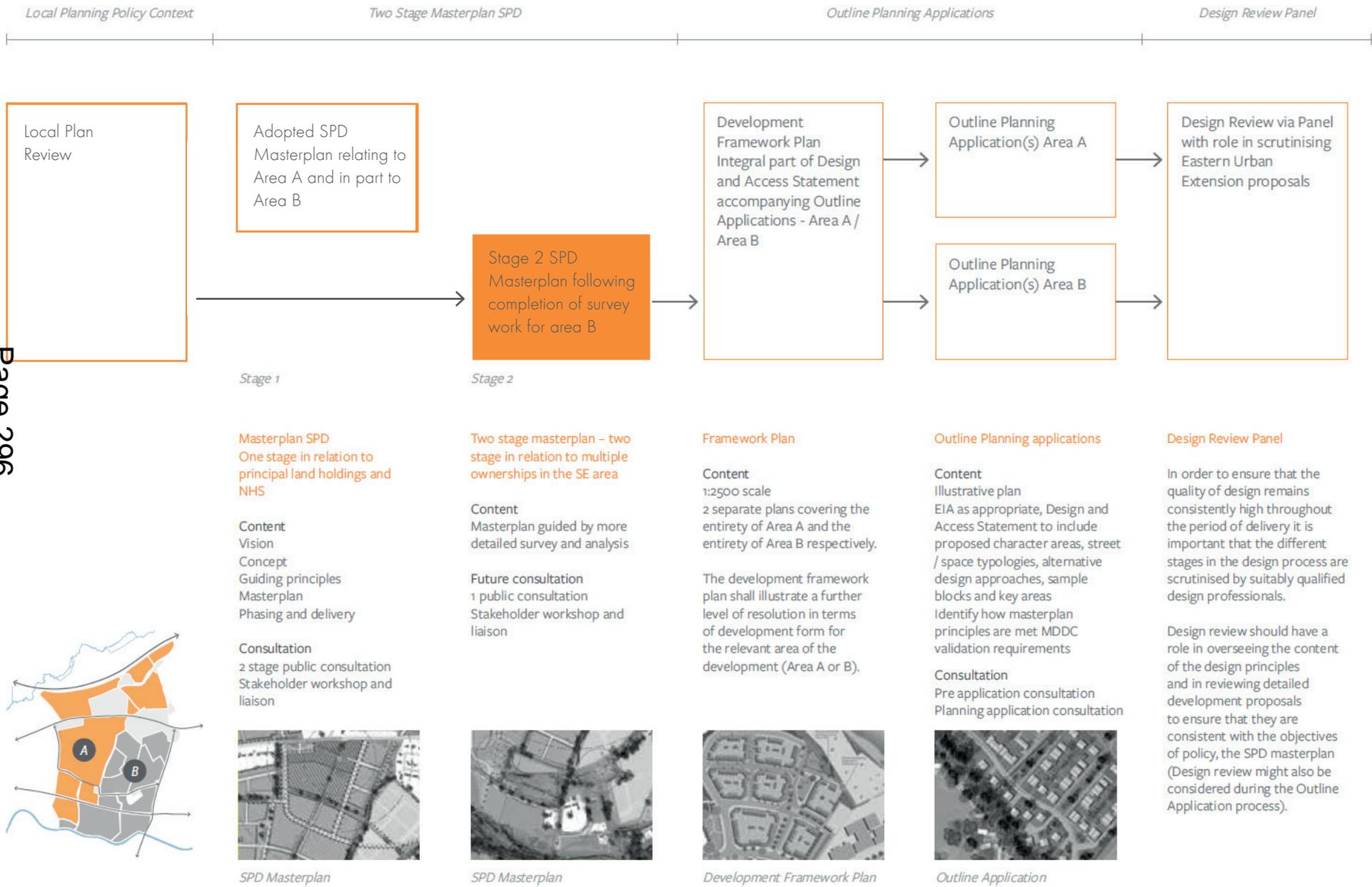
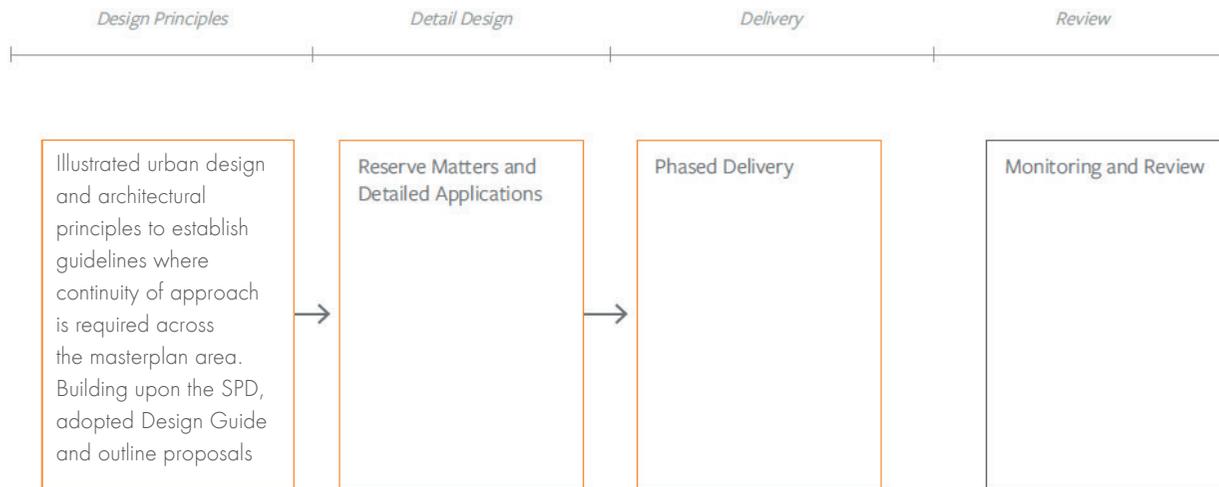


Fig.07 Design process

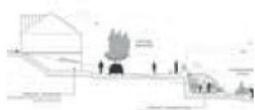
## 1.6 DESIGN PROCESS



### Urban design and architectural principles - Illustrative content

**Reinforcing the structure**  
Block types and principles, parking, boundaries, public realm codes for character areas, architectural guidelines

**Consultation**  
Public consultation  
Stakeholder workshop and liaison



Urban Design Principles

### Reserve matters and full planning application

**Content**  
Detailed design in accordance with MDDC validation requirements  
Demonstration of compliance with policy, SPD masterplan, and the urban design and architectural principles

**Consultation**  
Pre application consultation  
Planning application consultation



Reserved Matters / Full

### Phased delivery

To be developed in a number of phases in accordance with agreed phasing programme and delivery of community and transport infrastructure

### Monitoring and review

Review effectiveness of design process to ensure that successful built development is being achieved. Adapt guidance as appropriate and in accordance with changing circumstances

### 1.6.1 Background

A clear design process that ensures continuity, a comprehensive approach to design, and a focus upon quality, is an important pre requisite of ensuring that a successful neighbourhood is designed and built. This will require attention and flexibility throughout the period of delivery.

The design process outlined here proposes an approach for achieving these objectives and therefore a better foundation for securing a successful new place.

The preparation of more detailed design information comprising urban design and architectural principles prior to the submission of detailed proposals will ensure that there is a consistent approach to the design of key structuring elements across the EUE area. These elements will build upon the principles established in the 2018 SPD, the Adopted Design Guide and this document. They will come together to shape the overall character and appearance of the area. The detailed design information referred to above will not necessarily restrict variety if it is felt to be appropriate but will ensure that the area feels like an integrated community.

The involvement of a Design Review Panel in scrutinising the quality of detailed designs as they come forward, at one or more stages in the design process, will provide invaluable support to MDDC as they make planning decisions. MDDC will expect landowners and developers to follow the prescribed design process which is adopted as an integral part of this SPD.

The development framework plan will illustrate development form at a greater degree of resolution for the whole of Area A / Area B as relevant.



# 2 ABOUT THE TIVERTON EUE SITE





Fig.08  
Site of new neighbourhood  
in relation to town and countryside

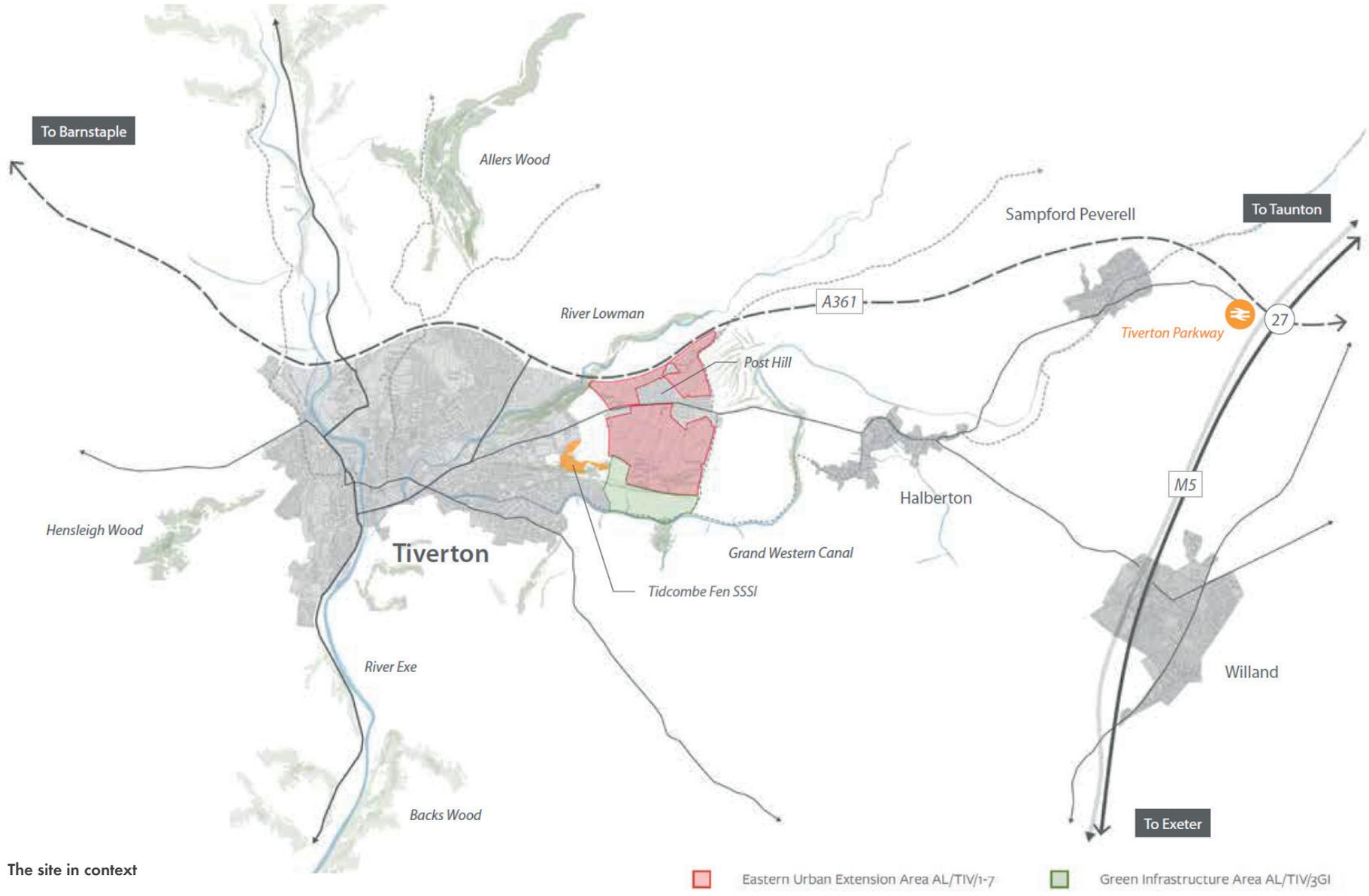


Fig.09 The site in context

## 2.1 THE SITE AND LOCATION

### 2.1.1 The Tiverton EUE Site in context

Tiverton is well connected and accessible with good links via the A361 to North Devon and the M5 to Exeter, Plymouth (via A38), Taunton and Bristol. The site is well positioned in relation to Tiverton Parkway Station and the Grand Western Canal, the River Lowman corridor, disused railway (a Sustrans route) and numerous footpaths, bridleways and cyclepaths connecting back to Tiverton and into the countryside.

The site comprises about 200ha of land and is located on the eastern fringe of the built up area of Tiverton. The land can be broadly divided into three areas; a parcel to the north of Blundell's Road, a larger parcel to the south and a final area further south again between the disused railway and the Grand Western Canal.

Blundell's School and its land holdings including sports pitches lies immediately to the west and the site wraps around the existing residential area of Post Hill. Further to the east is the village Halberton. Sampford Peverell is some 3 miles further to the east, near to Tiverton Parkway Railway Station and Junction 27 of the M5.

### 2.1.2 The site

The land at the Tiverton EUE can be characterised as follows:

**North of Blundell's Road:** The land to the west comprises three relatively levels fields laid to pasture, bounded to the north by the A361, to the east by detached housing of Post Hill and a Long Barrow (a Scheduled Ancient Monument), to the south by Blundell's Road and to the west by Blundell's School. The land to the east of the area north of Blundell's Road straddles Uplowman Road and is bounded by a lane, with Tiverton Golf Course to the east and housing fronting onto Fairway to the south. A mature belt of trees forms the western boundary and the A361 defines the northern boundary. The landform is generally steeper in this area than in the western parcel.

**South of Blundell's Road:** The land comprises a series of irregular shaped fields, divided by hedgerows with trees. To the north the area is bounded by residential development around Post Hill and Blundell's Road, to the east by Manley Lane, and to the south by the disused railway. West Manley Lane runs from east to west across the

southern area of the parcel and forms the western boundary. The land form is undulating with a distinct band of steeper ground running from north east to the south west. To the west of the site lies Tidcombe Fen - a hydrologically sensitive Site of Special Scientific Interest.

Between the disused railway and Grand Western Canal are a series of irregular shaped fields divided by hedgerows. These are allocated for an area of Green Infrastructure to support the new neighbourhood.

For the purpose of the masterplanning of the Tiverton EUE the area has been treated as two broad land parcels known as Area A and B. This masterplan deals with Area B.

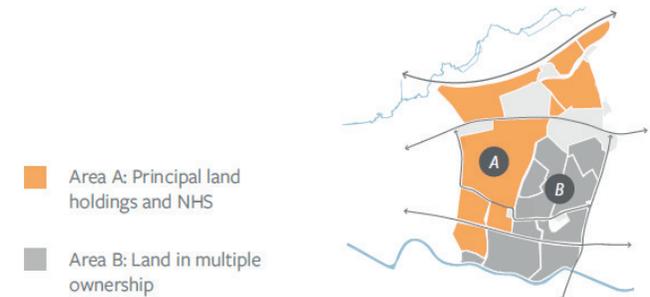
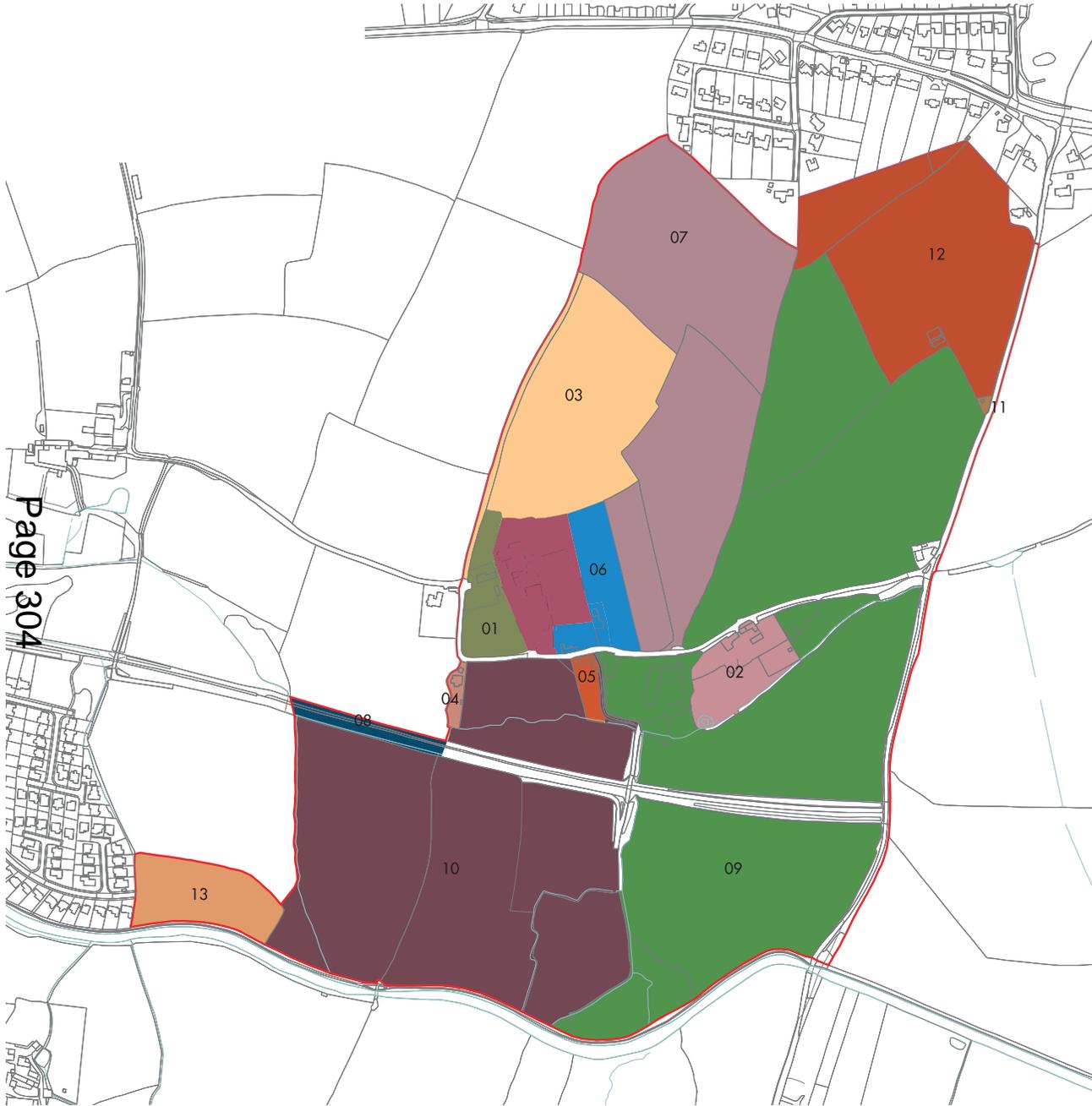


Fig.10 Tiverton EUE Area A and Area B



**Land Description**

- Area B boundary
- 01 West Manley Farm, West Manley Lane, Tiverton, EX16 4NH DN229092
- 02 Coppelstone House and Coppelstone Farm, West Manley Lane, EX16 4NH, DN238521
- 03 Land lying to the north of West Manley Lane, adjacent to the western boundary, DN242646
- 04 Chapel Anthony Lodge DN322144
- 05 Rosebarn DN324984
- 06 Prowses Farm and land on the north west side of West Manley Lane, DN344457, DN438636
- 07 Land on the north side of West Manley Lane, and extending to the north west boundaries, DN438634
- 08 Land forming part of the former railway DN525520
- 09 Including land north and south of West Manley Lane DN535401, DN535405, DN533407, DN535408
- 10 Land south side of West Manley Lane DN564794
- 11 Electricity sub-station, Manley Lane DN569742
- 12 Land adjacent to north eastern boundary DN639084
- 13 Land adjacent to Glebelands (located in Area A) DN615755
- 14 Land at Sweet Meadow

**Fig.11 Land ownership plan**

## 2.2 LAND OWNERSHIP

Area B is in a complex mix of ownership interests with only one party having an ownership interest in both Area A and B.

The allocated area within Area B can be divided into 14 different land parcels by ownership with no single preponderant landowner. The masterplan team for Area B have met with the majority of landowners. This document clarifies the policy requirements and attempts to provide the various interests with a clear understanding as to what will be expected through the planning process.

The fragmented nature of land ownership demands that the various landowners recognise that each of their land holdings will contribute to the holistic delivery of a successful Masterplan and to co-ordinated development. Further commentary on the expected cooperation between landowners is provided within chapter 6 of this document.

Within the 14 ownership parcels, there are a number of existing residential properties accessed from West Manley Lane, some of which are not being promoted for development and are therefore retained as such within the Area B Masterplan proposals.

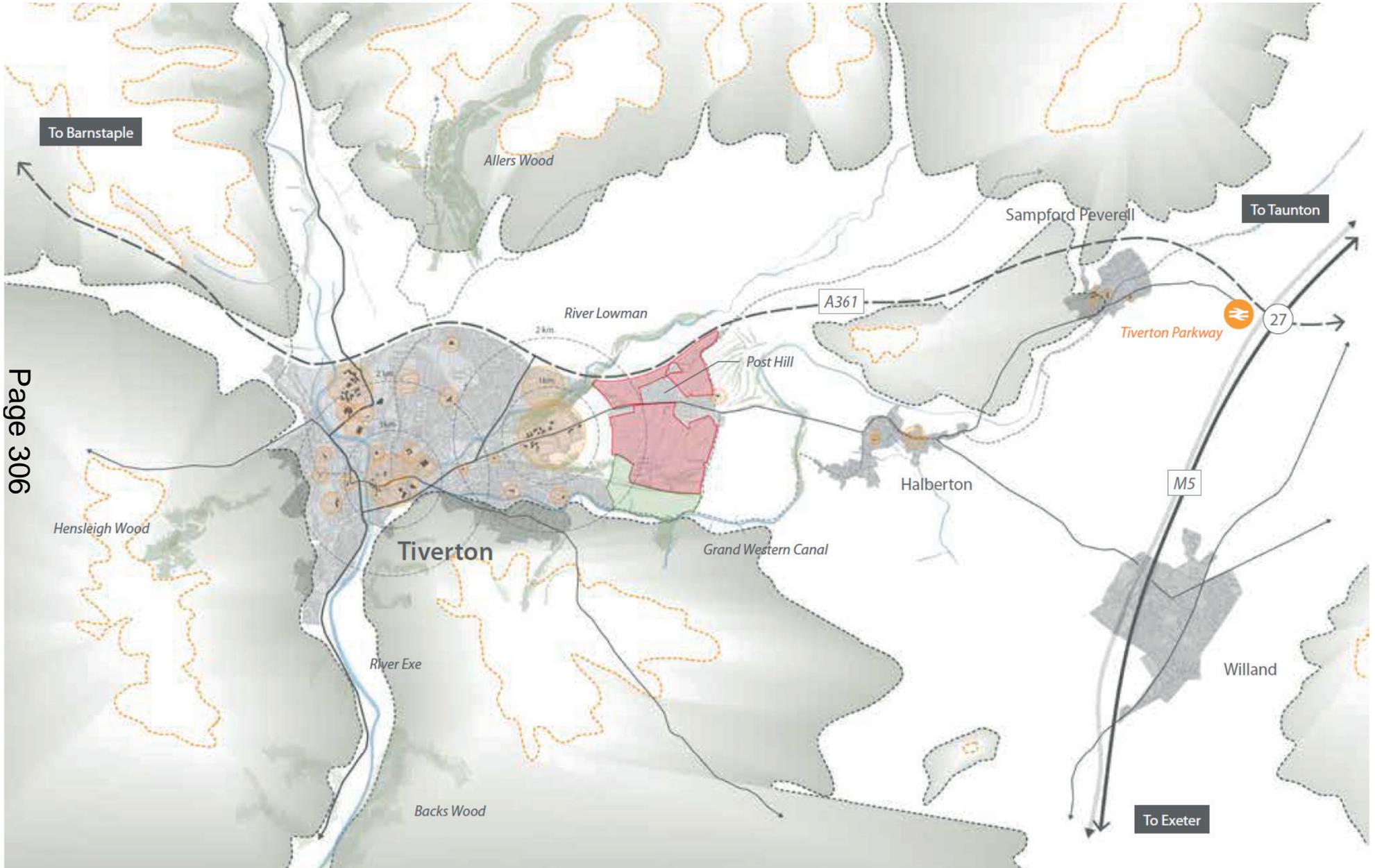


Fig.12 Key constraints and opportunities at a wider scale

 Local facilities

 High areas

 Low areas

 Eastern Urban Extension Area TIV 1-5

 Green Infrastructure Area TIV 3



## 2.3 TIVERTON EUE SITE

### 2.3.1 An appropriate location

The Tiverton EUE site is considered to be the most appropriate and sustainable location for developing an urban extension to Tiverton. This has been demonstrated by sustainability assessment and examination in front of a planning inspector. This is manifest by the sites location in relation to topography and other environmental constraints, transport connections and infrastructure, accessibility to facilities and amenities and proximity to existing employment centres.

### 2.3.2 Topography and visual sensitivity

Whilst there are many complex localised layers to landform in the area, broadly speaking Tiverton is surrounded on three sides by hills with the landscape opening to a wide valley floor and the town lies within this plateau at the confluence of the Rivers Exe and Lowman. The site lies to the east of the town and as such is likely to be visible from a number of elevated vantage points in the surrounding hills.

From most viewpoints it is possible to view Post Hill and therefore likely that the development will be seen in this context.

### 2.3.3 Connections, access and movement

The site is well positioned with access to all modes of transport locally and regionally. Very good road and bus links exist to all local amenities. There is excellent access to a range of pedestrian and cycle routes including a Sustrans route, footpath and bridleways. Many of these routes connect directly to the town centre. Access to the rail network is available nearby at Tiverton Parkway Station near Sampford Peverell. Wider connections by both road and rail make journeys to regional centres and beyond quick and easy.

### 2.3.4 Facilities and amenities

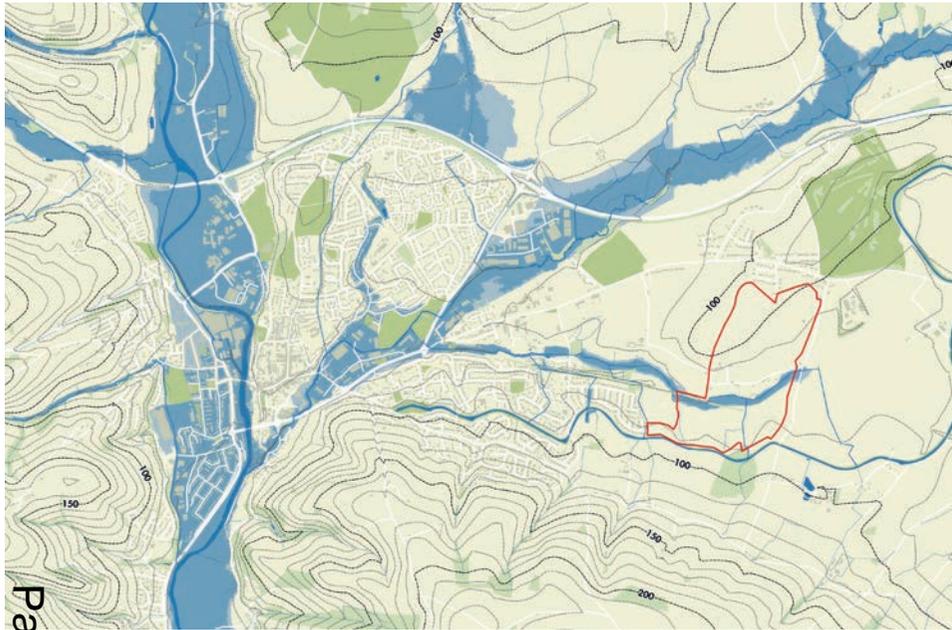
Tiverton has a wide range of easily accessible facilities and amenities including; shops, healthcare (hospital, surgeries, dentists and pharmacies), education (nurseries, primary, secondary and further education) and leisure opportunities.

Tiverton Town Centre and the area to the north west in the area of Kennedy Way are centres for facilities in the town. The main outlying villages (Halberton and Sampford Peverell) also have a number of local community facilities.

All of these facilities and amenities are within easy reach of the site by a range of transport modes.

### 2.3.5 Employment

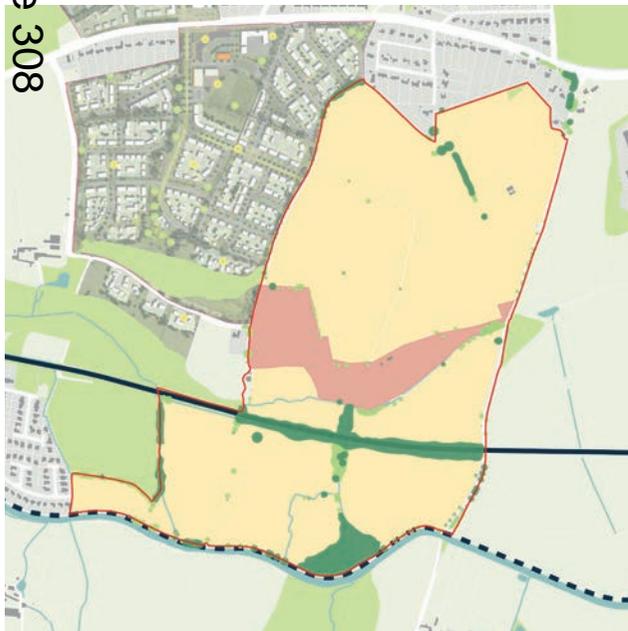
Tiverton has a range of employment locations and opportunities which vary in scale and sector. These are primarily focused within the urban area of the town. All are easily accessible from the site by a range of modes of transport.



flooding and topography



movement and access



landscape typology



fauna



trees and hedgerows

Fig.13 Summary diagrams of site constraints

## 2.4 AREA B CONSTRAINTS AND OPPORTUNITIES

### Surveys

A range of studies have been commissioned and undertaken on the principal land holdings comprising Area B, some by the individual landowners, some on behalf of MDDC and others by interested parties including the West Manley Lane Conservation Group.

The Council has commissioned the following surveys or reports (largely in 2016) in relation to Area B since the first adopted version of the SPD (2014). This information has informed the overall shape of this plan and amount of development that can reasonably be achieved thereby updating the previous masterplan work:

- Topography
- Arboriculture
- Ground conditions
- Ecology
- Noise Assessment
- Air Quality
- Area B vehicle trip forecast, options for access and capacity assessment
- Residential Amenity Assessment (produced to support the consideration of access feasibility)

In addition to the above, the evidence base for Area B also includes:

- an Archaeological Magnetometer Survey (June 2019) for a large proportion of Area B (identifies a potential archaeological feature of interest in the central northern section of the site);
- analysis of access and movement by Hydrock Transport consultants as part of the masterplan commission for Area B;
- landscape character analysis by PRP landscape architects as part of the masterplan commission for Area B.

The constraints and opportunities identified previously remain largely relevant to Area B but have been more recently updated as a result of work. It is worth highlighting the following key considerations:

- the challenging topography across Area B (to a greater extent than Area A);
- the requirement for new surface water attenuation features, and existing surface water features including Alsa Brook and its flood plain in the south of the site;
- the implications of the Tidcombe Fen Site of Special Scientific Interest with regards to ecological and hydrological characteristics and the Grand Western Canal County Wildlife Site;
- the Grade II listed buildings within Area B, largely on West Manley Lane; and
- the listed bridges over the former railway line and Grand Western Canal which is also a designated conservation area.

### Access

A key consideration for Area B is the means of vehicular access. The previous Masterplan work identifies the principal point of access into Area B as coming through Area A. Area B is therefore currently dependent upon the creation of this highway link in order to deliver development. Public consultation has previously sought to understand if access in to Area B should be supplemented by additional means of access by an additional means of access either temporary or permanent to accelerate the delivery of this part of the EUE. Options considered as part of the consultation were:

- 1 Continue to gain access solely through Area A in addition to
- 2 Two way access from Mayfair
- 3 Two way access from Manley Lane
- 4 Access via Mayfair and egress via Manley Lane; and
- 5 Access via Manley Lane and egress via Mayfair.

It was resolved at MDDC Cabinet (26th October 2017) that subject to acceptable planning impacts, alternative access arrangements may be considered as part of the scope of this master planning. However, these potential amended access arrangements should not include those at Mayfair and/or Manley Lane / Post Hill Junction.



Fig.14 Relevant nearby planning applications

## Housing Numbers

The extant planning permissions granted within Area A equate to up to 1030 dwellings in outline, of which 248 have reserved matters consent. A further 12 apartments have been granted permission in full via 14/00604/MFUL. The key applications being:

13/01616/MOUT Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian / cycle links and highway improvements. The applicant Waddeton Park gained outline planning permission with signed S106 on 18th September 2015.

14/00881/MOUT Outline for up to 700 dwellings, 22,000sqm B1/B8 employment land, care home, primary school, neighbourhood centre with LILO junction on to A361 and access / egress on to Blundell's Road. The applicant Chettiscombe Trust Estate was given outline permission with Section 106 agreement on 12th June 2017.

18/0133/MARM Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure. Barratt David Wilson secured consent in August 2018.

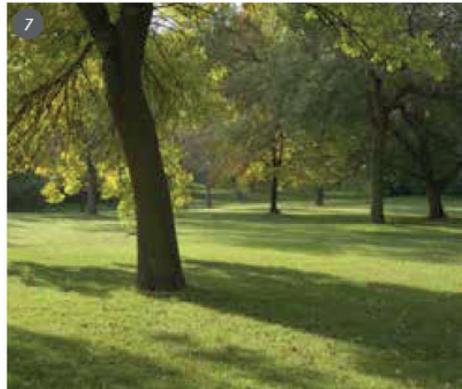
Therefore outline planning permission for 1030 homes has been granted of which, at the time of writing this masterplan (early 2020) 248 have also been granted Reserved Matters planning permission. In addition, to date, a further 12 homes have full planning permission. Accordingly, a total of 1042 homes are currently proposed within Area A. The emerging Local Plan figure (Policy Tiv 1) proposes a range of between 1580-1830 homes within the Tiverton EUE equating to a target range of 538-788 dwellings on Area B. With the AIDPD proposing up to 2000 dwellings this would allow a potential for a further 958 dwellings (approx) within Area B. However the Local Plan Review figure proposes a total figure for the EUE of 1580 to 1830 equating to 620 to 870 dwellings within Area B.



# 3 VISION AND OBJECTIVES

## A garden neighbourhood

The overall design of the masterplan is based around a series of design principles that seek to create a new garden neighbourhood with a character and appearance inspired by the defining characteristics of Tiverton and its immediate surroundings and that is reminiscent of a garden city environment. Whilst the plan is designed around modern requirements and standards (including making efficient use of land for the provision of new homes) and takes account of sustainability objectives; it seeks to establish a firm foundation for a place that is green, leafy with generous private gardens, making the most of sunlight and natural daylighting, and creating opportunities for community recycling and food production.



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Fig.15 The vision - capturing the feeling of the place

## 3.1 THE VISION

**The overarching ambition of this project is to ensure that an attractive and well-designed garden neighbourhood creates a positive future for the east of Tiverton and Post Hill.**

**2035.** Living in the garden neighbourhood at Post Hill means being able to enjoy the best of Devon rural living, whilst also being close to the heart of Tiverton - which is a couple of miles away. Post Hill is within a lovely rural parkland setting and is a sought after place to live. It is a place that offers a healthy and sustainable lifestyle where local facilities are an easy walk away. Today, the generous green spaces provide a fabulous resource wrapping around the new neighbourhood. The new parkland extends from the Tidcombe Fen and Grand Western Canal to the Lowman River corridor.

Post Hill is unique because of its outstanding natural assets. The diverse local green spaces which dominate its character have established a great backdrop for the new housing; this has been innovatively designed to be modern, comfortable, in keeping with local traditions and to minimise its impact on the planet.

At Post Hill, it is possible to live a life where all aspects of everyday living are available nearby. Residents can work from home or in one of the many supported local business spaces; go to the local primary or Blundell's School; walk, cycle or catch a bus into town or to the Railway Station for

a train to Exeter, Bristol or London; visit the doctor or dentist at the local medical centre; shop at the Post Hill stores and post office; grow food in the numerous local allotments and community orchards – including the reestablished orchards which used to be a feature of the area.

What really sets Post Hill apart is the ability for people to live a modern lifestyle in an area that is part of Tiverton and where a parkland scene meets the countryside. This is made possible by the interplay of the landscape, the country park, and the leafy residential community. New energy efficient homes in Post Hill are sought after by people of all ages. People are choosing to live in what has become a mature and thriving garden neighbourhood set within a quintessentially Devon landscape in the heart of Mid-Devon.

Today's Post Hill is modern, green, vital with local flora and fauna, and really convenient. It is a stunning addition to Tiverton's built environment and today represents a model of how to design a new community in a market town. Its success is borne out by the pride that local residents have in where they live.

The development concept for the masterplan framework is defined by four key objectives. The masterplan and development framework....

