

# Public Document Pack

**Mid Devon District Council**

## **Community Policy Development Group**

**Tuesday, 10 December 2019 at 2.15 pm**  
**Tiverton Town Hall, Council Chambers**

**Next ordinary meeting**  
**Tuesday, 28 January 2020 at 2.15 pm**

Those attending are advised that this meeting will be recorded

## **Membership**

Cllr W Burke  
Cllr Mrs C P Daw  
Cllr J M Downes  
Cllr B Holdman  
Cllr E G Luxton  
Cllr Miss J Norton  
Cllr C R Slade  
Cllr Mrs M E Squires  
Cllr L J Cruwys

## **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 and Substitute Members**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2      **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.
- 3      **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
Note: A maximum of 30 minutes is allowed for this item.
- 4      **Minutes of the Previous Meeting** (*Pages 5 - 10*)  
Members to consider whether to approve the minutes of the last meeting of the Group held on 8<sup>th</sup> October 2019 as a correct record.

The Group is reminded that only those members of the Group present at

the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **Chairmans Announcements**

To receive any announcements that the Chairman may wish to make.

6 **Corporate Plan** (*Pages 11 - 16*)

To receive and consider the draft Corporate Plan

7 **Council Tax Reduction Scheme** (*Pages 17 - 164*)

To receive the Council Tax Reduction Scheme and the updated Exceptional Hardship Policy.

8 **Corporate Health & Safety Policy** (*Pages 165 - 180*)

To receive the annual review of the Corporate Health & Safety Policy from the Director of Corporate Affairs and Business Transformation

9 **Financial Monitoring** (*Pages 181 - 202*)

To consider a report from the Principal Accountant presenting the financial monitoring information for the income and expenditure to date.

10 **Draft Budget** (*Pages 203 - 248*)

To consider the initial draft 2020/21 Budget and options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2021/22 onwards.

11 **Performance & Risk** (*Pages 249 - 260*)

To provide members with an update on performance against the corporate plan and local service targets for 2019/2020 as well as providing an update on the key business risks.

12 **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) .

13     **6 Month Leisure Update**

To receive a verbal update from the Leisure Manager

14     **Leisure Pricing Policy** (*Pages 261 - 276*)

To receive a report from the Leisure Manager on the fees and charges delegated decision to the Cabinet Member for Community Well-Being.

15     **Identification of Items for the Next Meeting**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

Budget

Use of CCTV Policy and Guidance

Community Safety partnership

Financial Monitoring

Performance and Risk

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

**Stephen Walford**

Chief Executive

Monday, 2 December 2019

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 Carole Oliphant on:

Tel: 01884 234209

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

Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**  
held on 8 October 2019 at 2.15 pm

**Present  
Councillors**

C R Slade, W Burke, Mrs C P Daw,  
J M Downes, Mrs I Hill, B Holdman,  
E G Luxton and B A Moore

**Apologies  
Councillor(s)** Miss J Norton and Mrs M E Squires

**Also Present  
Councillor(s)** E J Berry, L J Cruwys, R M Deed and R Evans

**Also Present  
Officer(s):** Jill May (Director of Corporate Affairs and Business Transformation), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), John Bodley-Scott (Economic Development Team Leader), Rob Fish (Principal Accountant), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

**28 APOLOGIES AND SUBSTITUTE MEMBERS (00.00.40)**

Cllr Ms J Norton gave apologies and Cllr Mrs M E Squires gave apologies and was substituted by Cllr B A Moore.

**29 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.00.58)**

There were no declarations made.

**30 PUBLIC QUESTION TIME (00.01.09)**

There were no members of the public present.

**31 MINUTES OF THE PREVIOUS MEETING (00.01.13)**

The Minutes of the Meeting held on 20<sup>th</sup> August 2019 were approved as a correct record and **SIGNED** by the Chairman.

**32 CHAIRMANS ANNOUNCEMENTS (00.01.43)**

The Chairman had no announcements to make.

### 33 **PERFORMANCE AND RISK (00.01.53)**

The Group had before it and **NOTED** the \*Performance and Risk report from the Group Manager for Performance Governance and Data Security who explained that this was the second report for 2019/2020.

She explained that this was the second regular review of Performance and Risk and included results to the end of August.

Members discussed the results and there were no questions for officers.

Note: \*Report previously circulated and attached to the minutes.

### 34 **SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVE (00.03.57)**

The Group received a \*report from the Group Manager for Performance, Governance and Data Security outlining the Council's statutory duties under the Equality Act 2010.

She explained that the Leadership Team had introduced a new objective to look in more depth at issues in relation to specific Protected Characteristics and this would begin with mental health issues which would contribute to the work to reduce staff sickness but also work for the wider community such as Dementia awareness. She informed the Group that a meeting with staff had been set for 22<sup>nd</sup> October to debate a way forward and that once a terms of reference had been agreed it would be opened up to Members and other groups.

In response to a question asked she detailed the Protected Characteristics:

- Age
- Disability (including people with learning disabilities, people with mental illness and people living with HIV and/or AIDS)
- Gender reassignment
- Material status, family circumstances, or caring responsibilities
- Pregnant women and mothers with young children (under 5's)
- Race, including nationality, national or ethnic origin, being a traveller or gypsy
- Religion or belief
- Sex
- Sexual orientation

The Group discussed the report and it was:

**RECOMMENDED** to the Cabinet that the Equality Policy and Objectives for 2019-2021 be approved.

(Proposed by Cllr B A Moore and seconded by Cllr W Burke)

Note: \*Report previously circulated and attached to the minutes.

## 35 AIR QUALITY ACTION PLAN FOR CULLOMPTON AND CREDITON (00.07.53)

The Group had before it and **NOTED** a \*report from the Group Manager for Public Health and Regulatory Services providing progress on the adopted Air Quality Action Plan for Crediton and the Cullompton Air Quality Management Areas.

He explained the legal framework and that it was statutory requirement for the Council to provide an action plan in Air Quality Management Areas. He informed the Group that there were various conflicts between two sets of Government policy and that air quality issues were the cause of 60,000 deaths a year which was on a par with smoking.

He explained to the Group the status of air quality across the district and that there had been a slight deterioration since 2018 which could be attributed to a change in weather patterns and had been replicated across the UK.

Members expressed concerns that although an action plan had been in place in Crediton for over a decade no practical action had appeared to have been taken by the Council and they asked about the likelihood of monies being used to combat the issues and identify measures which could make a difference.

The Group Manager for Public Health and Regulatory Services explained that key progress and improvements had been delivered in the Exeter Road area of Crediton but there had been challenges around heritage and traffic management and getting key partners on board but the Council was trying hard to find solutions for the High Street. A new approach to combine street scene enhancements with more innovative traffic management measures set out in the PJ Associates study led by the town council was likely to result in a series of new measures key stakeholders could support. He further explained that previous S106 contributions had been held back until these new solutions had been agreed and the Council was currently looking to see if there were some early wins once these had been fully evaluated, costed and prioritised. A key update for the Action Plan was being brought forward to 2020 to enable these specific measures to be properly incorporated and subsequently delivered.

He also informed the Group that new air quality monitors had been installed in Crediton and Cullompton and that there could be a possibility of situating these outside of schools in the future to monitor the air quality in those areas, with opportunities to work alongside teachers and pupils for additional educational benefit.

Members then discussed the air quality issues outside of schools and that it was difficult to encourage parents to stop using cars for the school runs.

In response to questions asked the officer explained that the Council worked closely with DCC on the local transport plan and where there were gaps in the strategic approach they were working to try and influence this.

He explained that if the public wanted to see a more interlinked public transport system which included greener links to the rail network then this would have more influence as part of the relevant towns Neighbourhood Plans.

Consideration was given to:

- Walking was better than travelling in cars
- A shuttle bus from Tiverton to Tiverton Parkway Station
- Cycle Lanes outside every school in the district
- A survey which suggested 70% of parents who drove to school lived within 1km

Note: \*Report previously circulated and attached to the minutes

### 36 **STRATEGIC GRANTS AND SERVICE LEVEL AGREEMENT PROGRAMME 2020-2023 (00.43.35)**

The Group had before it and **NOTED** a \*report from the Head of Planning, Economy and Regeneration presented by the Growth and Regeneration Officer outlining the process for agreeing the level of grant funding for the Strategic Grants and Service Level Agreement Programme for 2020-2023.

He explained that the report set out the process for the 5 recipients of strategic grants and that a Working Group would be required to agree the suggested level of funding and the process to be used. He informed the Group that the timescales were quite tight and that the Working Group's recommendations would need to be presented to the PDG at the next meeting on 10<sup>th</sup> December in order to assist with the budget setting process.

The Group **AGREED** to set up a Working Group to review the level of funding to individual strategic grant recipients in light of the reduced level of council funding. The members of the Working Group were agreed as:

- Cllr W Burke
- Cllr B Holdman
- Cllr Mrs M E Squires

(Proposed by the Chairman)

Note: \* Report previously circulated and attached to the minutes.

### 37 **FINANCIAL MONITORING (00.48.22)**

The Group received and **NOTED** a verbal update from the Principal Accountant presenting a financial update in respect of the income and expenditure so far in the year.

He explained that the largest variance was in Planning (mainly related to a forecast under recovery in budgeted Planning Fee income to the end of the year) and that as this was a demand led service it was experiencing a reduced level of revenue. He explained that the service was dependant on the size, scale and numbers of planning applications received.

In response to questions he explained that the figures quoted for the Planning service was the amount of revenue collected to date from planning applications and associated services and forecast income to the end of the year.



### 38 **COMMUNITY ENGAGEMENT (00.56.41)**

The Group received a **RECOMMENDATION** from the Audit Committee that the PDG considered the internal auditor's recommendation that a Customer Engagement Champion was introduced by the Council.

The Chairman of the Audit Committee addressed the Group and explained that the overall remit of the Committee was risk which was not always about money but included health and safety and the Council's reputation. He explained that internal audit had highlighted that the engagement process could be improved and that the Engagement Champions did not have to be officers but could be Members.

Members felt that the idea was good and a discussion took place about who would be best served to act as a Customer Engagement Champion. Members felt that the Leader, the Cabinet Member for Community Wellbeing and the Chairman of the Audit Committee would be best placed to make that decision.

The Group therefore endorsed the recommendation and **AGREED** that the Leader should consult with the Chairman of the Audit Committee and the Cabinet Member for Community Well-Being to agree a way forward.

### 39 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.05.12)**

Recommendations from the Strategic Grants and SLA Programme Working Group to be presented at the next meeting.

Members requested that as part of the 6 month leisure update, the policy for allowing opposite sex children into changing rooms with their parents within Council run Leisure Centres be investigated.

(The meeting ended at 3.22 pm)

**CHAIRMAN**

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## COMMUNITY PDG 10 DECEMBER 2019

### Draft Corporate Plan 2020-24

**Cabinet Member(s):** Leader, Cllr Bob Deed  
**Responsible Officer:** Chief Executive, Stephen Walford

**Reason for Report:** To consider the first draft text of a new corporate plan for the council, which will replace the current plan (expiring in March 2020).

### RECOMMENDATION:

**That the PDG considers the draft text and provides its views and comments to the Cabinet in order that a revised draft can be considered in advance of recommendations to full council.**

**Relationship to Corporate Plan:** This report introduces a first 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 election 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 Direction of Travel

- 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 Since the member workshop, the content has been 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 is attached at Appendix A for members’ consideration.

## 3.0 Next Steps

- 3.1 The draft text at Appendix A forms the bare content of what the council will be seeking to try and achieve over the next four-year term. Officers in the communications team have already been tasked with starting work on layout and imagery to turn the raw content into a viable public-facing document, but it was felt that members’ time would be best focused on discussing and debating content rather than considering the types of pictures, layouts, fonts used etc.
- 3.2 This will be going to each of the four PDGs, with a report then being taken to cabinet to try and take on board all viewpoints and comments made, so that the final version is seen as a genuinely co-produced document, as part of an open and transparent process.

- 3.3 As the final document forms the headline document in the council's adopted policy framework, the new Corporate Plan will need to be approved by full council, so the decision of cabinet will be to recommend to full council in due course.
- 3.4 Ideally, 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.
- 3.5 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.