1. Is defined by green corridors
2. Set within, but discrete from, the surrounding country lanes
3. Should support the establishment of a new Country Park
4. Create a series of connected, integrated and distinctive neighbourhoods

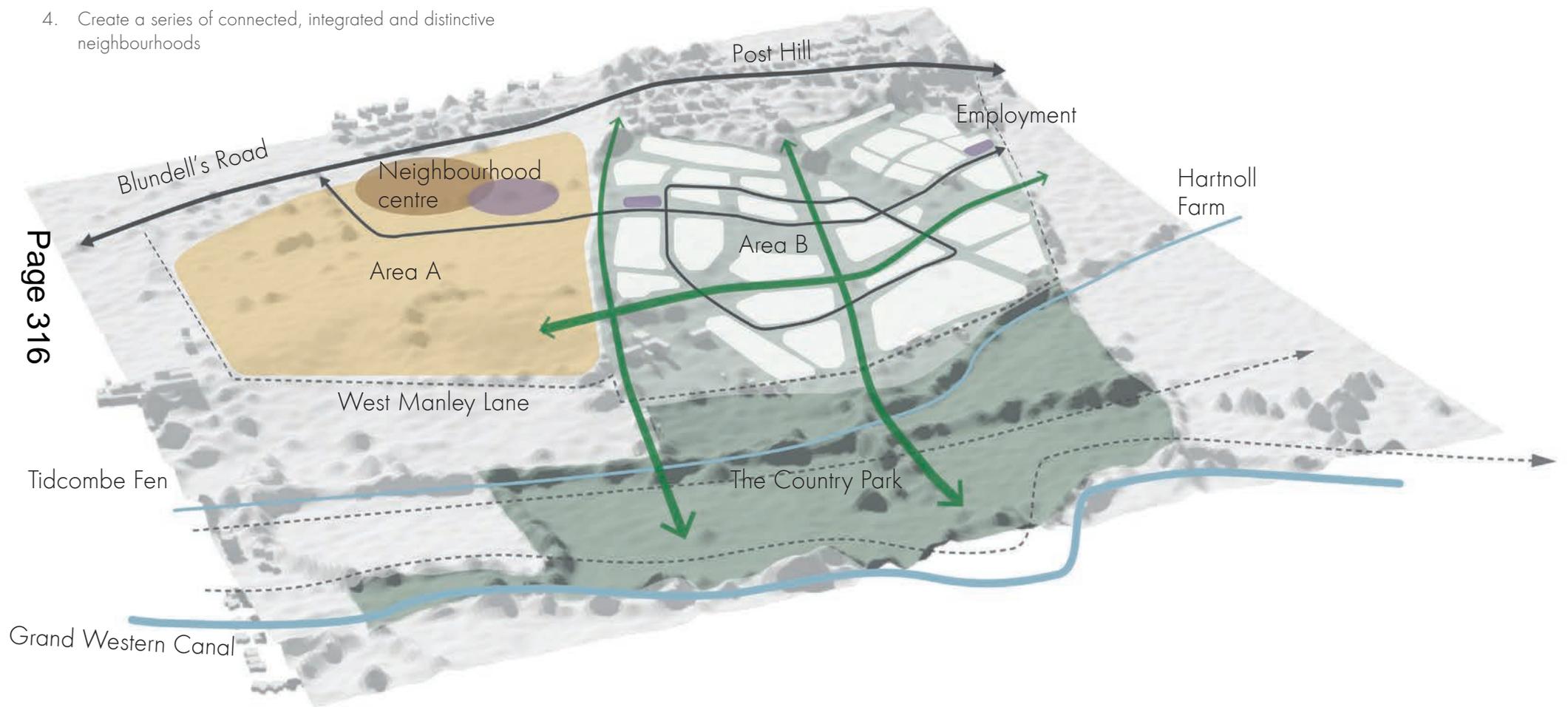


Fig.16 Plan highlighting the key development concepts

## 3.2 DEVELOPMENT CONCEPT

The concept layout for the new garden neighbourhood has been determined by four key objectives which will ensure the vision is deliverable and policy objectives are met. The objectives are outlined as follows:

**The masterplan and development framework for Area B is defined by green corridors** – The distinguishing feature of Tiverton’s Eastern Urban Extension will be the new garden neighbourhood’s relationship with its landscape setting. The structure of Area B is defined by a grid of generous green corridors, the alignments of which are defined largely by retained landscape assets. These corridors traverse the undulating landscape, in both north-south and east-west directions, establishing easy access via green linkages for all new residents to the country park to the south.

There are two principal north-south green corridors. The first is formed by the existing informal lane, lined on each side by mature hedgerows and trees, which defines the threshold between Area A and Area B. The corridor follows the fall in the land from the western edge of the Mayfair properties, down to and across the sharp bend in West Manley Lane towards the canal corridor. At the very southern end of this axis is a small bridge over the canal.

The second north-south axis extends from the southern end of Mayfair and follows an existing hedgerow, down the slope to meet with West Manley Lane to the south. This will provide a generous green route connecting new and existing residents with the Country Park.

**The new garden neighbourhood for Area B will be set within, but discrete from, the surrounding country lanes** – The built extent of the garden neighbourhood is contained within the area bounded to the north side by the existing properties along Post Hill and Mayfair, and to the south by West Manley Lane. It is important to consider the southerly extent of the development. MDDC has previously sought to restrict development south of West Manley Lane other than in that associated with Green Infrastructure uses. It is important that the form and character of new development within Area B responds positively to its landscape setting. It is important to consider the southerly extent of the development. MDDC has previously sought to restrict development south of West Manley Lane other than in that associated with Green Infrastructure uses including sport and leisure. Further, in seeking to protect local character and amenity it is not intended that vehicular access for residents or commercial development will be gained from Area B directly from either West Manley Lane, Manley Lane or Mayfair. These principles are important to protect the rural and open character of the proposed Country Park and the existing character of West Manley and Manley Lanes.

**The new garden neighbourhood should support the establishment of a new Country Park** – The establishment of a Country Park south of West Manley Lane will provide areas of diverse ecological richness and a distinctive range of environments for wildlife, and enjoyment for local residents and the wider community. The Park has the potential to become a focus for community and educational activities and the Council will seek to prepare and agree a neighbourhood management plan jointly with the applicants prior to the commencement of development. The Park will create a unique environment, directly

connected to the Tiverton EUE garden neighbourhood, which will significantly enhance the setting of the new housing. The links and paths created through this Country Park will directly connect with the canal towpath in a controlled way through specific locations. This will enable the canal corridor to emerge as the increasing focus of activities with the potential to support ongoing investment in, and improvement of, the corridor and wider park setting.

**Creation of a series of connected, integrated and distinctive neighbourhoods** – Combining to create the opportunity for the establishment of a series of connected, integrated and distinctive neighbourhoods - the fall of the land; the distribution of existing landscape assets; the resultant proposed green infrastructure framework; the need for a range of housing types and densities and the pattern of land ownerships. The proposed network of permeable and connected routes will ensure phases of development do not result in cellular and unconnected neighbourhoods. New streets will interlink together within the site and establish direct connections beyond the site boundary to ensure new development in Area B forms a key part of a fully integrated garden neighbourhood. The scale and density of development will vary across the site. This is reflected in the local street hierarchy, location within the site in relation to the planned neighbourhood centre in Area A and the sites more rural fringes. Distinctive neighbourhoods will be established as phases of development are delivered. Each will contain a mix of housing types and tenures which respond positively to the opportunities and assets around it. Generally, higher densities will be focussed along the main routes towards the western side of Area B and closest to the proposed neighbourhood centre.



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Fig.17 Aerial photograph highlighting structural elements of the Post Hill area

## 3.3 GUIDING PRINCIPLES

This chapter draws together the planning policy aspirations and the key messages from the vision into a series of guiding principles from which the development concept and subsequent masterplan will be drawn. These have also been carried over from the previous masterplanning, being equally relevant to the current considerations of Area B. They have been updated where necessary to reflect the latest position.

### 3.3.1 A. Character

#### A. Establishing a garden neighbourhood character

The new neighbourhood will be an extension to the existing town and as such it is important that its character and appearance is derived from Tiverton and most especially Post Hill.

An overarching guiding principle is that the new place establishes a mature garden neighbourhood that takes its cues and inspiration from the character of the locality.

A defining character of Post Hill is the simple arrangement of houses in gardens set within a mature landscape setting. Originally developed during the inter war years, many of the design principles that guided the development of the area were taken from those of the garden city movement - these were responsible for new towns such as Letchworth and Bourneville.

More remote housing in the area such as the residential clusters on West Manley Lane have a more traditional rural character.

The challenge is to create a garden neighbourhood that is inspired by the best of the past and yet is relevant to today's requirements – this means creating a place with suitable densities, guided by sustainable design principles and responsive to the character of the site and the locality.

In order to secure a garden neighbourhood the following characteristics of Post Hill and garden city design should be considered in by designers in shaping the new place:

#### A1 Structuring elements

A united and cohesive layout – making the most of natural contours and features - a green and leafy open character – a clear overall structure to streets and spaces - views to the surrounding countryside – straight roads – straight hedgerows – consistent and straight building lines – simple rectilinear geometry – the layout of houses creates a rhythm with regular spacing and regular gaps – cul-de-sacs – single and two storey buildings – detached houses in gardens – landscape dominated streets – glimpse views of houses through landscaped front gardens – wide frontage housing – informal layout in some areas – private lanes – retention of existing routes – detached, semi detached and terraces set in front gardens – grid street patterns – open spaces and recreational areas – tree lined streets – grass verges – existing trees and hedgerows – landscape dominated streets – streets radiating from the centre – meandering country lanes – rural character in more remote areas – individual houses in the countryside – farm complexes on West Manley Lane



Fig.18 Images representing different characteristics of the Post Hill area



A2 Detailed design

Architecture inspired by local design and the arts and crafts movement – gables – garden city aesthetic – white render – red brick – variety in architectural styles – grass verges – tree lined streets – stands of trees – timber – devon banks – hipped roofs – chimneys – beech hedges – stones walls – individual trees – some mature evergreen trees – rural lanes – slate roofs and clay tiles – hedges – painted timber





Fig.19 local architectural character

### 3.3.2 B. Urban Design - Placemaking and quality design

#### Building for Life and Safer Places

The new garden neighbourhood should be designed in accordance with best practice in urban and rural design and as such should respond to Building for Life 12, Safer Places criteria together with the National Design Guide (2019) and more locally the Tiverton EUE Design Guide (2016). These represent a tangible measure for determining how successfully a new neighbourhood has been designed including emphasis on creating a community.

#### Integrating into the new neighbourhood

##### B1 Connections

The scheme should integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site.

##### B2 Facilities and services

The development should provide (or be close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafés appropriate to the scale of the development.

##### B3 Public transport

The scheme should have good access to public transport to help reduce car dependency.

##### B4 Meeting local housing requirements

The development should have a mix of housing types and tenures that suit local requirements and need.

#### Creating a place

##### B5 Character

The neighbourhood should create a place inspired by the defining characteristics of Tiverton and its immediate surroundings with the aim of achieving a high quality environment.

##### B6 Working with the site and its context

The scheme should take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimate.

##### B7 Creating well defined streets and spaces

New buildings should be designed and positioned with landscaping to define and enhance streets and spaces. They should also be designed to turn street corners well.

**B8 Easy to find your way around**

The development should be designed to make it easy to find your way around.

**Street & Home****B9 Streets for all**

Streets should be designed in a way that will encourage low vehicle speeds and allow them to function as social spaces.

**B10 Car parking**

Resident and visitor car parking should be sufficient and well integrated so that it does not dominate the street and building frontages. Electric vehicle charging points provision should meet local plan policy requirements.

**B11 Public and private spaces**

Public and private spaces should be clearly defined and designed to be attractive, well managed and safe.

**B12 External storage and amenity space**

Adequate external storage space for bins, recycling, vehicles and cycles should be properly considered.

**Safer Places**

The Planning System and Crime Prevention

The seven attributes of sustainable communities that are particularly relevant to crime prevention are:

**B13. Access and movement**

The scheme should have well defined routes, spaces and entrances that provide for convenient movement without compromising security;

**B14. Structure**

The neighbourhood should be structured so that different uses do not cause conflict;

**B15. Surveillance**

Proposals should ensure that all publicly accessible spaces are well overlooked;

**B16. Ownership**

The development should promote a sense of ownership, respect, territorial responsibility and community;

**B17. Physical protection**

The neighbourhood should include necessary, well-designed security features;

**B18. Activity**

The scheme should be designed to ensure that the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times;

**B19. Management and maintenance**

The place should be designed with management and maintenance in mind, to discourage crime in the present and the future.

### 3.3.3 C. Movement - transport

Policy TIV-2 sets out requirements for transport provision to support the proposed EUE. The policy includes provision of a new junction onto the A361 along with other enhancements.

Trigger levels for the provision of highway infrastructure and routes have been appraised based upon greater understanding of the likely highway impacts of the development between Heathcote Way and Putson Lane. The triggers are set out in Infrastructure Requirements and Triggers for Delivery in Section 6.

MDDC expects that policy and the following guiding principles will be met.

C1. The new garden neighbourhood will have a network of movement corridors and connections with the existing town that ensures the promotion of sustainable modes of transport and the reduction of the need to travel by private motor car.

C2. The structure of the overall development should create a well connected and walkable neighbourhood focused around a mixed use neighbourhood centre. This should include good pedestrian and cycle connections throughout the area and provision for public transport.

C3. The new neighbourhood should have a clear and legible hierarchy of streets and spaces to respond to different travel and movement needs.

Refer to Local Plan Review Policy TIV-2

C4. There should be strong links and connections between the existing community, adjacent neighbourhoods, Tiverton town centre and the new community.

C5. Where appropriate streets should be designed to provide pedestrian priority.

C6: Provision should be made to enhance connections and the ability to travel by cycle.

C7. Environmental enhancements and traffic calming should be introduced on Blundell's Road and Post Hill. This should have regard to a village green focused around local facilities.

C8. Blundell's Road will continue to play an important transport role in the way that the area relates to the wider town. TIV-2 (6) requires traffic calming and environmental enhancement to Blundell's Road to ensure suitable transport management. It is to be retained as a through route, however a range of measures are proposed. Traffic calming measures and environmental enhancement on Blundell's Road between Heathcote Way and Tidcombe Lane have been designed and constructed. Development of Area B will necessitate the delivery of traffic calming measures on Blundell's Road between Tidcome Lane and Putson Lane.

These could include; shared surface and potential 20mph zones at the neighbourhood centre, new pedestrian crossings and an enhanced cycle lane.



Fig.20 sustainable movement

- 1 A361 to North Devon, the M5 and Tiverton Parkway
- 2 Local road connections to Tiverton and villages
- 3 Pedestrian and cycle routes to town and countryside
- 4 Pedestrian and cycle routes to town and countryside
- 5 Shared surface, 20mph zone at key locations

- Neighbourhood centre
- Employment
- Green Infrastructure and open space
- Proposed development
- Existing development
- Existing routes
- Grand Western Canal
- Walk distances (circa 400m distance)
- Connections

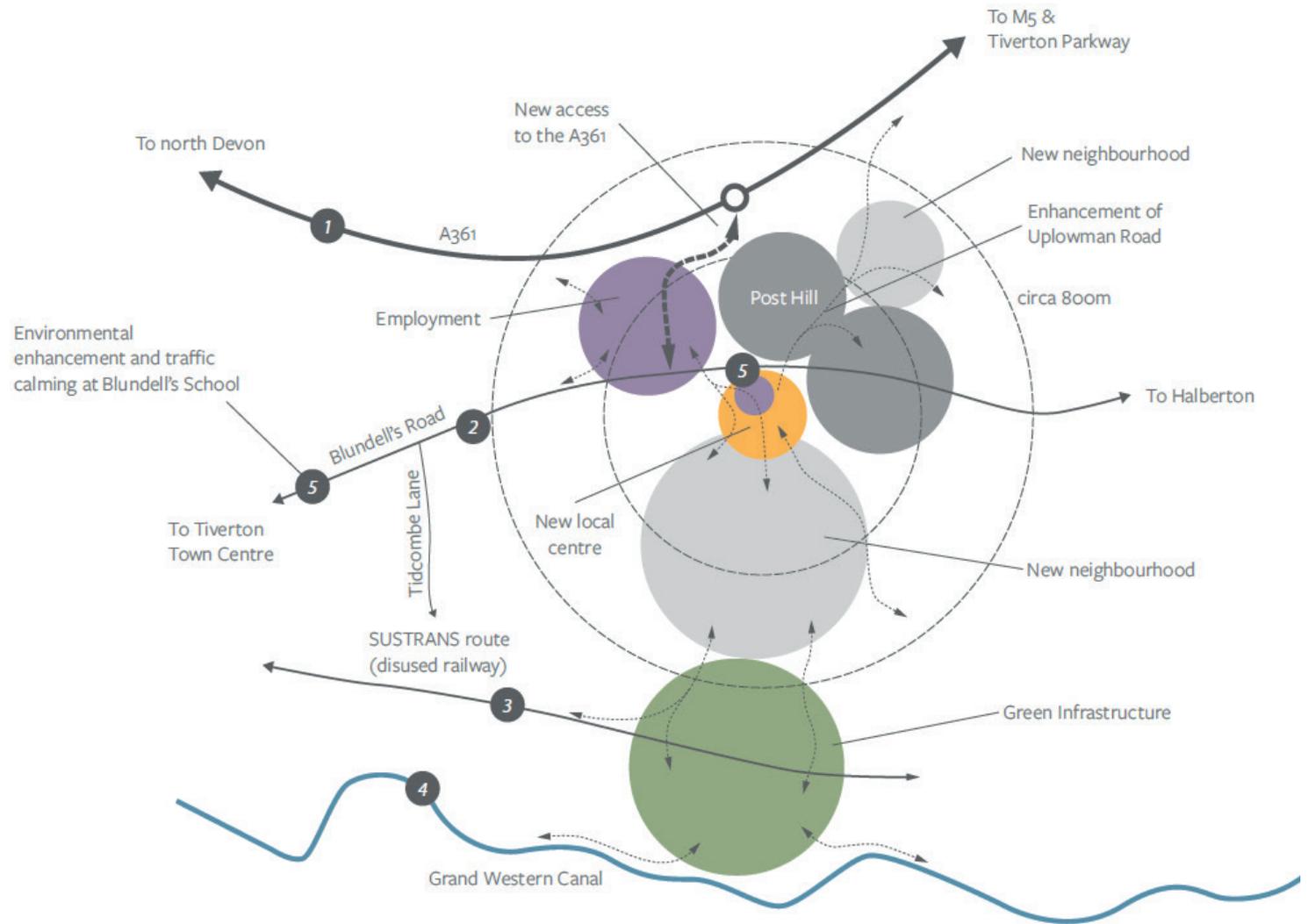


Fig.21 A well connected and walkable neighbourhood focused around the neighbourhood centre

The impact of traffic and air quality will need to be taken into account in the design of the scheme.

Guiding principles for the detailed design of this section of traffic calming and environmental enhancement scheme should include:

C8a. Reducing traffic speeds;

C8b. Reducing pedestrian / traffic conflict and ensuring safe pedestrian crossings;

C8c. Enhancing cycle provision;

C8d. Creating an attractive traffic calmed environment reflective of the significance of Blundell's Road as a gateway to Tiverton from the east; and

C8e. Ensuring air quality is not detrimentally affected and mitigation measures (as appropriate) are incorporated.



Link to  
Employment area

New housing to  
north side

Preferred  
vehicular  
route (NHS  
site)

Potential non-  
vehicular route  
(Fairway)

Potential 20 mph zone  
Neighbourhood Centre

To Halberton  
and Sampford  
Peeverell

West Manley Lane

Manley Lane

Existing Post Hill residential area

Mature trees and hedgerows  
with open aspect to fields and  
pitches create distinct character

Proposed link to  
new junction with  
A361

Shared surface space  
and enhancements to  
Uplowman Road

Future scheme in connection with Area B

Fig.22 Enhancements to the Blundell's Road corridor

### 3.3.4 D. Landscape, open space and recreation

Policy TIV-3 sets out policy requirements for green infrastructure including open space, sports and recreation provision and environmental protection and enhancement, to support the proposed EUE. The new garden neighbourhood will comprise significant areas dedicated to landscape, open space, Sustainable Urban Drainage Systems (SUDS) and wildlife habitats commensurate to the scale of development.

Policies within the Local Plan Review set out policy expectations for the delivery of infrastructure as part of the overall approach to the phasing of the development. This includes triggers for the provision of areas of green infrastructure. Development will be required to deliver public open space and Green Infrastructure in a comprehensive and co-ordinated manner. Means of delivery and timing of public open space and green infrastructure need to be secured in phases with residential development.

With the exception of identified areas of deviation, MDDC expects that policy and the following guiding principles will be met.

D1. The structure of the development should be shaped around the existing character and features of the landscape, reinforcing the qualities of the neighbourhood.

D2. Development should protect and enhance existing important fauna and flora across the site.

D3. Development should ensure that landscape and open space is integrated into the new community, and is used to connect the various parts of the neighbourhood together, creating strong green links and corridors into the wider landscape.

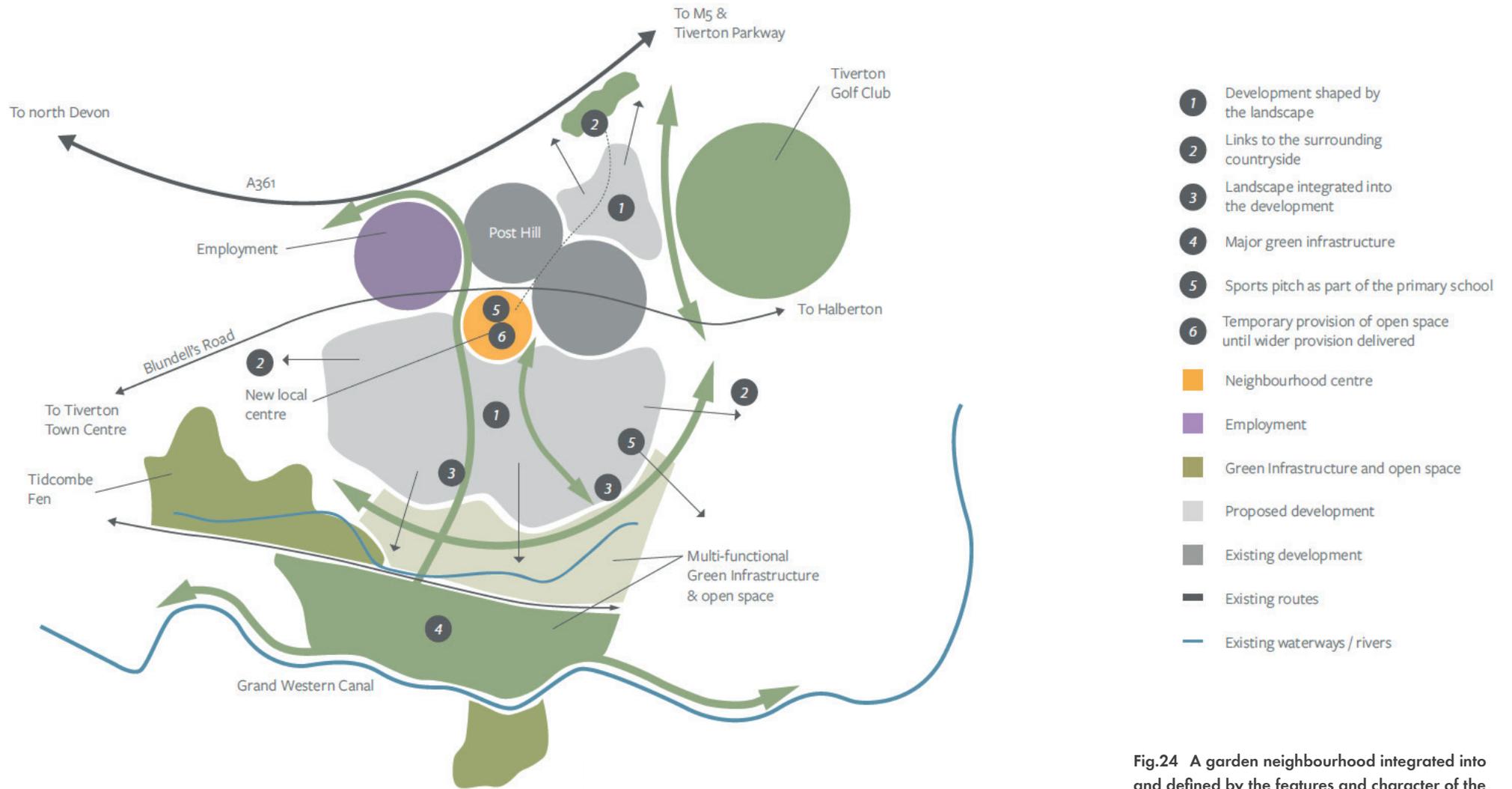
D4. The landscape and greenspaces should be multi-functional, incorporating water attenuation (SUDS), food growing (allotments and orchards), informal, formal and children's play and recreation.

D5. Provision should be made for appropriate management regimes to be put in place to ensure ongoing maintenance and stewardship of the landscape areas and SUDs.

(Tidcombe Fen, its catchment and buffer zone to the west of Pool Anthony Railway Bridge is identified as Green Infrastructure in the Local Plan Review - no change is proposed to this area).



Fig.23 local landscape and open space



**Fig.24** A garden neighbourhood integrated into and defined by the features and character of the landscape. Green links connecting the community and landscape together.

### 3.3.5 E. Socially equitable

The role of the wider EUE will be as a new neighbourhood for Tiverton that is self sustaining, respectful of the existing Post Hill community and part of the wider town. The new neighbourhood should be designed to be equitable, balanced and fair.

E1. In the new neighbourhood there should be access for all to employment opportunities - either within the community or within easy reach.

E2. There should be access for all to nursery and primary education. Wider opportunities should be available for secondary, further and adult education.

E3. In the new neighbourhood there should be access for all to health facilities, either within the community or within easy reach.

E4. Open space and landscape should be an integral part of the new community. Opportunities for food growing, safe walking and cycling, sports and play should be available to everybody.

E5. The new neighbourhood should have a suitable balance and distribution of housing comprising homes of all types and tenures including; affordable housing (target of 28% subject to viability), self and custom build serviced plots and at least 5 pitches for gypsies and travellers across the wider EUE area.

E6. The neighbourhood should be designed so that it respects and integrates positively with existing communities and so that they share the benefits.

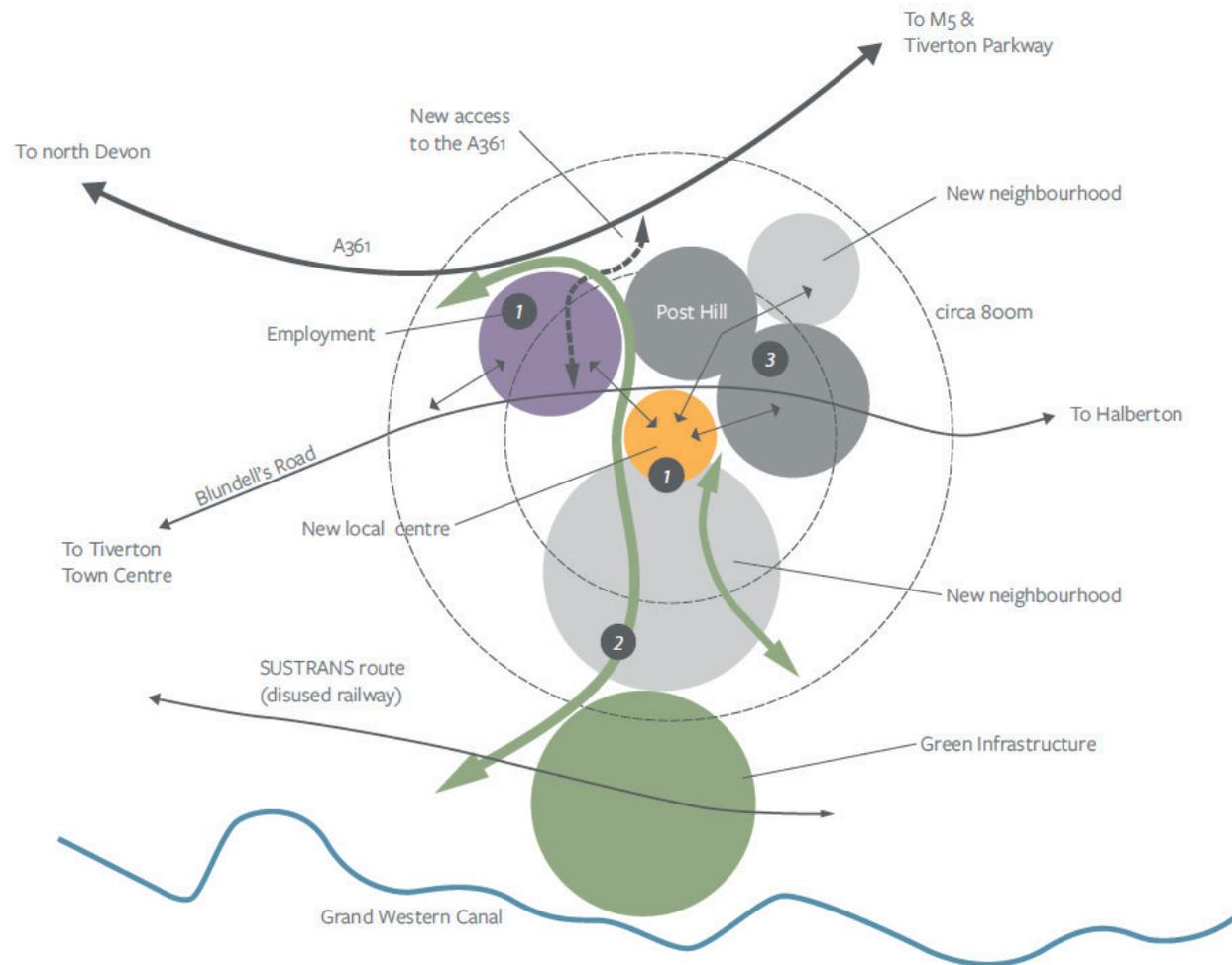


Fig.25 A balanced neighbourhood where everyone is able to access facilities and services

- 1 Employment, services and facilities accessible by all
  - 2 Open space and landscape integrated into the development
  - 3 Existing communities at Post Hill
- 
- Neighbourhood centre
  - Employment
  - Green Infrastructure and open space
  - Proposed development
  - Existing development
  - Existing routes
  - Grand Western Canal
  - Walk distances (400m and 800m distance)
  - Connections



Fig.26 Existing route along the canal

### 3.3.6 F. Economy and employment

Policy TIV-1 sets out a requirement for at least 30,000sqm of employment floorspace to be provided over the whole of the Tiverton EUE area and phased in relation to the delivery of housing and infrastructure. Of this 22,000sqm of B1/B2 employment land together with a care home has been granted outline planning permission in Area A. Area B will be expected to deliver the outstanding balance of employment floor space of circa 2,500 sqm.

The level of employment provision also takes into account the need to create a high quality, attractive approach to Tiverton along the Blundell's Road corridor and from the A361.

MDDC expects that policy and the following guiding principles will be met. Whilst the major of employment land will be provided north of Blundell's Road adjacent to the new A361 junction opportunity also exists to provide small 'satellite' clusters within the proposed residential areas.

It is important that the character and appearance of the employment area contributes positively to the sense of place of the new neighbourhood. The following guiding principles should be considered in shaping the form and character of the area.

#### Integrating into the neighbourhood

##### F1 Visibility and connections

The scheme should integrate into its surroundings by reinforcing existing connections and creating new ones; ensuring employment land is located to give businesses the best chance of success. The scheme should provide accessible employment land in a high quality environment at the heart of the community.

##### F2 Facilities and services

The employment land should be complementary and be located (or be close to) residential areas, community facilities and amenities in the neighbourhood centre as well as being well connected to services in the wider town.

##### F3 Public transport

It is envisaged that the EUE will drive greater bus patronage and service provision. This is likely to be linked with the phased delivery of the development, with initial phases served by buses on Blundell's Road/Post Hill, and subsequent phases providing bus access through Area B. In this regard, the main spine road has been designed to facilitate two-way bus movements, and a 'loop' has been provided which would enable buses to enter Area B, circulate and exit back onto Blundell's Road. Employment land should be positioned so that businesses will be directly linked to the new and existing communities in order that people can walk, cycle and use public transport to get to work.

#### F4 Meeting local employment requirements

Enterprises in the new neighbourhood should where possible support existing business and the wider Tiverton economy helping to meet local requirements and need. The new neighbourhood should provide a varied range of employment opportunities from different sectors and at different scales.

#### Creating a place

##### F5 Character

The employment area should create a place that is locally distinctive and complements the wider neighbourhood.

##### F6 Working with the Area B site and its context

Employment land should be accommodated satisfactorily from an environmental, residential and viability perspective.

##### F7 Creating well defined streets and spaces

New employment buildings should be designed and positioned with landscaping to define and enhance streets and spaces. They should also be designed to turn street corners well.

**F8 Easy to find your way around**

The employment area should be designed to make it easy to find your way around.

**Street & workplace**

**F9 Streets for all**

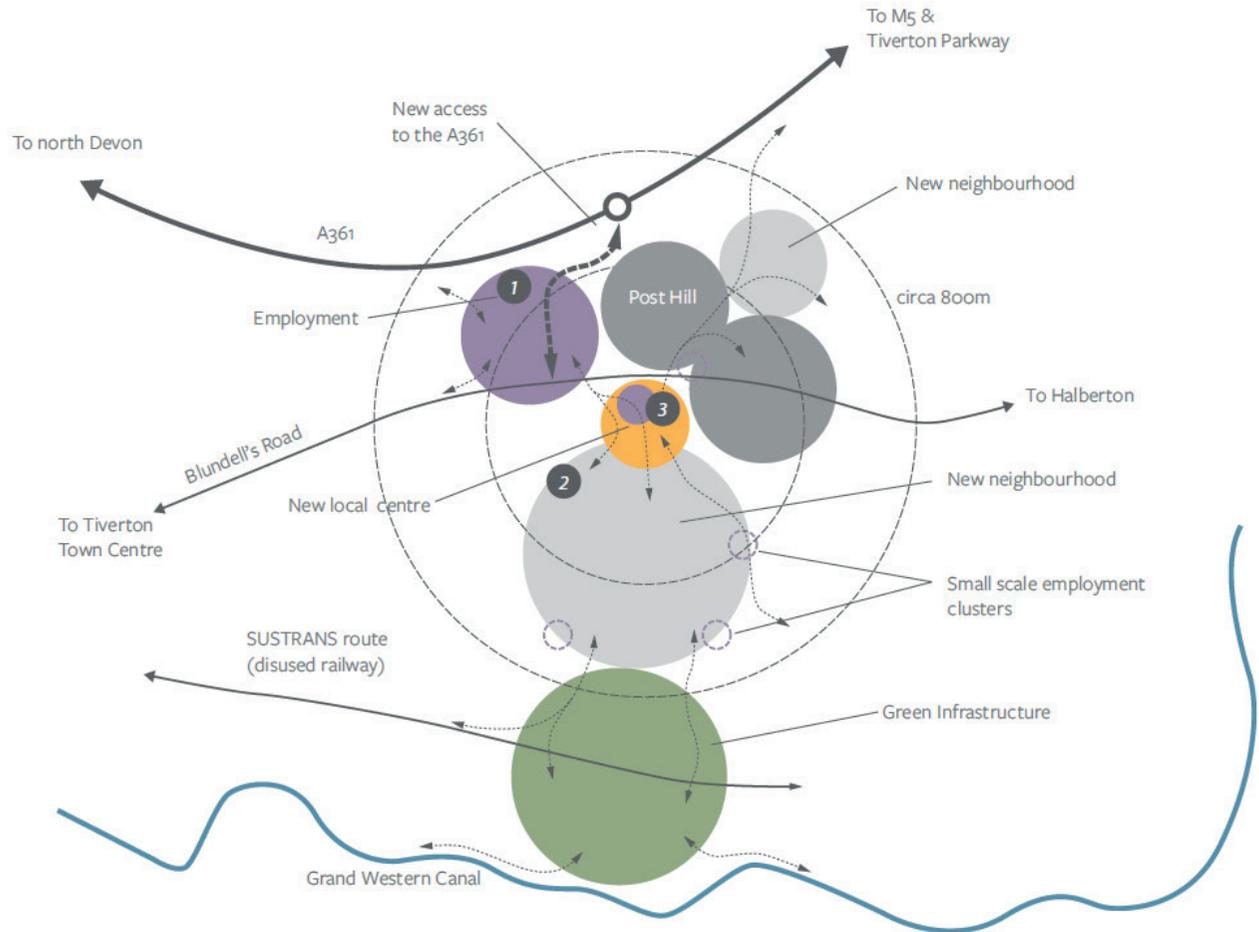
Streets should be designed to take account of all transport modes and servicing and access requirements within an attractive public realm.

**F10 Car parking and servicing**

Car parking and servicing arrangements should be sufficient and well integrated so that it does not dominate the street and building frontages. Electric vehicle charging point provision should meet or exceed Local Plan policy requirements.

**F11 Public and private spaces**

Public and private spaces should be clearly defined and designed to be attractive with well managed and safe service areas.



**Fig.27 Employment integrated into the heart of the neighbourhood, located to ensure the best chance of success**

- Neighbourhood centre
- Open space
- Proposed development
- Employment
- Existing development
- Existing routes
- Grand Western Canal
- Walk distances
- 1 Employment with excellent access in a prominent location
- 2 Employment directly link to existing and new residential areas
- 3 Employment at the heart of the new community



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38



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Fig.28 Energy and resource efficiency

## **F12 External storage and amenity space**

Adequate external storage space for bins, recycling, vehicles and cycles should be properly considered.

### **3.3.7 G. Energy and resource efficiency**

Policies S1 sets out the sustainable development priorities. Sustainability and carbon reduction are also dealt with through Building Regulations. MDDC expects that policy and the following guiding principles will be met.

Within the Devon Waste Plan (2011-2031) the Tiverton EUE is identified as a site option for the location of an 'Energy from Waste' facility to serve North and Mid Devon (Policy W6). Planning permission granted in Area A to date have secured the ability for development to connect into the heat network if such a facility should be delivered at a future date.

It is anticipated that reduced carbon levels will be achieved across the site through a combination of enhanced building fabric and provision on site renewables e.g. solar thermal and photovoltaic panels, where appropriate.

The new neighbourhood should be designed with energy and resource efficiency in mind.

G1. Development layout and massing should consider solar access for domestic properties - allowing passive heating and maximising natural day lighting.

G2. Streets, blocks, plots and buildings should be designed to consider the ability for renewable energy technologies to be introduced. This can be achieved for example by providing south facing roof slopes, large south facing gardens and larger windows on the south facing elevations.

G3. Consider the design of streets and buildings to enable passive solar control - avoiding summer overheating and permitting the benefits of solar gain in winter.

G4. Better buildings - consider the adoption of high standards of fabric efficiency to reduce the requirement for space heating.

G5. Consider the introduction of energy efficiency controls so that they are user friendly and can operated as they are intended by residents. For example provision of solar hot water.

G6. Water management measures (Policy S9, Local Plan Review) should be put in place across the new neighbourhood to ensure that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site.

G7. Water harvesting and reuse should be considered.

G8. Opportunities should be taken to provide permeable surfacing of streets and landscape.

G9. The new neighbourhood should be designed to reinforce the importance of waste recycling and the efficient treatment of waste.

G10. The masterplan should be designed and delivered to ensure that residents and employees are encouraged to travel in the most sustainable ways. This should be achieved by distributing land uses, residential densities, public transport, pedestrian and cycle routes and community facilities in convenient and interrelated locations. Applications will need address these issues and submit a comprehensive travel plan. Electric vehicle charging points should be incorporated. Proposals should also consider a wide range of green travel initiatives. This may include the provision of a car club scheme.



# 4 THE MASTERPLAN



- Urban extension Area B boundary
- Waterway
- Green area
- Mature trees
- Hedgerow
- Vehicular access
- Illustrative - no direct access from Manley Lane  
Third party land required (see section 2.4)
- Pedestrian/cycle access
- approx. 50 dwellings per hectare
- approx. 40 dwellings per hectare
- approx. 30 dwellings per hectare
- approx. 25 dwellings per hectare
- Employment / mixed employment
- Primary road frontage
- Landscape frontage
- Residential frontage

Fig.29 Illustrative Framework Plan (see figure 35 for open spaces plan)

## 4.1 THE MASTERPLAN

The Masterplan contained in this Area B SPD provides a spatial representation of the Tiverton's new garden neighbourhood at Post Hill – to help illustrate how neighbourhoods, streets, open space and land uses should be arranged in order to ensure that the vision, concept and guiding principles are delivered in the right way.

The plan for Area B has been designed around a number of structuring elements that will define the quality and sense of place of the new neighbourhood. These are shaped and knitted together by the guiding principles.

### Terms of the masterplan

The framework plan is illustrative and as such is designed to provide guidance about the quantity and location of different land uses as well as where key connections should be made throughout the neighbourhood. The plan is intended as a flexible tool so that the shape of different aspects of the new garden neighbourhood can be designed in many ways to respond to different circumstances. The actual position and alignment of routes, shape of blocks, streets and open space will of course vary from what is illustrated in the framework plan.

### Responding to context

The context for Area B is largely established by the progress that has been made in the masterplanning of the adjacent Area A. There are two aspects of Area A in particular which are of critical importance to Area B:

- 1 The location of the planned neighbourhood centre which is proposed to be located north-west of Area B;
- 2 The alignment of the principal street providing access to Area B crossing over Area A.

The adjacent proposed neighbourhood centre, centred around a new village green, will be an important focal point for community life in the area. As well as housing accommodation – a mix of town houses and apartments of a slightly higher density than the surrounding parts of Area A – the centre is anticipated to comprise a new primary school, shared community facilities including public open and formal sports spaces, local shopping facilities to meet every day local retail needs and some smaller scale employment opportunities. The neighbourhood centre would also be a hub for bus services into the town centre. The neighbourhood centre is located to serve both Areas A and B.

### Working with the landscape assets

Area B's gently undulating topography affording views down to, and across the canal corridor, is one of its principal environmental assets. The rolling character of the landscape presents opportunities to inform the alignment of streets and lanes across the site.

The site also benefits from an existing network of mature and ecologically rich hedgerows and areas of mature trees and pockets of mature woodland, principally south of West Manley Lane. It is important that these assets are retained as the site comes forward for development. Retention of these assets has formed the basis of the landscape strategy for the site which underpins the masterplan outlined in this SPD.

### Establishing a Country Park

As outlined in the 2018 SPD, there is a unique opportunity to establish a new Country Park between West Manley Lane and the canal corridor. This would provide a defining characteristic of the garden neighbourhood and the masterplan has been designed around making the most of this opportunity. As part of this concept, no built development (unless directly associated with the Country Park GI uses including sport and recreation (will be permitted south of West Manley Lane). West Manley Lane therefore defines the southern boundary of the area to be developed.

The Country Park would be a community, open space, recreation and ecological resource for the Tiverton EUE. The vision for the Park includes the establishment of the following features and attractions:

- Improved links to the canal corridor and towpath/via specific managed access points;
- Wetland areas, attenuation ponds and other SUDs features;
- Woodland areas with retained veteran trees and new tree planting;
- Retained and enhanced hedgerows for enhanced biodiversity;
- Areas of pasture;
- Open spaces and flat landscapes and in the parkland; and
- Informal areas for play and recreation;
- Generous green links with the garden neighbourhood to the north.

Opportunities are likely to arise for the creation of allotments and orchards throughout the parkland providing easy access from all parts of the community. Improving connection to the canal is a key priority as there is scope to improve and intensify leisure activities along this beautiful corridor. Similarly, improving links to the old railway line which is now part of the National Cycle Network Route 3 long distance route connecting Land's End in Cornwall to Bristol.

Some areas of the park will feel remote from housing and others will be overlooked directly. The

new parkland will provide a fabulous resource for the community, as well as a beautiful setting for the new neighbourhood.

### **A permeable and connected network of streets and lanes**

It is essential for the garden neighbourhood to be integrated, accessible and connected. A permeable network of streets, fully integrated as a natural continuation of Area A to the west, is required. Access to the local bus service network will be provided, with the nearest stops likely to be within the proposed adjacent neighbourhood centre.

Establishing vehicular access to the residential part of the site is clearly a pre-requisite for development. The site however does not benefit from direct access to Blundell's Road / Post Hill. Manley Lane to the east and West Manley Lane to the south form the only existing highway boundaries to the area to be developed. These historic narrow country lanes, lined on either side by mature hedgerows, are not suitable for the levels of traffic that would be generated by the garden neighbourhood. Vehicular access to the site must therefore be secured from access points that operate independently of these lanes. With the exception of emergency access, no direct vehicular access to serve the residential and employment development areas shall be provided via Manley Lane, West Manley Lane or Mayfair.

The principal point of vehicular access to Area B is established through the masterplan for Area A. The main road linking the neighbourhood centre and central part of Area A with Blundell's Road turns

east to meet the boundary with Area B. This road alignment is continued in the Area B masterplan, west-east across the site towards Manley Lane. The delivery of Area B would benefit from additional alternative vehicular access point. There are a number of potential opportunities for this to be delivered, although all would require land beyond the direct influence of this SPD.

The masterplan for Area B establishes a hierarchy of streets and lanes which provide direct, safe and overlooked pedestrian and cycle routes across the site as a whole which align with potential routes within Area A to the west. Pedestrian and cycle connections are also established to the south, linking with the Country Park and its network of paths, spaces and facilities.

### **A collection of neighbourhoods and places**

Conditions associated with the land surrounding Area B present a range of different contexts. Existing properties along Post Hill and Mayfair present their south facing back gardens to the northern part of the site. Older, detached rural dwellings, dispersed informally along West Manley Lane, create a more informal threshold to the south of the area to be developed. To the west, the development of Area A creates a less sensitive threshold where development should naturally transition to create an integrated garden neighbourhood.

These different conditions create opportunities for a range of different housing types and densities to be provided across the site. The character of

new development in different parts of the site will therefore vary, with different neighbourhoods and respond positively to their particular contexts.

Whilst housing will be the predominant land use across the site, there is a requirement for a modest amount of employment development. Employment uses are considered to be most appropriately located at either end of the principal street that crosses the site, close to the neighbourhood centre to the west and the commercial uses of Hartnell Business Centre assuming appropriate access can be secured.

### **A network of open spaces**

In addition to the Country Park, the redevelopment of Area B will be delivered with the benefit

of a site-wide network of green routes, parks and open spaces, allotments and formal sports facilities. The distribution of these community assets will ensure they are accessible to all new and existing local residents.

The network of green routes, connecting spaces and places is determined, where possible, by existing hedgerows. A key objective of the green infrastructure network across the site is to secure good access from all parts of the site to the Country Park. A key north-south green spine extending the hedgerow axis from the south of Mayfair all the way to West Manley Lane will provide pedestrian access to the Country Park.

There is a requirement for formal sports provision within Area B which will provide facilities for all new and existing residents. These sports pitches are best located on the flatter central part of the site north of West Manley Lane. Other open spaces will provide opportunities for community allotments, informal play spaces and a centrally located community green within which opportunities to express or interpret the site's archaeological features should be taken.

The play spaces are distributed evenly across the northern, residential part of Area B so that opportunities for informal and formal play for all ages are located within 300m (6-7mins walk) of the new homes and so that a range of play experiences can be provided. This is in accordance with the draft local plan.

### **A sustainable settlement**

The masterplan for Area B has been designed to provide a suitable foundation for achieving a sustainable development form. Similar to the proposed development of Area A, this is manifest in a number of the key characteristics of the proposed neighbourhood:

- New development will be within walking distance of the adjacent planned neighbourhood centre;
- The neighbourhood centre provides critical community facilities for new residents, including a primary school;

- Public transport and good quality cycle infrastructure will ensure residents are well connected to Tiverton and other nearby centres.
- The framework provides scope for a range of different housing neighbourhoods, typologies and tenures to be provided, at a range of housing densities. This will help to deliver mixed, vibrant and sustainable communities;
- The establishment of a new Country Park, with integrated links to the canal corridor, will evolve into an important ecological, recreational and community resource for the Tiverton EUE urban extension.
- Opportunities are provided for community food production close to home;
- Play, sports pitches and attractive parkland areas provide the basis for a healthy lifestyle;
- Opportunities to enhance biodiversity throughout the plan area are numerous;
- SUDs features along key streets and wetland areas in the Country Park provide opportunities for sustainable water management.

- residential  
14.26ha
- employment  
0.41ha
- allotments  
0.38ha
- country park  
28.95ha
- main equipped play space
- formal sports  
1.95ha
- water attenuation swales (no ponds)  
1.11ha
- Green area and play spaces  
3.15ha
- infrastructure  
7.88ha

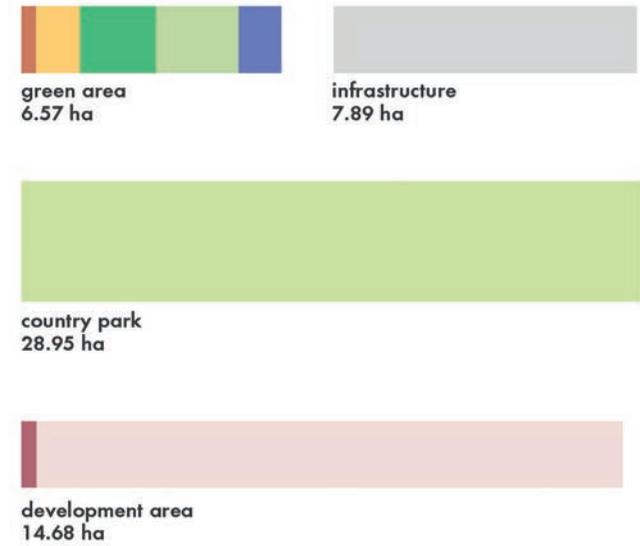


Fig.30 Amount and use

## 4.2 AMOUNT AND LAND USE

The Area A SPD contains the land use budget. The land use budget for Area B is contained in Fig 31. In combination with Local Plan Review Tiv-1, with a total of 1580-1830 dwellings and at least 30,000sqm of employment floor space it has been used as a guide in testing the capacity of Area B.

The assessment takes account of the need for green infrastructure including the Country Park, other open spaces within residential areas, SUDs and highways infrastructure. In order to safeguard character MDDC Cabinet has previously indicated areas south of West Manley Lane should only be used for Green Infrastructure and associated sport and recreational development. At the application stage, arrangements will need to be put in place for the long term management and stewardship of these important community assets.

Informed by an understanding of prevailing property market conditions, the assessment for the developable land indicates that the capacity assessment of 553 dwellings at 34 dph should be considered a minimum. Studies reveal that Area B has potential for additional dwellings which would still be delivered at densities and heights in accordance with the guidance in this SPD and other relevant guidance and policy. Updated figures are provided as a new column to the original Area A SPD capacity table in Fig 31.

However, the overall level of development will be, to a large extent, determined by the mix of dwellings proposed. Higher density forms of development may be appropriate in design and planning terms, but

they must also be deliverable and viable. Market conditions will continue to change. However, the planning requirements outlined in the NPPF will remain that development proposals should meet identified market demand, making efficient use of land, taking account of:

- a. the identified market demand for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b. local market conditions and viability;
- c. the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d. the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e. the importance of securing well-designed, attractive and healthy places.

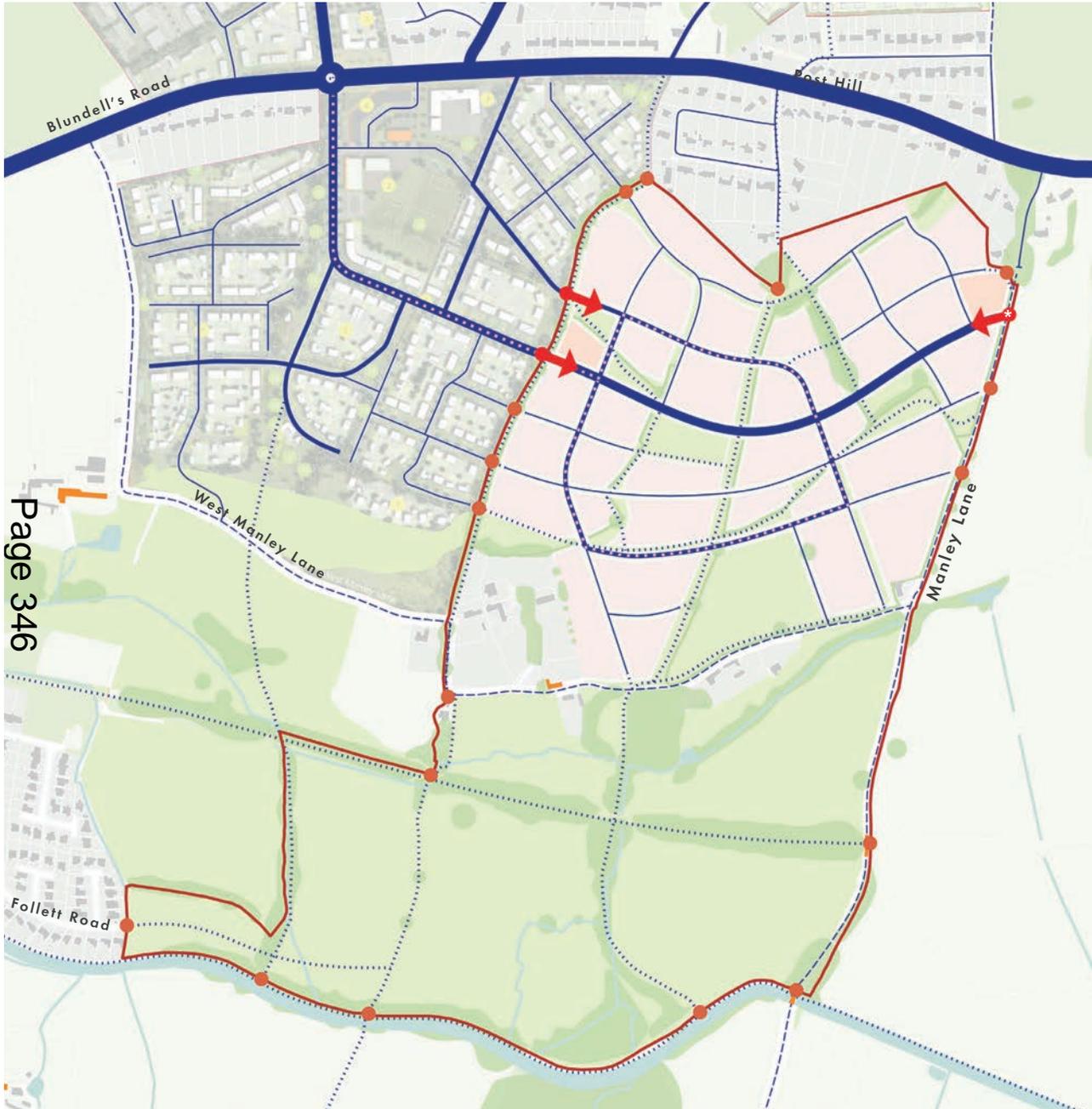
Tiverton Eastern Urban Extension						
Area B						
Area A	Phase 1a	Phase 1b	Phase 1c	Total	Total	Total
Residential	5.9ha	10.6ha	8.55ha	25.05ha	<b>14.26 ha</b>	41.31ha
Avg resi density 36dph	200 dwellings (34dph)	445 dwellings (42dph)	290 dwellings (34dph)	935 dwellings	<b>684 dwellings (35dph)</b>	1488 dwellings *
Employment	4000sqm (circa 0.8ha @ 50%)	8,500sqm (circa 1.7ha @ 50%) <sup>§</sup>	15,000sqm (circa 3ha @ 50%)	27,500sqm (5.5ha) <sup>§</sup>	<b>0.41 ha</b>	30,000sqm (6ha) <sup>§</sup>
Neighbourhood centre	n/a	0.5ha	1.5ha <sup>±</sup>	2ha <sup>±</sup>	n/a	2ha <sup>±</sup>
School (inc sports pitch)	n/a	1.93ha (land / delivery of 1 <sup>st</sup> part)	(build out continues)	1.93ha	(build out continues)	1.93ha
Total	6.7ha	14.73ha	13.05ha	34.48ha	<b>14.67</b>	51.24ha
Allotments	n/a	n/a	2.25ha	2.25ha	<b>0.38 ha</b>	2.45ha
POS including children's play	1ha	5.38ha	20.73ha	27.11ha	<b>29.96 ha</b>	55.44ha
Formal sports	0	On school site (circa 0.4ha) accounted for above	0	0	<b>1.95 ha</b>	2.23ha
Water attenuation	1ha	0.4ha	0.78ha	2.18ha	<b>1.11 ha</b>	2.9ha
Infrastructure	2ha	1.5ha	2.6ha	6.1ha	<b>7.89 ha</b>	8.16ha
Total	4ha	7.28ha	26.36ha	37.64ha	<b>43.41 ha</b>	71.18ha
Grand total	10.7ha	22.01ha	39.41ha	72.12ha	<b>58.09 ha</b>	122.42ha

Fig.31 Area B land use budget table

This updated land use budget reflects the revisions to the original masterplanning exercise that have resulted from this Area B masterplanning work



Fig.32 Existing site and land use context



- Area B Urban extension boundary
- Primary road
- Secondary road
- Tertiary road
- Lane - local access only
- local street
- Pedestrian/cycle route
- Route suitable for buses (one-way around loop)
- ➔ Vehicular access
- ⊕ Illustrative - no direct access from Manley Lane  
Third party land required (see section 2.4)
- Pedestrian/cycle access
- Development / new homes
- Development / employment

Fig.33 Movement

## 4.3 MOVEMENT

The masterplan is focussed on a network of permeable and easy-to-use sustainable transport corridors, enabling walking, cycling and public transport access. These comprise of footways, paths, shared spaces and access through the green infrastructure spines within the site. Alongside this, the masterplan incorporates appropriate provision for motor vehicle access, with streets designed to provide for a range of vehicle types (including cars, vans, delivery vehicles and buses) whilst creating a safe, low-speed environment for all users.

The development builds on the 'walkable neighbourhood' principles described in Manual for Streets, ensuring ease of access on foot to the neighbourhood centre, bus routes, and into the surrounding network - including recreational access to the canal. The site benefits from wider sustainable transport links, including the direct National Cycle Network (NCN) route to/from Tiverton town centre via the former railway line. This direct, off-carriageway route is an existing amenity which provides an exceptional and unusual (in a rural context) connection to the site for pedestrians and cyclists alike, as well as recreational opportunities for residents.

At the time of writing this SPD the national trend is that travel patterns and transport preferences are rapidly changing, with diminishing levels of car ownership/licence holding amongst younger people, and technological advances including increasing demand for Electric Vehicles and the development of Autonomous Vehicles. The masterplan takes account of such changes through the provision of flexible spaces which accommodate current travel needs, and which can be re-purposed or adapted to differing levels of demand.

Vehicle access from the surrounding highway network will be principally via Area A, with connections reflecting the pattern and grain of streets within the adjacent Area A Masterplan SPD area. Consideration has also been given to the provision of an alternative or additional vehicular access via Post Hill or to the east of the site (but protecting Manley Lane from additional vehicular traffic movements). Pedestrian, cycle and emergency vehicle access would be provided at locations around the site boundary. Other alternative or additional access arrangements have been carefully considered, but have been ruled-out on the basis of acceptability.

### Development Plan Position

Policy TIV-2 describes the transport infrastructure required as part of the Eastern Urban Extension. Much of the key infrastructure has been delivered or is in the process of delivery, as described in the Area A Masterplan SPD - including the new A361 junction and the environmental enhancement scheme on Blundell's Road. The Area B masterplan engages with policy, delivering:

- Bus, pedestrian and cycle routes
- Cycle & pedestrian links - including to the former railway path (NCN) and the canal
- Sustainable travel links through the green infrastructure network

The development will carry-forward other policy requirements including the completion of the A361 junction and Blundell's Road traffic calming and environmental enhancement of bus, cycle and walking provision across the wider area, and the delivery of a robust Travel Plan including

measures and targets to maximise the transport sustainability of the development, minimising its carbon footprint and any adverse air quality effects.

### Local Connections

The Area B masterplan provides connectivity by all modes through Area A, including to the local centre, and onwards to Blundell's Road/Post Hill. Alongside this, there is the potential for a new vehicular access onto Post Hill or to the east of the development should these opportunities become available and be acceptable (but protecting Manley Lane from additional traffic movements). Pedestrian/cycle connections would be formed on the northern boundary via Mayfair (including a potential emergency vehicle only access with a knock-down bollard or similar), onto Manley Lane to the east, and south onto the canal towpath/existing residential streets. West Manley Lane would be retained in its current form, respecting the historic context of the lane and its buildings, delivering vehicular access for residents whilst also continuing to provide a quiet rural route for pedestrians and cyclists.

The principal route through the site has been designed in liaison with Devon County Council Highways in order to accommodate two-way bus movements. The internal network provides for a range of vehicle types, and key corridors within the masterplan area provide off-carriageway footways and cycleways. Quieter streets provide safe, low-speed environments, including shared spaces, which prioritise sustainable transport users over vehicle movements. Overall, this creates a high-quality, direct and convenient network for non-car travel.



- Area B urban extension boundary
- Development / new homes (including some custom and self build)
- Development / employment
- Three Gypsy and traveller pitches
- Main equipped play space
- Waterway
- Green area and play spaces
- Allotments
- Sports
- SUDs

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Fig.34 Illustrative land use plan

## 4.4 LAND USE

The Area B masterplan defines a new development that will complement the Area A development and allow Areas A and B together to establish a well-balanced and sustainable community that is positively integrated with the existing built form and green infrastructure. The land uses to be delivered within Area B comprise:

### Residential

A mix of housing types and tenures including affordable housing at a variety of densities. An affordable housing target of 28% will be sought, subject to viability. Whilst the average residential density is calculated at 35 dwellings per hectare (dph) (giving circa 680 units), housing will be developed at different densities across the site in response to site circumstances. For example housing in the centre of the site will be developed at densities of between 40dph and 50dph, whilst housing on the periphery is likely to be developed at around 20 – 30 dph. It is expected that custom and self build will comprise 5% for serviced plots and they the Gypsy and Traveller community will also be provided for.

### Employment

Areas for new and relocated businesses which will principally fall within use classes B1 (office and light industrial) are proposed within development parcels with a typical plot ratio of 40% - 50% (achieving circa 2,500 sqm).

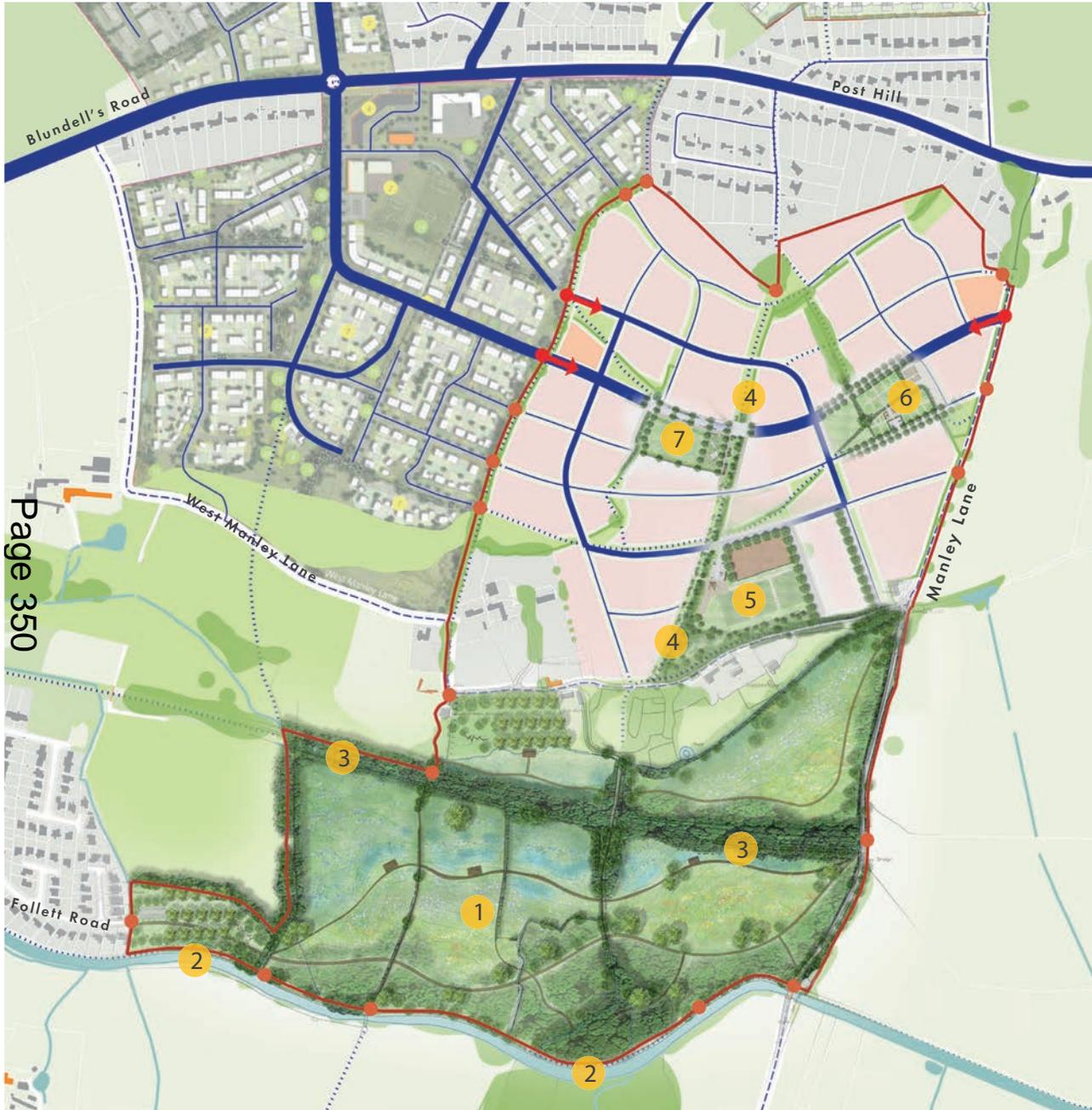
### Green Infrastructure

A new multi-functional Country Park comprising informal, publicly accessible areas, childrens' play areas, habitat areas, community orchards, allotments, and water attenuation ponds will be provided and forms the largest area of Green Infrastructure. The new Country Park will be linked to the residential areas by a central pedestrian route connecting new homes to the country park and cycleway and integrating existing hedgerow and trees with new paths, swale and meadows.

The proposed SPD masterplan includes a series of accessible, green spaces distributed evenly amongst the new homes in the northern part of the site and connected by footpaths to the wider neighbourhood and the Country Park in the south. The green spaces incorporate existing and new planting and will also provide a wide range of opportunities for play, exercise and activity for children of all ages within walking distance of their homes. The central green space will be the main formal play area with equipment, seating and bespoke play elements relating to interpretation of the archaeological site and the rural site setting. The more peripheral areas will be informal green

spaces and linear routes for scooters, bikes and walking which include natural play elements and playable features such as landforms rather than formal equipment. The sports area to the south of the site will include spaces for older children and teenagers and the country park will also provide a variety of green spaces, paths, routes for cycling and scooters and natural play elements.

The quantity and distribution of the play spaces is in line with the draft local plan which sets out a requirement for play spaces to be within 300m or 6-7mins walking distance of new homes and spaces for teenagers to be within 600m or 12-13mins walking distance (policy S5). The provision of a variety of informal and formal play spaces and safe walking routes is also in line with Play England Guidelines and other movements in planning for children's play such as UNICEF's Child Friendly Cities Initiative.



- 1 Country Park
- 2 Canal
- 3 Disused railway /cycleway
- 4 Green spine
- 5 Sports area
- 6 Allotments
- 7 The Green

Fig.35 Illustrative landscape and open spaces plan

## 4.5 LANDSCAPE AND PUBLIC OPEN SPACE

Critical to achieving the vision of a garden neighbourhood is the delivery of green and open space located towards the south of the wider Tiverton EUE. It will be a green environment incorporating established vegetation and the field structure of the site. Area B will be designed as a collection of new neighbourhoods. By working with the topography it will be in keeping with the surrounding landscape character. The path and road network are designed to retain and follow the existing hedgelines and blocks of trees and will provide direct walking and cycling routes to open space, sports and recreational facilities and attractions within the urban extension. This will be supplemented with street trees and areas of open space within the development that together will connect into the surrounding rural landscape to enhance biodiversity and green corridors. This will help integrate the new roads and development into their surroundings.

The character of the country park will be informed by the existing hedges, groups of trees, wildflower meadows and wetland and will connect to the landscape and rural setting of the urban extension as well as the former railway line and Grand Western Canal. This will form a green setting for the new homes.

Please see section 5.4 for more detail about the green spine, the Green, allotments, sports areas and the country park.



# 5 CREATING THE PLACE

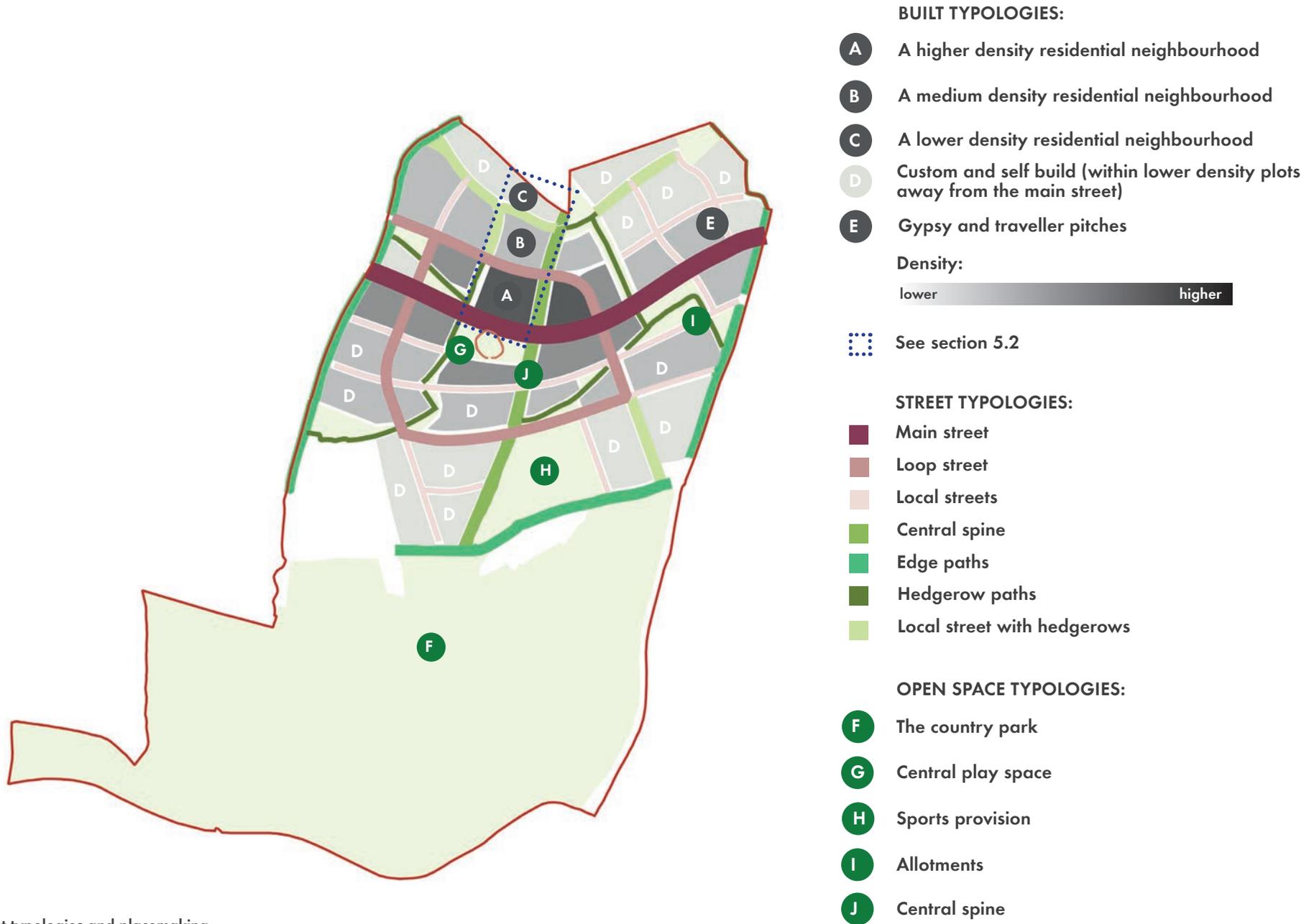


Fig.36 Street typologies and placemaking

## 5.1 REINFORCING THE STRUCTURE

This chapter helps to communicate the varied character of new development and green infrastructure across Area B of the Tiverton Eastern Urban Extension garden neighbourhood. Eight distinctive locations are described in more detail within the following pages, alongside a series of street sections which are important to convey the varied character and response required in different areas of the masterplan.

### Design approach

The guidance within this section should be used to help inform more detailed design work required in the design of detailed development proposals across the site. In view of the fractured land ownership across Area B, the guidance is intended to assist in ensuring a coordinated approach is taken the development of the site. The more detailed guidance within this section is intended to elaborate on the series of structuring principles that are illustrated within chapter 4 of this SPD and that should also be read in conjunction with the Tiverton EUE Design Guide (2016).

Whilst the guidance is not a blueprint, co-ordination will be required in the provision of site infrastructure, the design and management of streets, the provision and maintenance of the area's green infrastructure and in the layout and design of new buildings.

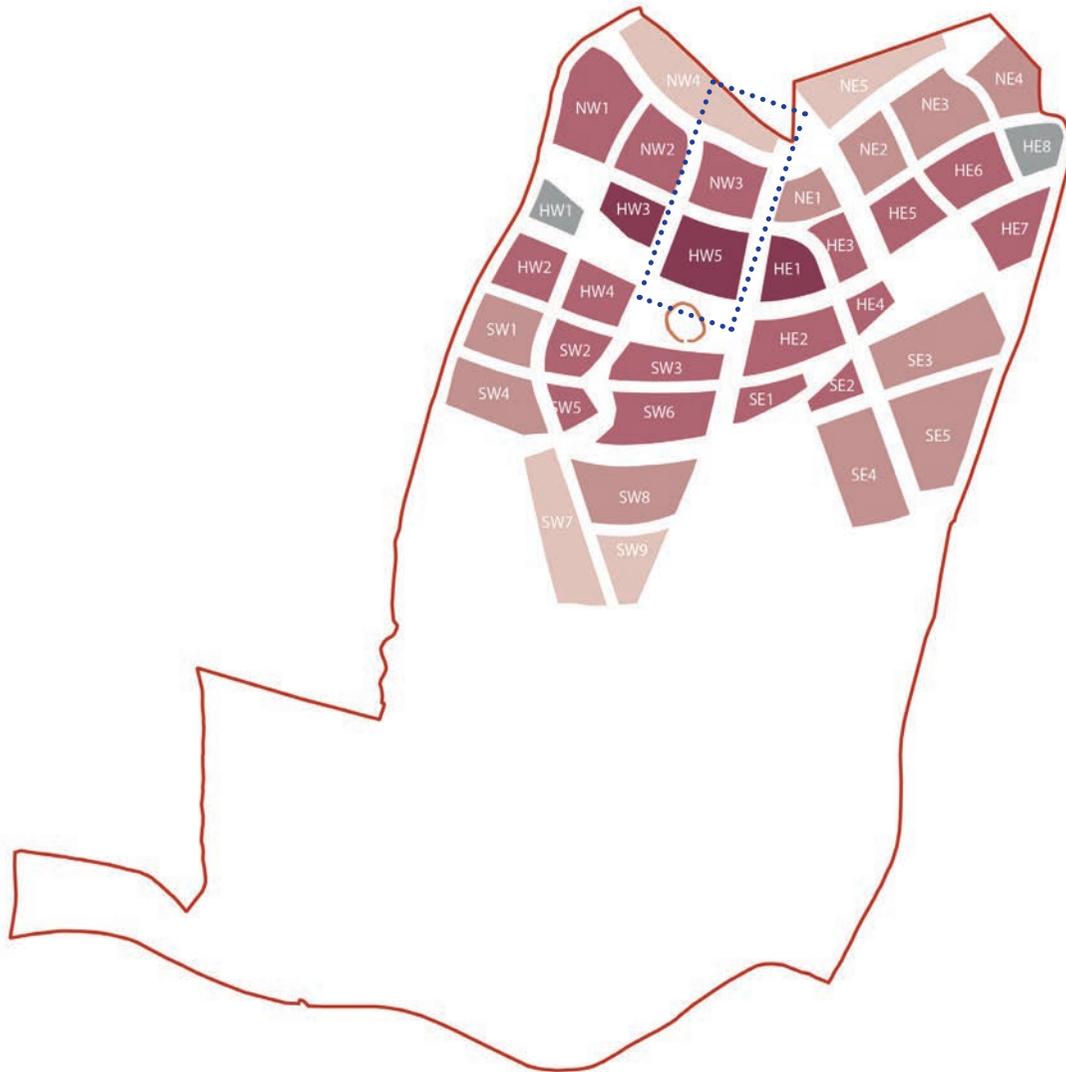
The eight areas identified here, alongside the street sections, take into account the existing characteristics of Area B, including the topography, landscape and built character. The design and character of new development will vary across the site, with schemes taking account of their immediate context. The guidance seeks to take account of the range of housing densities, open spaces and different street types that will be delivered across the site and will complement the design approach already established for the Tiverton EUE with existing masterplanning work and design guide.