**List of Background Papers:**

Appendix A – draft corporate plan text

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Appendix A - Draft 2020-24 Corporate Plan (text only) 'Sustainability and Regeneration'					
		Environment	Homes	Economy	Community
<b>Sustainable and Prosperous Communities</b>		<p><i>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 skilled 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.</i></p>			
		Encourage retro-fitting of measures to reduce energy use in buildings	Deliver more affordable housing and greater numbers of social rented homes	Work with developers to secure our ambitious plans for J27 'Devon Gateway' development site	Work with developers and DCC to deliver strategic cycle routes between settlements and key destinations
		Encourage "green" sources of energy supply new policies and develop plans to decarbonise energy consumption in Mid Devon	Work with Community Land Trusts and other organisations to deliver homes retained in perpetuity for local need	Consider acquiring or creating new business parks to accelerate economic growth	Secure decent digital connectivity for all of Mid Devon
		Identify opportunities to work with landowners to secure additional hedgerow planting, biodiversity and reforestation	Work with landlords to ensure the quality of homes in the private rented sector	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.	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
		Consider promoting the designation of the Exe Valley as an Area of Outstanding Natural Beauty (AONB).	Lobby to see the abolition of the 'Right-to-Buy' or the devolvement of discounting powers to individual local housing authorities	Facilitate the creation of exciting new commercial opportunities within strategic developments at Culm Garden Village and Tiverton Eastern Urban Extension	Lobby DCC and others to introduce 20mph speed limits where children play, and take opportunities to pilot car-free days/routes
		Encourage new housing and commercial developments to be "exemplars" in terms of increasing biodiversity and reducing carbon use.	Promote the regeneration of our Town Centres by working with landlords and property developers to improve and increase the supply of quality housing	Produce business plans for the creation of a commercial Economic Development function perhaps in partnership with other agencies	Promote new, more integrated approaches to promoting good health and healthier living especially in the context of planned new developments.
Page 15				Explore commercial opportunities that deliver new or innovative services for customers that can generate revenue for the council	Seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon
	<b>Sustainable Planet</b>	<p><i>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.</i></p>			
		Increase recycling rates and reduce the amounts of residual waste generated	Introduce zero carbon policies for new development	Promote zero carbon exemplar sites within commercial settings	Enable communities to deliver their own projects to reduce carbon emissions
		Explore large-scale tree-planting projects and re-wilding to enhance biodiversity and address carbon pressures	Encourage the piloting of Modern Methods of Construction (MMC) and self-build opportunities	Use car park pricing mechanism to effectively balance the needs of vehicular access with those of reducing car use	Facilitate networking across volunteer and community groups to spread knowledge, expertise and awareness on climate issues
		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.	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)	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.	
<b>Sustainable Participation</b>		<p><i>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.</i></p>			
		Work with Parish and Town councils to promote the development and retention of parks and play areas across the district	Work with local stakeholders to initiate delivery of the new garden village at Culm	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	Work with the NHS and other health bodies to promote use of our leisure centres
		Support community activities that improve the environment such as litter-picks, guerilla gardening, or community adoption of assets	Support and grow active tenancy engagement	Develop and deliver regeneration plans for all 3 main towns in partnership with Town and Parish Councils	Promote community involvement in council activity
			Support the establishment of Community Land Trusts in partnership with Parish Councils and other local bodies		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

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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>
<b>Gender Reassignment</b>			
<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>
<b>Marriage and Civil Partnership</b>			
<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 issued 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>			
<p>Whilst information is held on 'race' the scheme looks at income only.</p> <p>No issues identified</p>	The new scheme will be monitored if 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.	<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>Issues with regards connectivity can be overcome by a home visit. Customers can also call Customer Services or Revenues and Benefits</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>Any issues raised will be reviewed and a way forward discussed on a case by case basis.</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>

**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

**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;

<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.

<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  
 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.

**Sections 9 - 11**

**The family for Council tax reduction purposes**

## **9.0 Membership of a family**

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a married or unmarried couple;
  - 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;
  - two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
  - 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),
  - 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;
  - 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;
- on income support ;
  - an income-based jobseeker's allowance or an income-related employment and support allowance; or has an award of Universal Credit; or
  - 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;

- the person who is receiving child benefit in respect of him; or
- if there is no such person;
  - 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**

**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—
- subject to paragraph 25.3, any payment in kind;
  - any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
  - any occupational pension
  - 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;

- any amount deducted from those earnings by way of
  - income tax;
  - primary Class 1 contributions under the Act;
- one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
- 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—

- where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
- 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—

<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

- extent that any sum is payable under an insurance policy for its repair;
- iii. any payment of interest on a loan taken out for the purposes of the employment

28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of

- a. income tax; and
- b. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution.

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

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

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

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

## **29.0 Deduction of tax and contributions of self-employed earners**

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

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

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

- 29.3 In this section 'chargeable income' means—
- 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;
  - 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—  

$$\frac{A - (B \times C)}{D}$$
  
 Where  
 A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5  
 B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;  
 C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax 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—
- 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;
  - 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



**Sections 33 – 42 & Schedule 5**

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

### **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—
- where there would be expenses attributable to the sale, 10 per cent.; and
  - 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 sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the

- (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.

**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 uprated 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**

## **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**

<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**

## **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.

<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**

**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**

**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**

#### **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

**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>.

<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**

**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

**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.

**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**

**Schedule 3**

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

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.

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**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 uprated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the 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- dependent.
- 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.



**Schedule 5**

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

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

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, 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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## 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>

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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

### FINANCIAL UPDATE FOR THE SIX MONTHS TO 30 SEPT 2019

**Cabinet Member** Cllr Alex White

**Responsible Officer** Andrew Jarrett – Deputy Chief Executive (S151)

**Reason for Report:** To present a financial update in respect of the income and expenditure so far in the year.

#### RECOMMENDATION(S):

- 1. The Community PDG note the financial monitoring information for the income and expenditure for the six months to 30 September 2019 and the projected outturn position.**

**Relationship to the Corporate Plan:** The financial resources of the Council impact directly on its ability to deliver the corporate plan; prioritising the use of available resources brought forward and any future spending will be closely linked to key Council pledges from the updated Corporate Plan.

**Financial Implications:** Good financial management and administration underpins the entire document.

**Legal Implications:** None.

**Risk Assessment:** Regular financial monitoring information mitigates the risk of unforeseen over or underspends at year end and allows the Council to direct its resources to key corporate priorities.

**Equality Impact Assessment:** It is considered that the impact of this report on equality related issues will be nil.

**Impact on Climate Change:** There are no direct impacts from the content of this report.

#### 1.0 Introduction

- 1.1** The purpose of this report is to highlight to the Cabinet our current financial status and the likely reserve balances at 31 March 2020. It embraces both revenue, in respect of the General Fund; the Housing Revenue Account (HRA), and Capital and aims to focus attention on those areas which are unlikely to achieve budget. It is particularly important for next year's budget setting and, looking further ahead, with the medium term financial plan.
- 1.2** Favourable variances generating either increased income or cost savings are expressed as credits (negative numbers), whilst unfavourable overspends or incomes below budget are debits (positive numbers).

## 2.0 Executive Summary of 2019/20

- 2.1 The table below shows the opening position of key operational balances of the Council, the forecast in year movements and final predicted position at 31 March 2020:

Usable Reserves	31/03/2019	Forecast in year movement	31/03/2020
	£k	£k	£k
<b>Revenue</b>			
General Fund (see paragraph 3.2)	(2,501)	(29)	(2,530)
Housing Revenue Account (see paragraph 4.2)	(2,000)	0	(2,000)
<b>Capital</b>			
Capital Receipts Reserve	(3,620)	(1,212)	(4,832)
Revenue Contribution to Capital Earmarked Reserve	(415)	185	(230)

## 3.0 The General Fund Reserve

- 3.1 This is the major revenue reserve of the Council. It is increased or decreased by the surplus or deficit generated on the General Fund in the year. This reserve held a balance of £2.501m as at 31/03/19.
- 3.2 The forecast General fund **surplus** for the current year is £29k after transfers to and from Earmarked Reserves as shown at Appendix A. Members should note that we are currently undertaking a review of minimum reserve levels. We will subsequently bring a report to Cabinet with recommendations.

The **most significant variances** comprise:

	£k
Waste Services – Shared savings scheme and vacancies	(143)
Trade Waste and recycling - Increase in customers and reduced discounts etc.	(94)
New vehicle contract – Funded by EMR	55
Public Health – Air Quality S106 (covered by EMR) and legal costs	91
Planning – Downturn in Planning income less salary savings	165
Garden Village project – funded by EMR	83
S106 spend re Public Open Space – funded by EMR	76
Cullompton Master Plan – funded by EMR	60
Statutory Plan – Funded by EMR	46
Car Parking – Shortfall Premier Inn	19
General Fund Housing - Grant funding – to be earmarked	(127)
Property – Various including salary savings; loss of income; etc.	(23)
Legal – Software budget not required	(15)

Democratic Services – District Elections shortfall	25
Electoral Registration – Increase in IER funding and delayed boundary review	(47)
Leisure – Vacant posts etc. partly offset by utilities overspend	(7)
Revs and Bens – Various including reduced subsidy and salary savings	(9)
3 Rivers Impairment – Partly offset by a statutory reversal of £377k	503
Statutory Adjustments – Reversal of Capital impairment 3 Rivers	(377)
Statutory Adjustments – Reduction in Minimum Revenue Provision (less borrowing than anticipated)	(50)
Interest income – additional income	(150)
Earmarked Reserves transfers	(181)
Net Business Rates retention – more levy from increased growth	59

- 3.3 The major variances are highlighted at Appendix B. The current incomes from our major funding streams are shown at Appendix C, whilst current employee costs are shown at Appendix D.

#### **4.0 Housing Revenue Account (HRA)**

- 4.1 This is a ring-fenced account in respect of the Council's social housing function. Major variances and proposed corrective action are highlighted at Appendix F.
- 4.2 Appendix E shows that the reserve opening balance is £2m. It is anticipated that the forecast variance of £486k surplus will increase the budgeted transfer to the Housing Maintenance Fund and so the HRA reserve balance should remain at £2m.
- 4.3 Overall, the HRA is forecast to underspend by £486k in 2019/20, made up of several deficits and surpluses, the most significant of which comprise the following:
- £53k underspend relating to planned revenue works – Building Services (DLO)
  - £150k underspend in relation to staffing within repairs team, Building Services (DLO)
  - £40k forecast reduced activity on DFG works - Building Services (DLO)
  - £90k underspend relating to staffing within Housing Services (tenancy)
  - £230k underspend relating to future HRA projects

#### **5.0 Capital Programme**

- 5.1 Capital projects, by their very nature, often overlap financial years. The status of this year's capital programme is shown at Appendix G.
- 5.2 The approved Capital Programme amounts to £31.548m (this includes the approved 2019/20 Budget £14.597m, slippage rolled forward from 2018/19 of £12.077m and additional projects approved since Q1 amounting to £4.874m). These additional projects are as follows:

£0.050m MSCP – Top deck resurfacing increased cost

£0.050m	Contribution to South West Mutual Bank
£0.468m	3 Rivers Loan - Threwstones
£1.224m	3 Rivers Loan – Orchard House
£0.650m	Cullompton Town Centre Relief Road
£0.050m	Tiverton EUE A361 Junction Phase 2
£2.100m	GP Practice NHS Hub Building Crediton
£0.282m	RTB Buyback

**£4.874m      Total**

- 5.3 The revenue monitoring report reflects the fact that the 3 Rivers project, Rear of Town Hall development (Riverside) is likely to overspend by c£377k. We have therefore impaired this loan by an equal amount. As this is a capital loan it is reversed in the revenue account but it will have an impact in 2020/21 when it will trigger Minimum Revenue Provision (MRP) payments over 3 years of £126k per annum. Any increase in this overspend will of course add a further pressure.
- 5.4 We also have a “working capital loan” with 3 Rivers which is currently at risk (£504k). This was due to be repaid over 5 years but as there is doubt over the ability of the company to repay this in this timescale, it is prudent to impair it over the remaining life of the loan, 4 years at £126k per annum. This is a real cost to the revenue account. Both the £377k and the £125k are shown against Corporate Management.
- 5.5 As stated in 5.1, some of these projects will overlap financial years. Managers have therefore given their best estimate of what is ‘deliverable’ for 19/20; this amounts to £11.782m (£7.277m in Quarter 1). Therefore, committed and actual expenditure will be monitored against this revised ‘deliverable’ budget for the remainder of the year.
- 5.6 The deliverable budget has been established following meetings with managers to determine a realistic forecast of spend based on known information at this point in the year. This will continue to be revisited for material changes.
- 5.7 Committed and Actual expenditure is currently £8.687m against a ‘deliverable’ Capital Programme of £11.782m leaving a variance of £3.095m uncommitted at this point in time.
- 5.8 Additional work has been undertaken to establish forecast slippage and potential underspends against the approved Capital Programme and are also detailed on Appendix G.
- 5.9 Forecast slippage amounts to £4.445m, which mainly relates to: £0.900m in relation to the Tiverton redevelopment project, £0.602m in relation to the 3 Rivers Project at the rear of the Town Hall which is forecast to be completed in 21/22, £0.547m for the 3 Rivers Project at Orchard House that will be completed in 20/21, £0.600m in relation to Land Acquisition for operational needs and £1.350m in relation to Council House building at Round Hill, Tiverton. For further detail please refer to Appendix G.