**5.2 Built character:** provides guidance on the range of anticipated housing densities and typologies, providing a steer on appropriate building heights and how different approaches to car parking should be adopted. An illustrative layout for a sample part of the site provides the basis of the guidance. Covering locations A, B and C on Fig 38, this sample area provides a range of different housing and street conditions, including areas of higher and lower densities.

**5.3 Street typologies:** provides guidance on the range of street types that are considered to be appropriate for Area B. Care will need to be taken to ensure a consistent approach is taken across both Areas A and B and liaison with the highway authority will be essential in ensuring the design and delivery of site infrastructure of this type is to adoptable standards. The street guidance has

been prepared in view of the aspiration to create distinctive streets and neighbourhoods, which respond positively to garden community principles and which respect existing landscape character and assets across the site.

**5.4 Open spaces:** describes the locations F to J as labelled on Fig 36. The masterplan will be served by a rich and diverse range of public open spaces which include a new country park, play spaces, formal sports provision and growing spaces / allotments for new residents. These all form distinctive components of a green infrastructure network which is linked by a network of landscaped streets and lanes.



Approx. 50 dwellings per hectare (small blocks of apartments or town houses)



Approx. 45 dwellings per hectare (town houses and terraced homes)



Approx. 30 dwellings per hectare (terraced and semi detached homes)



Approx. 25 dwellings per hectare (detached or semi-detached homes)



Employment - small offices or light industrial space



Fig.37 Illustrative residential density plan

## 5.2 BUILT CHARACTER

The Tiverton Eastern Urban Extension Design Guide of June 2016 provides useful design guidance. Reflecting on some of this guidance, the following housing high-level design principles should be applied in the design of new development across Area B:

### Topography and layout design

- New streets and development parcels should work with the undulating landscape (where gradients permit).
- Where possible, streets should either align with topographical contours or be perpendicular to them to avoid costly excavation and in-filling.
- Individual buildings within development parcels should respond to the natural topography of a site in a range of ways.
- Higher densities should be delivered along the central tree lined boulevard with lowest densities at the edges of the site.

### Boundary treatment

- Boundary treatments should clearly distinguish between public and private land - maintenance responsibilities should be clear and unambiguous.
- Boundary treatments for principal streets should be more formal - low walls, hedges and railings, not higher than 1m.
- Boundary treatments on secondary and less prominent streets can be softer, incorporating low walls, hedges and planting.
- Materials used for boundary walls should complement those used for the main building.

### C A lower density residential neighbourhood/block

*summary characteristics: larger gardens, bigger plots, on plot parking, detached and semi-detached homes.*

### B A medium density residential neighbourhood/block

*summary characteristics: medium sized gardens, on plot parking, semi-detached and terraced homes.*

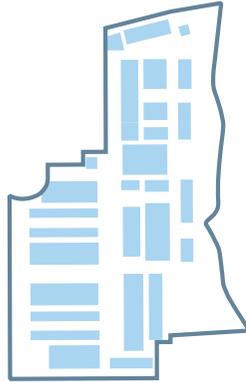
### A A higher density residential neighbourhood/block

*summary characteristics: smaller gardens or balconies, on street or small shared parking courts with some integrated garages, terraced homes and small blocks of apartments or town houses*



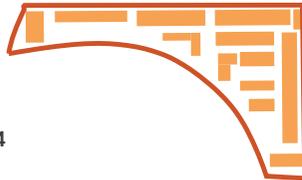
Fig.38 Indicative plan for residential neighbourhood

**ACCORDIA**  
 Location: Cambridge  
 Developer: Countryside Properties  
 Size: 378 units  
 Area: 9.5 Ha  
 Density: 40 - 50 dph  
 Code: Sustainable Homes Code 4



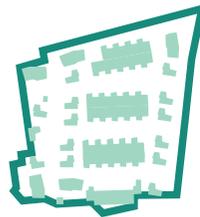
Architects: Feilden Clegg Bradley

**SEVEN ACRES**  
 Location: Cambridge  
 Developer: Skanska  
 Size: 128 units  
 Area: 3 Ha  
 Density: 42 dph  
 Code: Sustainable Homes Code 4



Architects: Formation Architects

**NEW HALL**  
 Location: Harlow  
 Developer: Linden Homes/Galliford Try  
 Size: 84 units  
 Density: 50 dph



Architects: Alison Brooks

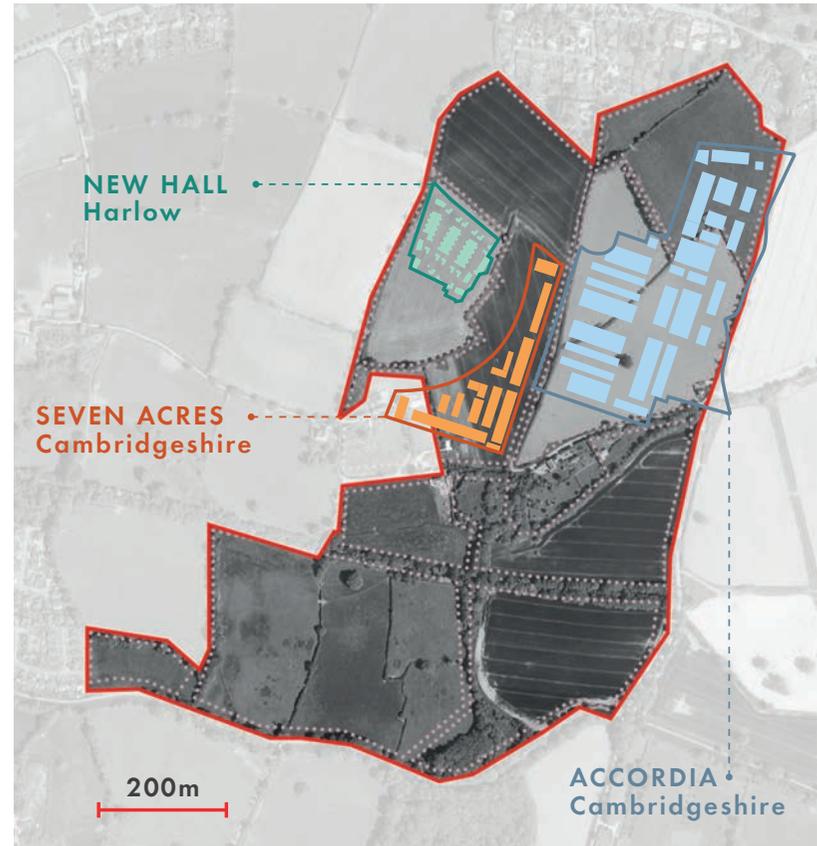
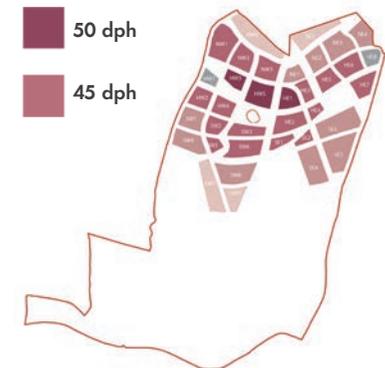


Fig.39 Three successful housing developments have been placed at the same scale on a plan of the masterplan area. This helps to demonstrate the scale of the site, but also helps to indicate appropriate housing densities. The higher density areas of the framework along the main tree lined boulevard (45 and 50dph) will need to be delivered at similar densities as the exanples on this page



### Building lines and types

- Building lines should be strong and consistent on principal streets.
- Building lines along secondary and less prominent streets and lanes can be more informal and varied.
- Whilst variety is important, each different building type should be simple in its design and economical in its delivery.

### Elevations

- Access to all houses and properties should be gained directly from the street front.
- All ground floors should include windows which create a direct relationship between building and street.
- Window reveals should be at least 100mm deep to help add visual richness and shadows to the elevation.
- Roofs should project from buildings by a minimum of 150mm, the direction of the pitch may vary from building to building to create a sense of visual diversity across a roofscape.
- The roof lines of proposed buildings should complement rather than dominate their natural setting.

### Waste management and cycle storage

- The design of bin stores should be fully integrated into housing design
- Bin stores should be easily accessible, though not visually prominent, from the street
- Dedicated bicycle storage should be provided to facilitate everyday ease of use (e.g. space at the front of garages, not the back).

### Building materials and construction

- Local building materials should be used where possible to help reflect and strengthen local character.
- Where brickwork is employed, a multi-brick palette should be used that complements the vernacular of the area.
- Where a render finish is employed, a neutral (not pure white) colour should be used.
- New buildings should be of sustainable design and construction in accordance with the latest building regulations.
- The Council encourages new developments embracing the highest standards in environmental performance – as supported by RIBA 2030 Climate Challenge.

- 1 storey
- 2 - 3 storeys
- 3 - 3.5 storeys



Fig.40 Building heights

## Residential densities and building heights

Building heights and rooflines should give consideration to the topography of the landscape and proximity to existing dwellings in terms of impact on views and skyline. The highest densities will be at the heart of the residential area along the Main Street running east west across the masterplan area; this area will deliver at density of circa 40 dph to 50 dph and will provide town houses with gardens and small blocks of flats at 3-3.5 storeys.

Density will reduce in the areas moving away from the Main Street and in the areas adjacent to the eastern boundary of the Area A masterplan, which will be delivered at medium densities of circa 30 dph to 40 dph in the form of terraced, semi-detached and detached 2 storey housing.

The residential areas on the edges of the country park and the northern edge of Area B adjacent to existing housing will provide the lowest density housing at circa 25 dph to 30 dph, allowing the built form to gradually feather into the landscape at the edges of the development. Housing in the lowest density areas will respond to the character of existing development both adjacent to and in proximity beyond the limits of the masterplan area. This comprises relatively large 2 storey homes set within generous gardens and arranged in small groups with informal layout and distinctive rural character. The new housing in the lowest density areas will be designed to evoke and sustain the rural character created by existing development.

## Employment densities

The employment parcels are situated at the eastern and western extremities of the Main Street and will deliver circa 2,500 sqm of B1 accommodation. Businesses would be in close proximity to bus services and the centre of the residential area which will make it a good location for new and relocated businesses. Employment buildings will be delivered at appropriate density for dispersed employment floorspace adjacent to residential dwellings, with associated car parking and parkland landscaping, at a typical plot ratio of circa 40%-50% achieving circa 2,500 sqm in total. In scale and form, the employment floorspace will be two storeys with consistent form and related scale. Form will be flexible to respond to eventual end user requirements. Townscape, landscape and architecture will be designed so that it is complimentary to the adjacent residential neighbourhood and its landscape setting. Buildings which incorporate employment uses as part of a mix, for example, office spaces on lower floors with residential accommodation above, will be acceptable in principle.



Fig.42 examples of small offices or light industrial employment



Fig.41 Examples of integrated and attached garages

## Car parking

Onsite parking will be provided in line with current Mid Devon District Council policy, which presently requires at least 1.7 vehicle parking spaces per dwelling, alongside comprehensive on-plot cycle parking, and one Electric Vehicle charging point per 10 dwellings. The masterplan allows for sensitive on-street parking - e.g. for visitors - which also serves to manage speeds.

It is anticipated that consumer demand and changes in transport technologies (e.g. the widespread adoption of Electric Vehicles) will result in a more comprehensive network of Electric Vehicle charging points in the future - for example, delivered by homeowners, potentially supported by Government grants. Likewise, it is reasonable to assume that parking policy could change over time to adapt to prevailing demand - e.g. the longer-term adoption of Autonomous Vehicles and/or differing car ownership levels.

Consideration has therefore been given to the provision of parking in a way which enables technological change, and which facilitates the ongoing use/re-purposing of parking areas (e.g. changing on-plot parking to private gardens) in a coherent and appropriate manner, retaining high-quality urban design principles in the long-term.

A range of methods will be used to meet required parking standards for residential dwellings, including:

- Small off-street landscaped courtyard parking areas. This will be very limited and only used to meet the requirements for small apartment blocks which are likely to be located within higher density parcels on the main street. These areas should be designed so they are directly overlooked by adjacent properties.
- The largest proportion of car parking will be provided through dedicated spaces for each home, through:
  - an integrated garage
  - attached garages
  - detached garages
  - parking spaces within gardens
- On-street car parking - when unallocated, this makes very efficient and flexible use of street space and can also have the benefit of helping to slow vehicular speeds and accommodate visitors.
- There will be more limited on-street car parking within the local streets / shared space neighbourhoods to prevent these spaces being dominated by cars.

- landscaped parking court
- on-plot garage
- integrated garage
- on-street spaces

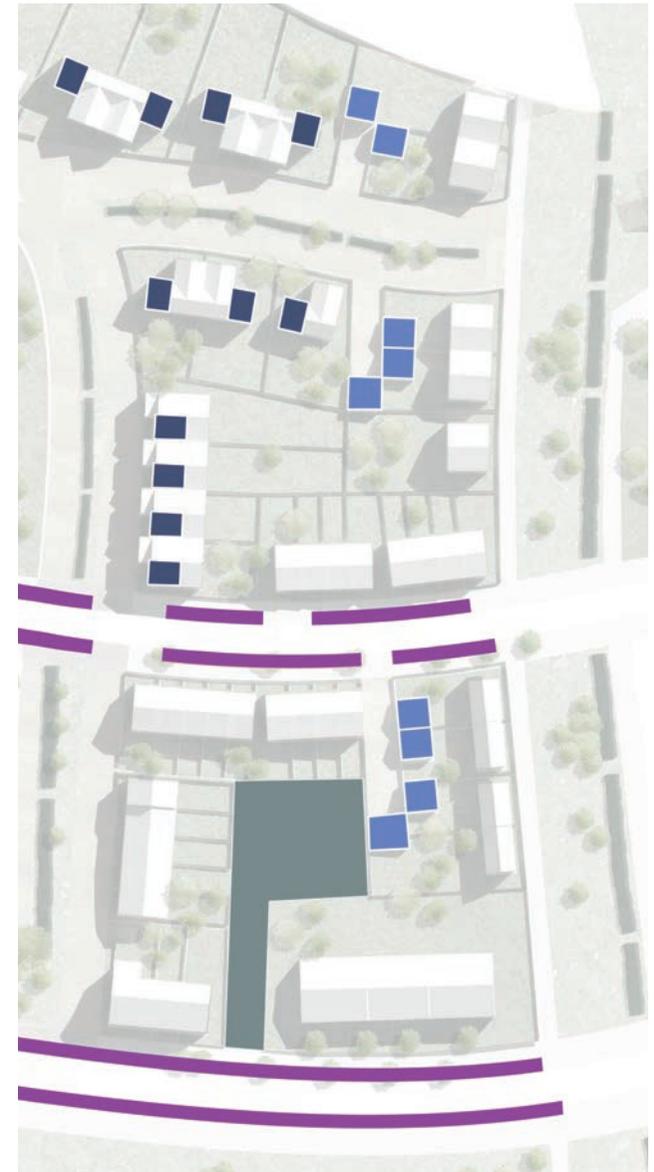


Fig.43 Car parking typologies





Fig.44 This sketch is designed to illustrate the scale and design of the higher density buildings and spaces in Post Hill. Their detailed design will follow as part of future planning applications. The adjacent plan illustrates the location of the view



Local residential streets will have a shared surface environment with an integrated green infrastructure network that provides space for trees and sustainable urban drainage

The main street is slightly wider than in other areas of the masterplan so that it could accommodate a bus route if required. A segregated cycle route and generous pavements provide a comfortable environment for pedestrians

Delivering a range of types of dwelling will meet the needs of a wide cross section of people. Slightly higher densities at key locations along the main tree lined boulevard, such as opposite the park will help improve legibility and create a more varied character. Lower densities will be located at the edges of the site.

Ground floors that provide the street edge with overlooking and activity - to help make streets and spaces feel safer for all uses

High quality cycling infrastructure will help to encourage residents and commuters to choose other means of transport than the private car

These new homes face 'the green'. This is a central play and green space which will be central and well overlooked, at the heart of the new community to help build community spirit





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Fig.45 This sketch is designed to illustrate the scale and design of the mid and lower density buildings and spaces in Post Hill. Their detailed design will follow as part of future planning applications. The adjacent plan illustrates the location of the view

Topography has influenced the route of the street and the roofline and design of properties

A range of building typologies are illustrated here including terraced houses, semi-detached and detached homes in the lower density areas

Boundary treatments help to formalise the definition between public and private areas. The space between dwellings and the public highway will be used in a carefully designed way to accommodate bikes and bin storage, and in some areas, parking spaces for private vehicles

This greened route provides a direct connection from the existing homes at Post Hill, through area B to the country park and canal. This will be a safe, attractive and car free route that will have new homes facing onto the space



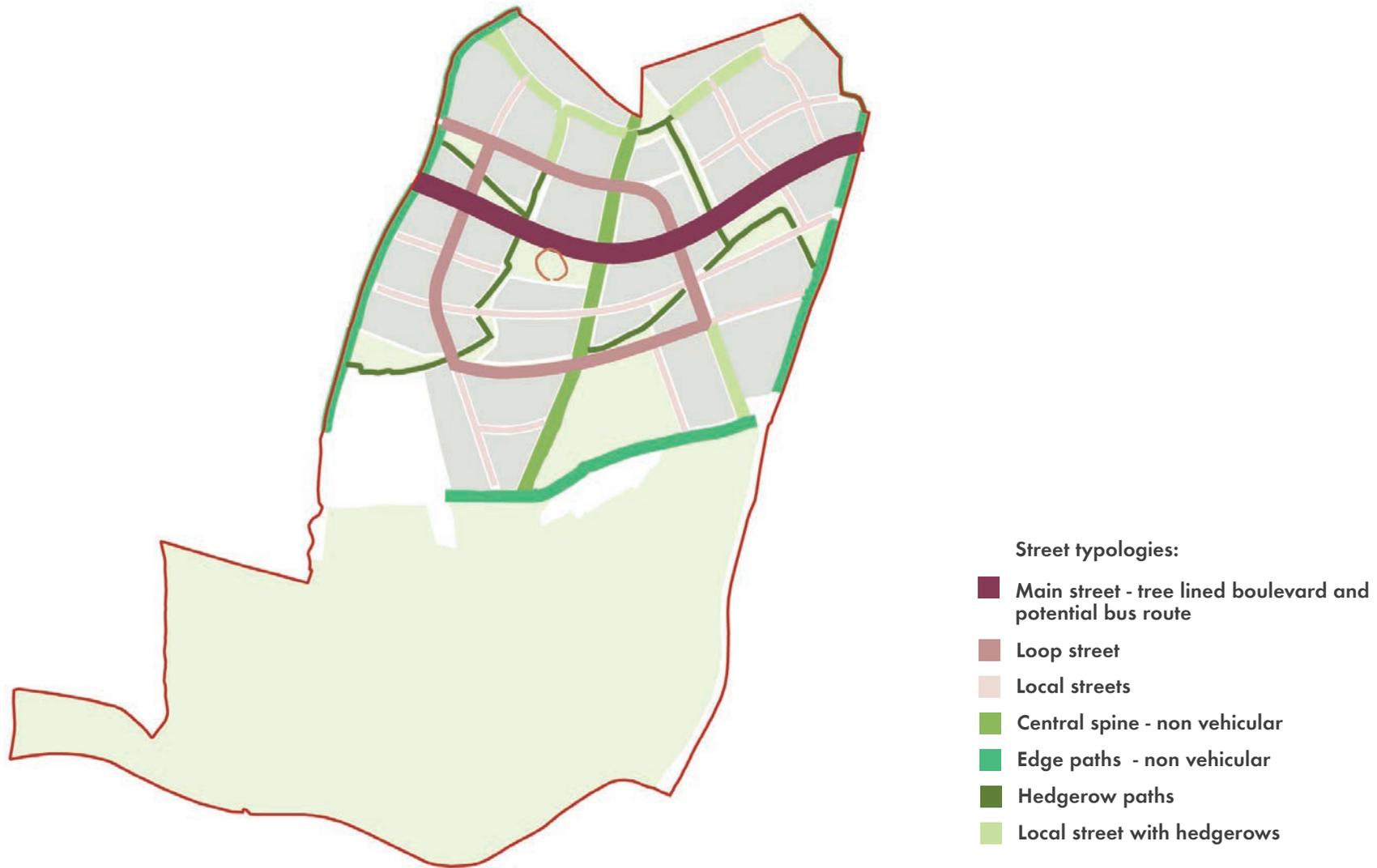


Fig.46 Street typologies and placemaking areas

## 5.3 STREET TYPOLOGIES

### Introduction

The masterplan has identified eight street typologies which are designed to help to deliver a varied character across Post Hill. These street typologies help to define the widths, parking requirements, green infrastructure and relationships between modes in each of the route types.

These typologies range from the most formal boulevard environment envisaged for the main street, through to a shared street environment for the more local streets between residential parcels. Green infrastructure is incorporated into each of these street types through a range of methods including street tree planting, retention of existing hedgerows, inclusion of SUDs and front gardens.

### Main street

The Main Street through the development provides an east-west spine capable of accommodating two-way bus movements, as requested by Devon County Council Highways, alongside a full range of other vehicles. The carriageway will be 6.5m wide, with 2.5m parking bays either side. The street will be a tree-lined avenue/boulevard, incorporating two 2m footways and a 3m two-way cycleway, separated from kerbside parking by a verge (protecting users of the cycleway and parking areas from collisions due to car doors opening).

### Loop street

The Loop Street provides for two-way movements, including by large delivery vehicles, as well as providing a circular route enabling bus permeability into the heart of the masterplan area. The carriageway width is consistent with the recommendations of Manual for Streets, alongside which there will be on-street parking and generous footways. Carriageway geometry will manage-down vehicle speeds, providing a safe environment for on-street cycling. The overall street width is slightly narrower than the main street, with no segregated cycle lane, but with on street car parking spaces identified between places for trees.

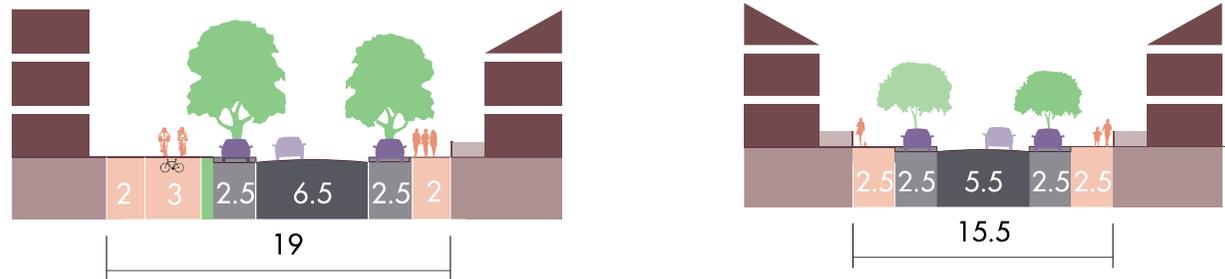
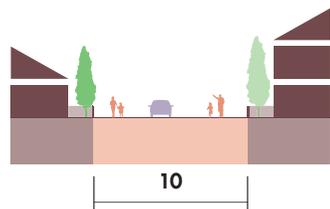


Fig.47 Street sections

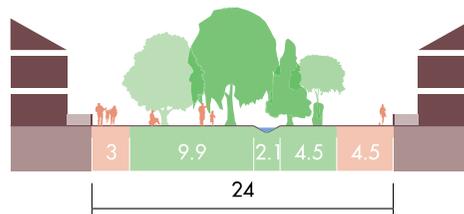
**Local streets**

Local Streets will generally have shared-space characteristics, being low-speed environments with equal priority given to all users. An indicative total width of 10m would provide a generous space for vehicles (generally utilising the 5-6m central area of the street), pedestrians (able to use the whole space, but with at least 2-2.5m space at the street edges if traffic is passing), and cyclists. Detailed design should incorporate contrasting materials and textures for users with visual impairments. Verges could also be incorporated at property boundaries. Car parking will generally be provided within each residential plot.



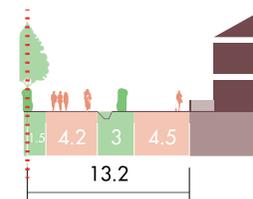
**Central spine**

The site includes a significant green spine which runs through the centre of the site along an existing hedgerow, proving safe and direct off road access between existing residential areas at Post Hill with the new country park and sports facilities at the south. The route accommodates 3m and 4.5m foot/cycleways, which are generous spaces accommodating quick, safe and convenient sustainable movement through the site. These widths could also provide emergency vehicle access if required, with access control measures (such as lockable bollards). Front doors will be accessed via pedestrianised routes along this spine with properties facing this route to provide overlooking.



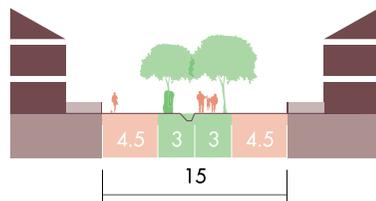
**Edge paths**

In some places at the edge of the site (such as the westerly Drivers Track), an existing path runs between two existing mature hedgerows which should be enhanced and protected. An additional access path should be set back from this existing route and green infrastructure spine for access to properties. Edge Paths provide generous spaces for recreation and sustainable access, improving existing access routes between current hedgerows. This route between the hedgerows should be a permeable bound surface material such as hoggins. Access controls may be needed to prevent access by motor vehicles.



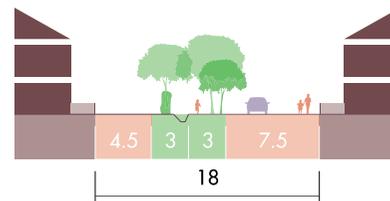
### Hedgerow paths

Existing hedgerows within the site should act as the centre of a connected green infrastructure network. Existing hedgerows should be retained where possible, help shape the location of development and form features within the public realm. These routes also provide generous spaces for recreation and sustainable drainage. New homes should have frontage and front doors facing these spaces.

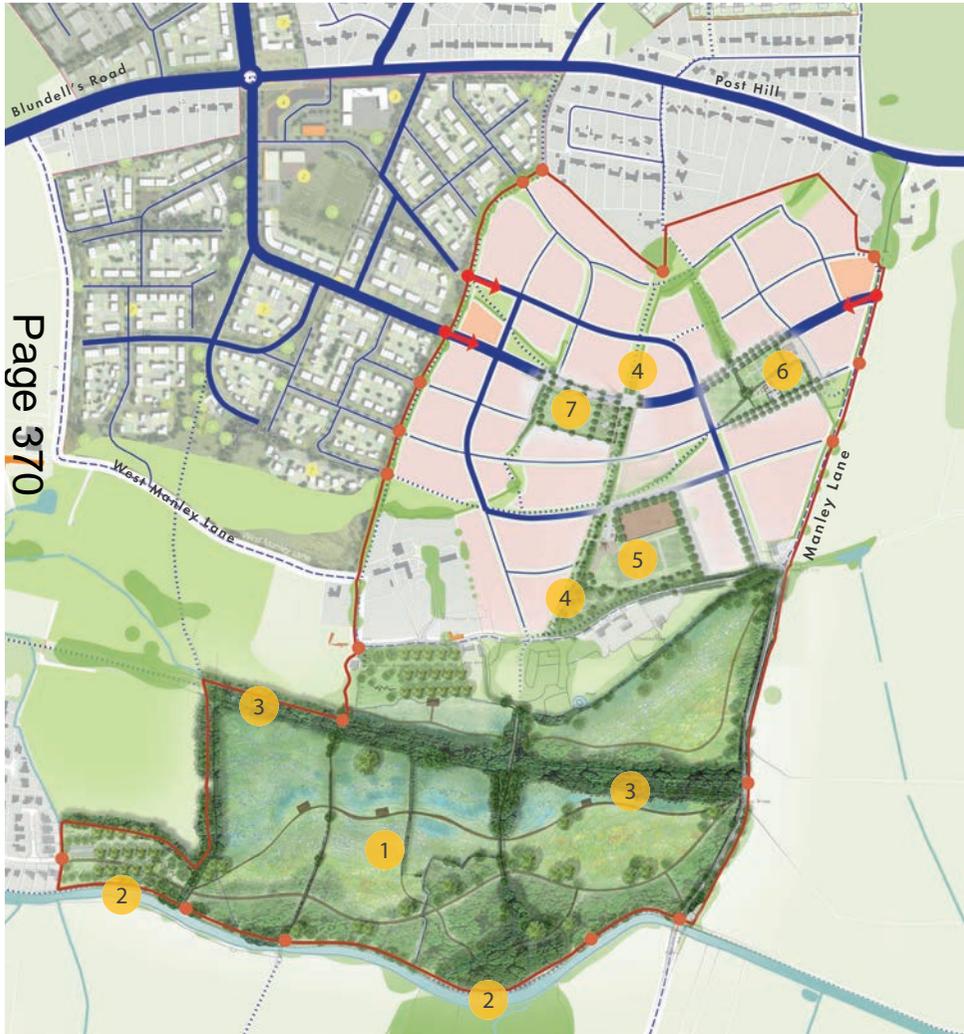


### Local street with hedgerows

Shared space streets, abutting residential frontages, would sit alongside new green corridors running parallel with existing hedgerows. Beyond these hedgerows, generous paths would create sustainable travel corridors whilst also permitting frontage access to properties.

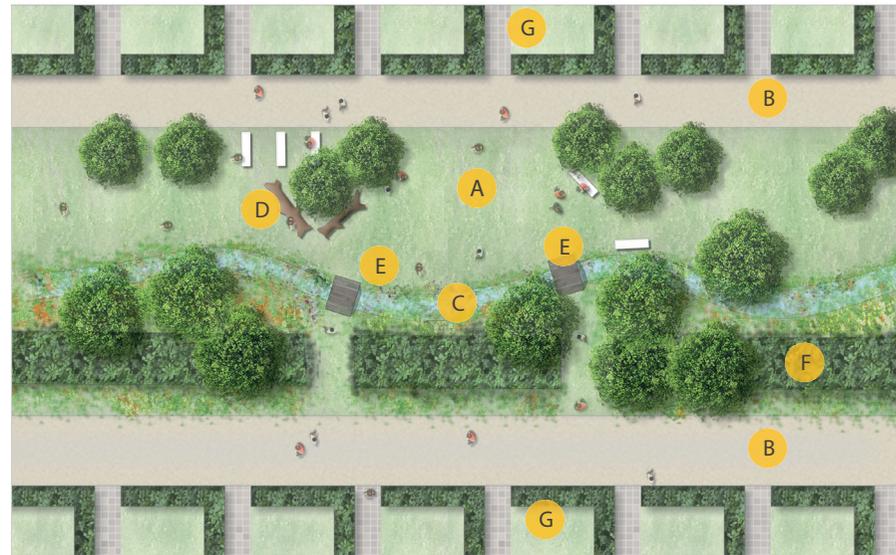


**Fig.48 Precedent: Saxmundham, Suffolk**  
The successful integration of existing green infrastructure such as hedgerows, trees and green spaces which are fronted by new homes



- 1 Country Park
- 2 Canal
- 3 Disused railway /cycleway
- 4 Green spine
- 5 Sports area
- 6 Allotments
- 7 The Green

- A Informal grass area
- B Path
- C Swale
- D Informal play
- E Footbridge
- F Existing hedgerow
- G Front gardens (indicative design)



1

Fig.49 Open spaces plan

## 5.4 OPEN SPACES

The open spaces in Area B are distributed across the site so that they can be easily accessed on foot and by bike. They are designed to provide spaces for a variety of activities from play and sports to food growing, walking and relaxation. The provision of open spaces has been designed to meet the requirements set out in previous masterplanning work and to tie in with requirements Local Plan Review.

### Green spine - Greenway

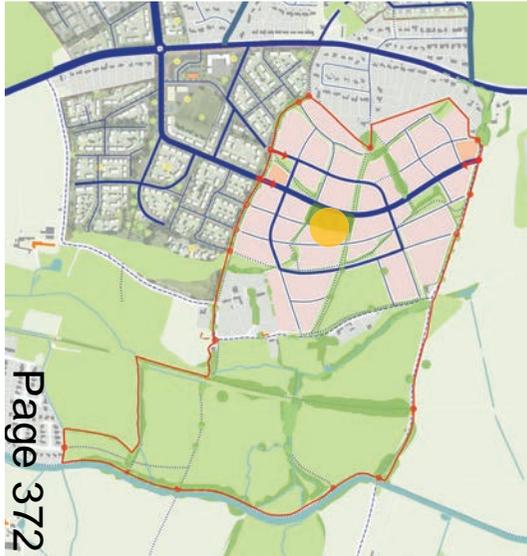
The existing hedgerow running between Mayfair and West Manly Lane will be retained and will form the spine for a generous pedestrian and cycle route through the centre of Area B, providing a link between the Canal and country park, the main street, local centre and school. The green spine will be an attractive and comfortable route which encourages walking and cycling and adds to the green setting of the new neighbourhood.

The green spine illustrated in Fig 49 will be 24m wide and defined by two informal paths, one on either side of the existing hedgerow. The spine will be a richly planted, active route with play, fitness equipment, and broad paths for jogging, walking and cycling. Seating will be located in sheltered areas alongside play equipment and footbridges. A swale will be introduced to the west of the hedgerow and will collect surface water run off from the surrounding areas and connect into the wider sustainable urban drain system (SUDS). Timber footbridges over the swale will provide a connection between the east and west side of the green spine.

Ecology and biodiversity will be improved through planting of wildflower meadows alongside the existing hedgerow and reinforcement of the existing hedgerow planting using native species. Trees will also be introduced along the Green spine, both as part of the hedgerow and alongside the paths.



Fig.51 Illustration of the greenway concept



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Fig.52 Location plan of The Green ●

- 1 Informal grass area
- 2 Main street
- 3 Existing archaeology feature
- 4 Play area
- 5 Green spine
- 6 Existing hedgerow



Fig.53 Key features of The Green

### The Green

The central green is located on the main street in the centre of Area B. It provides 0.4Ha of open space and incorporates the existing below ground archaeological feature. The green will be within easy walking distance of all the new homes, close to the school and the local centre in Area A.

The main part of the green will be a grass space, which can be used for play and sports and for community events such as fetes and fairs, whilst protecting the archaeology. Trees and planting will screen the south and western edges of the green whilst the eastern edge links into the green spine.

The Green will be the main play space for the northern part of the site with a large play area located to its eastern edge next to the green spine. Play features and equipment will be integrated into the sloping topography to create a whole environment for play which links closely to the green spine.

Seating under trees and planting around the perimeter of the green will create shelter and shade and quieter places for people to relax.



Fig.54 Illustrations of The Green concept

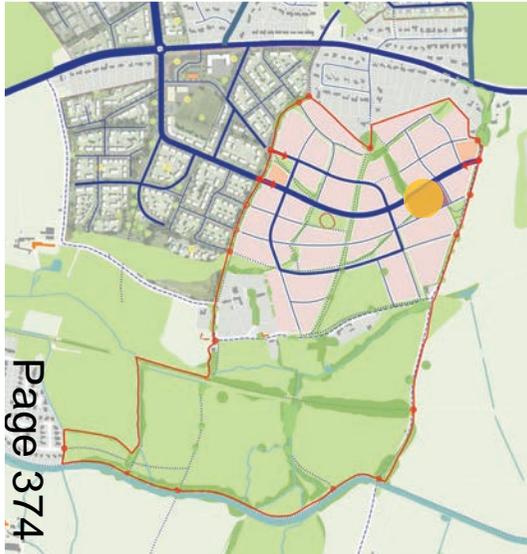


Fig.55 Location plan of the allotments ●

- 1 Half plots
- 2 Starter plots
- 3 Shed
- 4 Compost/soil stores
- 5 Parking and bikes
- 6 Existing hedgerow



Fig.56 Key features of the allotments

### Allotments

The allotment site is to the south east of Area B at a junction between two existing hedgerows, near West Manly Lane. The allotments will be easy to walk or cycle to and are located near the main street.

The site is 0.5Ha and will provide space for 20 half plots and 3 starter plots. Shared facilities such as compost bins and water butts will be located in the centre of the allotments alongside 8 parking bays and a communal storage shed.

The existing hedgerows and trees will be retained and enhanced to increase screening and shelter using native tree and shrub species.

The allotments will provide an opportunity for people to grow their own fruit, vegetables and flowers. The allotments could also provide space for other outdoor activities related to conservation, gardening, ecology and food and will form one of the landscape community hubs set out in this masterplan.



Fig.57 Illustrations of the allotment concept

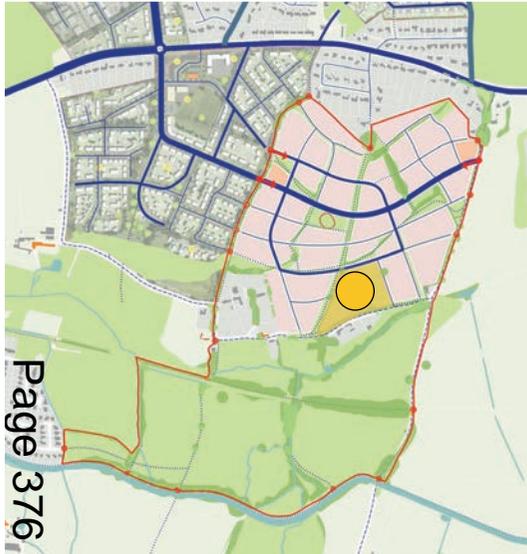


Fig.58 Location plan of the sports provision

- 1 Grass sports pitches
- 2 Multi Use Games Areas (MUGAs)
- 3 Informal space for outdoor gym and informal sports
- 4 Changing rooms
- 5 Parking and bike store
- 6 Existing hedgerow
- 7 Green spine
- 8 No vehicular access to West Manley Lane



Fig.59 Key features of the formal sports facilities

**Sports**

The sports area is located to the south east of Area B on a relatively flat area east of the green spine and near West Manly Lane. The sports area provides 2 Ha for formal sports.

The site is easily accessible by foot and cycle from the surrounding residential areas and will also be accessible by car from the new road network.

Existing hedgerows and trees around the perimeter of the sports ground will be retained and enhanced with new planting to increase screening and enhance biodiversity.

Reference should be given to the Local Football Facilities Plan and Local Planning Pitch Strategy. The sports area provides 4 Multi Use Games areas (MUGAs) which can be used for tennis, netball, basketball and/or 5 a side football. The grass field to the south of the MUGAs will be a flexible natural, grass sports field with drainage which can be laid out with line markings for a range of junior and senior sports.

On the western side of the sports area a car park, changing rooms and cycle stores are located and an area for an outdoor gym and informal sports is located to the south.



**Fig.60** Illustrations of the formal sports provision concept



Fig.61 Key features of the Country Park

## Country Park

The new country park will provide 26 Ha of open space and provides the largest area of open space in the Eastern Urban Extension. The country park is also a significant area of green space and natural habitat and, in accordance with the SPD, will provide green infrastructure.

The natural habitats in the park connect to the existing local nature reserve on the canal and the existing SSSI at Tidcombe Fen. The design will be developed to strengthen links with the SSSI and enhance ecology. It will be important to ensure the design takes account of water run off rate and quality in order to safeguard the hydrology of the SSSI. The future maintenance and management of the park will be taken on by a local organisation and the arrangements and funding for future maintenance and management will be established and agreed with the local planning authority as part of the planning application(s) for Area B. (please see Section 6 for further details).

- |                                       |   |                   |
|---------------------------------------|---|-------------------|
| 1 Existing cycleway (disused railway) | 5 Informal and natural play               | 9 Bird hide       |
| 2 Existing canal tow path             | 6 Wet meadow to be extended and protected | 10 Spring meadow  |
| 3 Car park                            | 7 Wetland scrape-ephemeral pond           | 11 Summer meadow  |
| 4 Orchard and picnic area             | 8 Boardwalk                               | 12 Canal car park |



Fig.62 Access and connections

**Access and connections, experience**

Access on to the canal tow-path and existing cycle way will be improved and new wayfinding signage will be added at key park entrances and path junctions. A car park will be introduced from Follett Road on the West of the park and sensitively integrated with the surrounding trees and hedges. The existing field beyond the new car park will be planted with an orchard which will be a community resource and opportunity for food growing and conservation activities. Picnic tables and informal play facilities will also be added to this area to provide a resting area away from the tow path. Other play and picnic facilities and a second orchard will be added to the area east of Chapel Anthony near the southern end of the green spine route.

New footpaths will link the tow path with the cycleway and West Manley Lane opening up the existing fields to public access. Secondary footpaths and timber boardwalks will run east west through the existing fields and new wetland meadow areas providing opportunities for longer walking routes and access to the meadows and bird hides.



**Fig.63 Illustrations of the Country park - access and experience**



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Fig.64 Ecology and green infrastructure

### Ecology and green infrastructure

The existing fields between the canal and railway will be modified to create a series of wetlands, ephemeral ponds and meadows, linked to Alsa Brook and the Tidcombe Fen SSSI to the west. The wetland areas will be planted with native fen and marsh plants extending the existing marshy grassland and fen and increasing the habitat for birds, invertebrates and water vole.

A series of flowering meadows will be planted to the south of the new boardwalk using perennial wildflowers and grasses to provide shows of flowers in spring and summer.

The new boardwalk will provide a secluded route through the meadows and wetland and bird hides will be provided along the boardwalk for bird watching.

The existing woodland and hedgerow planting around the edges of the park will be managed and enhanced with new planting to strengthen the boundaries, screen views and reinvigorate the existing boundary planting.

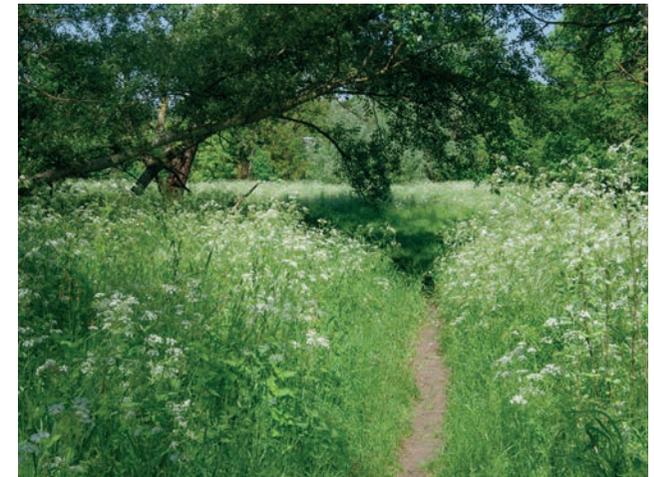


Fig.65 Illustrations of the Country park - ecology and green infrastructure



# 6 DELIVERING THE PLACE

## 6.1 APPROACH TO INFRASTRUCTURE PLANNING AND DELIVERY

### Policy Position

Policy TIV5 of the Local Plan Review states that a phasing strategy will be required to ensure that the development and infrastructure come forward in step, minimising the impact of the development, yet taking account of the need for development to remain viable.

The 2018 SPD acknowledges that the infrastructure requirements and the triggers for delivery of said infrastructure have evolved since the AIDPD was adopted following further assessment of triggers and sequencing of infrastructure. This position has also been influenced by the determination of the planning applications within Area A to date, elements of which supersede the provisions set out within the emerging Local Plan Review. Funding opportunities have also been secured including for the partial delivery of the A361 junction link to Area A. The final phase of this junction is due to be delivered by forward funding via the Housing Infrastructure Fund.

Policy TIV5 further states that the phasing requirements of this policy should be taken into account and any variation from them carefully justified. It sets out policy expectations for the phasing of employment and housing, green infrastructure, highway improvements, bus service enhancements, transfer of land and funding for the primary school.

### Infrastructure Requirements for Area B

The 2018 SPD recognises that the green infrastructure (GI) within Area B forms a majority of the GI for the whole of the Tiverton EUE. This includes GI in the form of:

- parkland,
- community orchards,
- allotments,
- informal open space that can be publically accessed,
- play areas,
- habitat areas and water attenuation ponds.
- It may also include small scale structures associated with the recognised GI use.

It is also recognised that the GI may vary according to the location and relationship with the immediate surrounds but with the overall premise of a comprehensive approach to planning and delivery. The green landscape setting will reach into the centre of the development to create a garden neighbourhood as endorsed in the vision of the 2018 SPD and carried through into the Area B Masterplan.

The 2018 SPD did not fully resolve how the GI was to be used, managed or located, particularly the area located south of West Manley Lane. The Area B masterplan gives the GI more detailed

consideration and considers both the allocated area of GI south of West Manley Lane and within the wider Area B.

The remaining infrastructure to be provided within Area B is expected to include the standard requirements arising from a development of this nature in terms of drainage (SUDS), roads and utilities as the community facilities are being provided within Area A. Area A has provided the bulk of the new build community facilities and opened up the strategic access onto the A361. The Area B infrastructure requirements include:

- Phase II A361 road junction (requiring payback from the development)
- Phase II Blundell's Road Traffic Calming and Environmental Enhancements
- An agreed strategy to bring forward development and infrastructure in step and to retain overall viability
- Transport provision to ensure appropriate accessibility for all modes
- Environmental protection and enhancement
- Community facilities to meet local needs arising
- GI including Country Park, allotment, formal sport and recreation
- Affordable housing
- Upto 3 Gypsy and Traveller Pitches

The delivery of the above mentioned GI and infrastructure is therefore expected to be provided and co-ordinated by the developer(s) for Area B, to be secured as necessary through Section 106 agreement or condition.

The approach to phasing of Area B is discussed within section 6.3 below.

### Area A Update

The two outline planning permissions within Area A (Chettiscombe Trust and Waddeton Park) have been accompanied by Section 106 agreements which have secured the provision of the following infrastructure within the EUE:

- A361 Highway Works and provision of the first phase of the junction
- Blundell's Road Traffic Calming works (phases 1 and 2)
- Contribution towards improvement of pedestrian and/or cycle facility between Tiverton EUE and Tiverton town centre and/or Tiverton Parkway railway station
- Link Road between A361 Left in Left Out 'LILLO' (phase 1) junction and Blundell's Road works/ improvements to roundabout at junction of Heathcoat Way and Lowman Way
- Primary school facilities for up to 270 primary school aged children

To-date the Area A planning consents have resulted in the delivery of the phase 1 environmental enhancement works to Blundell's Road through Blundell's School ahead of any development.

Furthermore the Left in Left Out ('LILLO') junction with the A361 has been constructed, although at the time of writing the junction is not operational.

### Community Infrastructure Levy

Infrastructure will be provided through Section 106 and planning conditions, and through direct delivery or financial contributions. It is not proposed that a community infrastructure levy charge will be applied to the Tiverton EUE development.

The key to success of the delivery of the EUE masterplan as a whole (Area A and B combined) will be the delivery of infrastructure in a co-ordinated and cohesive manner, recognising that both elements are not independent of each other.

## 6.2 HOUSING DELIVERY RATE

### Assumptions Around Rate of Housing Delivery

In relation to the Tiverton EUE as a whole, planning permission is in place for the first Reserved Matters and construction is underway in the North Eastern part of the site. The first homes are therefore being delivered. The Local Plan Review now treats development in Area A as a commitment in housing supply terms. For Area B the plan assumes delivery of the development on site from between 2026/27 to 2032/33.

The Local Plan assumes that development of Area B will start on site in 2026/27. However, it is expected that this start date can be accelerated subject to the provision of required highway infrastructure. Housing Infrastructure Fund financial forward funding could deliver the completion of the new junction to the A361 within 2022. This would unlock the ability to bring forward the commencement of development on Area B by several years. The first homes will be delivered after the provision of a highway connection from the western boundary (Area A) although this Masterplan identifies other access opportunities.

The sequencing of development and provision of supporting infrastructure set out in this SPD has been structured to provide appropriate flexibility over where and when development takes place. It seeks to ensure that the necessary infrastructure is provided in a timely and viable way in the interests of delivery of the vision and aims of the area in a co-ordinated and comprehensive manner.

The below table provides an updated schedule of anticipated housing completions for Area B based on the Local Plan but adjusted to take account of housing numbers identified in this Masterplan.

Tiverton EUE anticipated housing completions		
	Annual completions	Running total
2020 / 2021	0	0
2021 / 2022	0	0
2022 / 2023	0	0
2023 / 2024	0	0
2024 / 2025	0	0
2025 / 2026	0	0
2026 / 2027	25	25
2027 / 2028	150	175
2028 / 2029	150	325
2029 / 2030	150	475
2030 / 2031	150	625
2031 / 2032	59	684
2032 / 2033		

Build out of Area B is considered to be in excess of 6 years. The number of homes assumed to be built out per year is based on an agreed methodology as part of Local Plan Review evidence (Housing and Economic Land Availability Assessment, HELAA) but also takes into account current market conditions and assumes 2/3 housing outlets on site at the same time.

### Assumptions on Housing Mix and Population Profile

Policy TIV1 does not set a percentage target for affordable housing within policies associated with the urban extension. Instead it establishes that the development will need to provide a proportion of affordable housing subject to further assessment of viability. The target for this proportion will be 28%. It is recognised that developments must be viable and that affordable housing may make a considerable difference to viability.

The Area A outline permissions (Chettiscombe Trust and Waddeton Park) were determined on the basis of viability appraisals with the following resultant affordable housing provisions:

- Chettiscombe Trust: 22.5% Affordable Housing, of which 60% are Affordable Rent Units and 40% Intermediate Units
- Waddeton Park: 22.5% Affordable Housing , to be provided as Affordable Rented Housing

Forward funding to deliver the completion of the A361 Road junction will need to be recovered from the development. In addition, the high proportion of GI provision required within Area B results in low value generating land. These issues will have a significant impact upon viability, particularly in the early phases of Area B. It is expected that viability assessments will form part of the consideration at planning application stage.

MDDC will expect a comprehensive and co-ordinated approach to the delivery of all of the development and infrastructure within Area B. This requires a holistic approach across high and low value generating uses.

Once provided, affordable housing should be delivered in step with market housing. Such decisions will need to be based upon the submission of robust viability evidence.

Affordable housing provision will need to have regard to needs assessment within the Tiverton area.

The Local Plan Review requires the provision of at least 5 pitches for gypsies and travellers within the EUE. The provision of pitches within Area B will be expected in accordance with the relevant policies.

Based on an average household size of 2.3 persons in Mid Devon (the assumption used in the 2018 SPD) it is anticipated that up to 684 dwellings could result in a population up to approximately 1,573.

Residential development within Area B must have regard to housing mix in terms of type, size, tenure and location (intermixing of affordable and market homes) and be designed so that affordable housing is indistinguishable from market housing.

Policy will also require the provision of 5% of homes as self build or custom build. The proposals must be considered in the context of Area A to ensure that an appropriate mix is delivered across the EUE as a whole.

Both market and affordable housing will need to meet the relevant space and accessibility standards adopted by the Council at the point of application determination. At the time of writing the relevant policy on minimum home sizes is Policy DM12 Housing Standards in the Local Plan Review.

Further consideration should also be given to the EUE Design Guide.

## 6.3 APPROACH TO DEVELOPMENT PHASING

The underlying development phasing EUE principles as set out within the 2018 SPD remain in part relevant for the detailed masterplanning of Area B. These remaining relevant principles are as follows:

- Infrastructure should be provided in a timely way in order to reduce / mitigate the impact of the development;
- Given the scale of the project, there is a need to balance certainty of delivery of key infrastructure with the need to maintain flexibility over the delivery of the development and infrastructure, especially as delivery is likely to take place over a period in excess of 6 years;

A coherent and coordinated approach to infrastructure delivery, construction management and development phasing is needed between land ownerships in order to ensure that the overall policy aspirations are met;

- Avoiding in so far as possible the creation of parcels of land or pockets of development that do not relate to their surroundings or are isolated from each other;
- The early provision of transport infrastructure is recognised as being a key requirement in order to reduce the impact of the development upon the existing local highway network. However, this must be balanced with the need to maintain development viability;
- It is expected that development within the wider Tiverton EUE will first take place to the north of

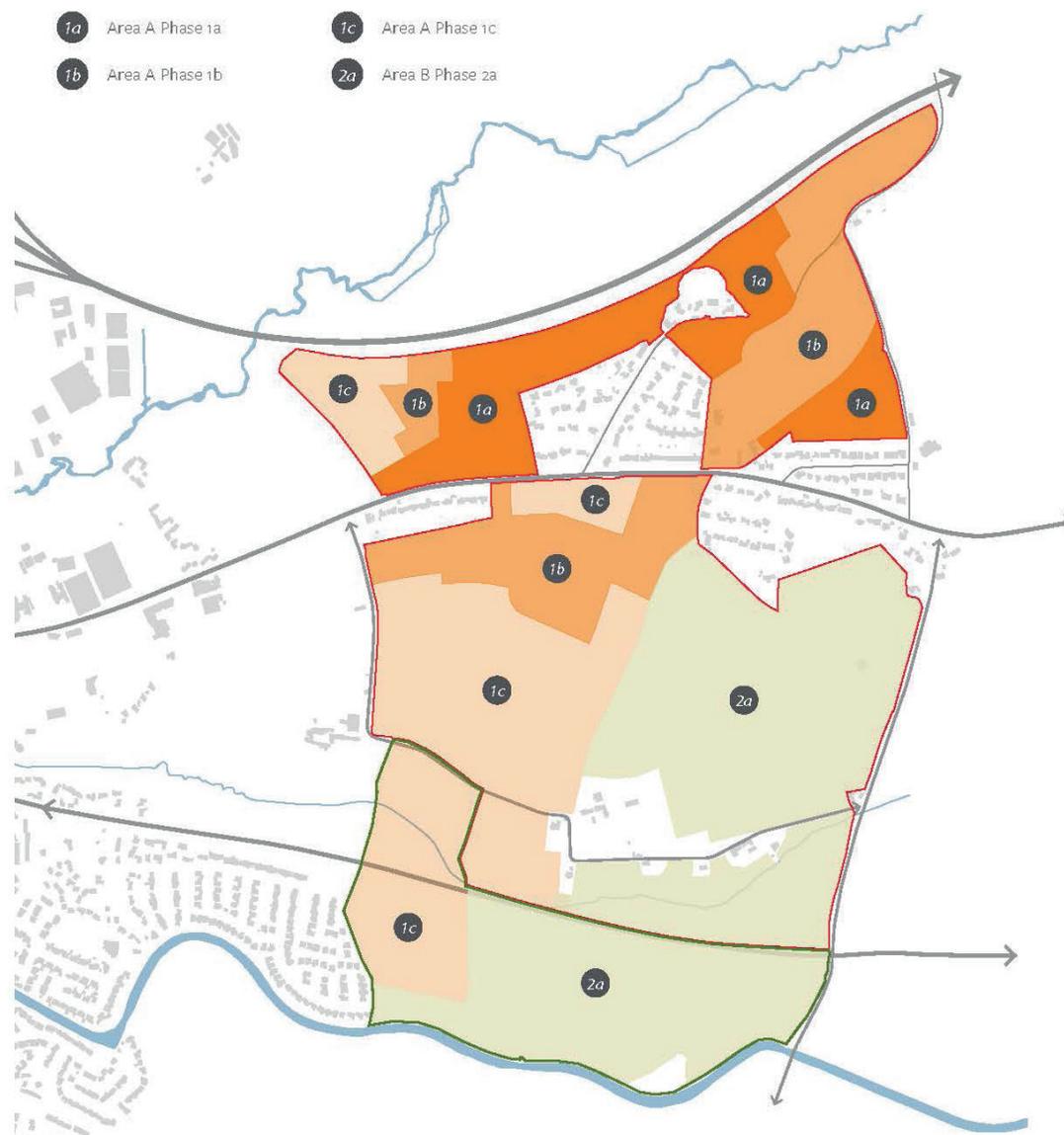


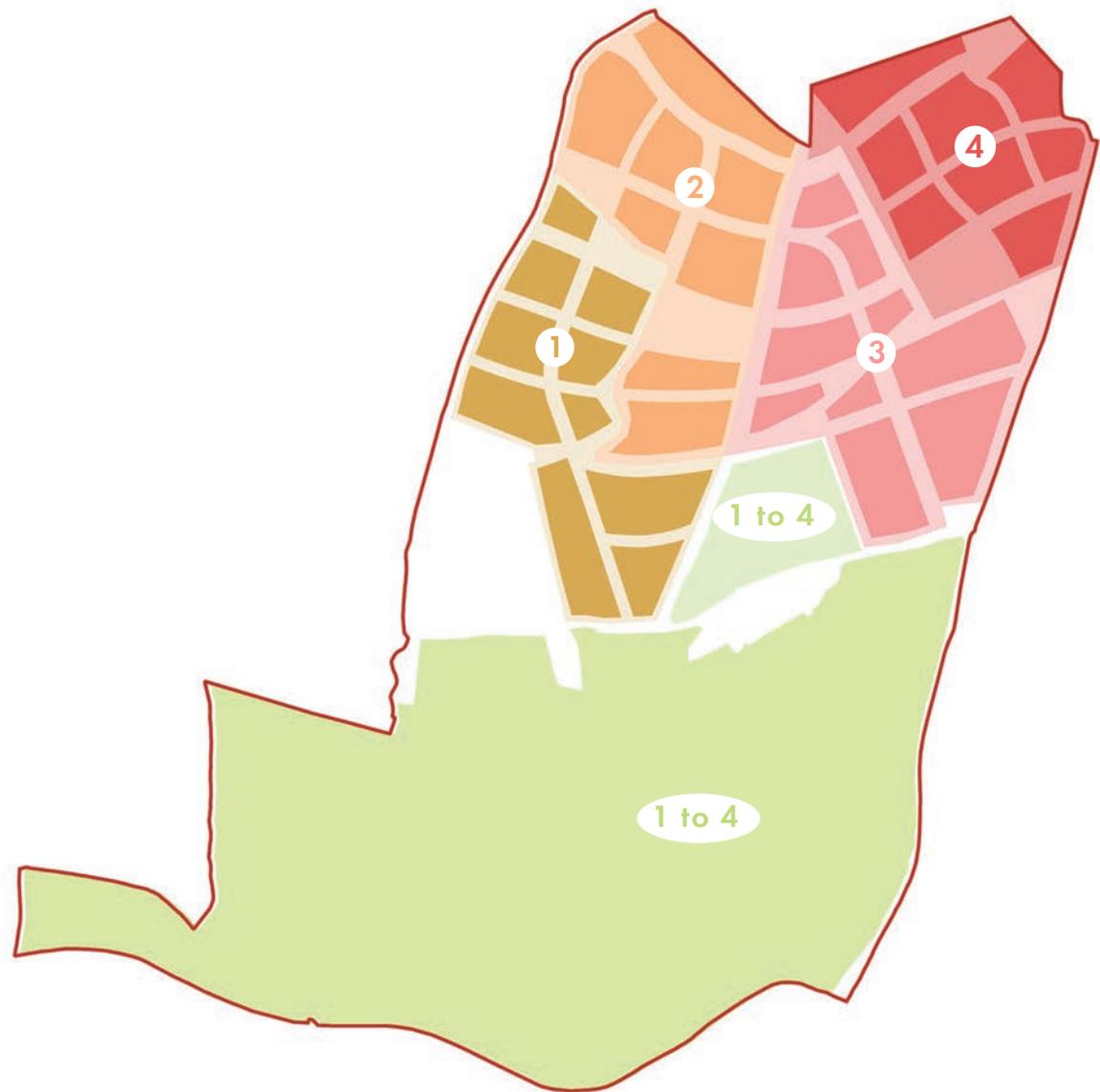
Fig.66 Area A phasing plan

Blundell's Road following the early provision of transport infrastructure associated with the new grade separated junction to the A361 combined with traffic calming improvements to Blundell's Road and improvements to roundabouts on Heathcoat Way;

- The need to ideally provide employment development in step with housing will deliver 5,000sqm in small clusters within Area B;
- Development is then expected to move sequentially in a southerly direction as access becomes available starting immediately south of Blundell's Road and providing the commencement of the local centre and land for the primary school alongside residential development and other associated infrastructure.

However, taking account current circumstances including applications to date and specific Area B issues, of further key significance to Area B are the following:

- securing means of access to Area B at an early stage;
- Whilst it was initially envisaged in the existing Masterplan that Area B would constitute the final phases of the wider development, there is now opportunity (subject to access) to consider whether Area B delivery can be brought forward to be developed at the same time as parts of Area A; and
- The provision of GI will need to be phased in relation to the timing and occupation of development. Elements of GI are expected to be provided in step with the phases as they come



**Fig.67 Phase B phasing plan**

The phasing of development within fig 67 assumes means of access via Area A. The masterplan considered possible additional points of access which would affect the subsequent phasing

forward rather than as a single separate phase of GI delivery. A programme and triggers for GI delivery are expected to be agreed via Section 106 obligation or conditions in line with the Development Framework Plan to be provided with any future planning application (see section 6.6).

The overall approach taken towards phasing and infrastructure delivery in the SPD is to seek to ensure co-ordination between phases of development in order to deliver necessary strategic elements of infrastructure in a timely manner and not prejudicing the ability of the following phases to do the same. Whilst development within Area A is now underway it can not now be assumed that Area B will only come forward once Area A is completed.

A process of monitoring and review of delivery will be undertaken by the District Council in conjunction with the landowners / developers. In considering proposals to vary phasing of Area B from that set out in this document the District Council will have regard to the tests set out within section 6.3 of the 2018 SPD. Of key significance will be whether the development proposed will fundamentally prejudice delivery of other land holdings within the urban extension or the whole master plan, or result in an unacceptable impact on existing residents. Proposals to bring forward

later planned phases will be considered provided they do not undermine: delivery elsewhere within the overall site; the provision of supporting infrastructure; and, mitigation of the impacts of the development as a result of earlier delivery.

Therefore the proposed Area B phases are based upon the following considerations:

- On the assumption that the access route through area A comes forward first (the adjacent parcel forms phase 1). Additional points of access could allow other land parcels to come forward quicker.
- The central green spine is the primary feature that divides the site (as reflected by land ownership)
- a critical mass of over 100 units per phase.

## 6.4 INFRASTRUCTURE REQUIREMENTS AND TRIGGERS FOR DELIVERY

The infrastructure necessary to support the urban extension must be delivered in a timely way in order to reduce the impact of the development. The key infrastructure requirements for the EUE are set out within the relevant Local Plan Review policies.

Drawing from elements of 6.4 of the 2018 SPD and updating them, is a schedule of the Infrastructure Requirements within Area B. The table concentrates upon infrastructure requirements common to different areas and ownerships where coordination over delivery is most required.

Further site specific infrastructure will be required on a more local basis, for delivery under individual detailed planning permissions for the relevant phase of the development such as footpaths and streets and non-strategic habitat mitigation.

A range of utilities related infrastructure will also be required such as power, water and foul drainage. Provision for these will need to be made in step with the requirements of each phase of development and ensuring that provision is coordinated between phases. It is important that the necessary provision of utilities is borne in mind in considering the viability of the development.

Key Infrastructure Requirement (Area B)	Anticipated Phase For Delivery and Trigger Point Where Known	Lead Delivery Organisation
<b>Access &amp; Transport</b>		
Agreement of delivery of access point from Area A into Area B and / or additional access points and agreement of key connections within Area B to open up required land parcels	Prior to submission of first application within Area B for demonstration of access provision delivery.	Developer(s)/ Landowners
Completion of access from Area A into Area B and /or additional access points and main connection within Area B.	Prior to occupation of any dwellings within Area B.	Developer(s)
Bus Service Enhancements	Phased delivery from occupation of first dwelling within Area B.	Operator/Developer(s)
Delivery of cycle and pedestrian links to the railway walk, Grand Western Canal and nearby rights of way	Phased delivery from occupation of first dwelling within Area B.	Developer(s)
<b>Open Space, Recreation, Play and Green Infrastructure</b>		
Provision of green infrastructure between Pool Anthony Railway Bridge and Manley Railway Bridge within Area B with necessary management / funding arrangements	Prior to the occupation of 1250 dwellings on EUE as whole	Developer
Subject to delivery on Area A, at least 2ha of children's play area, 8 ha of sports pitches (or equivalent); and 2ha of allotments.	Phased delivery as development comes (formal sports pitches to be delivered partly on site and partly off-site through enhancement of existing provision).	Developer
Sustainable Urban Drainage Systems (SUDS)	Phased delivery as development comes forward in a co-ordinated manner having regard to its future maintenance and Tidcombe Fen SSSI.	Developer

Access and transport:

○ Access into Area B from Area A

← Key route through Area B

— Delivery of cycle and pedestrian links to the railway walk, Grand Western Canal and nearby rights of way

Open space, recreation, play and green infrastructure:

■ Provision of green infrastructure between Pool Anthony Railway Bridge and Manley Railway Bridge

■ 2ha of children's play area, 8 ha of sports pitches (or equivalent); and 2ha of allotments.

— Sustainable Urban Drainage Systems (SUDS)



Fig.68 Area B phasing and infrastructure plan

## 6.5 DELIVERY, MONITORING AND REVIEW

### Viability and deliverability

The National Planning Policy Framework (2019) emphasises consideration of viability and costs in plan-making and decision-taking. This is to ensure plans are deliverable.

The requirements around infrastructure provision and triggers for delivery set out have therefore been considered in light of the NPPF guidance and the 2018 SPD. The production of the Area B masterplan has been informed by commercial delivery advice and option testing. This testing exercise has included consideration of the Housing Infrastructure Funding, likely Section 106 requirements, strategic infrastructure costs, local land values and market conditions to demonstrate high level viability. However, the Council accepts that formal viability testing will be reviewed beyond this SPD at development control stages. This is to ensure that the development envisaged is deliverable as far as is possible given the Council's aspirations for delivery of affordable homes, for sustainable development and the need to secure critical infrastructure.

Given the potential for uncertainty about the economy over future years, it may be appropriate to retest the viability of the scheme at later stages using tools such as market recovery mechanisms built into Section 106 agreements. This may mean that the level and / or timing of affordable housing provision required or the timing of

provision of elements of infrastructure as set out in this SPD may need to be revisited. This may have implications for full provision of affordable housing in accordance with the 35% target. Where landowners / developers wish to retest scheme viability, the Council will require an open book approach on scheme viability to be taken. Any viability appraisals and supporting information received will be validated by an independent assessor to be appointed by the council and whose fees will be paid by the landowner / developer. The

outcomes and implications of viability testing at application stage will be carefully evaluated by the Council in light of the aspirations and requirements set out in this SPD.

### Implementation, delivery and monitoring

#### *Landowner collaboration – Area B*

The main potential obstacle to the successful delivery of Area B is a lack of coordination between the main landowner interests.

Complex landownerships requires landowner collaboration. The Council will not entertain piecemeal applications without robust evidence of collaboration between the landowners to enable the timely delivery of the required infrastructure to support Area B (and the wider EUE). Such evidence could be in the form of a Development Agreement(s) for example.

Individual landowners will need to have regard to the role of their land within the wider masterplan and understand that successful delivery of the masterplan will depend upon the delivery of the whole scheme (including interaction with Area A). Of key significance will be the provision of an unfettered access from Area A into Area B, and within Area B to the various development parcels.

Landowner 'buy in' is therefore required to inform the coordination of infrastructure provision, to resist piecemeal and uncoordinated applications and to realise an integrated and sustainable development programme. The Council will resist any applications that cannot demonstrate this approach to delivering the Area B development.

The delivery requirements set out within section 6.6 of the 2018 SPD remain valid for Area B and the Council will therefore expect landowners to work together to demonstrate the requirements can be met.

To summarise the Council will expect the following information to be submitted with planning applications:

- To secure comprehensive development of sustainable neighbourhood and place making, the application must be accompanied by a **development framework plan for the entirety of the Area B** and demonstrate that it is in accordance with this SPD;

- To secure delivery of comprehensive infrastructure, the application must be accompanied by an **Infrastructure Delivery Plan for Area B** to demonstrate compliance with this SPD and an agreement of proportionate Section 106 obligations from each landowner.

#### *Land Equalisation – Area B*

The Council wishes to encourage the landowners to consider the scope for agreeing a land equalisation exercise on the basis that a single landowner parcel cannot be brought forward independently if the policy requirements for Area B and the wider EUE are to be met.

This approach is often required on large sites with development obligations (eg. highway improvements, community/sports, utilities upgrade). One or more landowners may find there is an unfair proportion of land in their ownership designated for uses that benefit the wider site (i.e. green infrastructure in the case of Area B). This therefore requires an agreement to equalise the proportionate cost amongst all the landowners.

Landowners with land bearing costs ('infrastructure and facilities') will then benefit from equalisation (interplay between the values generated, and the costs necessary to deliver that value) with those landowners identified for housing and commercial development in a phase/neighbourhood.

In their role as enablers, the Council may use its statutory powers including compulsory purchase powers to facilitate comprehensive development and delivery of the site in order to deliver the policy framework.

#### *Monitoring*

The delivery of phases within Area B will be overseen by the Council working with landowners / promoters and stakeholders to ensure:

- A coordinated approach to infrastructure delivery in accordance with the relevant infrastructure delivery plans;
- The delivery of a consistently high quality of development in accordance with the guidance and principles set out in this SPD;
- Securing external funding where available to help infrastructure delivery;
- Securing agreement and delivery of long term management and governance arrangements for the development;
- Monitoring delivery in order to inform the Annual Monitoring report.

In line with the 2018 SPD the Council will continue to monitor implementation of this Area B SPD and the extent to which the strategic policy objectives and vision are being achieved in the Annual Monitoring report. If implementation / delivery is considered to be failing, this will be reported together with an explanation and proposed remedial steps.

#### **Long term management and maintenance**

In line with the 2018 SPD requirements and in order to maintain a high quality of the green infrastructure across Area B it will be important to set in place robust and consistent management arrangements. The Council will seek to prepare and agree a neighbourhood management plan jointly with the applicants prior to the commencement of development. This will be an application requirement. The plan should cover all open spaces and cite all management objectives with the aim of establishing medium and long term objectives and arrangements.

This plan will also need to consider a robust governance structure which could take the form of a management trust/company and could also include a role for Tiverton Town Council and or Devon County Council in relation to the Country Park for example. Examples of such management structures could include a Community Interest Company approach. It is expected that full details of future management arrangements will be required through Section 106 obligations with management regimes being agreed and implemented prior to first occupation of any properties within the development, and in advance of the provision of any green infrastructure.

In terms of funding, it is likely that the plan will look to generate revenue from an annual service charge from residents and business occupiers together with the potential for revenue from hire of building/facilities. Revenue will be subsidised by the developer in the early stages and additional revenue sources (grant funding, sponsorship and commercial opportunities) should also be explored.

## 6.6 REQUIREMENTS FOR FUTURE PLANNING APPLICATIONS

Area B is allocated across a multiple of landownerships. Whilst the Council wishes to encourage land equalisation on the basis that a single landowner parcel can not be brought forward independently if policy requirements are not met, it is acknowledged that future applications are likely to come forward as a number of outline and/or full planning applications. The contents of applications to be submitted shall be agreed in advance with MDDC through pre-application discussions and following a review of the valid national and local validation requirements. Planning performance agreements are encouraged at the application stage to provide assurance and clarity to the developer.

S106 pooling restrictions no longer apply. Infrastructure will be therefore be delivered through S106 planning conditions, through direct delivery or financial contribution. A Community Infrastructure Levy will not be applied.

A list of information to be submitted as part of the planning application process for the development of the site is provided below. It should be noted that this list is not exhaustive and further requirements may be identified as a result of pre-application discussions. Some elements may also be more appropriately submitted as reserved matters stage dependent upon the scope of the application made at outline application stage. This list should be read in conjunction with the design process and delivery requirements outlined previously in this SPD.