- 5.10 A comprehensive review of projects has also been undertaken to either remove them from the 19/20 Programme where no longer required or re-profile into the 20/21 to 23/24 MTFP that was presented at 17 October 2019 Cabinet. The forecast net underspend amounts to £11.738m, this mainly relates to: £3.7m for the District Wide Redevelopment Project, £2m for Waddeton Park, (this is now included in future years in the Capital MTFP presented at the October Cabinet), £2.1m to enable Social Housing projects and two Council House Building Projects at £2m each which have been further quantified in the forward MTFP. Again, for further detail please refer to Appendix G.

## 6.0 Revenue Contribution to Capital EMR

- 6.1 The Capital Earmarked Reserve has been set aside from Revenue to fund Capital Projects; the movement on this reserve is projected below:

	£k
Capital Earmarked Reserve at 1 April 2019	(415)
Funding required to support 2019/20 Capital Programme	185
<b>Forecast uncommitted Balance at 31 March 2020</b>	<b>(230)</b>

## 7.0 Capital Receipts Reserve (Used to fund future capital programmes)

- 7.1 Unapplied useable capital receipts are used to part fund the capital programme, the movement on this account for the year to date is given below:

	£k
Unapplied Useable Capital Receipts at 1 April 2019	(3,620)
Net Receipts to Q2 (includes 21 "Right to Buy" Council House sales)	(1,215)
<b>Current Balance</b>	<b>(4,835)</b>
Forecast further capital receipts in year	(600)
Forecast capital receipts required to support 2019/20 Capital Programme	603
<b>Forecast Unapplied Capital Receipts 31 March 2020</b>	<b>(4,832)</b>

- 7.2 The forecast reserve balance for the Revenue Contribution to Capital Reserve and the Capital Receipts Reserve includes the associated funding of the 19/20 Capital Programme, as these monies are committed. In reality, much of this will slip to 20/21. It is also important to note that these balances are likely to be fully utilised in order to balance the Capital Medium Term Financial Strategy.

## 8.0 Treasury Management

8.1 The interest position so far this financial year can be summarised as follows:

Interest Receivable:

	Budget £k	Forecast outturn £k	Forecast variance £k
Investment Income Received	(443)	(533)	(90)
Interest from HRA funding	(49)	(49)	0
<b>Total Interest Receivable</b>	<b>(492)</b>	<b>(582)</b>	<b>(90)</b>

8.2 The additional income from 3 Rivers loans and the interest rate is holding well due to the delay in Brexit. The interest saving in interest payable is due to the fact we have not taken out external borrowing (PWLb), as expenditure has been low and we have funded initially from internal resources.

## 9.0 Council Tax and Housing Benefits Collection Performance – 2018/19

9.1 We have added a new Appendix H to outline the performance in this area for the previous year and to compare collection rates to national averages. The statistics show that our results are commendable when compared to national averages.

## 10.0 Conclusion

10.1 Members are asked to note the revenue and capital forecasts for the financial year. Managers are working hard to offset overspends, some of which are unavoidable, with budget savings to deliver an outturn close to the budget. Members will be aware that management action has improved the position from Quarter 1 which was showing a projected overspend of £427k.

10.2 The work undertaken to produce this monitoring information to 30 Sept 2019 will be used to inform the 2020/21 Budget setting process where required.

**Contact for more  
information:**

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**Circulation of the Report:**

Cllr Alex White, Leadership Team

**GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 SEPTEMBER  
2019**

		2019/2020 Annual Budget	Full Year Forecast	Full Year Variance (0 = On budget)	Variance
General Fund Summary	Note	£		£	%
<b>Cllr Bob Deed</b>					
Corporate Management	A	1,696,520	2,209,520	513,000	30.2%
<b>Cllr Luke Taylor</b>					
Grounds Maintenance	E	596,740	587,740	(9,000)	-1.5%
Cemeteries & Bereavement Services	D	(86,540)	(76,540)	10,000	-11.6%
Waste Services	H	1,983,480	1,797,307	(186,173)	-9.4%
<b>Cllr Dennis Knowles</b>					
Community Development	I	104,660	99,660	(5,000)	-4.8%
Environmental Services incl. Licensing	D	770,010	854,882	84,872	11.0%
IT Services	Q	972,610	989,210	16,600	1.7%
Land charges	N	(20,530)	(30,530)	(10,000)	48.7%
Open Spaces	F	91,800	97,112	5,312	5.8%
Recreation And Sport	J	740,302	746,618	6,316	0.9%
<b>Cllr Alex White</b>					
Finance And Performance	K	707,320	707,320	0	0.0%
Revenues And Benefits	L	430,400	422,525	(7,875)	-1.8%
Car Parks	C	(535,210)	(502,210)	33,000	6.2%
<b>Cllr Simon Clist</b>					
Private Sector Housing	D	(6,070)	12,820	18,890	-311.2%
General Fund Housing	M	212,630	75,650	(136,980)	-64.4%
Property Services	G	644,230	619,720	(24,510)	-3.8%
<b>Cllr Graeme Barnell</b>					
Community Development: Markets	I	50,180	65,180	15,000	29.9%
Planning And Regeneration	N	1,296,884	1,707,157	410,273	31.6%
<b>Cllr Mrs Nikki Woollatt</b>					
Customer Services	O	770,510	751,510	(19,000)	-2.5%
Human Resources	P	465,090	480,090	15,000	3.2%
Legal & Democratic Services	B	1,136,206	1,076,136	(60,070)	-5.3%
Public Health	D	(4,890)	(4,890)	0	0.0%
<b>All General Fund Services</b>		<b>12,016,332</b>	<b>12,685,987</b>	<b>669,655</b>	<b>5.6%</b>
Net recharge to HRA		(1,534,110)	(1,534,110)	0	
Statutory Adjustments (Capital charges)		333,280	(93,720)	(427,000)	
<b>Net Cost of Services</b>		<b>10,815,502</b>	<b>11,058,157</b>	<b>242,655</b>	<b>2.2%</b>
Finance Lease Interest Payable		44,420	44,420	0	
Interest from Funding provided for HRA		(49,000)	(49,000)	0	
Interest Receivable / Payable on Other Activities		167,580	107,580	(60,000)	
Interest Receivable on Investments		(442,540)	(532,540)	(90,000)	
Transfers into Earmarked Reserves	APP B	2,267,363	2,603,030	335,667	
Transfers from Earmarked Reserves	APP B	(2,036,744)	(2,552,996)	(516,252)	
Contribution from New Homes Bonus Reserve	APP B	(587,850)	(587,850)	0	
<b>Total Budgeted Expenditure</b>		<b>10,178,731</b>	<b>10,090,801</b>	<b>(87,930)</b>	<b>-0.9%</b>
Revenue Support Grant		0	0	0	
Rural Services Delivery Grant		(466,695)	(466,695)	0	
New Homes Bonus Grant		(1,243,503)	(1,243,503)	0	
Retained Business Rates		(3,247,005)	(3,125,195)	121,810	
Business Rates Deficit		778,906	778,906	0	
Business Rates Benefit from Devon Pool		(100,000)	(163,000)	(63,000)	
CTS Funding Parishes		0	0	0	
Collection Fund Surplus		(71,330)	(71,330)	0	
Council Tax		(5,829,104)	(5,829,104)	0	
<b>Total Budgeted Funding</b>		<b>(10,178,731)</b>	<b>(10,119,921)</b>	<b>58,810</b>	<b>-1%</b>
<b>Forecast in year (Surplus) / Deficit</b>		<b>0</b>	<b>(29,120)</b>	<b>(29,120)</b>	
General Fund Reserve 30/09/2019				(2,483,294)	
<b>Forecast General Fund Balance 31/03/2020</b>				<b>(2,512,414)</b>	

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**GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 SEPTEMBER 2019**

Note	Description of Major Movements	Full year variance (net of transfer to EMR)	PDG
<b>A</b>	<b>Corporate Management</b>		
	Forecast overspend on bank charges	10,000	Cabinet
	3 Rivers - Working capital impairment - IFRS 9 the risk of non-repayment of the loan	126,000	Cabinet
	3 Rivers - Riverside impairment - Relates to the potential overspend on the project leading to non-repayment of loan	377,000	Cabinet
		<b>513,000</b>	
<b>B</b>	<b>Legal &amp; Democratic Services</b>		
	Legal Services-estimated underspend against the salary budget due to a vacant post	(5,500)	Cabinet
	Legal Services-estimated under recovery of S106 income	10,000	Cabinet
	Legal Services-fees and charges income higher than budget	(4,000)	Cabinet
	Legal Services-software budget not required	(15,400)	Cabinet
	Member Services-estimated savings against the salary budget due to carrying a vacancy for a number of months	(7,000)	Cabinet
	Electoral Registration-increase in IER funding above budget	(16,800)	Cabinet
	District Elections- After utilising earmarked reserves estimate of £25k shortfall in covering election spend	25,000	Cabinet
	Electoral Registration-saving against the salary budget due to vacancy	(5,000)	Cabinet
	Parish Elections- Recharging more of the costs to parishes than previously forecast	(7,500)	Cabinet
	Democratic Rep-savings on internet access payments and Members registration	(3,870)	Cabinet
	Electoral Registration- Budget for boundary review no longer required	(30,000)	Cabinet
		<b>(60,070)</b>	
<b>C</b>	<b>Car Parks</b>		
	P&D Income shortfall forecast in MSCP of £24k due to ongoing Premier Inn works, forecasting increased income in some of our P&D car parks of £5k.	19,000	Economy
	MSCP - Increased Security patrols to protect users and property from anti-social behaviour, has resulted in a budget overspend.	6,000	Economy
	Increased Electricity usage due to 24 hour opening of the MSCP and increased usage from contractors.	8,000	Economy
		<b>33,000</b>	
<b>D</b>	<b>Public Health combined</b>		
	Net of S106 Air Quality expenditure & income, covered by transfers from EMRs	71,872	Community
	One off unavoidable Employment costs in Public Health	4,900	Community
	Licensing - Salary overspend due to JE regrades. We will be able to adjust fees going forward and hope to recover some of this overspend this year.	8,100	Community
	External Legal costs associated with major Housing prosecution, some costs awarded by the Courts but remain outstanding.	18,890	Homes
	Cemetery Income below profile for 2nd Qtr, will review month by month.	5,000	Environment
	Reduced income on Regulatory Services	5,000	Environment
		<b>113,762</b>	
<b>E</b>	<b>Grounds Maintenance</b>		
	Salary savings - vacant Team Leader post not recruited to whilst service structure is being reviewed	(25,000)	Environment
	New vehicle contract - funded from earmarked reserve in year	16,000	Environment
		<b>(9,000)</b>	
<b>F</b>	<b>Open Spaces</b>		
	S106 Expenditure funded by transfer from an EMR	5,312	Community
		<b>5,312</b>	
<b>G</b>	<b>Property Services</b>		
	New vehicle contract - funded from earmarked reserve in year	6,000	Environment
	Public Conveniences Utility charges are lower then budgeted due to reduction in the number of PC's and more accurate billing from Laser.	(7,000)	Environment
	Historic Business Rates reduction applied to Phoenix House due to office mergers have resulted in a rates underspend.	(43,000)	Homes
	Un-budgeted costs for the upgrade of communication equipment in the Exe Room, off-set against underspend on Rates	14,000	Homes
	Security costs higher than budget for Phoenix House	6,600	Homes
	Salary savings within Property Services due to vacant posts (partially off-set by Agency costs)	(70,000)	Homes
	Agency overspend covering vacant posts within Property Services	14,500	Homes
	Loss of income from Fore Street Flats and rates from vacant shop unit	21,390	Economy
	Loss of rental income and increased costs from rates and service charges due to vacant units within Market Walk	33,000	Economy
		<b>(24,510)</b>	
<b>H</b>	<b>Waste Services</b>		
	Vacant posts part offset by agency	(28,000)	Environment
	Additional overtime in Recycling due to operational issues	10,000	Environment
	Waste - Shared Saving Scheme increase from budget. 2018-19 additional £79k and estimating an additional £46k for 2019-20	(125,000)	Environment
	S106 income, transferred to an EMR	827	Environment
	Trade Waste - Increase in customer base and reduced discounts - leading to increased income	(89,000)	Environment
	Trade Waste - Purchase of additional bins	20,000	Environment
	Trade Waste - Disposal costs up due to an increase in customer base	10,000	Environment
	Garden waste, permit sales up	(5,000)	Environment
	Recycling materials, paper tonnage and price down against budget	44,000	Environment
	Recycling materials, mixed plastics tonnage and price up against budget	(79,000)	Environment
	New vehicle contract - funded from earmarked reserve in year	55,000	Environment
		<b>(186,173)</b>	
<b>I</b>	<b>Community Development</b>		