### Theme: Masterplanning and Design

- Outline application: Development framework plan to illustrate development form at a greater degree of resolution for the whole of Area B as relevant to the application location
- Outline application: Design and Access Statement to include proposed character areas, street / space typologies, sample blocks and key areas. Conditions will require the approval of illustrated urban design and architectural principles prior to the submission of reserved matters applications. More details are to be found within 1.6 Design Process
- Reserved matters: Detailed design proposals for the area applied for. Compliance with this SPD and subsequent masterplanning and design stages above will need to be demonstrated
- Full applications: Will need to meet the requirements of both outline and reserved matters applications. Building for Life 12 self assessment (residential only)

### Theme: Planning

- Planning Statement
- Draft Heads of Terms for Section 106 Agreement
- Viability Appraisal and independent review with details to be agreed with Mid Devon District Council
- Affordable Housing Statement
- Statement of Community Involvement (SCI)
- Infrastructure Delivery Plan for relevant area (and in

recognition of the EUE as a whole)

- Neighbourhood Management Plans – to cover future maintenance of community spaces and buildings

### Theme: Sustainability

- Sustainability & Energy Assessment incorporating a carbon reduction strategy – outlining the approach taken to integrate sustainability during the design process. This can include topics such as water use, materials, surface water run-off, waste, pollution, health and wellbeing, management, ecology and transport. This should also include estimated energy loads and consumption as well as predicted CO2 (carbon) emissions of the overall development, in addition to the submission of design stage BREEAM
- Waste audit statement – to demonstrate how waste will be managed according to the waste hierarchy

### Theme: Traffic & Transport

- Transport Assessment – considering the impact of the development within the context of Area B, Area A and wider transport network
- Framework Travel Plan – outlining measures to encourage new residents and employees on site to use sustainable modes of transport within the site and within the context of Area B, Area A and wider transport network
- Traffic pollution assessment – to consider the impact of traffic generated nitrogen oxides upon environmental assets including mitigation

measures. (See also air quality assessment below)

- Public Transport Strategy – outlining a strategy for providing viable sustainable transport options within the development site and within the context of Area B, Area A and wider transport network
- Public Rights of Way Statement – assessing the impact on existing access routes
- Highway design report and any other reports & modelling as required in consultation with Devon County Council Highways Department

### **Theme: Environmental Impact**

Environment Impact Assessment Screening

Environmental Statement

- Landscape and Visual Impact Assessment
- Arboricultural Survey & Landscape Plan, including tree and hedgerow removal details
- Biodiversity & Ecological Reports including Management Plan
- Archaeology Assessment
- Air Quality Assessment – to include Low Emission Strategy
- Noise Assessment
- Flood Risk Assessment
- Sustainable Drainage Strategy
- Heritage Statement including description of significance of any affected heritage assets
- External Lighting Assessment – to include

assessment on habitat areas and where details of high-intensity lighting (e.g. MUGA floodlights) are included or indicatively shown near to sensitive/residential areas

- Land Contamination Assessment
- Site Waste Management Statement
- Construction Management Plans
- Utility Infrastructure Report

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Fig.01 Tiverton EUE Area B allocation (AAM)

Fig.02 Tiverton EUE Area A and Area B (CE/LHC)

Fig.03 Plan making and development process - cross refer to 1.6 Design process (CE/LHC)

Fig.04 Extract from key diagram Local Plan Review 2013 - 2033 (MDDC)

Fig.05 Where we are in the process (CE/LHC)

Fig.06 photos from workshop event (AAM)

Fig.07 Design process (CE/LHC)

Fig.08 Site of new neighbourhoods (CE/LHC)

Fig.09 The site in context (CE/LHC)

Fig.10 Tiverton EUE Area A and Area B (CE/LHC)

Fig.11 Land ownership plan (MDDC)

Fig.12 Key constraints and opportunities at a wider scale (CE/LHC)

Fig.13 Summary diagrams of site constraints (AAM/PRP)

Fig.14 surrounding planning applications (MDDC)

Fig.15 The vision (CE/LHC)

Fig.16 Plan highlighting the key development concepts (AAM)

Fig.17 Aerial photograph highlighting structural elements of the Post Hill area (CE/LHC)

Fig.18 Images representing different characteristics of the Post Hill area (CE/LHC)

Fig.19 local architectural character (CE/LHC)

Fig.20 sustainable movement (CE/LHC)

Fig.21 A well connected and walkable neighbourhood focused around the neighbourhood centre (CE/LHC)

Fig.22 Enhancements to the Blundell's Road corridor (CE/LHC)

Fig.23 local landscape and open space (CE/LHC)

Fig.24 A garden neighbourhood integrated into and defined by the features and character of the landscape. Green links connecting the community and landscape together. (CE/LHC)

Fig.25 A balanced neighbourhood where everyone is able to access facilities and services (CE/LHC)

Fig.26 Existing route along the canal (AAM)

Fig.27 Employment integrated into the heart of the neighbourhood, located to ensure the best chance of success (CE/LHC)

Fig.28 Energy and resource efficiency (CE/LHC)

Fig.29 Illustrative Framework Plan (AAM)

Fig.30 Amount and use (AAM)

Fig.31 Area B land use budget table (MDDC)

Fig.32 Existing site and land use context (AAM)

Fig.33 Movement (AAM)

Fig.34 Illustrative land use plan (AAM)

Fig.35 Illustrative landscape and open spaces plan (AAM/PRP)

Fig.36 Street typologies and placemaking areas (AAM)

Fig.37 Illustrative residential density plan (AAM)

Fig.38 Indicative plan for residential neighbourhood (AAM)

Fig.39 Successful housing developments and densities. (AAM)

Fig.40 Building heights (AAM)

Fig.41 Examples of integrated and attached garages (AAM)

Fig.42 Examples of small offices or light industrial employment (AAM)

Fig.43 Car parking typologies (AAM)

Fig.44 Sketch to illustrate the scale and design of the higher density buildings and spaces in Post Hill (AAM)

Fig.45 Sketch to illustrate the scale and design of the mid and lower density buildings and spaces in Post Hill. (AAM)

Fig.46 Street typologies and placemaking areas (AAM)

Fig.47 Street sections (AAM)

Fig.48 Precedent: Saxmundham, Suffolk (AAM)

Fig.49 Open spaces plan (AAM/PRP)

Fig.50 Key features of the greenway (PRP)

Fig.51 Illustration of the greenway concept (PRP)

Fig.52 Location plan of The Green (PRP)

Fig.53 Key features of The Green (PRP)

Fig.54 Illustrates of The Green concept (PRP)

Fig.55 Location plan of the allotments (PRP)

Fig.56 Key features of the allotments (PRP)

Fig.57 Illustrations of the allotment concept (PRP)

Fig.58 Location plan of the sports provision (PRP)

Fig.59 Key features of the formal sports facilities (PRP)

Fig.60 Illustrations of the formal sports provision concept (PRP)

Fig.61 Key features of the Country Park (PRP)

Fig.62 Access and connections (PRP)

Fig.63 Illustrations of the Country park - access and experience (PRP)

Fig.64 Ecology and green infrastructure (PRP)

Fig.65 Illustrations of the Country park - ecology and green infrastructure (PRP)

Fig.66 Area A phasing plan (CE/LHC)

Fig.67 Phase B phasing plan (AAM)

Fig.68 Area B phasing and infrastructure plan (AAM)

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*Allies and Morrison Urban Practitioners accepts no responsibility for comments made by members of the community which have been reflected in this report.*



Allies and Morrison



PRP



## **Draft Mid Devon Eastern Urban Extension Area B Supplementary Planning Document**

### **Strategic Environmental Assessment Screening Report**

**December 2019**

## 1.0 Mid Devon Eastern Urban Extension Area B Supplementary Planning Document (SPD)

### *Purpose, scope and content*

- 1.1 The Tiverton Eastern Urban Extension (EUE) Area B Masterplan sets out the relationship between the Adopted Masterplan SPD and Area B Masterplan whilst identifying its purpose as bridging the gap between high level policy aspirations and delivery on the ground. This is to ensure that the development achieves high quality design and sense of place in a coordinated manner.
- 1.2 The Area B Masterplan is set out in 6 Chapters. A brief description of each part is provided below:

#### Introduction

This sets out the relationship between the Adopted Masterplan SPD and Draft Area B Masterplan and the purpose the Masterplan.

#### About the Site

This introduces the site within the wider context of the EUE. It provides background and context including land ownerships, constraints and opportunities across Area B.

#### Vision and Objectives

This outlines the overarching ambition for the development of Area B as an attractive, well designed garden neighbourhood that will create a positive future both for those who reside in the new development and the wider Tiverton area. This is borne out in four development concepts and guiding principles.

#### Creating the Structure

This provides specific detail for the Masterplan area whilst providing an Illustrative Framework Plan and land use budget embedded in a costed viability assessment.

#### Creating the Place

This chapter seeks to communicate the varied character that will be required for the new development including the green Infrastructure. Eight distinctive locations are described in more detail alongside a series of street sections which are important to convey the varied character and response required in different areas of the masterplan area.

#### Delivering Place

This takes a specific look at the infrastructure requirements for Area B and the delivery of it including S106 contributions and their triggers as well housing delivery rates and phasing of development.

### *Relationship with the National Planning Policy*

- 1.3 The National Planning Policy Framework (2019), in 'Identifying Land for Homes' paragraph 72 sets out the following:

*"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the*

*necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:*

*a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;*

*b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*

*c) set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;*

*d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and*

*e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size."*

- 1.4 Tiverton Eastern Urban Extension was identified as part of the Mid Devon Local Plan Review (2013-2033) as an urban extension to Tiverton town as it is considered to be well located and supported by the necessary infrastructure and facilities. Policies TIV1-TIV5 are consistent with the National Planning Policy Framework. The Tiverton Eastern Urban Extension Area B SPD provides further detail on the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains. It ensures the community has sufficient access to services and employment opportunities within the development itself as well as setting out clear expectations for the quality of the development to ensure there are a variety of homes to meet the needs of different groups in the community. It also makes a realistic assessment of likely rates of delivery.

*Relationship with the Mid Devon Local Plan*

- 1.5 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 ("Local Plan Review") is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020. Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

- 1.6 The Local Plan Review Policies TIV1-TIV5 Tiverton Eastern Urban Extension will provide the policy baseline for the more detailed guidance included in the Mid Devon Tiverton Eastern Urban Extension SPD:

***Policy TIV1***

***Eastern Urban Extension***

**A site of 153 hectares east of Tiverton is allocated for mixed use development as follows:**

- a) 1580 to 1830 dwellings;**
- b) A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;**
- c) At least 30,000 square metres commercial floorspace;**
- d) 47 hectares strategic green infrastructure;**
- e) Highway mitigation measures and transport provision to ensure appropriate accessibility for all modes;**
- f) Environmental protection and enhancement;**
- g) Community facilities to meet local needs arising, including a new primary school and neighbourhood centre;**
- h) An agreed strategy to bring forward development and infrastructure in step and retain the overall viability of development; and**
- i) Compliance with the adopted masterplan and completion of a public Masterplanning exercise in respect of the southeast of the site (Area B in the adopted masterplan).**

***Policy TIV2***

***Eastern Urban Extension Transport Provision***

**To support the Eastern Urban Extension, the following transport infrastructure will be provided:**

- a) Provision of a new grade-separated junction to the A361 and road links into the site;**
- b) Traffic calming and environmental enhancement between Heathcoat Way and Putson Lane, including Blundell's Road;**
- c) Provision of bus, pedestrian and cycle routes at appropriate locations throughout the development, creating an attractive, permeable network for non-car modes travelling within, into and out of the area;**
- d) Cycle and pedestrian links to the Railway Walk, Grand Western Canal and nearby public rights of way;**
- e) Implementation of Travel Plans and other non-traditional transport measures to minimise carbon footprint and air quality impacts;**
- f) Bus service enhancements between the main residential areas of Tiverton and the employment areas within the Eastern Urban Extension;**
- g) Bus service enhancements between Exeter, Tiverton Bus Station, the Eastern Urban Extension and Tiverton Parkway Station; and**

h) New and improved offsite pedestrian and cycle links including improvements to a wider green infrastructure network.

### ***Policy TIV3***

#### ***Eastern Urban Extension Environmental Protection and Green Infrastructure***

As part of the Eastern Urban Extension, the following environmental protection and enhancement measures will be implemented at the expense of all new development in the Eastern Urban Extension:

- a) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;
- b) Provision and management of 47 hectares of land for strategic green infrastructure on the western and southern edges of the urban extension, including management and funding arrangements for the protection and enhancement of Tidcombe Fen Site of Special Scientific Interest, its catchment and land west of Pool Anthony Bridge;
- c) Areas of equipped and laid out public open space, totalling 2 hectares of children's play, 8 hectares of sports pitches and 2 hectares of allotments;
- d) A strategic landscaping and tree planting scheme to mitigate landscape impact, enhance biodiversity and the character of development;
- e) Appropriate provision of a sewerage system to serve the development and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- f) The provision of a strategic Sustainable Urban Drainage Scheme provided in step with development to deal with all surface water from the development, paying particular attention in relation to runoff into Tidcombe Fen SSSI in terms of quality and quantity of water entering the fen, and arrangements for future maintenance of the scheme;
- g) Detailed archaeological investigation and measures to record, and where necessary protect the archaeological interest of the site through appropriate design layout and mitigation; and
- h) Design solutions which respect the character and setting of heritage assets within and adjoining the site.

### ***Policy TIV4***

#### ***Eastern Urban Extension Community Facilities***

As part of the Eastern Urban Extension, the following community infrastructure will be provided at the expense of all new development in the urban extension area:

- a) One serviced site of 1.93 hectares for a primary school at no cost to the Local Education Authority;
- b) Construction cost for one primary school of 420 places and early years provision;
- c) A site of 2.0 hectares for a shopping and community centre, of which 1.0 hectare will be for community buildings at no cost to the provider;

- d) Contribution to new and improved facilities at the secondary school; and
- e) Construction cost of appropriate community facilities and buildings including youth and children's provision and a community hall.

***Policy TIV5***

***Eastern Urban Extension Phasing***

The development of the Eastern Urban Extension must be carried out in accordance with an approved phasing strategy, to ensure that the development and infrastructure come forward in step, minimising the impact of the development and taking account of the need for development to remain viable. Detailed justification must be provided if there is any proposed deviation from the following requirements:

- a) The provision of on and off slip roads on the south side of the A361 to a standard suitable to form construction access prior to any development;
- b) The provision of the completed on and off slip roads on the south side of the A361 (forming the southern element of the A361 junction) and the highway link between this junction and Blundell's Road prior to the occupation of any development;
- c) The occupation of no more than 200 dwellings or 4,000 square metres employment floorspace before the provision of a 'Phase 1' traffic calming scheme at Blundell's School and improvements to the roundabouts at Heathcoat Way and Lowman Way, as set out in the adopted masterplan;
- d) Prior to the commencement of construction south of Blundell's Road the transfer of land for the primary school and its access to the Local Education Authority;
- e) Prior to the first occupation of development south of Blundell's Road the servicing of the site for the primary school;
- f) The occupation of no more than 400 dwellings before the construction of the first phase of the primary school;
- g) The occupation of no more than 400 dwellings before the provision of temporary open space on the future school and neighbourhood centre site;
- h) The occupation of no more than 600 dwellings or 10,000 square metres commercial floorspace before the completion of the full movement grade separated junction to the A361 and completion of the traffic calming and environmental enhancement of Blundell's Road between Putson Lane and Heathcoat Way;
- i) The occupation on no more than 600 dwellings before the implementation of arrangements for the management and funding for the Green Infrastructure west of Pool Anthony Bridge;
- j) The occupation of no more than 600 dwellings before the implementation of bus service enhancements;
- k) The occupation of no more than 600 dwellings before the provision of a 2.0 ha serviced neighbourhood centre site;
- l) The occupation of no more than 1000 dwellings before the provision of Green Infrastructure between Pool Anthony Bridge and Manley Railway Bridge within Area A as defined in the adopted masterplan, with necessary management and funding arrangements;
- m) The occupation of no more than 1250 dwellings before the provision of Green Infrastructure between Pool Anthony Railway Bridge and Manley Railway Bridge within

the Area B as defined in the adopted masterplan, with necessary management and funding arrangements; and

n) Phased delivery of cycle and pedestrian links to the railway walk, Grand Western Canal and nearby public rights of way.

- 1.7 At the time of preparing the Mid Devon Eastern Urban Extension Area B SPD, the Council has followed post examination hearings advice from the Planning Inspector and has proposed Main Modifications to Policy TIV3 and TIV4. These include the following amendments:

***TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure***

Amend criterion e) as follows:

Appropriate provision of sewerage system to serve the development ~~and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance~~

***TIV4: Eastern Urban Extension Community Facilities***

Replace criterion b) as follows:

**“Construction cost for one primary school of 410 places and early years provision Provision of a 420-place primary school with early years provision and a children’s centre service delivery base funded by appropriate contributions from developers;”**

Add additional policy criterion as follows:

**“f) Contributions towards a new recycling centre to serve Tiverton”**

- 1.8 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

*Status of the Mid Devon Eastern Urban Extension Area B SPD*

- 1.9 The Mid Devon Eastern Urban Extension Area B SPD will be adopted by the Council as a Supplementary Planning Document. The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

## **2.0 SEA and SEA Screening**

*Strategic Environmental Assessment*

- 2.1 The requirement for a Strategic Environmental Assessment (SEA) arises from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (hereafter referred to as the SEA Directive). This has been transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (referred to as the ‘SEA Regulations’). This legislation places an obligation on local authorities to undertake SEA on any plan or programme prepared for town and country

planning or land use purposes and which sets the framework for future development consent of certain projects.

### *Screening*

- 2.2 The 2008 Planning Act has removed the requirement to undertake a Sustainability Appraisal (SA) for an SPD. However, this has not replaced the requirement to establish whether an SPD requires Strategic Environmental Assessment (SEA). SEA is required in some limited situations where a Supplementary Planning Document (SPD) could have significant environmental effects.
- 2.3 In order to establish whether SEA is required the fundamental consideration is whether the document is likely to have 'significant environmental effects'. This is done through a screening assessment. If the screening assessment indicates that there could be significant effects, an SEA is needed.
- 2.4 A Practical Guide to the SEA Directive was published by the Department of the Environment, Office of the Deputy Prime Minister (2005). This sets out practical guidance on applying the SEA Directive on the assessment of the effects of certain plans and programmes on the environment. The practical guidance includes a flow chart (figure 2) which illustrates the process for screening a planning document to establish whether a full SEA is needed.

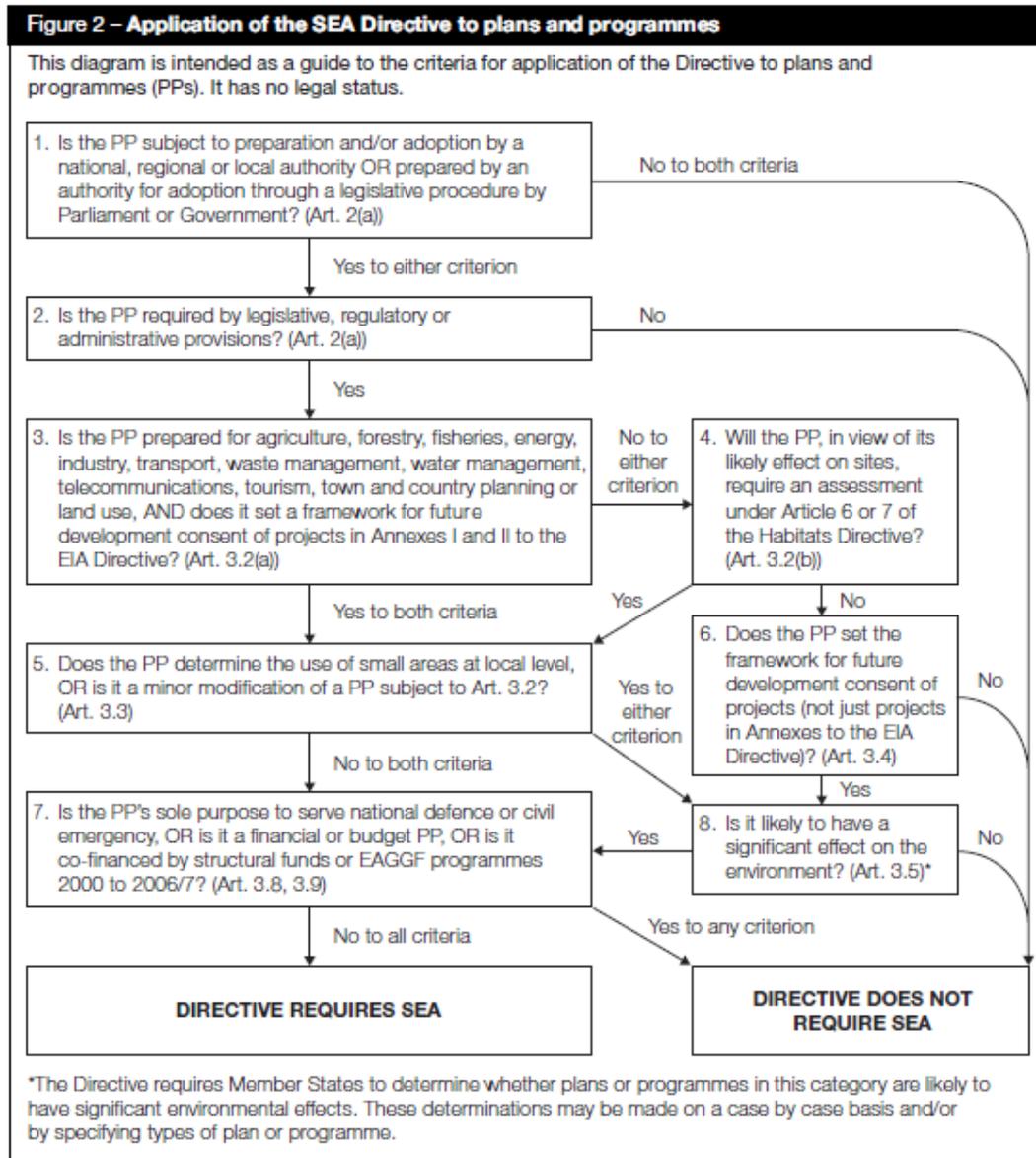


Diagram 1: Application of the SEA Directive to plans and programmes (Figure 2 extracted from ‘A practical guide to the Strategic Environmental Assessment Directive’)

2.5 Table 1 below sets out the Council’s response to the above questions in order to clearly assess the whether there is a requirement for the Mid Devon Eastern Urban Extension Area B SPD to be subject a full SEA.

2.6 Table 2 provides the Council’s assessment of likely significant effects of the Mid Devon Eastern Urban Extension Area B SPD on the environment, in accordance with the screening report process in Table 1.

**Table 1: Screening of the Mid Devon Eastern Urban Extension Area B SPD**

Stage	Y/N	Reason
1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art.2(a))	Y	The preparation and adoption of the SPD is allowed under the Town and Country Planning Act 1990. The process in preparing the SPD is in accordance with the Town and Country Planning (Local Planning) Regulations 2012.  <b>Go to STAGE 2</b>
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art.2(a))	Y	Although the SPD is not a requirement under the provisions of the Town and Country Planning Act 1990, if adopted it will add further detail to the policies in the Local Plan and will be a material consideration in planning decisions. It is therefore important that the screening process is precautionary and considers whether it is likely to have significant environment effects and hence whether SEA is required under the Directive.  <b>Go to STAGE 3.</b>
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Y	The SPD has been prepared for the purposes of town and country planning. It supplements policies in the Mid Devon Local Plan Review (2013-2033) by providing detailed guidance as to how these policies are interpreted in relation to the site allocation Tiverton Eastern Urban Extension.  The area covered comprises approx. 58ha to provide approx. 680 dwellings. Although the SPD does not create new policy or identity specific sites for development.  <b>Go to STAGE 5</b>
4. Will the SPD, in view of this likely effect on sites require an assessment under Article 6 or 7 of the Habitats Directive? (Art.3.2(b))	<b>Not Applicable</b>  The SPD has been subject to a separate Habitat Regulations Assessment screening which has concluded the SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.	
5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan or	Y	'The SPD will be material consideration in planning applications for new developments. It provides detailed guidance to adopted Local Plan policy (minor modification).'

programme subject to Art 3.2? (Art.3.3)		<b>Go to STAGE 8</b>
6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	<b>Not applicable</b>	
7. Is the SPD's sole purpose to serve national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	<b>Not applicable</b>	
8. Is it likely to have a significant effect on the environment? (Art. 3.4)	N	See Part 2, assessment of the likely significant effects on the environment. This concludes that the SPD is unlikely to have a significant effect on the Environment.  <b>DIRECTIVE DOES NOT REQUIRE SEA</b> of the SPD

**Table 2: Determining the likely significance of effects of the Mid Devon Eastern Urban Extension SPD on the environment**

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Y/N)	Reason
1. The characteristics of plans and programmes, having regard, in particular, to -		
a) The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	N	The SPD, if adopted will help implement the relevant Tiverton Eastern Urban Extension policies of the Local Plan and therefore contribute to the framework for future development consent. The Local Plan has been subject to Sustainability Appraisal (SA) and therefore SEA.
b) The degree to which the SPD influences other plans and programmes including those in a hierarchy;	N	The SPD is in conformity with the National Planning Policy Framework and Mid Devon Local Plan Review 2013-2033 policies. The SPD will not significantly influence other plans and programmes, it supplements the Local Plan which has been subject to SA and therefore SEA.
c) The relevance of the SPD for the integration of environmental considerations in particular with	N	The SPD will help the integration of environmental considerations with a view to promoting sustainable

a view to promoting sustainable development;		development as part of the development proposals. This includes retention of hedgerows and trees within the development as well as green spinal corridors, areas of open space, allotment and orchards. A 26ha site is identified for a Country Park retaining and enhancing existing habitats whilst strengthening links to the neighbouring Tidcombe Fen SSSI and Grand Western Canal Country Park and County Wildlife Site. .
d) Environmental problems relevant to the SPD; and	N	<p>The environmental problems are consistent with those set out in the relevant Tiverton Eastern Urban Extension policies in the Local Plan which include flood risk, biodiversity and landscape. Planning policy in relation to these environmental problems is principally established through the National Planning Policy Framework and the Mid Devon Local Plan Review.</p> <p>However, the SPD provides specific guidance on existing ecology (fauna and flora) and how net gains will be achieved through long term management and maintenance including planting of native species and managed water runoff etc.</p>
e) The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	N	The SPD is not directly relevant to the implementation of European legislation including the Water Framework Directive.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -		
a) The probability, duration, frequency and reversibility of the effects;	N	The SPD has an overarching vision for an attractive and well-designed green garden neighbourhood. This will ensure the development has positive social and environmental impacts. Long-term significant adverse effects are not anticipated.
b) The cumulative nature of the effects;	N	The SPD is in conformity with the strategic policies in Local Plan Review

		2013-2033 and it is intended that the effects will have a positive cumulative effect in the area enhancing biodiversity, achieving ecological net gain and sense of well-being for future residents.
c) The transboundary nature of the effects	N	There are not expected to be any significant trans-boundary effects. The SPD seeks to provide good practice in the delivery of Green Infrastructure, and its long term management and maintenance for ecological net gain.
d) The risks to human health or the environment (for example, due to accidents);	N	The SPD is likely to have a positive impact on human health by encouraging high quality accommodation and development. There are no significant risks to human health.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	N	The SPD is limited to approx. 680 dwellings (estimated popn. at 2.4 occupants per dwelling: 1630).
f) The value and vulnerability of the area likely to be affected due to – (i) Special nature characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land-use	N	Geophysical survey work undertaken prior to Masterplanning has revealed a number of areas of archaeological potential. There are a number of Listed Buildings and built features in reasonable proximity as well as the Former Railway Line and Grand Western Canal Conservation areas. The SPD seeks a positive approach to maintain, or improve the setting of these assets through careful consideration of landscape and settlement form. The SPD seeks to guide development in keeping with the principles of national, regional and local strategic policy and seek to prevent over intensive development.
g) The effects on areas or landscapes which have a recognised natural, Community or international protection status.	N	The Tidcombe Fen SSSI is a protected natural landscape area. The Area B Masterplan addresses its protection through sensitive design and development and managed water run-off.

### **3.0 Conclusions**

3.1 This SEA screening has identified that the draft Mid Devon Eastern Urban Extension Area B SPD is unlikely to have significant effects on the environment.

3.2 The SEA screening has also found that there is no requirement for the Mid Devon Eastern Urban Extension Area B SPD to be subject to a full SEA.

### **4.0 Next steps**

4.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.

4.2 The screening opinion will be published alongside the Draft Mid Devon Eastern Urban Extension Area B SPD and will also be subject to public consultation.



## **Draft Mid Devon Eastern Urban Extension Area B Supplementary Planning Document**

### **Habitat Regulations Assessment Screening Report**

**December 2019**

## 1.0 Mid Devon Eastern Urban Extension Area B Supplementary Planning Document (SPD)

### *Purpose, scope and content*

- 1.1 The Tiverton Eastern Urban Extension (EUE) Area B Masterplan sets out the relationship between the Adopted Masterplan SPD and Area B Masterplan whilst identifying its purpose as bridging the gap between high level policy aspirations and delivery on the ground. This is to ensure that the development achieves high quality design and sense of place in a coordinated manner.
- 1.2 The Area B Masterplan is set out in 6 Chapters. A brief description of each part is provided below:

#### Introduction

This sets out the relationship between the Adopted Masterplan SPD and Draft Area B Masterplan and the purpose the Masterplan.

#### About the Site

This introduces the site within the wider context of the EUE. It provides background and context including land ownerships, constraints and opportunities across Area B.

#### Vision and Objectives

This outlines the overarching ambition for the development of Area B as an attractive, well designed garden neighbourhood that will create a positive future both for those who reside in the new development and the wider Tiverton area. This is borne out in four development concepts and guiding principles.

#### Creating the Structure

This provides specific detail for the Masterplan area whilst providing an Illustrative Framework Plan and land use budget embedded in a costed viability assessment.

#### Creating the Place

This chapter seeks to communicate the varied character that will be required for the new development including the green Infrastructure. Eight distinctive locations are described in more detail alongside a series of street sections which are important to convey the varied character and response required in different areas of the masterplan area.

#### Delivering Place

This takes a specific look at the infrastructure requirements for Area B and the delivery of it including S106 contributions and their triggers as well housing delivery rates and phasing of development.

#### *Relationship with the National Planning Policy*

- 1.3 The National Planning Policy Framework (2019), in 'Identifying Land for Homes' paragraph 72 sets out the following:

*"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and*

*with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:*

*a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;*

*b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*

*c) set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;*

*d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and*

*e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size."*

- 1.4 Tiverton Eastern Urban Extension was identified as part of the Mid Devon Local Plan Review (2013-2033) as an urban extension to Tiverton town as it is considered to be well located and supported by the necessary infrastructure and facilities. Policies TIV1-TIV5 are consistent with the National Planning Policy Framework. The Tiverton Eastern Urban Extension Area B SPD provides further detail on the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains. It ensures the community has sufficient access to services and employment opportunities within the development itself as well as setting out clear expectations for the quality of the development to ensure there are a variety of homes to meet the needs of different groups in the community. It also makes a realistic assessment of likely rates of delivery.

*Relationship with the Mid Devon Local Plan*

- 1.5 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 ("Local Plan Review") is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020. Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

- 1.6 The Local Plan Review Policies TIV1-TIV5 Tiverton Eastern Urban Extension will provide the policy baseline for the more detailed guidance included in the Mid Devon Tiverton Eastern Urban Extension SPD:

***Policy TIV1***

***Eastern Urban Extension***

**A site of 153 hectares east of Tiverton is allocated for mixed use development as follows:**

- a) 1580 to 1830 dwellings;**
- b) A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;**
- c) At least 30,000 square metres commercial floorspace;**
- d) 47 hectares strategic green infrastructure;**
- e) Highway mitigation measures and transport provision to ensure appropriate accessibility for all modes;**
- f) Environmental protection and enhancement;**
- g) Community facilities to meet local needs arising, including a new primary school and neighbourhood centre;**
- h) An agreed strategy to bring forward development and infrastructure in step and retain the overall viability of development; and**
- i) Compliance with the adopted masterplan and completion of a public Masterplanning exercise in respect of the southeast of the site (Area B in the adopted masterplan).**

***Policy TIV2***

***Eastern Urban Extension Transport Provision***

**To support the Eastern Urban Extension, the following transport infrastructure will be provided:**

- a) Provision of a new grade-separated junction to the A361 and road links into the site;**
- b) Traffic calming and environmental enhancement between Heathcoat Way and Putson Lane, including Blundell's Road;**
- c) Provision of bus, pedestrian and cycle routes at appropriate locations throughout the development, creating an attractive, permeable network for non-car modes travelling within, into and out of the area;**
- d) Cycle and pedestrian links to the Railway Walk, Grand Western Canal and nearby public rights of way;**
- e) Implementation of Travel Plans and other non-traditional transport measures to minimise carbon footprint and air quality impacts;**
- f) Bus service enhancements between the main residential areas of Tiverton and the employment areas within the Eastern Urban Extension;**
- g) Bus service enhancements between Exeter, Tiverton Bus Station, the Eastern Urban Extension and Tiverton Parkway Station; and**

h) New and improved offsite pedestrian and cycle links including improvements to a wider green infrastructure network.

### ***Policy TIV3***

#### ***Eastern Urban Extension Environmental Protection and Green Infrastructure***

As part of the Eastern Urban Extension, the following environmental protection and enhancement measures will be implemented at the expense of all new development in the Eastern Urban Extension:

- a) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;
- b) Provision and management of 47 hectares of land for strategic green infrastructure on the western and southern edges of the urban extension, including management and funding arrangements for the protection and enhancement of Tidcombe Fen Site of Special Scientific Interest, its catchment and land west of Pool Anthony Bridge;
- c) Areas of equipped and laid out public open space, totalling 2 hectares of children's play, 8 hectares of sports pitches and 2 hectares of allotments;
- d) A strategic landscaping and tree planting scheme to mitigate landscape impact, enhance biodiversity and the character of development;
- e) Appropriate provision of a sewerage system to serve the development and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- f) The provision of a strategic Sustainable Urban Drainage Scheme provided in step with development to deal with all surface water from the development, paying particular attention in relation to runoff into Tidcombe Fen SSSI in terms of quality and quantity of water entering the fen, and arrangements for future maintenance of the scheme;
- g) Detailed archaeological investigation and measures to record, and where necessary protect the archaeological interest of the site through appropriate design layout and mitigation; and
- h) Design solutions which respect the character and setting of heritage assets within and adjoining the site.

### ***Policy TIV4***

#### ***Eastern Urban Extension Community Facilities***

As part of the Eastern Urban Extension, the following community infrastructure will be provided at the expense of all new development in the urban extension area:

- a) One serviced site of 1.93 hectares for a primary school at no cost to the Local Education Authority;
- b) Construction cost for one primary school of 420 places and early years provision;
- c) A site of 2.0 hectares for a shopping and community centre, of which 1.0 hectare will be for community buildings at no cost to the provider;

- d) Contribution to new and improved facilities at the secondary school; and
- e) Construction cost of appropriate community facilities and buildings including youth and children's provision and a community hall.

*Policy TIV5*

*Eastern Urban Extension Phasing*

The development of the Eastern Urban Extension must be carried out in accordance with an approved phasing strategy, to ensure that the development and infrastructure come forward in step, minimising the impact of the development and taking account of the need for development to remain viable. Detailed justification must be provided if there is any proposed deviation from the following requirements:

- a) The provision of on and off slip roads on the south side of the A361 to a standard suitable to form construction access prior to any development;
- b) The provision of the completed on and off slip roads on the south side of the A361 (forming the southern element of the A361 junction) and the highway link between this junction and Blundell's Road prior to the occupation of any development;
- c) The occupation of no more than 200 dwellings or 4,000 square metres employment floorspace before the provision of a 'Phase 1' traffic calming scheme at Blundell's School and improvements to the roundabouts at Heathcoat Way and Lowman Way, as set out in the adopted masterplan;
- d) Prior to the commencement of construction south of Blundell's Road the transfer of land for the primary school and its access to the Local Education Authority;
- e) Prior to the first occupation of development south of Blundell's Road the servicing of the site for the primary school;
- f) The occupation of no more than 400 dwellings before the construction of the first phase of the primary school;
- g) The occupation of no more than 400 dwellings before the provision of temporary open space on the future school and neighbourhood centre site;
- h) The occupation of no more than 600 dwellings or 10,000 square metres commercial floorspace before the completion of the full movement grade separated junction to the A361 and completion of the traffic calming and environmental enhancement of Blundell's Road between Putson Lane and Heathcoat Way;
- i) The occupation on no more than 600 dwellings before the implementation of arrangements for the management and funding for the Green Infrastructure west of Pool Anthony Bridge;
- j) The occupation of no more than 600 dwellings before the implementation of bus service enhancements;
- k) The occupation of no more than 600 dwellings before the provision of a 2.0 ha serviced neighbourhood centre site;
- l) The occupation of no more than 1000 dwellings before the provision of Green Infrastructure between Pool Anthony Bridge and Manley Railway Bridge within Area A as defined in the adopted masterplan, with necessary management and funding arrangements;
- m) The occupation of no more than 1250 dwellings before the provision of Green Infrastructure between Pool Anthony Railway Bridge and Manley Railway Bridge within

**the Area B as defined in the adopted masterplan, with necessary management and funding arrangements; and**

**n) Phased delivery of cycle and pedestrian links to the railway walk, Grand Western Canal and nearby public rights of way.**

- 1.7 At the time of preparing the Mid Devon Eastern Urban Extension Area B SPD, the Council has followed post examination hearings advice from the Planning Inspector and has proposed Main Modifications to Policy TIV3 and TIV4. These include the following amendments:

***TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure***

Amend criterion e) as follows:

Appropriate provision of sewerage system to serve the development ~~and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance~~

***TIV4: Eastern Urban Extension Community Facilities***

Replace criterion b) as follows:

**“Construction cost for one primary school of 410 places and early years provision Provision of a 420-place primary school with early years provision and a children’s centre service delivery base funded by appropriate contributions from developers;”**

Add additional policy criterion as follows:

**“f) Contributions towards a new recycling centre to serve Tiverton”**

- 1.8 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

*Status of the Mid Devon Eastern Urban Extension Area B SPD*

- 1.9 The Mid Devon Eastern Urban Extension Area B SPD will be adopted by the Council as a Supplementary Planning Document. The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

**2.0 Habitat Regulations Assessment**

*Habitat Regulations Assessment*

- 2.1 A Habitat Regulations Assessment (HRA) refers to the several distinct stages of Assessment. These must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine whether a plan or project may affect the protected features of a European site (‘habitats site’) identified under these regulations before deciding whether to undertake, permit or authorise it.

### Screening

- 2.2 All plans and projects which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration is typically referred to as the ‘Habitats Regulations Assessment screening’ and should take into account the potential effects both of the plan/project itself and in combination with other plans or projects.
- 2.3 Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives must be undertaken. A plan or project may be agreed to only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 2.4 In April 2018, the Court of Justice of the European Union delivered its judgement in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta (‘People over Wind’). The judgment clarified that making screening decisions as part of the HRA and for the purposes of deciding whether an appropriate assessment is require, mitigation measures cannot be taken into account. Mitigation measures intended to avoid or reduce the harmful effects of a plan or project can only be taken into account at the appropriate assessment stage.
- 2.5 The Mid Devon Tiverton Eastern Urban Extension Area B SPD has been ‘screened’ for the purpose of Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a ‘habitats site’ identified under the Conservation of Habitats and Species Regulations 2017 as amended and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

### 3.0 Habitats site

- 3.1 A Habitats site refers to any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.
- 3.2 There are no Habitats sites within Mid Devon although there are 11 such sites within 10km (Table 1), the closest being the Culm Grasslands SAC which lies immediately adjacent to the north western boundary of Mid Devon District.

Special Areas of Conservation (SACs)	Special Protection Areas (SPAs)	Ramsar Sites
<ul style="list-style-type: none"><li>• East Devon Pebblebed Heaths</li><li>• Culm Grasslands</li></ul>	<ul style="list-style-type: none"><li>• Exe Estuary</li><li>• East Devon Heaths</li></ul>	<ul style="list-style-type: none"><li>• Exe Estuary</li></ul>

<ul style="list-style-type: none"> <li>• South Dartmoor Woods</li> <li>• Holme Moor and Clean Moore</li> <li>• Dartmoor</li> <li>• Exmoor Heaths</li> <li>• Quants</li> <li>• Exmoor and Quantock Oakwoods</li> </ul>		
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*Potential Impacts on Habitats Site*

3.3 There are a number of categories that can affect Habitats Sites which include:

- Physical Loss
- Physical Damage
- Non-physical disturbance
- Water table/availability
- Toxic contamination
- Non-toxic contamination
- Biological disturbance

**4.0 Mid Devon Local Plan Review 2013 – 2033 HRA**

4.1 As the competent authority under The Conservation of Habitats and Species Regulations (2010) (now 2017 as amended) Mid Devon District Council has been required to assess its Local Plan Review 2013-2033 as part of the HRA process.

4.2 A full HRA Report for the Mid Devon Local Plan Review 2013-2033 was undertaken March 2015 and related to the Publication Draft version of the Local Plan Review. This concluded that adverse effects on the integrity of European sites (referred to in this report as Habitats sites) around Mid Devon from policy and site options in the new Local Plan, either alone or in combination with other plans, will not occur.