Community Development grant funding	(5,000)	Community
Salaries - job evaluation and additional cover over the busy Christmas period	15,000	Community
	<b>10,000</b>	
<b>J Recreation And Sport</b>		
Salaries - vacant posts.	(80,000)	Community
Dryside - loss of income due to termination of contract with a 3rd party and recruitment issues re qualified staff.	20,000	Community
Over achieving membership targets for fitness.	(24,000)	Community
Vouchers cashed in against fitness and wetside income.	6,000	Community
Savings due to not renewing cascade communication software	(3,500)	Community
Wetside - reduction in casual swim as per the national trend within the industry	17,500	Community
Feasibility Study	11,716	Community
Utilities overspend due to Energy provider invoicing now is more accurate	58,600	Community
	<b>6,316</b>	
<b>K Finance And Performance</b>		
	<b>0</b>	
<b>L Revenues And Benefits</b>		
Housing Benefit Subsidy & Overpayment recovery	40,000	Community
Forecast income from Court Costs is anticipated to be lower than Budgeted	14,000	Community
Estimated income from Single Occupancy Discount penalties (not budgeted)	(20,000)	Community
Additional Forecast C/Tax Annexe Grant	(4,000)	Community
Revenues and Benefits forecast salary savings; in the main due to vacant posts in HB in part offset by additional overtime & temporary increases for supervisors acting up	(19,000)	Community
Software costs associated with Citizens Access	33,950	Community
Software costs associated with new CTR scheme	11,000	Community
Various New Burdens grants from DWP in respect of Housing Benefits initiatives delivered within existing resource	(49,000)	Community
Adjustment to CTB entitlement (re pre 01/04/13 CTB old scheme) not required to be repaid to DCLG & additional CTB admin grant than budgeted	(5,600)	Community
Additional New Burdens NNDR Grant for the administration of Retail Rate Relief delivered within existing resource	(9,225)	Community
	<b>(7,875)</b>	
<b>M General Fund Housing</b>		
Community Alarms: estimated surplus due to underspend on service overheads	(10,000)	Homes
GF Housing: grant funding received will be earmarked towards future service sustainability	(126,980)	Homes
	<b>(136,980)</b>	
<b>N Planning And Regeneration</b>		
Net of S106 Public Open Space expenditure & income, covered by transfers from EMRs	76,153	Community
Garden Village project consultancy spend funded by transfer from EMR	82,770	Community
Salary savings due to not recruiting for the secondment of the graphics technician, a delay in recruitment of the monitoring information officer and maternity savings	(17,000)	Community
Statutory Plan - saving on budgeted GESP contribution	(5,000)	Community
Statutory Plan - Local Plan costs funded by transfer from EMR	45,500	Community
Development Management - planning income. Consistently over the last 12 mths there has been a downturn in fees, this has been driven by external circumstances affecting the submission of larger fee earning applications. Officers are working with developers to try and bring forth applications via the pre application process. Most recently the forecast shortfall has in part been offset through a major fee bearing application	182,000	Community
Development Management - supplies & services. Main contributor being required advertising.	7,000	Community
Cullompton Town Centre Masterplan, funded by transfer from EMR	60,000	Community
Business Development Grant funding	(10,500)	Community
Income from Section 97 work	(10,650)	Community
Land charges Devon County Council searches	(10,000)	Community
	<b>400,273</b>	
<b>O Customer Services</b>		
Hardware support and maintenance - customer services and replacement of the self service kiosk (funded from reserve)	10,000	Community
Overtime budget not required	(4,000)	Community
Vacancy Savings	(25,000)	Community
	<b>(19,000)</b>	
<b>P Human Resources</b>		
Realignment of basic establishment prior to review of service needs	15,000	Cabinet
	<b>15,000</b>	
<b>Q I.T. Services</b>		
Digital services cloud software licence - expenditure covered by salary savings in the CS codes	7,500	Cabinet
Idox support fees more than budgeted	7,800	Cabinet
Central Government have delayed moving towards utilising the public internet for submission of statutory returns - meaning the Council has to pay for a private sector network connection to submit its returns	9,600	Cabinet
Vacant posts	(8,300)	Cabinet
	<b>16,600</b>	
<b>FORECAST (SURPLUS)/DEFICIT AS AT 31/03/2020</b>	<b>669,655</b>	

Cabinet	484,530
Community	479,898
Homes	(195,990)
Environment	(186,173)
Economy	87,390
	<b>669,655</b>

**GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 SEPTEMBER 2019**

Fees and Charges	2019/20	2019/20	2019/20	2019/20	Full Year	Variance
	Annual Budget	Profiled Budget	Actual	Variance	Forecast	
	£	£	£	£	Variation	%
Building Control Fees	(240,000)	(120,000)	(146,860)	(26,860)	0	0%
Planning Fees	(946,500)	(473,250)	(306,234)	167,016	182,000	-19%
Land Search Fees	(120,000)	(60,000)	(62,263)	(2,263)	0	0%
Car Parking Fees - See Below	(733,290)	(351,726)	(347,767)	3,960	19,000	-3%
Leisure Fees & Charges	(2,881,030)	(1,459,766)	(1,322,266)	137,499	26,000	-1%
Trade Waste Income	(699,000)	(694,810)	(771,317)	(76,507)	(89,000)	13%
Garden Waste	(482,100)	(170,030)	(171,800)	(1,770)	(5,000)	1%
Licensing	(145,190)	(58,660)	(55,459)	3,201	0	0%
Market Income	(83,350)	(30,397)	(35,346)	(4,949)	0	0%
	<b>(6,330,460)</b>	<b>(3,418,639)</b>	<b>(3,219,312)</b>	<b>199,327</b>	<b>133,000</b>	<b>-2.1%</b>

Car Parking Fees					Bud Income	
					Spaces	pa per space
Beck Square, Tiverton	(79,500)	(42,843)	(41,497)	1,345	40	(1,988)
William Street, Tiverton	(26,280)	(13,266)	(12,675)	591	45	(584)
Westex South, Tiverton	(49,000)	(26,538)	(23,467)	3,071	51	(961)
Wellbrook Street, Tiverton	(14,000)	(7,055)	(7,666)	(611)	27	(519)
Market Street, Crediton	(37,500)	(19,928)	(18,501)	1,427	39	(962)
High Street, Crediton	(75,000)	(38,310)	(40,664)	(2,354)	190	(395)
Station Road, Cullompton	(33,500)	(18,720)	(20,540)	(1,820)	112	(299)
Multistorey, Tiverton	(126,980)	(65,623)	(52,372)	13,251	631	(201)
Market Car Park, Tiverton	(210,000)	(103,167)	(105,585)	(2,418)	122	(1,721)
Phoenix House, Tiverton	(5,500)	(2,775)	(2,765)	10	15	(367)
P&D Shorts & Overs	0	0	95	95	0	0
<b>Total Pay and Display</b>	<b>(657,260)</b>	<b>(338,224)</b>	<b>(325,637)</b>	<b>12,587</b>	<b>1,272</b>	<b>(7,995)</b>
Day Permits	(16,000)	(1,605)	(698)	908		
Allocated Space Permits	(41,500)	(2,702)	(9,442)	(6,740)		
Overnight Permits	(200)	0	(473)	(473)		
Day & Night Permits	(10,700)	(2,580)	(1,637)	943		
Other Income	(7,630)	(6,615)	(9,880)	(3,265)		
<b>Total Permits</b>	<b>(76,030)</b>	<b>(13,502)</b>	<b>(22,130)</b>	<b>(8,628)</b>		
<b>Total Car Parking</b>	<b>(733,290)</b>	<b>(351,726)</b>	<b>(347,767)</b>	<b>3,960</b>		
<b>Standard Charge Notices (Off Street)</b>	<b>(48,000)</b>	<b>(24,000)</b>	<b>(20,130)</b>	<b>3,870</b>	<b>0</b>	<b>0%</b>

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**GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 SEPTEMBER 2019**

<b>Employee Costs</b>	<b>2019/20 Annual Budget £</b>	<b>2019/20 Profiled Budget £</b>	<b>2019/20 Actual £</b>	<b>2019/20 Variance £</b>
<b>General Fund</b>				
Community Development	49,220	24,610	28,601	3,991
Corporate Management	1,457,520	728,760	712,884	(15,876)
Customer Services	688,440	344,220	312,921	(31,299)
Environmental Services	864,660	432,330	454,192	21,862
Finance And Performance	548,850	274,425	261,195	(13,230)
General Fund Housing	272,190	136,095	124,735	(11,360)
Grounds Maintenance	490,260	245,130	217,874	(27,256)
Human Resources	374,760	187,380	173,240	(14,140)
I.T. Services	548,920	274,460	271,300	(3,160)
Legal & Democratic Services	482,960	241,480	231,902	(9,578)
Planning And Regeneration	1,799,200	899,600	810,019	(89,581)
Property Services	628,270	314,135	301,926	(12,209)
Recreation And Sport	2,017,338	1,008,669	966,322	(42,347)
Revenues And Benefits	727,810	363,905	348,448	(15,457)
Waste Services	2,509,789	1,254,895	1,115,077	(139,818)
<b>Total General Fund</b>	<b>13,460,187</b>	<b>6,730,094</b>	<b>6,330,637</b>	<b>(399,457)</b>
<b>Housing Revenue Account</b>				
BHO09 Repairs And Maintenance	852,900	426,450	390,385	(36,065)
BHO10 Supervision & Management	1,508,730	754,365	691,713	(62,652)
BHO11 Special Services	0	0	0	0
<b>Total Housing Revenue Account</b>	<b>2,361,630</b>	<b>1,180,815</b>	<b>1,082,098</b>	<b>(98,717)</b>
<b>Total Employee Costs</b>	<b>15,821,817</b>	<b>7,910,909</b>	<b>7,412,735</b>	<b>(498,174)</b>

<b>Agency Staff (within Employee costs)</b>	<b>2019/20 Annual Budget £</b>	<b>2019/20 Profiled Budget £</b>	<b>2019/20 Actual £</b>	<b>2019/20 Variance £</b>
<b>General Fund</b>				
Car Parks	0	0	0	0
Community Development	0	0	0	0
Corporate Management	0	0	0	0
Customer Services	0	0	0	0
Environmental Services	0	0	0	0
Finance And Performance	0	0	0	0
General Fund Housing	0	0	0	0
Grounds Maintenance	25,000	12,500	28,896	16,396
Human Resources	0	0	9,962	9,962
I.T. Services	0	0	0	0
Legal & Democratic Services	0	0	0	0
Planning And Regeneration	0	0	0	0
Property Services	0	0	14,419	14,419
Recreation And Sport	0	0	0	0
Revenues And Benefits	0	0	3,788	3,788
Waste Services	121,641	60,821	178,299	117,478
<b>Total General Fund</b>	<b>146,641</b>	<b>73,321</b>	<b>235,364</b>	<b>162,043</b>
<b>Housing Revenue Account</b>				
BHO09 Repairs And Maintenance	0	0	0	0
BHO10 Supervision & Management	0	0	0	0
BHO11 Special Services	0	0	0	0
<b>Total Housing Revenue Account</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Agency Costs</b>	<b>146,641</b>	<b>73,321</b>	<b>235,364</b>	<b>162,043</b>

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HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO  
30 SEPTEMBER 2019

<b>Planned Works extract</b>				
Planned Works - Capital		2,285,000	0	0.0%
Planned Works - Revenue		1,325,500	(50,000)	-3.8%

		2019/2020 Annual Budget	Forecast	Variance
Housing Revenue Account (HRA)	Notes	£	£	%
<b>Income</b>				
SHO01 Dwelling Rents Income	A	(11,977,170)	0	0.0%
SHO04 Non Dwelling Rents Income	B	(564,870)	0	0.0%
SHO06 Tenant Charges For Services	C	0	0	0.0%
SHO07 Leaseholders' Service Charges	D	(21,640)	0	0.0%
SHO08 Contributions Towards Expenditure	E	(27,720)	0	0.0%
SHO09 Alarm Income - Non Tenants	F	0	0	0.0%
SHO10 H.R.A. Investment Income	G	(83,000)	(3,230)	3.9%
SHO11 Miscellaneous Income	H	(7,350)	0	0.0%
<b>Services</b>				
SHO13A Repairs & Maintenance	I	3,174,000	(163,000)	-5.1%
SHO17A Housing & Tenancy Services	J	1,732,360	(320,000)	-18.5%
<b>Accounting entries 'below the line'</b>				
SHO29 Bad Debt Provision Movement	L	53,000	0	0.0%
SHO30 Share Of Corporate And Democratic	M	199,100	0	0.0%
SHO32 H.R.A. Interest Payable	N	1,178,580		0.0%
SHO34 H.R.A. Transfers between earmarked reserves	O	1,713,350	0	0.0%
SHO36 H.R.A. Revenue Contribution to Capital	P	0	0	0.0%
SHO37 Capital Receipts Reserve Adjustment	Q	(26,000)	0	0.0%
SHO38 Major Repairs Allowance	R	2,285,000	0	0.0%
SHO45 Renewable Energy Transactions	S	(139,000)	0	0.0%
		(2,511,360)	(486,230)	-19.4%

Net recharge to HRA		1,534,110
Capital Charges		977,250
<b>Net Housing Revenue Account Budget</b>		<b>0</b>

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**HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR THE PERIOD  
FROM 01 APRIL TO 30 SEPTEMBER 2019**

Note	Description of Major Movements	Corrective Action	Forecast
			Variance £
<b>G</b>	Interest received on cash balances higher than anticipated	N/A	(3,230)
<b>I</b>	Planned Revenue works to underspend by £53k across various areas. Salary underspend is principally due to vacant posts, a number of staff on maternity leave and new staff starting on reduced spinal points (estimated circa £150k). Forecast reduced activity on DFG works of circa £40k		(163,000)
<b>J</b>	There is an underspend (£90k) due to a number of retirements and posts not being filled immediately. In addition, provision for two posts was made in the budget to ensure that there was capacity to mitigate the impact of welfare reform and legislative changes to tenure. These posts remain unfilled and a watching brief is being kept on performance and workloads. Additionally a budget for new projects is forecast to be underspent by £230k, this budget will then be refreshed in 20/21	N/A	(320,000)
		<b>TOTAL</b>	<b>(486,230)</b>

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MID DEVON DISTRICT COUNCIL  
MONITORING OF 2019/20 CAPITAL PROGRAMME

Appendix G

Code	Scheme	Approved Capital Programme 2019/20	Total Slippage B/fwd & Adj to Approved Capital Programme 19/20	Budgeted Capital Programme 2019/20	Total Deliverable Programme 19/20	Actual Expenditure 2019/20	Committed Expenditure 2019/20	Total Actual & Committed Expenditure 2019/20	Variance to Deliverable Capital Programme	Forecast (Underspend)/ Overspend	Forecast Slippage to 20/21	Notes
		£	£	£	£	£	£	£	£	£	£	
	<b>General Fund Projects</b>											
	<b>Exe Valley Leisure Centre</b>											
CA633	Lords Meadow - Replace main pool filters	0	80,000	80,000	55,000	0	4,052	4,052	(50,948)			Project due to be completed by Q3 19/20
CA639	Spinning Room - New window - improve light	20,000	0	20,000	20,000	0	0	0	(20,000)			Project Complete Q2 19/20
CA640	Leisure Spinning Bike Replacement - all sites	60,000	0	60,000	60,000	60,000	0	60,000	0			Project Complete Q2 19/20
	<b>Culm Valley Leisure Centre</b>											
CA641	Fitness Gym Kit Replacement	185,000	0	185,000	185,000	0	15,901	15,901	(169,099)			
	<b>MDDC Depot Sites</b>											
CA829	Carlu Close - Air Conditioning units	25,000	0	25,000	20,000	308	0	308	(19,692)			Forecast project completion Q3 19/20
CA830	Carlu Close - Interceptor upgrade	30,000	0	30,000	30,000	371	1,430	1,801	(28,199)			Subject to EA - if required will be completed in Q3 19/20
CA831	Carlu Close - Solar PV options	20,000	0	20,000	20,000	308	600	908	(19,092)			Forecast project completion Q4 19/20
	<b>Play Areas</b>											
CA472	Open Space Infrastructure (incl Play Areas)	0	50,000	50,000	50,000	0	1,360	1,360	(48,640)			Forecast project completion Q4 19/20
CA632	Play area refurbishment District wide - Amory Park Tiverton	0	50,000	50,000	50,000	0	0	0	(50,000)		50,000	Forecast project completion Q3 20/21
CA628	Play area refurbishment - West Exe Recreation Ground Tiverton	0	50,000	50,000	50,000	0	0	0	(50,000)			Forecast project completion Q4 19/20
	<b>Other Projects</b>											
CA473	Land drainage flood defence schemes - St Marys Hemyock	0	25,000	25,000	25,000	0	0	0	(25,000)		25,000	Forecast project completion Q3 20/21
CA420	Land drainage flood defence schemes - Ashleigh Park Bampton	0	87,000	87,000	87,000	0	0	0	(87,000)		87,000	Forecast project completion Q3 20/21
CA574	Fore Street Flats refurbishment	0	47,000	47,000	47,000	150	2,463	2,613	(44,388)		45,000	
CA709	MSCP improvements (refer to Matrix condition report)	0	136,000	136,000	136,000	2,024	566	2,590	(133,410)			Phase 1 works will be complete by Q4 19/20
CA718	MSCP-Top Deck surfacing	70,000	50,000	120,000	70,000	0	0	0	(70,000)			Phase 1 works will be complete by Q4 19/20. Additional £50k approved at 22/08/19 Cabinet (minute 40)
CA476	Tiverton Cemetery - Infrastructure extension	80,000	0	80,000	80,000	0	0	0	(80,000)		40,000	Forecast project completion Q2 20/21
CA477	Land drainage flood defence schemes	25,000	0	25,000	25,000	0	0	0	(25,000)		25,000	Mary's Hemyock Project
CA202	Flexible Temporary Accomodation	75,000	0	75,000	75,000	0	0	0	(75,000)			
CA576	Tiverton Town Centre improvements	0	40,000	40,000	20,000	0	0	0	(20,000)			
CA579	Tiverton Town Centre - Street scene improvements	100,000	0	100,000	100,000	0	0	0	(100,000)			
CA832	Land acquisition for operational needs	600,000	0	600,000	0	0	0	0	0		600,000	This will be slipped into 2020/21
CA482	Contribution to South West Mutuals Bank	0	50,000	50,000	0	49,995	0	49,995	49,995			Per Cabinet report 07/03/19 to be funded by NNDR EMR
	<b>General Fund Development Schemes</b>											
CA575	District Wide Redevelopment project - Asset acquisition	0	3,953,000	3,953,000	45,000	65,155	53,200	118,355	73,355	(3,700,000)		Detailed schemes identified as part of forthcoming MTFP
CA462	Rear of Town Hall Development site (Riverside) - 3 Rivers Loan	0	3,679,000	3,679,000	3,077,110	1,185,260	1,891,850	3,077,110	0		601,890	This Project will cross financial years and be completed in 21/22
	3 Rivers Loan - Threwstones	0	468,000	468,000	468,000	355,000	113,000	468,000	0			This project will complete in 19/20
	3 Rivers Loan - Orchard House	0	1,224,000	1,224,000	677,500	157,500	520,000	677,500	0		546,500	This Project will cross financial years and be completed in 20/21
CA580	Tiverton redevelopment project	1,200,000	0	1,200,000	1,200,000	3,576	0	3,576	(1,196,425)		900,000	It is anticipated that the majority of the spend on this project will occur in 20/21
CA581	Waddeton Park	2,000,000	0	2,000,000	0	0	0	0	0	(2,000,000)		This project is now detailed in its entirety in the MTFP that was presented to Cabinet on 17/10/19
CA719	Cullompton Town Centre Relief Road	0	650,000	650,000	0	0	0	0	0			
CA720	Tiverton EUE A361 Junction Phase 2	0	50,000	50,000	0	0	0	0	0			
	GP Practice NHS Hub Building Crediton	0	2,100,000	2,100,000	0	0	0	0	0			
	<b>Economic Development Schemes</b>											
CA582	* Hydro Mills Electricity Project	680,000	0	680,000	0	0	0	0	0			
	* All Economic Development schemes are subject to acceptable Business Case											
	<b>ICT Projects</b>											
CA421	Desktop states replacement/refresh	0	6,000	6,000	6,000	6,594	0	6,594	594	600		Project complete
CA456	CRM replacement	0	175,000	175,000	175,000	0	0	0	(175,000)		175,000	It is anticipated that this project will slip into 20/21
CA474	Data centre hardware refresh servers/storage	0	120,000	120,000	100,000	97,854	0	97,854	(2,146)	(20,000)		Project complete
CA433	Unified Communications/telephony	0	107,000	107,000	32,000	32,554	0	32,554	554			Project to be delivered by Q4 19/20
CA464	Parking System Replacement (enforcement)	0	40,000	40,000	0	0	0	0	0	(40,000)		Project no longer required as coded to Revenue
CA465	Replacement Queue System	0	30,000	30,000	0	0	0	0	0			
CA423	Continued replacement of WAN/LAN	0	60,000	60,000	60,000	0	0	0	(60,000)	(60,000)		Project no longer required
CA425	Server farm expansion/upgrades	0	84,000	84,000	84,000	0	0	0	(84,000)			Project to be delivered by Q4 19/20
CA437	Digital Transformation	0	33,000	33,000	0	4	0	4	4			
CA478	UPS Power supplies refresh	25,000	0	25,000	20,000	19,925	0	19,925	(75)	(5,075)		Project complete
CA479	Continuous replacement/Upgrade of WAN/LAN (networking hardware switches)	100,000	0	100,000	0	0	0	0	0	(100,000)		Project no longer required. Core switches project will be flagged in MTFP that will be presented at 17/10/19 Cabinet
CA480	Lalpac Licensing System replacement (SN)	80,000	0	80,000	0	0	0	0	0			
CA481	Replacement Access Database - Property Services	100,000	0	100,000	0	0	0	0	0	(100,000)		This Project is timetabled for delivery in 21/22 & will be flagged as part of the forthcoming MTFP
	<b>Replacement Vehicles</b>											
CA717	Van Tipper (Grounds Maintenance)	0	25,000	25,000	25,000	25,330	0	25,330	330	330		Project complete
CA715	Van Tipper (Grounds Maintenance)	0	25,000	25,000	25,000	25,330	0	25,330	330	330		Project complete
CA712	Iveco Tipper (or equivalent) 3.5T Tipper	0	28,000	28,000	28,000	27,830	0	27,830	(170)	(170)		Project complete
CA822	7.5T Tipper	0	45,000	45,000	45,000	44,773	0	44,773	(227)	(227)		Project complete
CA825	3.5T Tipper	0	28,000	28,000	28,000	27,830	0	27,830	(170)	(170)		Project complete
CA827	3.5T Tipper	0	28,000	28,000	28,000	27,830	0	27,830	(170)	(170)		Project complete
		5,475,000	13,623,000	19,098,000	7,328,610	2,215,503	2,604,422	4,819,924	(2,508,686)	(6,024,552)	3,095,390	

	<a href="#">Private Sector Housing Grants</a>											
CG217	Empty homes and enforcement	108,000	0	108,000	30,000	0	0	0	(30,000)			
CG201	Disabled Facilities Grants–P/Sector	562,000	0	562,000	530,000	150,879	230,206	381,085	(148,915)			
CG208	Wessex					25,000		25,000	25,000			
		670,000	0	670,000	560,000	175,879	230,206	406,085	(153,915)	0	0	
	<a href="#">Affordable Housing Projects</a>											
CA200	Grants to Housing Associations to provide units (funded by commuted sums)	117,000	0	117,000	17,000	8,720	0	8,720	(8,280)	(100,000)		This forecast underspend will remain in EMR
		117,000	0	117,000	17,000	8,720	-	8,720	(8,280)	(100,000)	0	
	<b>Total General Fund Projects</b>	<b>6,262,000</b>	<b>13,623,000</b>	<b>19,885,000</b>	<b>7,905,610</b>	<b>2,400,102</b>	<b>2,834,628</b>	<b>5,234,730</b>	<b>(2,670,880)</b>	<b>(6,124,552)</b>	<b>3,095,390</b>	
CA100	<a href="#">HRA Projects - Existing Housing Stock</a>											
	Major repairs to Housing Stock	2,285,000	0	2,285,000	2,285,000	960,715	860,301	1,821,016	(463,984)			Currently recruiting to enable delivery for future, likely start date Oct '19 therefore will result in an underspend for 19/20
CA111	Renewable Energy Fund	250,000	0	250,000	150,000	0	0	0	(150,000)	(100,000)		
CG200	Home Adaptations - Disabled Facilities	300,000	0	300,000	300,000	129,524	0	129,524	(170,476)			
	<a href="#">Housing Development Schemes</a>											
CA119	Palmerston Park - Additional budget required	0	634,000	634,000	634,000	1,161,425	58,888	1,220,313	586,313	586,313		Additional spend on this project will be in part offset by additional Homes England Grant of £441k
CA135	Land acquisition for affordable housing	0	2,100,000	2,100,000	0	0	0	0	0	(2,100,000)		Detailed schemes identified as part of forthcoming MTFP
CA124	Queensway (Beech Road) Tiverton (3 units)	0	287,000	287,000	0	0	0	0	0	0		Project tendered. Project financial feasibility being considered
CA126	Sewerage Treatment Works - Washfield	0	25,000	25,000	25,000	0	0	0	(25,000)			Forecast project completion Q4 19/20
CA139	Replace end of life HRA Assets	2,000,000	0	2,000,000	0	0	0	0	0	(2,000,000)		Detailed schemes identified as part of forthcoming MTFP
CA140	Council Housing building schemes to be identified	2,000,000	0	2,000,000	0	0	0	0	0	(2,000,000)		Detailed schemes identified as part of forthcoming MTFP
CA141	Round Hill Tiverton- Site	1,500,000	0	1,500,000	200,000	0	0	0	(200,000)		1,350,000	It is anticipated that the majority of the spend on this project will slip into 20/21
CA142	RTB Buyback - 6 Cherry Gardens	0	153,000	153,000	153,000	152,438	0	152,438	(562)			
CA143	RTB Buyback- 39 Cameron Close	0	129,000	129,000	129,000	128,940	0	128,940	(60)			
	<b>Total HRA Projects</b>	<b>8,335,000</b>	<b>3,328,000</b>	<b>11,663,000</b>	<b>3,876,000</b>	<b>2,533,042</b>	<b>919,189</b>	<b>3,452,230</b>	<b>(423,770)</b>	<b>(5,613,687)</b>	<b>1,350,000</b>	
	<b>CAPITAL PROGRAMME GRAND TOTAL</b>	<b>14,597,000</b>	<b>16,951,000</b>	<b>31,548,000</b>	<b>11,781,610</b>	<b>4,933,144</b>	<b>3,753,817</b>	<b>8,686,961</b>	<b>(3,094,649)</b>	<b>(11,738,239)</b>	<b>4,445,390</b>	



## Housing Benefit Performance in 2018/19

### Speed of Processing

The 2018/19 average time for processing new claims was 21 days and changes of circumstance (CoC) was 5 days. Both of these times are at or below national average of 21 days and 6 days respectively.