4.3 Two HRA Addenda were prepared in 2016. The first (dated August 2016) was prepared in order to update the findings of the March 2015 HRA Report in light of changes to the supply of housing and employment land that were made in the Submission version of the Local Plan Review. The HRA Addendum screened the changes to policies in the Local Plan Review and concluded that, for each change, the screening conclusions of the March 2015 HRA Report would have been the same and the same Appropriate Assessment work would therefore have been undertaken. The second HRA Addendum (December 2016) presented Appropriate Assessment work that was undertaken in relation to potential air pollution impacts on the Culm Grasslands SAC that could result from development at Junction 27 and the associated additional housing required.

4.4 A third HRA Addendum was prepared in October 2019 which presented an assessment of the proposed Main Modifications raised by the Planning Inspector appointed by the

Secretary of State to undertake the independent examination of the Mid Devon Local Plan Review (2013-2033). This concluded that the HRA for the Mid Devon Local Plan Review remain that the Local Plan Review (taking into account the Proposed Main Modifications) is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. These proposed Main Modifications include the proposed Main Modifications to Mid Devon Local Plan Review Policy TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure and TIV4: Eastern Urban Extension Community Facilities. The third HRA addendum has found that the proposed Main Modifications to Policy TIV3 and TIV4 does not change the HRA findings previously reported.

## **5.0 Mid Devon Eastern Urban Extension Area B SPD HRA Screening**

5.1 The Mid Devon Eastern Urban Extension Area B SPD expands upon policies within the Mid Devon Local Plan Review 2013-2033. The SPD does not introduce new policies or proposals outside the scope of the Local Plan Review. Policies in the Mid Devon Local Plan Review, including Policy TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure and TIV4: Eastern Urban Extension Community Facilities have already been subject to HRA with the conclusion that the Mid Devon Local Plan Review is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. The Tiverton Eastern Urban Extension Area B SPD does not result in development itself but seeks to guide development in the allocated area. The Mid Devon Eastern Urban Extension Area B SPD is therefore not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **6.0 Conclusion**

6.1 This screening report has identified that the draft Mid Devon Eastern Urban Extension Area B SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **7.0 Next steps**

7.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.

7.2 The screening opinion will be published alongside the Draft Mid Devon Eastern Urban Extension Area B SPD and will also be subject to public consultation.

## CABINET

16<sup>th</sup> January 2020

### REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

#### CULLOMPTON TOWN CENTRE MASTERPLAN & DELIVERY PLAN

**Cabinet Member**

**Cllr Graeme Barnell**

**Responsible Officer**

**Mrs Jenny Clifford, Head of Planning, Economy & Regeneration**

**Reason for the Report:** To consider the key themes detailed in this and to seek approval to progress to a Stage 1 Public consultation on the Cullompton Town Centre Masterplan and Delivery Plan.

#### **RECOMMENDATIONS:**

- 1. To agree the themes set out in this report to form the basis for a Stage 1 Public Consultation; and**
- 2. That Cabinet approve the associated Strategic Environmental Assessment Screening Report and the Habitats Regulations Assessment Screening Report for consultation.**
- 3. That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to finalise the material and arrangements for consultation.**

**Relationship to Corporate Plan:** The Cullompton Town Centre Masterplan SPD will provide guidance on the planning and delivery of development within Cullompton. It will ensure the delivery of key priorities for Mid Devon, directly relating to all four Corporate Plan priorities including a thriving economy (Priority 1, Aim 2 & 3: Economy), delivery of homes (Priority 2, Aims 2 & 3: Homes), empowering local communities (Priority 3, Aims 1, 2 and 3) and caring for the environment (Priority 4, Aims 1, 2 and 3).

**Financial Implications:** The procurement and cost of commissioning this masterplan has formally been considered and approved at Cabinet. A budget of £60,000 has been approved.

It is expected that the masterplanning process will identify opportunities and sites for regeneration / redevelopment. Funding arrangements for the implementation of such projects is yet to be determined but would look to private sector finance HAZ.

**Legal Implications:** In order for the masterplan to be adopted as a Supplementary Planning Document, public consultation needs to take place in accordance with the requirements of the Council's Statement of Community Involvement. Whilst not forming part of the Development Plan, the SPD will be a material consideration in the determination of planning applications relating to the town centre.

**Risk Assessment:** A full risk assessment will be undertaken as the projects in the scheme are developed. Failure to support a regeneration of the Cullompton Town Centre could lead to deterioration in commercial activity, a less vibrant centre, less coordinated development and uncertainty over essential infrastructure.

**Equality Impact Assessment:** No equality issues are identified for this report.

**Impact on Climate Change:** A core principle within the Draft Cullompton Town Centre Masterplan and Delivery Plan is to support through design and timely delivery of infrastructure, dwellings and employment, the Council's commitment to achieving new zero carbon emissions by 2030. The Cullompton Town Centre Masterplan and Delivery Plan has regard throughout to climate change.

## **1.0 INTRODUCTION: BACKGROUND**

- 1.1 The Council has resolved to develop a masterplan for Cullompton Town Centre and has commissioned consultants in its production. It will form the basis for the regeneration of the town; enhancing the town's economic prospects and providing a clear strategy to ensure the town meets its full potential as an attractive and thriving town in the 21<sup>st</sup> century. It will provide the umbrella framework within which the Cullompton Heritage Action Zone (HAZ) bid funded by Historic England under the Future High Streets programme will operate.
- 1.2 The Masterplan is being developed in the context of the strategic projects planned in and around Cullompton, including:
  - North West Cullompton urban extension;
  - New homes allocated to the east of the town;
  - The proposed Culm Garden Village with up to 5,000 new homes, new jobs, schools and local centre;
  - A new link connecting the Garden Village to the town centre;
  - A Heritage Action Zone which will see investment in Cullompton's historic high street; and
  - Potential for the reopening of Cullompton rail station.
- 1.3 In accordance with Mid Devon's Statement of Community Involvement, the Masterplan SPD will be subject to two stages of public consultation; Stage 1 to scope out the proposed contents of the masterplan and present the options that might be included in the masterplan and Stage 2 to present the draft masterplan itself.
- 1.4 The Cullompton Town Centre Masterplan and Delivery Plan was presented to PPAG on 6<sup>th</sup> January 2020. Members recommend that Cabinet approve the themes set out below as a basis for Stage 1 public consultation with particular emphasis on:
  - Road / traffic
  - Living in the town centre

- The use of key assets e.g St Andrew’s Church, The Walronds, The Manor Hotel, The Town Hall
- Delivery of public / private partnerships
- The Third (Community) sector

## **2.0 BASELINE ANALYSIS**

- 2.1 A visioning workshop was held on 4 September 2019. Fifty people attended representing community groups, businesses, and wider stakeholders as well as Councillors and officers. The workshop comprised a roundtable discussion structured in two parts – the first part focused on issues and opportunities relating to buildings and character, Cullompton’s identity, public spaces, town centre uses and movement. The second part explored the ‘Big Ideas for Cully’ which intended to raise the level of ambition for the town.
- 2.2 The key messages that came out of the visioning workshop were that there is a lot that makes Cullompton special – from its historic courts and lanes to its markets and strong sense of community. There is a high level of ambition for positive change in the town centre, including the possibilities for enhancement associated with the relief road, the opportunity to improve public spaces and the opportunity to strengthen the sense of arrival into Cullompton. There was recognition that some bits of the town are not functioning as well as they should be, for example the pedestrian experience, the historic fabric and vacant shops. Possible new and improved links as well as potential opportunity sites and site moves emerged. These messages have helped shape the key issues that are proposed to form the basis of the Stage 1 consultation.

## **3.0 EMERGING KEY THEMES**

- 3.1 Analysis of the comments made at the visioning workshop indicates that there are a number of key themes that are emerging. Each theme is welcomed and relevant. It is proposed that the Stage 1 public consultation is focused around them:
- Principle 1: Cullompton’s distinctive historic buildings and landscape will be restored and enhanced
  - Principle 2: Cullompton’s centre will rediscover its historic role as a place of work and making
  - Principle 3: Cullompton will draw people into the town centre with an enticing experience for visitors
  - Principle 4: Cullompton’s spaces will be reclaimed and redesigned to support a vibrant community life
  - Principle 5: Cullompton will be a sustainable town for its growing community: with education, community and recreational facilities
  - Principle 6: It will be easy of move around on foot, on bicycle, by bus and by train.
- 3.2 The emerging themes, with an emphasis recommended by PPAG as outlined at para. 1.4 of this report, will form the basis for the presentation boards.

3.3 It is worth noting that further ‘visioning events’ have been undertaken including with Yr 5&6 students at Willow Bank Primary School and St. Andrew’s Primary School during November. It included visits to 3 locations around the town: the proposed railway station site; the Bull Ring and former Mills.

**4.0 Strategic Environmental Assessment / Habitats Regulation Assessment Screening**

4.1 The emerging themes for the Cullompton Town Centre Masterplan and Delivery Plan have been ‘screened’ to establish whether it requires a Strategic Environmental Assessment (SEA). The SEA Screening Report (**Appendix 2**) has identified that the Cullompton Town Centre Masterplan and Delivery Plan is unlikely to have significant effects on the environment. The SEA Screening Report has also found that there is no requirement for the Cullompton Town Centre Masterplan and Delivery Plan to be subject to a full SEA. Importantly the SPD provides additional guidance on the applications of Local Plan policies which have already been the subject of SEA assessment.

4.2 The emerging themes for the Cullompton Town Centre Masterplan and Delivery Plan has also been ‘screened’ for the purpose of the Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a European ‘habitats site’ identified under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). The HRA Screening Report (**Appendix 3**) identifies that the Cullompton Town Centre Masterplan and Delivery Plan is not likely to have significant adverse effects on the integrity of Habitat sites, either alone or in-combination with other plans or projects and further ‘Appropriate Assessment’ is not required. Importantly the Cullompton Town Centre Masterplan and Delivery Plan will provide additional guidance on the application of Local Plan policies which have already been the subject of Habitat Regulations Assessment.

**5.0 NEXT STEPS**

5.1 The Cullompton Town Centre Masterplan and Delivery Plan once adopted will not in itself form part of the Development Plan for planning purposes, but will nevertheless be a material consideration in the determination of planning applications and will form the framework within which the Cullompton HAZ bid will operate.

5.2 A provisional timetable for the next stages in the production of the masterplan is set out in the table below:

<b>Action</b>	<b>Date</b>
Final Production of presentation material for Stage 1 public consultation	January 2020
Stage 1 Public Consultation. Inc 4 events around the town centre	February / March 2020

Draft Plan produced	Spring 2020
Stage 2 public consultation:	Summer 2020
Adoption	Autumn 2020

## 6.0 Conclusion

6.1 The Cullompton Town Centre Masterplan SPD will seek to provide a comprehensive framework to guide development in a coordinated and comprehensive manner. It will provide the umbrella framework within which the Cullompton Heritage Action Zone (HAZ) bid funded by Historic England under the Future High Streets programme will operate. The Cullompton Town Centre Masterplan once adopted will achieve full weight in decision making as a material planning consideration. The Stage 1 public consultation will form the first phase towards the adoption of this document.

**Contact for more information:** Christie McCombe, Area Planning Officer  
01884 234277

[cmccombe@middevon.gov.uk](mailto:cmccombe@middevon.gov.uk)

### Background Papers:

The adopted policies relating to Cullompton may be viewed in the AIDPD:

<https://new.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/part-2-aidpd/>

The Adopted Local Plan:

<https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan/>

Scrutiny 30 September 2019

Cabinet 5 April 2018

**Circulation of the Report:** Members of Cabinet

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# CULLOMPTON

## TOWN CENTRE MASTERPLAN

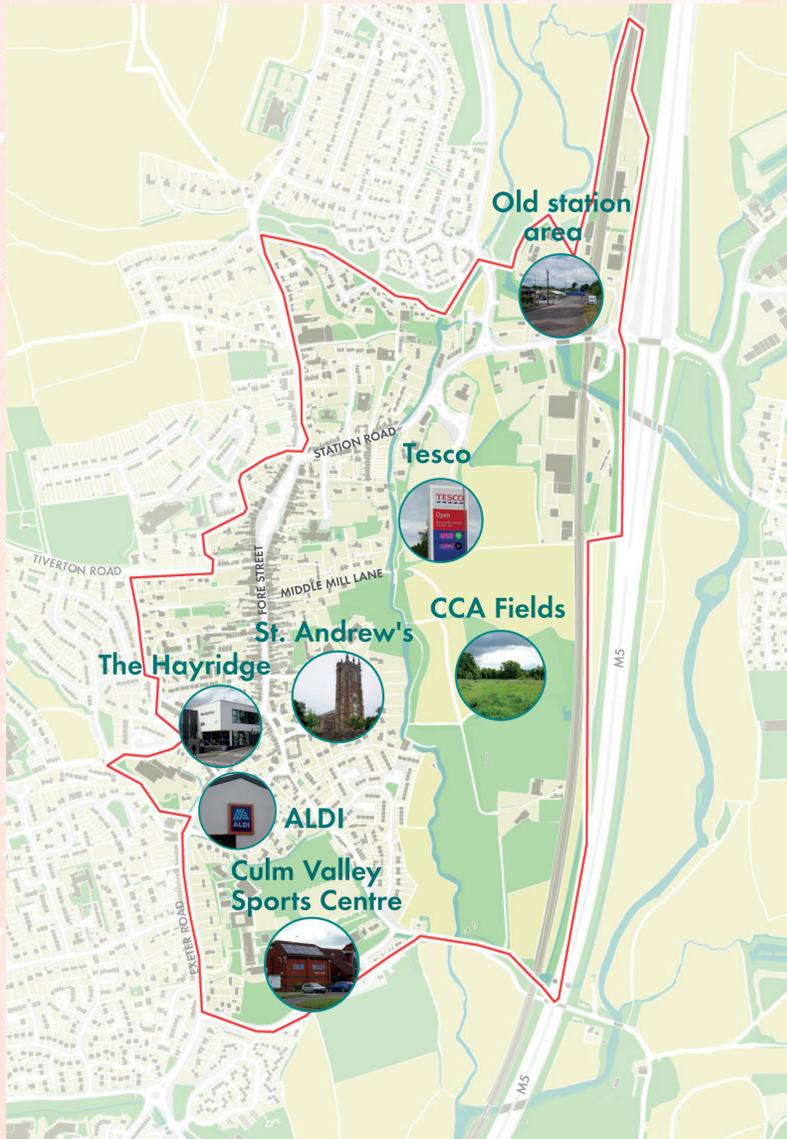


### Welcome

Thank you for taking your time to visit our pop-up exhibition.

Mid Devon District Council is preparing a masterplan for Cullompton Town Centre. The document will identify a clear vision for the future of the town centre and guide future development and investment.

We are now asking local people what they think of the draft themes and principles for the masterplan. These are set out on the following boards. We would love to hear your feedback.



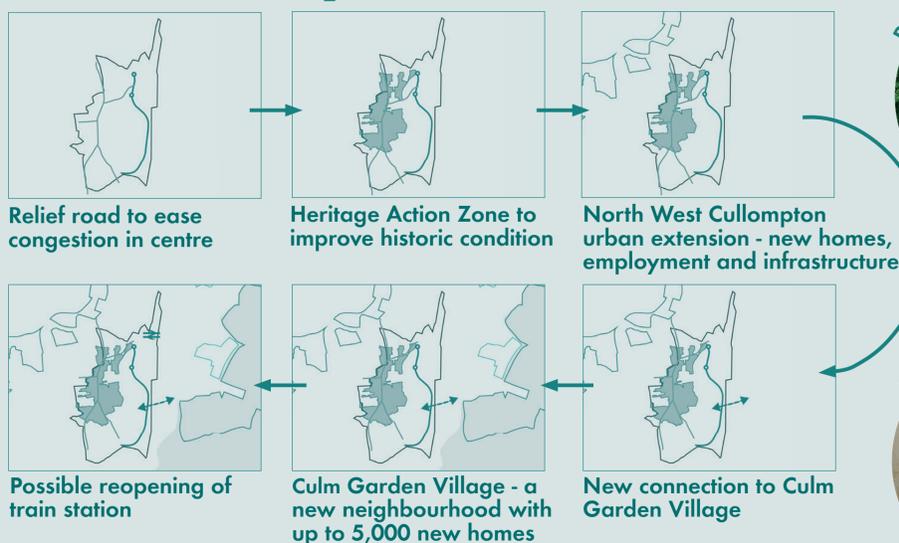
### The study area

The study area takes in the main spine of the historic High Street, the CCA fields, Culm Valley Sports Centre and the Station Road area to the north. The red line on the plan shows the boundary.



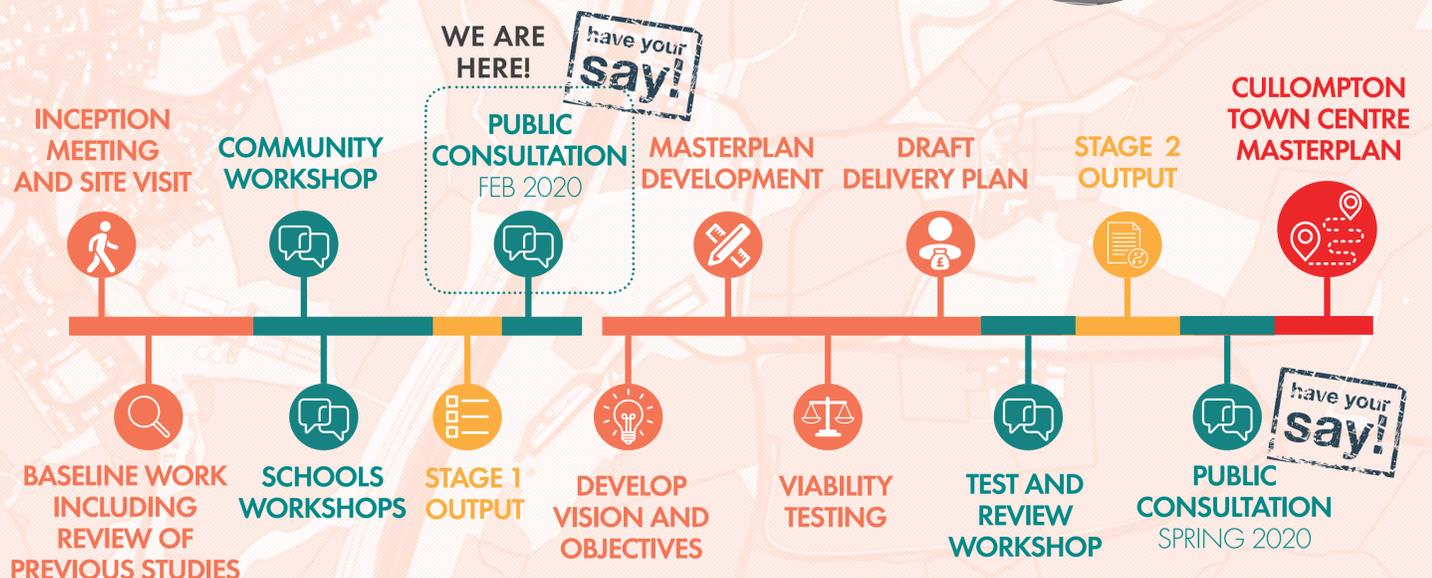
### What's planned for Cullompton?

The masterplan is being developed in the context of several strategic projects planned for Cullompton. It will set a framework for Cullompton town centre. Together with the strategic projects they will support one another and have a positive impact that can be greater than the sum of their parts. Please speak to a member of the team to find out more about the projects.



### What stage are we at?

This is our first round of public consultation where we are testing the draft themes and principles. There will be future community engagement at the end of Stage 2 in Spring 2020.



# CONTEXT

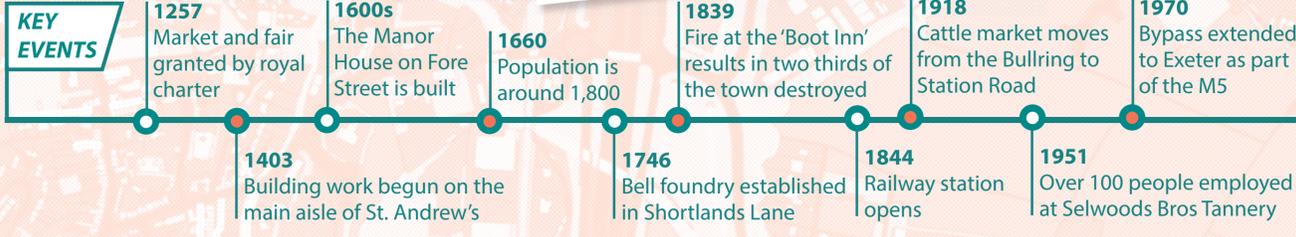
## PAST AND PRESENT



### Looking back...

Over its long history, Cullompton's fortunes have waxed and waned but its slow, steady growth has resulted in an exceptionally well-preserved street pattern. Its medieval market spaces; long, narrow Burgage plots; and lanes extending from both sides of the High Street are all still traceable.

Multiple fires over the centuries mean there are surprisingly few buildings before the Victorian period. But those that do survive are of high quality and include the newly restored Walronds and St. Andrew's Church - one of the finest churches in Devon. Both buildings have links to the cloth trade, which brought the town great prosperity in the 16<sup>th</sup> and 17<sup>th</sup> centuries.



### Cullompton today

Over the last few months we have undertaken a thorough analysis of the town. This has included mapping green spaces, land uses, and movement patterns; and assessing the current condition of its historic buildings. We have also engaged with local people at a community workshop, as well as workshops and site visits with children at St. Andrew's and Willowbank primary schools.

The list opposite summarises this baseline work into key issues and opportunities. This is a useful springboard from which to create a future vision for the town. The principles on the following boards set out an aspiration for change which is what we want to test with you today.



**Assets** ..... **Cullompton is great!!**

- Intimate and walkable
- Outstanding buildings
- River Culm and green spaces
- Fine landscape setting
- Weekly market and other events
- Yards and passages
- Views to St. Andrew's Church
- Rich and varied townscape
- Sense of community
- Independent shops and cafés
- Coherent street pattern
- Great location close to M5
- Historic shopfronts

**Issues**

- Litter and bins
- Poor accessibility
- Too much traffic
- Dangerous air pollution levels
- Poorly maintained historic buildings
- Impact of traffic on its heritage
- Deliveries and servicing

**Opportunities**

- Relief road will reduce traffic
- Possible new train station
- Vacant buildings could be repurposed
- New homes planned for edge of town
- Heritage Action Zone funding could help bring new life to old buildings
- Rediscover crafts and making



# A VISION FOR CULLOMPTON?



## 1 Cullompton's distinctive historic buildings and landscape should be enhanced and restored.



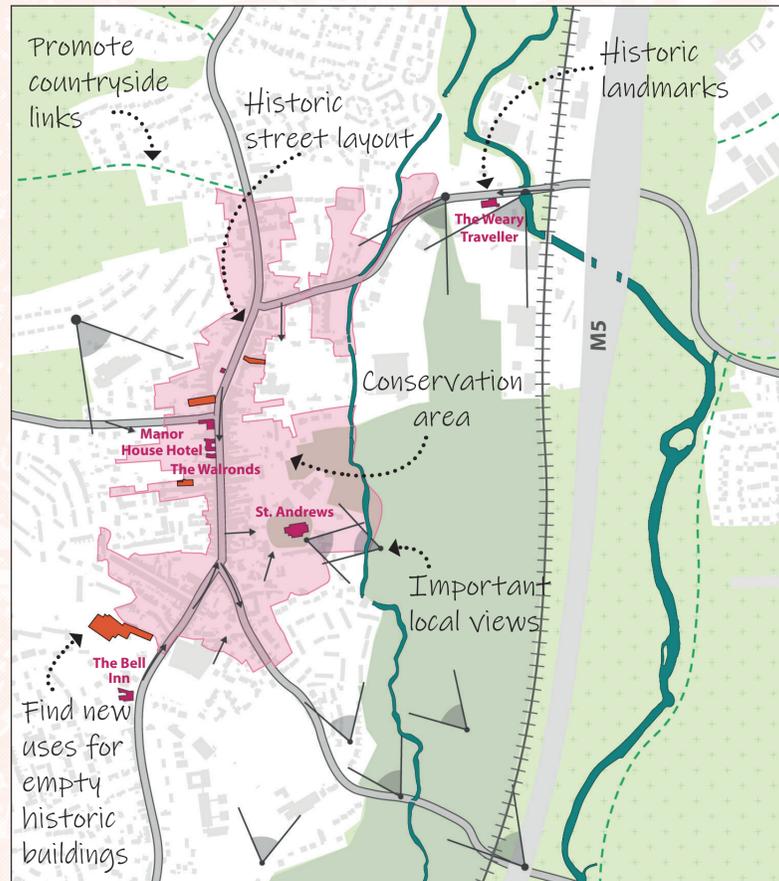
Protect, enhance and create key views, green spaces and waterways, with consideration of their biodiversity and amenity roles. Seek to provide more green spaces

Minimise the impact on the CCA Fields and invest in the remaining space following the delivery of the relief road

Find viable uses for empty historic buildings, including more and improved residential accommodation in the town centre

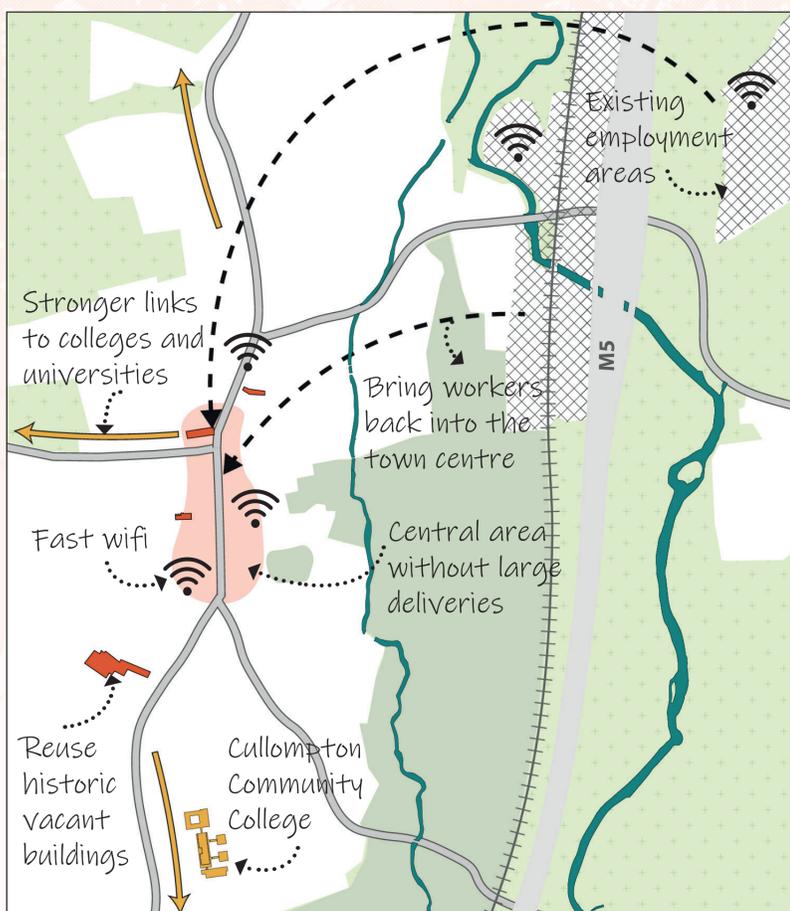
Repair historic buildings and improve their setting, to bring the conservation area off the Heritage at Risk register, with investment priorities identified and a shop front improvement scheme considered.

Signpost and raise the profile of Cullompton's surrounding rural walks and cycle links, to attract people for days out, and linked trips to the town.



Attractive but empty historic buildings in the town centre

## 2 Cullompton's centre should rediscover its historic role as a place of work and making.



Promote and celebrate craft and making

Bring workers back into the town centre by making use of vacant sites and buildings to provide different types of work space that meet today's needs.

Promote craft and making and celebrate the town's history, contributing to Cullompton's identity and offer. This could include diversifying the farmer's market.

Improve Cullompton's business infrastructure with faster wifi and an efficient approach to deliveries and servicing.

Improve physical links and the town centre's offer in order to draw in workers from Cullompton's peripheral employment areas

Forge connections between businesses and nearby higher educational institutions.

# A VISION FOR CULLOMPTON?



## 3 An enticing experience for visitors will aim to draw people into Cullompton's town centre.



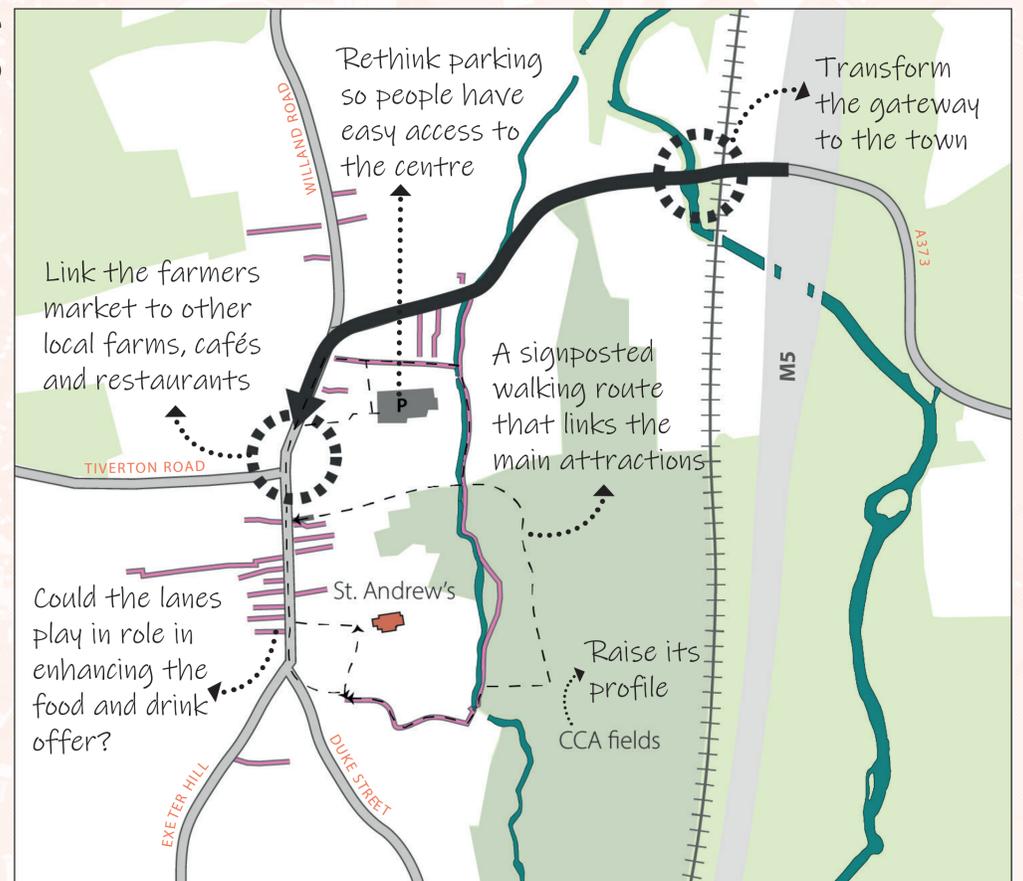
**Transform the 'gateway' to the town**, to create a positive first impression and encourage holiday makers en route to the south west to venture beyond the M5 service station.

**Raise the profile of Cullompton's main attractions:** the CCA Fields, St Andrew's Church, The Walrond's and the historic courts and lanes, and consider opening St Andrew's Church and historic tower to the public at set times.

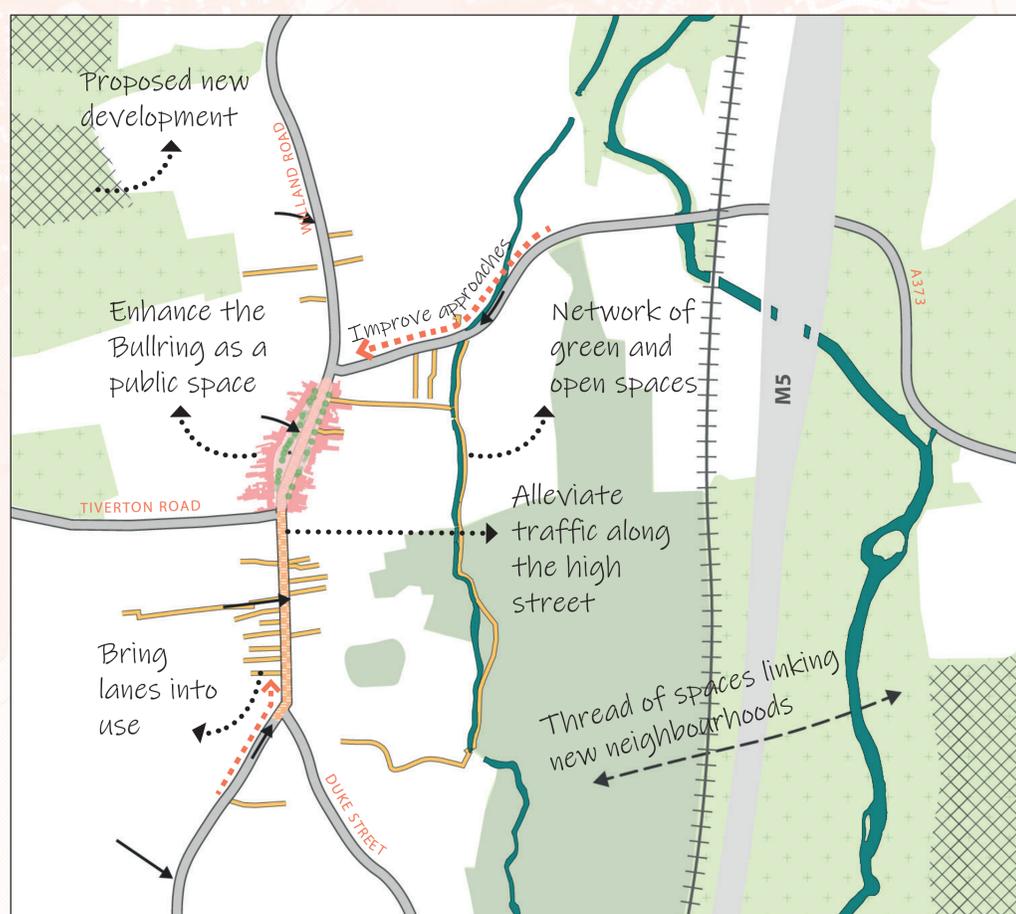
**Strengthen Cullompton as a food and drink centre** through the Farmers Market, links to surrounding farms and cafés and restaurants in the centre.

Take a **strategic view on improving the town's retail and food and beverage offer**, through joint working between the Councils and landowners.

**Balance parking** to ensure there are enough spaces, in the right spots and for the right time periods.



## 4 Cullompton's spaces should be reclaimed and redesigned to support a vibrant community life.



**Alleviate traffic along the high street**, and redesign the space, creating a better pedestrian environment.

**Invest in The Bullring** as the town's primary civic space framed by historic buildings, with flexible use of this such as the market.

**Upgrade the town centre approaches**, including the leat path on Station Road and The Hayridge area.

**Bring the historic courts and passageways into use**, with signage, surfacing and lighting improvements.

**Link new developments** through a network of attractive courts and spaces so that the town centre is also their centre.



# A VISION FOR CULLOMPTON?



## 5 Cullompton should be a sustainable town for its growing community: with education, community and recreational facilities.

**Make it easy for all new residents to shop locally** and identify with Cullompton as their home town.

Support Cullompton's **schools and encourage opportunities for life-long learning.**

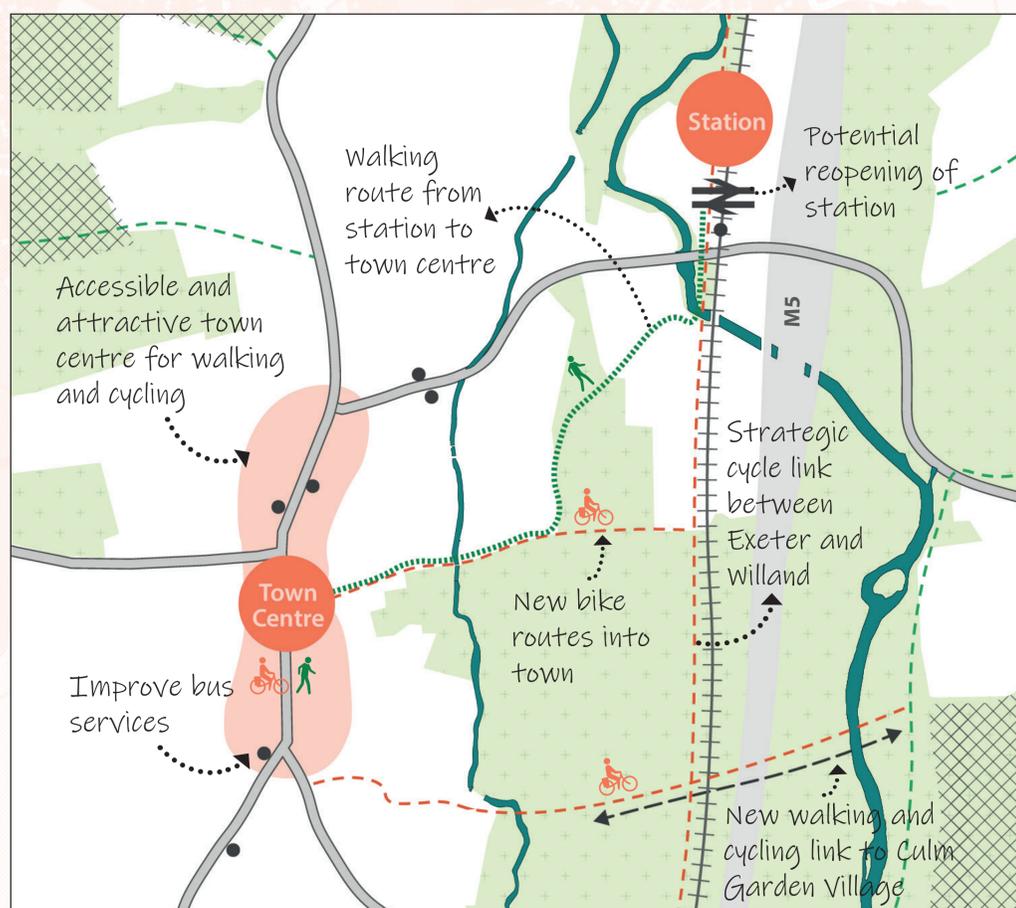
**Ensure recreational outdoor space and leisure facilities support healthy living and social interaction**, particularly for young people.