18/19	Q1	Q2	Q3	Q4	YEAR
NEW	20	23	20	21	21
CoC	5	7	6	3	5

### Caseload

The numbers of Housing Benefit (HB) and Council Tax Reduction (CTR) claims have both fallen from the levels experienced in 2017/18. This is partially down to Tiverton Job Centre going to UC Full Service from July 2018 and Exeter Job Centre from September 2018.

18/19	Q1	Q2	Q3	Q4
HB	3,842	3,696	3,516	3,405
CTR	4,220	4,184	4,167	4,172

### Total Housing Benefit paid to date

The table below shows the total sum of Housing Benefit paid during 2018/19.

18/19	Q1	Q2	Q3	Q4
£m	4.6	8.5	13.2	15.6

Note - The figures shown above are cumulative

### Collection Rates - Comparison

Collection	CTAX	NDR
2017/18	98.00%	99.22%
2018/19	97.79%	99.29%
Difference	-0.21%	0.07%

### National Position

In 2018-19 local authorities collected a total of £29.8 billion in council tax, irrespective of the year to which it related. This was an increase of £1.8 billion, or 6.5%, over 2017-18. By the end of March 2019, they had collected £29.3 billion of council tax that related to 2018-19 and achieved an average in-year collection rate of **97.0%**, a decrease of 0.1 percent-age points over 2017-18. During 2018-19, local authorities collected £625 million in council tax arrears and wrote off £195 million of uncollectable council tax.

In 2018-19 authorities collected a total of £25.3 billion in **non-domestic rates**, irrespective of the year to which it related. This was an increase of £856 million, or 3.5% over the figure for 2017-18. By the end of March 2019, they had collected £25.7 billion in non-domestic rates that related to 2018-19 and achieved an average in-year collection rate of **98.3%** in 2018-19, a decrease of 0.1 percentage points over 2017-18. They also collected £645 million in non-domestic rates arrears and wrote off £213 million of uncollectable non-domestic rates in 2018-19.

## COMMUNITY PDG 2020/21 Service Unit Budgets

### Summary of PDG

Service Unit	2018/19 Actual	2019/20 Budget	2020/21 Budget	Movement
SCD01 Community Development	89,971	87,500	77,650	(9,850)
SCS20 Customer Services Admin	102,597	110,360	23,300	(87,060)
SCS22 Customer First	674,560	660,150	756,645	96,495
SES01 Emergency Planning	8,010	8,280	7,500	(780)
SES04 Public Health	5,709	4,090	3,990	(100)
SES11 Pool Cars	(590)	-	2,830	2,830
SES16 Es Staff Units/Recharges	803,731	760,700	782,280	21,580
SES17 Community Safety	(2,812)	6,350	6,220	(130)
SES18 Food Safety	(12,719)	(21,140)	(21,070)	70
SES21 Licensing	11,288	(3,250)	12,920	16,170
SES22 Pest Control	5,554	5,000	5,000	-
SES23 Pollution Reduction	23,932	(720)	(650)	70
SPR01 Building Regulations	(752)	3,400	(8,720)	(12,120)
SPR02 Enforcement	99,000	105,820	108,900	3,080
SPR03 Development Control	(276,821)	330,710	346,300	15,590
SPR04 Local Land Charges	(74,699)	(20,530)	(20,040)	490
SPR09 Forward Planning	245,386	252,520	237,940	(14,580)
SPR11 Regional Planning	154,117	116,000	99,390	(16,610)
SRB01 Collection Of Council Tax	295,750	294,730	314,070	19,340
SRB02 Collection Of Business Rates	(106,291)	(102,250)	(103,370)	(1,120)
SRB03 Housing Benefit Admin & Fraud	121,730	177,740	199,680	21,940
SRB04 Housing Benefit Subsidy	(227,346)	(45,000)	5,000	50,000
SRB06 Debt Recovery	111,298	105,180	106,620	1,440
SRS01 Recreation And Sport	560,712	690,418	501,420	(188,998)
	<b>2,611,314</b>	<b>3,526,058</b>	<b>3,443,805</b>	<b>(82,253)</b>

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## **COMMUNITY PDG 2020/21 Service Unit Budgets**

### **SCD01 Community Development**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	0	0	0	0
2000	Premises	0	0	0	0
4000	Cost Of Goods And Services	152,019	87,500	77,650	(9,850)
7000	Income	(62,048)	0	0	0
	<b>Sum:</b>	<b>89,971</b>	<b>87,500</b>	<b>77,650</b>	<b>(9,850)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
CD200	Community Development	77,650
	<b>Sum:</b>	<b>77,650</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

Removal of Communities Together Fund scheme and cancellation of grant software.

### **SCS20 Customer Services Admin**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	74,575	85,250	0	(85,250)
3000	Transport	0	40	0	(40)
4000	Cost Of Goods And Services	28,077	25,070	23,300	(1,770)
7000	Income	(55)	0	0	0
	<b>Sum:</b>	<b>102,597</b>	<b>110,360</b>	<b>23,300</b>	<b>(87,060)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
CS900	Central Photocopying	4,530
CS902	Central Postage	18,770
CS910	Customer Services Admin	0
	<b>Sum:</b>	<b>23,300</b>

**Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

Cost centre has merged with SCS22 - net movement together less than £10k.

**SCS22 Customer First**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	610,880	606,650	706,360	99,710
3000	Transport	1,342	1,250	1,290	40
4000	Cost Of Goods And Services	62,519	52,250	48,995	(3,255)
7000	Income	(180)	0	0	0
	<b>Sum:</b>	<b>674,560</b>	<b>660,150</b>	<b>756,645</b>	<b>96,495</b>

Cost Centre	Cost Centre Name	2020/21 Budget
CS200	Communications	98,925
CS500	Messenger Services	49,740
CS930	Customer First Management	160,280
CS932	Customer First	447,700
CS938	Digital Strategy Staffing	0
	<b>Sum:</b>	<b>756,645</b>

**Major cost increases**

Cost centre has merged with SCS20 - net movement together less than £10k.

**Major cost decreases and changes in income**

No movement to report.

### **SES01 Emergency Planning**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
4000	Cost Of Goods And Services	8,010	8,280	7,500	(780)
	<b>Sum:</b>	<b>8,010</b>	<b>8,280</b>	<b>7,500</b>	<b>(780)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES500	Emergency Planning	7,500
	<b>Sum:</b>	<b>7,500</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

No movement to report.

### **SES04 Public Health**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	0	0	0	0
2000	Premises	346	100	0	(100)
3000	Transport	0	0	0	0
4000	Cost Of Goods And Services	7,274	6,240	6,240	0
7000	Income	(1,912)	(2,250)	(2,250)	0
	<b>Sum:</b>	<b>5,709</b>	<b>4,090</b>	<b>3,990</b>	<b>(100)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES360	Dog Warden	3,990
ES361	Public Health	0
	<b>Sum:</b>	<b>3,990</b>

#### **Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.

**SES11 Pool Cars**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
3000	Transport	4,947	5,500	8,940	3,440
4000	Cost Of Goods And Services	71	0	0	0
7000	Income	(5,608)	(5,500)	(6,110)	(610)
	<b>Sum:</b>	<b>(590)</b>	<b>0</b>	<b>2,830</b>	<b>2,830</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES580	Pool Car Running Costs	2,830
	<b>Sum:</b>	<b>2,830</b>

**Major cost increases**

Transport - new fleet maintenance contract covered by in year reserves.

**Major cost decreases and changes in income**

No movement to report.

**SES16 Es Staff Units/Recharges**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	774,332	719,950	741,420	21,470
2000	Premises	(19,191)	0	0	0
3000	Transport	27,766	31,950	33,650	1,700
4000	Cost Of Goods And Services	20,824	14,800	13,210	(1,590)
7000	Income	0	(6,000)	(6,000)	0
	<b>Sum:</b>	<b>803,731</b>	<b>760,700</b>	<b>782,280</b>	<b>21,580</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES720	Es Management	0



ES730	Environmental Enforcement	132,490
ES733	Public Health Staff Unit	649,790
	<b>Sum:</b>	<b>782,280</b>

### **Major cost increases**

Employees increase is due to 2% budgeted pay rise and movement in SCP's.

### **Major cost decreases and changes in income**

No movement to report.

### **SES17 Community Safety**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	413	130	0	(130)
3000	Transport	0	0	0	0
4000	Cost Of Goods And Services	19,136	6,220	6,220	0
7000	Income	(22,360)	0	0	0
	<b>Sum:</b>	<b>(2,812)</b>	<b>6,350</b>	<b>6,220</b>	<b>(130)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES250	Community Safety Partnership	6,220
ES252	Community Safety Partner Fund	0
ES254	Csp - Police Fund	0
ES256	Community Safety Partnership	0
	<b>Sum:</b>	<b>6,220</b>

### **Major cost increases**

No movement to report.

### **Major cost decreases and changes in income**

No movement to report.

### **SES18 Food Safety**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	0	0	0	0
2000	Premises	0	0	0	0
4000	Cost Of Goods And Services	21,318	15,430	15,500	70
7000	Income	(34,038)	(36,570)	(36,570)	0
	<b>Sum:</b>	<b>(12,719)</b>	<b>(21,140)</b>	<b>(21,070)</b>	<b>70</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES260	Food Protection	930
ES270	Asbestos / Water Quality	(22,000)
	<b>Sum:</b>	<b>(21,070)</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

No movement to report.

### **SES21 Licensing**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	117,445	115,720	126,420	10,700
3000	Transport	1,977	3,220	1,300	(1,920)
4000	Cost Of Goods And Services	24,549	23,000	23,130	130
7000	Income	(132,683)	(145,190)	(137,930)	7,260
	<b>Sum:</b>	<b>11,288</b>	<b>(3,250)</b>	<b>12,920</b>	<b>16,170</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES550	Licensing	(116,460)
ES740	Licensing Unit	129,380
	<b>Sum:</b>	<b>12,920</b>

**Major cost increases**

Employees - 2% budgeted pay rise and JE regrade of Specialist Officer (Licensing) post.

**Major cost decreases and changes in income**

Reduction in the number of licences, mainly taxis and animal licences.

**SES22 Pest Control**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
4000	Cost Of Goods And Services	5,554	5,000	5,000	0
7000	Income	0	0	0	0
	<b>Sum:</b>	<b>5,554</b>	<b>5,000</b>	<b>5,000</b>	<b>0</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES600	Pest Control	5,000
	<b>Sum:</b>	<b>5,000</b>

**Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.

**SES23 Pollution Reduction**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	350	0	0	0
2000	Premises	250	0	0	0
4000	Cost Of Goods And Services	165,951	9,330	9,400	70
7000	Income	(142,619)	(10,050)	(10,050)	0
	<b>Sum:</b>	<b>23,932</b>	<b>(720)</b>	<b>(650)</b>	<b>70</b>

Cost Centre	Cost Centre Name	2020/21 Budget
ES650	Contaminated Land	0
ES660	Control Of Pollution	9,400
ES670	Local Air Pollution	(10,050)
	<b>Sum:</b>	<b>(650)</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

No movement to report.

### **SPR01 Building Regulations**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	180,252	213,790	206,410	(7,380)
3000	Transport	14,289	14,940	14,390	(550)
4000	Cost Of Goods And Services	40,641	14,670	10,480	(4,190)
7000	Income	(235,935)	(240,000)	(240,000)	0
	<b>Sum:</b>	<b>(752)</b>	<b>3,400</b>	<b>(8,720)</b>	<b>(12,120)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
PR100	Building Regulations	(10,430)
PR900	Dangerous Buildings And Trees	1,710
	<b>Sum:</b>	<b>(8,720)</b>

#### **Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.

**SPR02 Enforcement**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	89,439	92,630	95,710	3,080
3000	Transport	4,493	4,080	4,480	400
4000	Cost Of Goods And Services	5,068	9,110	8,710	(400)
7000	Income	0	0	0	0
	<b>Sum:</b>	<b>99,000</b>	<b>105,820</b>	<b>108,900</b>	<b>3,080</b>

Cost Centre	Cost Centre Name	2020/21 Budget
PR110	Enforcement	108,900
	<b>Sum:</b>	<b>108,900</b>

**Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.

**SPR03 Development Control**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	1,003,904	996,660	1,012,060	15,400
3000	Transport	22,702	26,820	26,120	(700)
4000	Cost Of Goods And Services	427,945	253,730	104,620	(149,110)
7000	Income	(1,731,371)	(946,500)	(796,500)	150,000
	<b>Sum:</b>	<b>(276,821)</b>	<b>330,710</b>	<b>346,300</b>	<b>15,590</b>

Cost Centre	Cost Centre Name	2020/21 Budget
PR200	Development Management	235,970

PR220	Tiverton Eue	54,970
PR225	Garden Village Project	55,360
	<b>Sum:</b>	<b>346,300</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

Employees - includes 2% budgeted pay rise.

Goods & Services - return to base budget following a 1 year pressure in 2019-20.

Planning income reduced by £150k in line with downturn in economic climate.

#### **SPR04 Local Land Charges**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	57,035	54,300	55,360	1,060
3000	Transport	62	100	100	0
4000	Cost Of Goods And Services	(797)	45,070	44,500	(570)
7000	Income	(130,999)	(120,000)	(120,000)	0
	<b>Sum:</b>	<b>(74,699)</b>	<b>(20,530)</b>	<b>(20,040)</b>	<b>490</b>

Cost Centre	Cost Centre Name	2020/21 Budget
PR210	Local Land Charges	(20,040)
PR820	Assets Of Community Value	0
	<b>Sum:</b>	<b>(20,040)</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

No movement to report.

### **SPR09 Forward Planning**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	198,230	213,910	216,310	2,400
3000	Transport	320	600	600	0
4000	Cost Of Goods And Services	55,523	38,010	21,030	(16,980)
7000	Income	(8,687)	0	0	0
	<b>Sum:</b>	<b>245,386</b>	<b>252,520</b>	<b>237,940</b>	<b>(14,580)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
PR600	Forward Planning Unit	237,940
	<b>Sum:</b>	<b>237,940</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

Goods & Service - £14.3k reduction to return to base budget following a 2 yr. pressure for the GESF secondment post.

### **SPR11 Regional Planning**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	33,419	4,040	1,890	(2,150)
2000	Premises	0	0	0	0
4000	Cost Of Goods And Services	150,799	111,960	97,500	(14,460)
7000	Income	(30,101)	0	0	0
	<b>Sum:</b>	<b>154,117</b>	<b>116,000</b>	<b>99,390</b>	<b>(16,610)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
PR800	Planning Policy	0
PR810	Statutory Development Plan	99,390
	<b>Sum:</b>	<b>99,390</b>

**Major cost increases**

1 year pressure of £60k for the Crediton Masterplan which will be funded from Ear Marked Reserves.

**Major cost decreases and changes in income**

Removal of £78.5k from the budget for a 1 year pressure relating to Local Plan costs which had slipped from 2018-19 to 2019-20.

**SRB01 Collection Of Council Tax**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	260,598	295,060	300,760	5,700
2000	Premises	9	0	0	0
3000	Transport	2,828	3,080	4,070	990
4000	Cost Of Goods And Services	123,697	100,590	118,040	17,450
7000	Income	(91,382)	(104,000)	(108,800)	(4,800)
	<b>Sum:</b>	<b>295,750</b>	<b>294,730</b>	<b>314,070</b>	<b>19,340</b>

Cost Centre	Cost Centre Name	2020/21 Budget
RB100	Collection Of Council Tax	314,070
	<b>Sum:</b>	<b>314,070</b>

**Major cost increases**

Realignment of postage & printing costs £10.9k. Additional legal costs £6k to progress prosecutions.

**Major cost decreases and changes in income**

No significant variance to report.

**SRB02 Collection Of Business Rates**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	86	90	90	0
4000	Cost Of Goods And Services	3,875	7,310	6,760	(550)



7000	Income	(110,253)	(109,650)	(110,220)	(570)
	<b>Sum:</b>	<b>(106,291)</b>	<b>(102,250)</b>	<b>(103,370)</b>	<b>(1,120)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
RB200	Collection Of Business Rates	(103,370)
	<b>Sum:</b>	<b>(103,370)</b>

#### **Major cost increases**

No significant variance to report.

#### **Major cost decreases and changes in income**

No significant variance to report.

### **SRB03 Housing Benefit Admin & Fraud**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	352,941	337,910	344,670	6,760
3000	Transport	550	900	600	(300)
4000	Cost Of Goods And Services	107,844	73,950	69,160	(4,790)
7000	Income	(339,605)	(235,020)	(214,750)	20,270
	<b>Sum:</b>	<b>121,730</b>	<b>177,740</b>	<b>199,680</b>	<b>21,940</b>

Cost Centre	Cost Centre Name	2020/21 Budget
RB300	Housing Benefit Admin	184,680
RB340	Local Welfare Assist Scheme	15,000
	<b>Sum:</b>	<b>199,680</b>

#### **Major cost increases**

No significant variance to report.

**Major cost decreases and changes in income**

Assumed 10% reduction in Housing Benefit & Council Tax Reduction Scheme Admin Grant £20k.

**SRB04 Housing Benefit Subsidy**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
4000	Cost Of Goods And Services	16,013,251	16,911,200	11,651,970	(5,259,230)
7000	Income	(16,240,597)	(16,956,200)	(11,646,970)	5,309,230
	<b>Sum:</b>	<b>(227,346)</b>	<b>(45,000)</b>	<b>5,000</b>	<b>50,000</b>

Cost Centre	Cost Centre Name	2020/21 Budget
RB400	Housing Rent Allowances	5,000
	<b>Sum:</b>	<b>5,000</b>

**Major cost increases**

Forecast Housing Benefit payments have been realigned to reflect current and projected spend; although it remains difficult to predict how many claims will move to Universal Credit.

**Major cost decreases and changes in income**

Forecast Housing Benefit Subsidy income has been realigned to reflect current and projected spend in this area & also to factor in uncertainty with further claims moving to Universal Credit.

**SRB06 Debt Recovery**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	108,845	102,250	104,300	2,050
3000	Transport	31	50	0	(50)
4000	Cost Of Goods And Services	2,423	2,880	2,320	(560)
	<b>Sum:</b>	<b>111,298</b>	<b>105,180</b>	<b>106,620</b>	<b>1,440</b>

Cost Centre	Cost Centre Name	2020/21 Budget
RB600	Revenues Misc Income Team	106,620
	<b>Sum:</b>	<b>106,620</b>

**Major cost increases**

No significant variance to report.

**Major cost decreases and changes in income**

No significant variance to report.

**SRS01 Recreation And Sport**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	2,006,482	2,044,878	1,990,370	(54,508)
2000	Premises	995,833	1,227,510	1,244,050	16,540
3000	Transport	4,944	8,530	8,530	0
4000	Cost Of Goods And Services	279,186	290,530	291,010	480
7000	Income	(2,725,732)	(2,881,030)	(3,032,540)	(151,510)
	<b>Sum:</b>	<b>560,712</b>	<b>690,418</b>	<b>501,420</b>	<b>(188,998)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
RS100	Leis Facilities Maint & Equip	513,500
RS110	Leisure Management & Admin	46,420
RS140	Exe Valley Leisure Centre	(71,820)
RS145	Market Walk Gym	0
RS150	Lords Meadow Leisure Centre	(12,350)
RS151	Feasibility	0
RS160	Culm Valley Sports Centre	25,670
	<b>Sum:</b>	<b>501,420</b>

**Major cost increases**

Under budgeted premises costs £58k.

**Major cost decreases and changes in income**

Reduction in salary budget £95k offset with inflation / pay award costs of £40k. Reduction in specific revenue projects budget of £93k. Fees and charges increased by 3%- report to Community PDG in December.

## DRAFT 2020/21 GENERAL FUND AND CAPITAL BUDGETS

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

**Reason for the report:** To consider the initial draft 2020/21 Budget and options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2021/22 onwards.

**RECOMMENDATION:** To consider the draft budget proposals for 2020/21 and start to plan for additional savings as identified in the Medium Term Financial Plan.

**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 £346k. In addition we have predicted a funding deficit of £1.376m on our General Fund by 2023/24. 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 2019/20 was the fourth and final year of a four year fixed funding settlement, we awaited with some trepidation the outcome of the Fair Funding Review and Business Rates reset, which was due to be published in September of this year. Due to the pressures of Brexit, the Government has been unable to complete this piece of work and have instead, regrettably, confirmed that they will issue a

one-year settlement. This has therefore resulted in the Fair Funding Review etc. being postponed for a year.

1.2 This has had an inevitable impact on our ability to forecast for future years. We expect the Review to alter our funding but we have little indication of what this might involve. The areas we are particularly concerned with are:

- Business Rates baseline reset – how much of our growth are we likely to lose?
- When will we move to 100% Business Rates growth retention? In the Budget 2016, this was to be in place “before the end of Parliament”.
- What will 100% Retention mean in terms of losing other funding streams such as RSDG and what additional responsibilities will we have?
- New Homes Bonus – the mechanics of this will change and we may lose additional years’ (we lost 2 years payments in 2018/19). We expect more of the Bonus to be redirected to the Better Care Fund to help Upper Tier authorities cope with the pressures of Social Care.
- Will we lose funding in relation to our rurality (RSDG)?
- Will we be tasked with administering additional reliefs/services?

1.2 It is worth reflecting that our budgets are affected in a number of ways:

- a) The funding received from Central Government.
- b) Devon County Council (DCC) and other public bodies’ budgets are being reduced centrally and hence this pressure is passed on to us in areas we work collaboratively.
- c) The increasing pressure on social care budgets has a “knock-on” effect to the level of funding that is available to lower-tier authorities.
- d) Government departments such as Ministry of Housing, Communities and Local Government, Department of Work and Pensions also have lower budgets and reduced grants.
- e) Changes in customer demand/expectations in the context of the local/national economy.

1.3 Although the priority is to balance next year’s budget, strategic decisions will need to be made to accommodate reduced or changes to funding going forward.

1.4 Based on nine years of public sector austerity many services can no longer continue to reduce cost and still be expected to deliver “business as usual”. It is important to remember that some services are statutory and in some cases must breakeven, i.e. we cannot generate a profit. This restricts where savings/cuts can be imposed and section 8 below provides more details.

1.5 The proposed savings embodied in the draft budget will need to be agreed by Members, as every proposed saving that is rejected will need to be matched by a suggestion of where a similar saving could be made. Members will be aware that the budget is an evolving process. We have already made a range of assumptions relating to: pay awards, inflation, fees/charges, demand for services, property increases, etc. More information may well change/alter our assumptions in the months leading up to February, when the budget has to be finalised. So the current budget gap of £346k will be revised over the next few

months, but it is based on the most current information, in conjunction with professional guidance, that is available.

- 1.6 The Council continues to look at opportunities to reduce operational costs without immediately reducing service levels. However it remains a real possibility moving forward that some difficult decisions will have to be made relating to what the Council can and can't afford to deliver/support in the future.

## 2.0 The Draft 2020/21 Budget

- 2.1 The initial aggregation of all service budgets (which also includes assumptions surrounding predictions of interest receipts, contributions to our capital programme, transfers from/to reserves and Council Tax levels) currently indicates a General Fund budget gap of £346k (Appendix 1).
- 2.2 At this point it is worth summarising how we have arrived at this deficit. The table shown below shows the main budget variances affecting the 2020/21 draft budget.

**Table 1 – Reconciliation of Major 2020/21 Budget Variances**

<b>Variances</b>	<b>Amount £k</b>
<b><i>External items outside of our control</i></b>	
Estimated reduced formula grant settlement	126
Inflationary increases (excl HRA shown below)	43
Decrease in Housing Benefit Grant and CTRS Admin Grant	20
Pay award and pension increases	262
Pension lump sum increase	8
<b><i>Subtotal</i></b>	<b>459</b>
<b><i>Other changes</i></b>	
Reversal of 19/20 one-off pressures and EMR use	226
Transfer to EMR – Vehicle contract fund	150
Vehicle contract – funding from EMR	(549)
Fleet Contract pressure – funded from EMR	122
Increase in Leisure charges (inflationary)	(84)
Minimum Revenue Provision increase	477
Net recharge to HRA (after inflationary increases etc.)	(48)
Reduction in Planning income	150
Increase in New Homes Bonus	(102)
Increase in New Homes Bonus transferred to EMR	102
Increase in Business Rates income	(477)
Increase in Council Tax income – (assuming £5 Band D)	(112)
Interest payments increase	296
Additional interest income	(182)
Car Park income increase	(190)
Crediton masterplan - funded from EMR	62
Crediton masterplan – draw from EMR	(62)
Boundary commission one-off cost	15
Standby contract increase in relation to homelessness	10
Maintenance costs re IT and software	19
Leisure – essential maintenance – funded from EMR	347
Leisure – transfer from EMR	(347)

Property – essential maint (various areas) – funded from EMRs	210
Property – transfer from EMR	(210)
Leisure salaries - reduction in post and flat time budget	(95)
Reduction on housing benefit overpayment recovery	50
Salaries movements	42
Computer software AIM and ACR upgrade - finance	20
Increase in bad debt provision - homelessness	10
Asset management - external contractors	10
Shop rents - Fore Street - reduction in income	10
Service charge vacant units - Market Walk	20
Other minor adjustments - net	-3
<b>Draft budget gap for 2020/21</b>	<b>346</b>

2.3 In compiling the 2020/21 draft budget we have also examined budget performance during 2019/20 and then made any relevant budget corrections for staffing changes, levels of income, changes in legislation, increases in inflation, etc.