**Keep the town functioning well**, with regular rubbish, recycling and street cleaning services.

**Support and expand Cullompton's popular farmers and weekly markets** to cater to a growing community.



## 6 It should be easier to move around on foot, on bicycle, by bus and by train.



Create a **high-quality pedestrian and cycling link between the town centre and the Culm Garden Village** early in any development process.

Give more **space and priority to people getting around on foot, on bicycle and by bus** in Cullompton, making the most of the town's proximities.

**Relocate uses reliant on large delivery vehicles from the historic core**, where possible.

**Bolster Cullompton's bus services** and provide easy access to the train station, when it comes.

**Provide a comfortable walking route between the train station and town centre**

**Establish the missing strategic cycle link between Exeter and Willand**, running along the River Culm and through Cullompton.

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**Draft Mid Devon Cullompton Town Centre  
Masterplan and Delivery Plan Supplementary  
Planning Document**

**Strategic Environmental Assessment Screening  
Report**

**November 2019**

## 1.0 Mid Devon Cullompton Town Centre Masterplan Supplementary Planning Document (SPD)

### *Purpose, scope and content*

1.1 The Cullompton Town Centre Masterplan and Delivery Plan will set out the relationship between Mid Devon District Council (MDDC) planning policy and guidance whilst identifying its purpose as bridging the gap between high level policy aspirations and delivery on the ground. This is to ensure that future investment supports and regenerates Cullompton town centre in a co-ordinated manner.

1.2 Following early consultation with stakeholders a number of themes and objectives are emerging:

- Cullompton’s distinctive historic buildings and landscape will be enhanced and restored
- Cullompton’s centre will rediscover its historic role as a place of work and making
- Cullompton will draw people into the town centre with an enticing experience for visitors
- Cullompton’s spaces will be reclaimed and redesigned to support a vibrant community life
- Cullompton will be a sustainable town for its growing community: with education, community and recreational facilities
- It will be easy to move around on foot, on bicycle, by bus and by train.

### *Relationship with the National Planning Policy*

1.6 The National Planning Policy Framework (2019), in ‘Ensuring the vitality of town centres’ paragraph 85 sets out that “*Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.*” Policy S11 of the Mid Devon Local Plan Review (2013-2033) is consistent with the National Planning Policy Framework. It identifies Cullompton as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. Cullompton is identified as an area for growth, being well located and supported by infrastructure and facilities. Policy S11 is consistent with the National Planning Policy Framework; outlining opportunities by existing or planned investment in infrastructure, the town’s economic potential and the scope for net environmental gains. The Cullompton Town Centre Masterplan and Delivery Plan SPD will guide town centre development opportunities to ensure the community has sufficient access to services, employment opportunities as well as setting out clear expectations for the quality of development.

### *Relationship with the Mid Devon Local Plan*

1.8 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 (“Local Plan Review”) is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020.

Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

1.9 The Local Plan Review Policy S11 Cullompton will provide the policy baseline for the more detailed guidance included in Cullompton Town Centre Masterplan and Delivery Plan SPD:

***Policy S11***

***Cullompton***

**Cullompton will develop as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. The town will become the strategic focus of new development reflecting its accessibility, economic potential and environmental capacity. This strategy will improve access to housing through urban extensions and expanded employment opportunities. There will be significant improvements to the town's infrastructure and connectivity, including the reopening of the railway station, and improved services for its population and nearby rural areas. Proposals will provide for approximately 3,930 dwellings, of which 1,100 will be affordable, and 73,500 gross square metres of commercial floor space over the plan period.**

**The Council will guide high quality development and other investment to:**

- a) Make any necessary improvements to the M5 motorway including junction 28 to maintain highway capacity and safety;**
- b) Promote further public transport improvements within Cullompton and to other urban centres (particularly Tiverton and Exeter) and improved access to the rail network by the reopening of Cullompton Railway Station;**
- c) Continue measures to support the implementation of the Cullompton Air Quality Action Plan including the construction of new highway links to relieve the town centre and enhanced walking and cycling opportunities around the town;**
- d) Manage the town centre so that economic regeneration and heritage reinforce each other by promoting new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability;**
- e) Provide community infrastructure such as education and enhanced open space to support new development proposals;**
- f) Enhance the tourism and visitor role of the town and surrounding area; and**
- g) Support measures to reduce flood risk within Cullompton and make provision for green infrastructure.**

1.10 At the time of preparing the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan, the Council has followed post examination hearings advice from the Planning Inspector and has proposed Main Modifications to Policy S11. This includes the following amendment to Policy S11:

Amend criterion a) as follows:

**“Make any necessary improvements to the M5 motorway including junction 28 strategic mitigations to maintain highway capacity, and safety, integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans;”**

- 1.11 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

*Status of the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD*

- 1.12 The Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD will be adopted by the Council as a Supplementary Planning Document. The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

## **2.0 SEA and SEA Screening**

*Strategic Environmental Assessment*

- 2.1 The requirement for a Strategic Environmental Assessment (SEA) arises from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (hereafter referred to as the SEA Directive). This has been transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (referred to as the ‘SEA Regulations’). This legislation places an obligation on local authorities to undertake SEA on any plan or programme prepared for town and country planning or land use purposes and which sets the framework for future development consent of certain projects.

*Screening*

- 2.2 The 2008 Planning Act has removed the requirement to undertake a Sustainability Appraisal (SA) for an SPD. However, this has not replaced the requirement to establish whether an SPD requires Strategic Environmental Assessment (SEA). SEA is required in some limited situations where a Supplementary Planning Document (SPD) could have significant environmental effects.
- 2.3 In order to establish whether SEA is required the fundamental consideration is whether the document is likely to have ‘significant environmental effects’. This is done through a screening assessment. If the screening assessment indicates that there could be significant effects, an SEA is needed.
- 2.4 A Practical Guide to the SEA Directive was published by the Department of the Environment, Office of the Deputy Prime Minister (2005). This sets out practical guidance on applying the SEA Directive on the assessment of the effects of certain plans and programmes on the environment. The practical guidance includes a flow chart (figure 2) which illustrates the process for screening a planning document to establish whether a full SEA is needed.

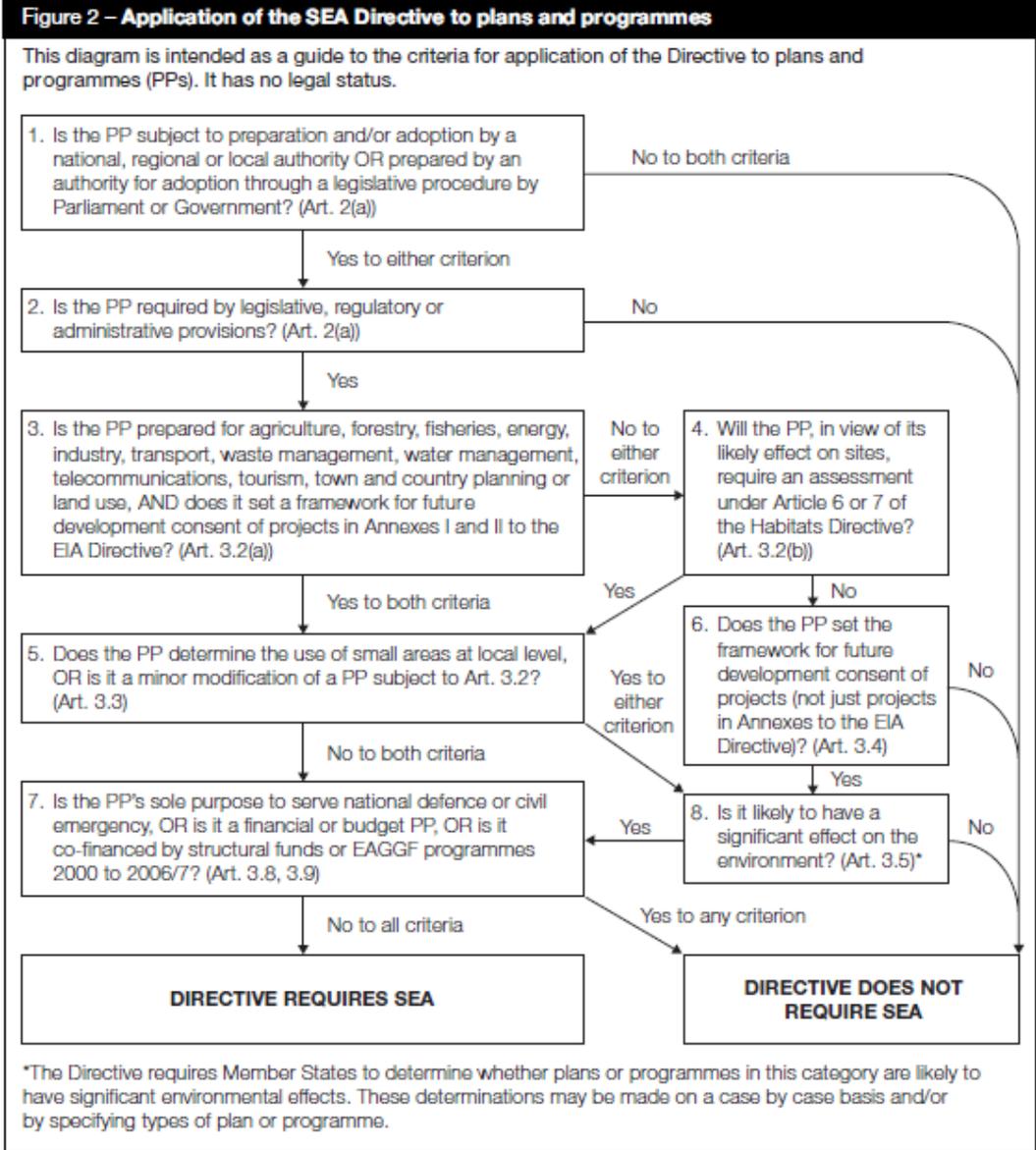


Diagram 1: Application of the SEA Direct to plans and programmes (Figure 2 extracted from ‘A practical guide to the Strategic Environmental Assessment Directive’)

- 2.5 Table 1 below sets out the Council’s response to the above questions in order to clearly assess whether there is a requirement for the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD to be subject a full SEA.
- 2.6 Table 2 provides the Council’s assessment of likely significant effects of the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD on the environment, in accordance with the screening report process in Table 1.

**Table 1: Screening of the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD**

Stage	Y/N	Reason
-------	-----	--------

1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art.2(a))	Y	The preparation and adoption of the SPD is allowed under the Town and Country Planning Act 1990. The process in preparing the SPD is in accordance with the Town and Country Planning (Local Planning) Regulations 2012.  <b>Go to STAGE 2</b>
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art.2(a))	Y	Although the SPD is not a requirement under the provisions of the Town and Country Planning Act 1990, if adopted it will form part of the Local Plan and supplement development plan policies. It is therefore important that the screening process is precautionary and considers whether it is likely to have significant environment effects and hence whether SEA is required under the Directive.  <b>Go to STAGE 3.</b>
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Y	The SPD has been prepared for the purposes of town and country planning. It supplements policies in the Mid Devon Local Plan Review (2013-2033) by providing detailed guidance as to how these policies are interpreted.  The area covered is more than 5 hectares and the masterplan will be used in development of dwellings, employment and other major developments. Although the Cullompton Town Centre Masterplan and Delivery Plan does not create new policy or identify specific sites for development.  <b>Go to STAGE 5</b>
4. Will the SPD, in view of this likely effect on sites require an assessment under Article 6 or 7 of the Habitats Directive? (Art.3.2(b))	<b>Not Applicable</b>  The SPD has been subject to a separate Habitat Regulations Assessment screening which has concluded the SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.	
5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan or programme subject to Art 3.2? (Art.3.3)	Y	'The Cullompton Town Centre Masterplan and Delivery Plan SPD will be material consideration in planning applications for new developments. It provides detailed guidance to adopted Local Plan policy (minor modification).'

6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	<b>Not applicable</b>	
7. Is the SPD's sole purpose to serve national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	<b>Not applicable</b>	
8. Is it likely to have a significant effect on the environment? (Art. 3.4)	N	See Part 2, assessment of the likely significant effects on the environment. This concludes that the SPD is unlikely to have a significant effect on the Environment.  <b>DIRECTIVE DOES NOT REQUIRE SEA</b> of the SPD

**Table 2: Determining the likely significance of effects of the Mid Devon Cullompton Town Centre Masterplan SPD on the environment**

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Y/N)	Reason
1. The characteristics of plans and programmes, having regard, in particular, to -		
a) The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	N	The SPD, if adopted will help implement Policy S11 Cullompton in the Local Plan and contribute to the framework for future development consent. The Local Plan has been subject to Sustainability Appraisal (SA) and therefore SEA.
b) The degree to which the SPD influences other plans and programmes including those in a hierarchy;	N	The SPD is in conformity with the National Planning Policy Framework and Mid Devon Local Plan Review 2013-2033 policies. The SPD will not significantly influence other plans and programmes, it supplements the Local Plan which has been subject to SA and therefore SEA.
c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development;	N	The SPD will help the integration of environmental considerations with a view to promoting sustainable development as part of development proposals. This includes enhancement of the Cullompton Community Association fields, retaining and

		enhancing existing habitats whilst strengthening links to the town centre and public rights of way beyond the town.
d) Environmental problems relevant to the SPD; and	N	The environmental problems are consistent with those typically found in Mid Devon, these include air quality, flood risk, noise and biodiversity. Planning policy in relation to these environmental problems is principally established through the National Planning Policy Framework and the Mid Devon Local Plan Review. However, it is expected that the SPD will provide specific guidance on how net gains can be achieved through long term management and maintenance and the creation of new 'green spaces'.
e) The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	N	The SPD is not directly relevant to the implementation of European legislation including the Water Framework Directive.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -		
a) The probability, duration, frequency and reversibility of the effects;	N	The SPD seeks to ensure development is of an appropriate scale, suitably designed with consideration of the impact on amenity, character of area and environmental impact. Therefore positive social and environmental impacts are predicted. Long-term significant adverse effects are not anticipated.
b) The cumulative nature of the effects;	N	The SPD is in conformity with the strategic policies in Local Plan Review 2013-2033 and it is intended that the effects will have a positive cumulative effect in the area.
c) The transboundary nature of the effects	N	There are not expected to be any significant trans-boundary effects. The SPD will seek to provide good practice in ensuring Cullompton can realise its full potential as a

		sustainable commercial hub for an expanding town.
d) The risks to human health or the environment (for example, due to accidents);	N	The SPD is likely to have a positive impact on human health by encouraging high quality accommodation and development. There are no significant risks to human health.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	N	The SPD applies to the Cullompton Town Centre with the impacts likely to be felt by those residing in Cullompton and the rural hinterland of which the town centre serves.
f) The value and vulnerability of the area likely to be affected due to – (i) Special nature characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land-use	N	Cullompton Town Centre has a number of heritage assets. These are covered by other policies in the Local Plan and specific legislation. The SPD seeks a positive approach to maintain, improve and enhance the distinctive historic buildings and landscape setting of these assets through careful consideration of landscape and settlement form. The SPD seeks to guide development in keeping with the principles of national, regional and local strategic policy and seek to prevent over intensive development.
g) The effects on areas or landscapes which have a recognised natural, Community or international protection status.	N	The SPD seeks to retain and enhance those areas of community and local priority importance.

### 3.0 Conclusions

- 3.1 This SEA screening has identified that the draft Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD is unlikely to have significant effects on the environment.
- 3.2 The SEA screening has also found that there is no requirement for the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD to be subject to a full SEA.

### 4.0 Next steps

- 4.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.
- 4.2 The screening opinion will be published alongside the Draft Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD and will also be subject to public consultation.

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**Draft Mid Devon Cullompton Town Centre  
Masterplan and Delivery Plan Supplementary  
Planning Document**

**Habitat Regulations Assessment Screening  
Report**

**November 2019**

## **1.0 Mid Devon Cullompton Town Centre Masterplan Supplementary Planning Document**

### *Purpose, scope and content*

1.1 The Cullompton Town Centre Masterplan and Delivery Plan will set out the relationship between Mid Devon District Council (MDDC) planning policy and guidance whilst identifying its purpose as bridging the gap between high level policy aspirations and delivery on the ground. This is to ensure that future investment supports and regenerates Cullompton town centre in a co-ordinated manner.

1.2 Following early consultation with stakeholders a number of themes and objectives are emerging:

- Cullompton’s distinctive historic buildings and landscape will be enhanced and restored
- Cullompton’s centre will rediscover its historic role as a place of work and making
- Cullompton will draw people into the town centre with an enticing experience for visitors
- Cullompton’s spaces will be reclaimed and redesigned to support a vibrant community life
- Cullompton will be a sustainable town for its growing community: with education, community and recreational facilities
- It will be easy to move around on foot, on bicycle, by bus and by train.

### *Relationship with the National Planning Policy*

1.6 The National Planning Policy Framework (2019), in ‘Ensuring the vitality of town centres’ paragraph 85 sets out that “*Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.*” Policy S11 is consistent with the National Planning Policy Framework. It identifies Cullompton as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. Cullompton is identified as an area for growth, being well located and supported by infrastructure and facilities. Policy S11 is consistent with the National Planning Policy Framework; outlining opportunities by existing or planned investment in infrastructure, the town’s economic potential and the scope for net environmental gains. The Cullompton Town Centre Masterplan and Delivery Plan SPD will guide town centre development opportunities to ensure the community has sufficient access to services, employment opportunities as well as setting out clear expectations for the quality of development.

### *Relationship with the Mid Devon Local Plan*

1.8 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 (“Local Plan Review”) is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020.

Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

1.9 The Local Plan Review Policy S11 Cullompton will provide the policy baseline for the more detailed guidance included in Cullompton Town Centre Masterplan and Delivery Plan SPD:

***Policy S11***

***Cullompton***

**Cullompton will develop as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. The town will become the strategic focus of new development reflecting its accessibility, economic potential and environmental capacity. This strategy will improve access to housing through urban extensions and expanded employment opportunities. There will be significant improvements to the town's infrastructure and connectivity, including the reopening of the railway station, and improved services for its population and nearby rural areas. Proposals will provide for approximately 3,930 dwellings, of which 1,100 will be affordable, and 73,500 gross square metres of commercial floor space over the plan period.**

**The Council will guide high quality development and other investment to:**

- a) Make any necessary improvements to the M5 motorway including junction 28 to maintain highway capacity and safety;**
- b) Promote further public transport improvements within Cullompton and to other urban centres (particularly Tiverton and Exeter) and improved access to the rail network by the reopening of Cullompton Railway Station;**
- c) Continue measures to support the implementation of the Cullompton Air Quality Action Plan including the construction of new highway links to relieve the town centre and enhanced walking and cycling opportunities around the town;**
- d) Manage the town centre so that economic regeneration and heritage reinforce each other by promoting new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability;**
- e) Provide community infrastructure such as education and enhanced open space to support new development proposals;**
- f) Enhance the tourism and visitor role of the town and surrounding area; and**
- g) Support measures to reduce flood risk within Cullompton and make provision for green infrastructure.**

1.10 At the time of preparing the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan, the Council has followed post examination hearings advice from the Planning Inspector and has proposed Main Modifications to Policy S11. This includes the following amendment to Policy S11:

Amend criterion a) as follows:

**“Make any necessary improvements to the M5 motorway including junction 28 strategic mitigations to maintain highway capacity, and safety, integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans;”**

- 1.11 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

*Status of the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD*

- 1.12 The Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD will be adopted by the Council as a Supplementary Planning Document. The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

## **2.0 Habitat Regulations Assessment**

*Habitat Regulations Assessment*

- 2.1 A Habitat Regulations Assessment (HRA) refers to the several distinct stages of Assessment. These must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine whether a plan or project may affect the protected features of a European site (‘habitats site’) identified under these regulations before deciding whether to undertake, permit or authorise it.

*Screening*

- 2.2 All plans and projects which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration is typically referred to as the ‘Habitats Regulations Assessment screening’ and should take into account the potential effects both of the plan/project itself and in combination with other plans or projects.
- 2.3 Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives must be undertaken. A plan or project may be agreed to only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 2.4 In April 2018, the Court of Justice of the European Union delivered its judgement in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta (‘People over Wind’). The judgment clarified that making screening decisions as part of the HRA and for the purposes of deciding whether an appropriate assessment is require, mitigation measures cannot be taken into account. Mitigation measures intended to avoid or reduce the harmful effects of a plan or project can only be taken into account at the appropriate assessment stage.

2.5 The Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD has been ‘screened’ for the purpose of Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a ‘habitats site’ identified under the Conservation of Habitats and Species Regulations 2017 as amended and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

**3.0 Habitats site**

3.1 A Habitats site refers to any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

3.2 There are no Habitats sites within Mid Devon although there are 11 such sites within 10km (Table 1), the closest being the Culm Grasslands SAC which lies immediately adjacent to the north western boundary of Mid Devon District.

Table 1: Habitats Sites within 10km of Mid Devon District		
Special Areas of Conservation (SACs)	Special Protection Areas (SPAs)	Ramsar Sites
<ul style="list-style-type: none"> <li>• East Devon Pebblebed Heaths</li> <li>• Culm Grasslands</li> <li>• South Dartmoor Woods</li> <li>• Holme Moor and Clean Moore</li> <li>• Dartmoor</li> <li>• Exmoor Heaths</li> <li>• Quants</li> <li>• Exmoor and Quantock Oakwoods</li> </ul>	<ul style="list-style-type: none"> <li>• Exe Estuary</li> <li>• East Devon Heaths</li> </ul>	<ul style="list-style-type: none"> <li>• Exe Estuary</li> </ul>

*Potential Impacts on Habitats Site*

3.3 There are a number of categories that can affect Habitats Sites which include:

- Physical Loss
- Physical Damage
- Non-physical disturbance
- Water table/availability
- Toxic contamination
- Non-toxic contamination
- Biological disturbance

**4.0 Mid Devon Local Plan Review 2013 – 2033 HRA**

- 4.1 As the competent authority under The Conservation of Habitats and Species Regulations (2010) (now 2017 as amended) Mid Devon District Council has been required to assess its Local Plan Review 2013-2033 as part of the HRA process.
- 4.2 A full HRA Report for the Mid Devon Local Plan Review 2013-2033 was undertaken March 2015 and related to the Publication Draft version of the Local Plan Review. This concluded that adverse effects on the integrity of European sites (referred to in this report as Habitats sites) around Mid Devon from policy and site options in the new Local Plan, either alone or in combination with other plans, will not occur.
- 4.3 Two HRA Addenda were prepared in 2016. The first (dated August 2016) was prepared in order to update the findings of the March 2015 HRA Report in light of changes to the supply of housing and employment land that were made in the Submission version of the Local Plan Review. The HRA Addendum screened the changes to policies in the Local Plan Review and concluded that, for each change, the screening conclusions of the March 2015 HRA Report would have been the same and the same Appropriate Assessment work would therefore have been undertaken. The second HRA Addendum (December 2016) presented Appropriate Assessment work that was undertaken in relation to potential air pollution impacts on the Culm Grasslands SAC that could result from development at Junction 27 and the associated additional housing required.
- 4.4 A third HRA addendum was prepared in October 2019 which presented an assessment of the proposed Main Modifications raised by the Planning Inspector appointed by the Secretary of State to undertake the independent examination of the Mid Devon Local Plan Review (2013-2033). This concluded that the HRA for the Mid Devon Local Plan Review remain that the Local Plan Review (taking into account the Proposed Main Modifications) is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. These proposed Main Modifications include the proposed Main Modification to Mid Devon Local Plan Review Policy S11 Cullompton. The third HRA addendum has found that the proposed Main Modification to Policy S11 does not change the HRA findings previously reported.

## **5.0 Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD HRA Screening**

- 5.1 The Mid Devon Cullompton Town Centre Masterplan SPD expands upon policies within the Mid Devon Local Plan Review 2013-2033. The SPD does not introduce new policies or proposals outside the scope of the Local Plan Review. Policies in the Mid Devon Local Plan Review, including Policy S11 Cullompton have already been subject to HRA with the conclusion that the Mid Devon Local Plan Review is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. The Cullompton Town Centre Masterplan and Delivery Plan SPD does not result in development itself but seeks to guide development in the form of new and improved housing, employment and community facilities in the identified area. The Mid Devon Cullompton Town Centre Masterplan SPD is therefore not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **6.0 Conclusion**

- 6.1 This screening report has identified that the draft Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **7.0 Next steps**

- 7.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.
- 7.2 The screening opinion will be published alongside the Draft Mid Cullompton Town Centre Masterplan and Delivery Plan SPD as it is taken through Stage 1 and 2 public consultations as endorsed by the MDDC Statement of Community Involvement.

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## CABINET 16 JANUARY 2020

### AGENDA ITEM: Replacement PVCU Double Glazed Unit / Entrance Doors 2020 – 2025, Award

**Cabinet Member:** Cllr Simon Clist  
**Responsible Officer:** Andrew Pritchard, Director of Operations

**Reason for Report:** To advise Members on the results for the tendering of the Replacement PVCU Windows and Doors Programme 2020–2025 and confirm the award of the contract.

**RECOMMENDATION:** It is recommended Members agree that the new five-year (3+1+1) PVCU Windows and Doors Replacement Contract is awarded to Contractor 1 with a forecast annual cost £400,000.00. The contract has been awarded to the contractor with the highest combined price/quality score with 40% of the total score based on price and 60% on quality.

**Contracted Works:** The contract will deliver the supply and installation of replacement PVCU windows and doors to Mid Devon District Council housing stock.

**Relationship to Corporate Plan:** To contribute towards meeting the Decent and Affordable Homes target by making best use of the existing stock.

**Financial Implications:** The budget for the works is £400,000.00 per annum. Capital investment in the MDDC stock will result in a lower revenue cost in the coming years, which will enable the Repairs Service to operate more effectively and manage future maintenance costs.

**Legal Implications:** We have a legal duty to maintain the stock and meet the Decent Homes Standard. The conditions of engagement are based on a JCT Intermediate Building Contract with Contractors Design 2016, combined with the contractual requirements. This provides a robust framework for managing and controlling the performance of the contractor to meet our legal obligations.

**Risk Assessment:** The principal risk is failing to limit costs due to additional works and delivery of the programme. The performance of the contract shall be monitored monthly; corrective action will be taken where performance falls below Key Performance Indicator Targets. These include: 1) Customer satisfaction; 2) Variations and extras; 3) Delivery of programme; 4) Number of defects; 5) Availability of funding

#### 1 Introduction

- 1.1 The term of this contract is 3 years with two possible 1 year extensions subject to budgets, performance and the approval of the Portfolio Holder for Housing.
- 1.2 The procurement procedure was a compliant mini competition award process via the LHC Framework Agreement WD1-U10 for Windows, Doorsets and Associated Products - PVC-U.

## 2 Framework Benefits

- 2.1 The LHC is a not-for-profit central purchasing body who develop OJEU-compliant frameworks in England, Scotland and Wales. Members currently include Registered Providers of Social Housing, Local Authorities, TMO's, ALMOs, Health Authorities, Police and Fire Services. The U10 workstream of the WD1 framework (PVC-U window and external doorset agreement) is the LHC's longest running framework.
- 2.2 Shared procurement expertise and resource.
- 2.3 Keep the flexibility and ownership of managing the contract and specification as you choose.
- 2.4 No requirement to tender via OJEU directly as the pre-tendered framework is already fully compliant.
- 2.5 The requirement has been advertised and capable suppliers have been identified through competitive procurement.
- 2.6 All suppliers have been fully assessed for their experience, technical and professional ability.

## 3 Procurement Process

- 3.1 The LHC Framework was tendered under 8 separate Regional Lots all assessed individually and include suppliers who have demonstrated the competence and experience to undertake the services and works within that Lot/region.
- 3.2 In total 29 suppliers submitted tenders from an initial field of 179 suppliers. Following the evaluation process 7 companies were appointed onto the framework to provide UPVC products.
- 3.3 A mini competition between 4 suppliers of the KX (South West) region was then carried out by the Procurement Service of Mid Devon District Council. To ensure quality of contractors, a number of minimum requirements were set out within the ITT. Any contractor failing to meet these would be disqualified.
- 3.4 Invitation to Tender documentation was distributed to the 4 suppliers on the 23rd September 2019.
- 3.5 Evaluation criteria set out in the ITT:

<b>Quality</b>	<b>60%</b>
Planning and Programming	20%
Resident Liaison	20%
Materials and workmanship	10%
Site Waste Management Plan	10%
<b>Price</b>	<b>40%</b>

- 3.6 Responses were required by midday on 2nd December 2019.
- 3.7 A total of 3 suppliers submitted their tenders on time, 1 opted out.
- 3.8 Evaluations were carried out during early December 2019, by representatives from Mid Devon District Council's Planned Maintenance and Procurement service.
- 3.9 The outcome of the evaluation is shown below:

CONTRACTOR	SCORE		TOTAL
	PRICE	QUALITY	
Contractor 1	40%	48%	88%
Contractor 2	38.05%	35%	73.05%
Contractor 3	30.56%	42%	72.56%

#### 4 Conclusion

- 4.1 The outcome of the evaluation of the suppliers via the LHC Framework and our own Service Level Criteria shows Contractor 1 as the highest ranked supplier that could meet our specific needs.
- 4.2 Approval is required from Cabinet for contract award.
- 4.3 Following the decision, there will be a compulsory 10 day standstill period after which the contract will be awarded.
- 4.4 Mobilisation will take 1 month, but the contract will not commence until 1<sup>st</sup> April 2020.

**Contact for more Information:** Christopher Davey, Procurement Manager (01884) 234228 / cdavey@middevon.gov.uk

**Circulation of the Report:** Leadership Team, Cllr Clist, Cabinet

**List of Background Papers: PART II - Confidential**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS**

**February 2020**

**The Forward Plan containing Key Decisions is published 28 days prior to each Cabinet meeting**

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Environment Educational Enforcement Policy</b> To receive a report from the Group Manager of Street Scene and Open Spaces on the updates to the Environment Education and Enforcement Policy	Environment Policy Development Group  Cabinet	14 Jan 2020  13 Feb 2020	Stuart Noyce, Group Manager for Street Scene and Open Spaces Tel: 01884 244635	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
<b>HRA Medium Term Financial Plan</b> To consider a MTFP for the HRA.	Homes Policy Development Group  Cabinet	21 Jan 2020  13 Feb 2020	J P McLachlan, Principal Accountant	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Income Management Policy</b> To consider a revised policy.	Homes Policy Development Group  Cabinet	21 Jan 2020  13 Feb 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Improvements to Council Property Policy</b> To consider a revised policy.	Homes Policy Development Group	21 Jan 2020	Jill May, Director of Corporate Affairs and Business	Cabinet Member for Housing and Property Services	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Cabinet	13 Feb 2020	Transformation Tel: 01884 234381	(Councillor Simon Clist)	
<b>Compensation Policy</b> To consider a revised policy.	Homes Policy Development Group  Cabinet	21 Jan 2020  13 Feb 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Painting and Repairs - Council Houses 2020-2025</b> To consider the outcome of the tender.	Cabinet	13 Feb 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Cullompton Railway Station Project</b> To consider a report on proposed governance arrangements	Cabinet	13 Feb 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Tiverton Town Centre Masterplan Stage II Consultation</b> To request approval to go out to Stage II consultation on the masterplan documents	Cabinet	13 Feb 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>3 Rivers Development Limited - Business Plan</b> To consider the business plan.	Cabinet	13 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Fully exempt
<b>3 Rivers Developments Limited - Additional Governance Arrangements for Housing Delivery</b> To consider additional governance arrangements for housing delivery	Cabinet	13 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>National Non-Domestic Rates (NNDR1)</b> To receive an update on the income generation and financial implications of the number of Business Rate properties and to approve the NNDR1.	Cabinet Council	13 Feb 2020 26 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Budget</b> To consider the budget for 2020/21	Cabinet Council	13 Feb 2020 26 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Capital Programme</b> To consider the Capital Programme for 2020/21	Cabinet  Council	13 Feb 2020  26 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Treasury Management Strategy and Annual Investment Strategy</b> To consider the proposed Treasury Management Strategy and Annual Investment Strategy	Cabinet  Council	13 Feb 2020  26 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Disposal of Sampford Peverell Public Convenience</b> To consider the disposal of an asset	Cabinet	13 Feb 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Fully exempt
<b>Capital Strategy</b> To agree the proposed Capital Strategy	Cabinet  Council	13 Feb 2020  26 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Policy Framework</b> To consider and endorse the Policy Framework	Cabinet  Council	13 Feb 2020  26 Feb 2020	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>The Establishment</b> To consider the overall structure of the Council showing the management and deployment of officers	Cabinet  Council	13 Feb 2020  26 Feb 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Fleet Motor Insurance</b> To consider the tender outcome.	Cabinet	13 Feb 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Pay Policy</b> To consider a report relating to Senior Officers pay	Cabinet  Council	13 Feb 2020  26 Feb 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Leader of the Council (Councillor Bob Deed)	Open
<b>S106 Governance</b> To agree governance arrangements for S106 agreements	Scrutiny Committee  Cabinet	24 Feb 2020  26 Mar 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Statement of Community Involvement Review 2018</b> Report to seek authority to consult on the draft revised	Scrutiny Committee  Cabinet	24 Feb 2020  26 Mar 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel:	Cabinet Member for Planning and Economic Regeneration	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
text	Council	29 Apr 2020	01884 234346	(Councillor Graeme Barnell)	
<b>Bereavement Services Fees &amp; Charges</b> To receive the annual review of Bereavement Services Fees & Charges from the Group Manager for Corporate Property and Commercial Assets	Environment Policy Development Group  Cabinet	10 Mar 2020  26 Mar 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
<b>Climate Strategy and Action Plan</b> To receive the 4 yearly review of the Climate Strategy and Action Plan.	Environment Policy Development Group  Cabinet	10 Mar 2020  26 Mar 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
<b>Tree planting – Areas of appropriate land</b> To receive details of the proposed tree planting maps generated in response to Motion 559 (Councillor R Evans – 22 October 2019) that the council agrees to use any and all land within the ownership of the	Environment Policy Development Group  Cabinet	10 Mar 2020  26 Mar 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for the Environment (Councillor Luke Taylor)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
authority that is not suitable for development, for the planting of native British trees.					
<b>Contaminated Land Cost Recovery Policy</b> To receive the 5 yearly review of the Contaminated Land Cost Recovery Policy	Environment Policy Development Group  Cabinet	10 Mar 2020  26 Mar 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
<b>Market Policy</b> To consider a review of the policy.	Economy Policy Development Group  Cabinet	12 Mar 2020  16 Apr 2020	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Car Parking Management Policy (housing amenity, residential and permit holder car parks)</b> To consider a review of the current policy.	Homes Policy Development Group  Cabinet	17 Mar 2020  26 Mar 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Garage Management Policy</b> To consider a review of the	Homes Policy Development Group	17 Mar 2020	Jill May, Director of Corporate Affairs and Business	Cabinet Member for Housing and Property Services	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
current policy.	Cabinet	26 Mar 2020	Transformation Tel: 01884 234381	(Councillor Simon Clist)	
<b>Allocations Policy and Resources</b> To consider a revised policy.	Homes Policy Development Group Cabinet	17 Mar 2020 26 Mar 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Leasehold Management Policy</b> To consider a revised policy	Homes Policy Development Group Cabinet	17 Mar 2020 26 Mar 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>ASB Policy and Procedures</b> To consider a revised policy	Homes Policy Development Group Cabinet	17 Mar 2020 26 Mar 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Domestic Abuse Policy</b> To consider a revised policy.	Homes Policy Development Group Cabinet	17 Mar 2020 26 Mar 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Tenancy Policy review and Tenancy Strategy</b> To consider a revised policy	Homes Policy Development Group  Cabinet	17 Mar 2020  26 Mar 2020	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Housing Revenue Account Asset Management Strategy</b> To consider a revised strategy.	Homes Policy Development Group  Cabinet	17 Mar 2020  26 Mar 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Community Safety Partnership</b> To consider a report from the Group Manager for Public Health and Regulatory Services outlining the Council's Community Safety Action Plan, and to seek Members recommendation to acknowledge and accept the priorities action plan	Community Policy Development Group  Cabinet	24 Mar 2020  16 Apr 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Corporate Asbestos Policy</b> To consider a revised policy.	Cabinet	26 Mar 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Cleaning Contractors</b> To approve the outcome of the procurement exercise.	Cabinet	26 Mar 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Beech Road, Tiverton - Design and Build Tender</b> To consider the award of the tender	Cabinet	26 Mar 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Part exempt
<b>Contract for Refurbishment and Replacement of Playground Equipment</b> To consider the tender outcome.	Cabinet	26 Mar 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for the Environment (Councillor Luke Taylor)	Part exempt
<b>Design Supplementary Planning Document - post consultation</b> To consider the Supplementary Planning Document post consultation	Cabinet	26 Mar 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Town Centre and Fore Street Flat Remodelling Projects</b>	Cabinet	16 Apr 2020	Andrew Jarrett, Deputy Chief Executive (S151)	Cabinet Member for Housing and Property Services	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
To consider the proposed projects			Tel: 01884 234242	(Councillor Simon Clist)	
<b>Greater Exeter Strategic Plan</b> To receive and note a report from the Head of Planning and Regeneration on the progress of the Greater Exeter Strategic Plan	Scrutiny Committee  Cabinet	June 2020  June 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Use of CCTV Policy and Guidance</b> To receive and approve the Use of CCTV Policy and Guidance	Community Policy Development Group  Cabinet  Council	2 Jun 2020  Not before 23rd Jul 2020  Not before 30th Jul 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

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