2.4 Due to the need to get budget information to all of the PDG and Cabinet meetings during October and November there are still a few key issues that have not been resolved or are still to be fully evaluated. These issues may either improve or worsen the summary budget position currently reported and can be summarised as follows.

- Performance of the Devon Business Rates Pool
- Ongoing impact of new Homelessness legislation from 01/04/18
- Ongoing impact of full rollout of Universal Credit from 01/04/18
- Autumn Statement announcement in November 2019
- Provisional Finance Settlement in December
- Ongoing service reviews (including changes to fees/charges)

### 3.0 The Past

3.1 Just to remind Members of the financial journey the Council has been on since the austerity programme in 2010/11, here is a list of some of the challenges that have been presented to MDDC in balancing budgets during recent years.

- Net loss of £4.2m in Formula Grant
- Loss of funding for Housing Benefit admin and Regional Housing Pot removed circa £0.6m
- Council Tax freezes accepted for a number of years
- Costs associated with Local Plan
- Tax and pension related pressures including:
  - Pay award
  - Increased pension back-funding costs
  - Government mandated auto-enrolment to the Pension Scheme
  - National Insurance change
- Apprentice Levy of £50k introduced (currently c£58k)

3.1 The following lists just some of the actions taken by MDDC to mitigate these funding reductions.



- Significant efficiency agenda has led to service reductions amounting to over £2m
- Increased income has been generated by a number of services
  - Waste shared savings agreement with DCC
  - Garden Waste Scheme
  - Improved recycling scheme
- Increased commercialisation
  - £200k profit from Market Walk and Fore Street properties
- Business Rates Devon Pool participation
- Profit from the Special Purpose Vehicle returned to the General Fund, along with a margin on interest received
- Increasing CCLA holding to £5m
- Colocation with Department for Work & Pensions (DWP)
- Revised Car Parking Strategy in 2016/17
- Rationalising MDDC property estate, including depots, parks, toilets and car parks
- Joint working with North Devon DC as part of the Building Control Partnership
- DCC Transfer Station located at Carlu Close

#### **4.0 The Future**

- 4.1 A lot of work has already been undertaken in order to deliver a draft budget gap of £346k. We now are set with two tasks: firstly, to deliver a balanced General Fund budget by February 2020 in order to formally set the Council Tax and secondly, and of equal importance, begin to plan how our future spending plans can be financed. The work with town and parish councils will continue.

#### **5.0 Capital Programme**

- 5.1 In addition to this revenue funding pressure, is our ongoing commitment to future capital programmes, not helped by the current low levels of capital receipts. Even greater pressure may be placed on future programmes if additional borrowing was made to fund new Council Houses, Depots, Sport Centre enhancements, Town Centre enhancement works, vehicle replacements, etc.
- 5.2 The draft Capital Programme for 2020/21 is attached at Appendix 3. Excluding the new commitments to fund town centre regeneration or further commercial/land acquisitions, the size of our current and future capital programmes remains very small, due to the reductions in funding and level of sale receipts and now only includes material projects that are essential maintenance, or asset replacement or income generating/cost reducing.

#### **6.0 The Autumn PDGs and Cabinet meetings**

- 6.1 The first round of draft budget meetings will allow discussions with Members, Senior Management, Group Managers and Finance Officers in order to review the proposed draft 2020/21 budget. This will include scrutinising and challenging the initial position (and confirming acceptance of all proposed savings put forward) and discussing any other budget areas that Members would like to see additional savings from.

- 6.2 Before the next round of PDGs and Cabinet in January the Council will receive formal confirmation regarding its; Formula Grant other emerging legislative changes, more information regarding the 2019/20 budget performance etc. At this point if any of the initial assumptions/estimates significantly worsen, then we will need to bring further savings options forward for consideration.

## **7.0 Public Consultation**

- 7.1 Earlier years' consultations have consistently highlighted the three most valued services:

- REFUSE COLLECTION & RECYCLING - First
- PARKS, OPEN SPACES & PLAY AREAS - Second
- ENVIRONMENTAL HEALTH - Third

The three services valued the lowest comprised:

- COMMUNITY GRANTS - First
- PUBLIC CONVENIENCES - Equal second
- COMMUNITY SAFETY - Equal second

- 7.2 Working together with the Communications team the Group Manager for Financial Services is preparing a budget consultation survey which is due out this winter. The survey will provide valuable feedback to inform our future spending plans and ensure that we continue to provide services that are value for money to residents.

- 7.3 The survey will be circulated to all parish clerks, publicised in the local media and featured on our corporate website. It will also be published on social media. It is anticipated the survey will be open for a period of 6 weeks and once the results are analysed will form part of our budget setting process.

## **8.0 Statutory, Discretionary Services and the Level of Service Provision**

- 8.1 Whilst the Council has a legal obligation to perform some activities, others are at the discretion of the elected members, subject to funding. Although some undertakings are clearly statutory and others clearly discretionary, there are some service areas that have elements of both.

- 8.2 The main *discretionary* services of the Council comprise:

- Business development (although a corporate priority)
- Community development (includes community group grants)
- Leisure facilities
- Parks and open spaces (identified as important to the public at 6.1)
- Shops and industrial units

### **What can we do to balance the budget?**

- 8.3 An activity's net cost could be changed by one or more of these factors:

- a) Changing the frequency of service provision
- b) Changing the quality, instead of a “Platinum service” we may be forced to offer a “Silver service”
- c) Increasing fees or start charging for a service
- d) Reducing the overheads
- e) Stopping the activity entirely
- f) Different models of service delivery (including partnership)

8.4 Over the last five or six years the Authority has concentrated its efforts in maintaining frontline service levels across all sectors by reducing overheads and raising income. It is now clear that following those budgetary cuts some service areas are struggling to deliver their service plans, within their existing budgets. Indeed in a few cases external reviews have necessitated increasing the resources in a particular service area to meet our legal obligations.

**What options are available if something is *statutory*?**

8.5 Although we cannot stop the function, we may be able to approach it differently in terms of frequency or quality.

8.6 Some of our income streams are influenced by external market forces and in setting prices we have to be mindful of the going market rate. Aside from Council tax, the main income streams are:

- Building control fees
- Burial fees
- Car park charges
- Industrial unit rent
- Leisure centre fees
- Licence fees
- Market tolls
- Shop rents
- Planning fees
- Trade waste fees
- Garden waste

8.7 Any multi million pound business employing staff and utilising assets needs teams to support them and our frontline services are no different.

8.8 The key components, some statutory, others essential, include:

- Audit
- Accountancy
- Customer First
- Procurement (Buying goods and services)
- Human resources (Includes health and safety)
- IT
- Legal services
- Property services

8.9 For example our waste service has to have vehicles and depots to operate from, both of which need to be maintained. The staff need to be managed, to be paid, and legislation provides for health and safety considerations. Depots

and buildings such as Phoenix House are fixed costs, although even here we have created savings by renting out some space. The “back office” activities are therefore intrinsically linked to the “frontline” and savings from both areas have continued to be made.

## **9.0 Conclusion**

- 9.1 The feedback from all of the PDGs and Scrutiny will be reported to the January Cabinet for consideration in order to set a balanced 2020/21 budget and agree a forward plan. Group Managers will be working with Leadership Team and elected members in order to determine ways in which savings of c£1.4m can be achieved over the next four years, based on the priorities identified in the Corporate Plan. Having identified possible savings, there will need to be careful consideration of their potential impact, probable lead times for delivery of that saving and any associated disengagement costs or possible ‘spend to save’ implications that would arise.

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**Circulation of the Report:** Leadership Team  
Elected Members  
Group Managers

## GENERAL FUND REVENUE ACCOUNT DRAFT BUDGET SUMMARY 2020/21

	2019/2020 Proposed Budget	Movement	2020/2021 Proposed Budget
Notes	£	£	£
Cabinet	4,864,030	74,200	4,938,230
Community	3,526,058	(82,253)	3,443,805
Economy	(466,080)	(76,010)	(542,090)
Environment	2,735,050	222,740	2,957,790
Homes	1,169,080	36,940	1,206,020
<b>TOTAL NET DIRECT COST OF SERVICES</b>	<b>11,828,138</b>	<b>175,617</b>	<b>12,003,755</b>
Net recharge to HRA	(1,571,110)	(10,760)	(1,581,870)
Provision for the financing of capital spending	333,280	476,481	809,761
<b>NET COST OF SERVICES</b>	<b>10,590,308</b>	<b>641,338</b>	<b>11,231,646</b>
PWLB Bank Loan Interest Payable			
Finance Lease Interest Payable	44,420	-	44,420
Interest from Funding provided for HRA	(49,000)	-	(49,000)
Interest Receivable / Payable on Other Activities	167,580	295,604	463,184
Interest Received on Investments	(442,540)	(181,600)	(624,140)
Transfers into Earmarked Reserves	2,267,363	252,397	2,519,760
Transfers from Earmarked Reserves	(2,146,050)	514,000	(1,632,050)
Proposed Contribution from New Homes Bonus Reserve	(253,350)	253,350	-
<b>TOTAL BUDGETED EXPENDITURE</b>	<b>10,178,731</b>	<b>1,775,089</b>	<b>11,953,820</b>
<b>Funded by: -</b>			
Revenue Support Grant	-	-	-
Rural Services Delivery Grant	(466,695)	92,180	(374,515)
New Homes Bonus	(1,243,503)	(102,397)	(1,345,900)
BR Levy Re-distribution	(33,408)	33,408	-
Retained Business Rates	(3,213,597)	19,817	(3,193,780)
Business Rates Deficit	778,906	(1,178,906)	(400,000)
Business Rates Pooling Dividend	(100,000)	(50,000)	(150,000)
CTS Funding Parishes	-	-	-
Collection Fund Surplus	(71,330)	-	(71,330)
Council Tax (28,596.50 x £203.84)	(5,829,104)	(243,377)	(6,072,481)
<b>TOTAL FUNDING</b>	<b>(10,178,731)</b>	<b>(1,429,275)</b>	<b>(11,608,006)</b>
<b>REQUIREMENT TO BALANCE THE BUDGET</b>	<b>-</b>	<b>345,814</b>	<b>345,814</b>

**Current Assumptions: -**

1. Council Tax has been increased by £5 (the higher of £5 or 2%) from £203.84 to £208.84 with an increased property growth of 286.
2. 2020/21 Salary budgets include an assumed increase of 2% across all spinal scale points.
3. All earmarked reserves have been reviewed and adjustment made based upon existing need.
4. All income flows have been reviewed and adjusted for changes in demand and unit price.
5. Investment income has been based upon the existing lending criteria now in force.
6. Support services have been calculated in accordance with the annual process.
7. Car parking fees are based upon 2017/18 fees and vends.
8. New Homes Bonus receipts based on existing legislation changes.
9. BR Retained - The movement between the two years reflects 100% retention to 50% retention of growth
10. 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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2020-21 BUDGETS  
TRANSFERS INTO EARMARKED RESERVES

APPENDIX 2

SERVICE	EARMARKED RESERVE		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				
EQ754	EQ754	PHOENIX PRINTERS EQUIP SFUND			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					20,000		
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						
WS650	EQ839	WASTE PRESSURE WASHER			2,500				
IT500	EQ755	ICT EQUIPMENT SINKING FUND			189,500				
IE435	EQ653	NEW HOMES BONUS GRANT						1,345,900	
VARIOUS	EQ837	PROPERTY MAINTENANCE	100,000						
VARIOUS	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>125,000</b>	<b>1,345,900</b>	<b>2,519,760</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>-</b>	<b>102,400</b>	<b>252,400</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 CREDITON		(3,080)	
ES733	EQ652	PUBLIC HEALTH		(52,090)	
PR225	EQ824	GARDEN VILLAGE PROJECT (PR225)		(55,360)	
PR400	EQ653	BUSINESS DEVELOPMENT	(45,000)		
PR400	EQ653	BUSINESS DEVELOPMENT	(100,000)		
IT400	EQ653	ICT EQUIPMENT SINKING FUND	(189,500)		
PR810	EQ728	STATUTORY DEVELOPMENT PLAN (PR810)		(61,890)	
VARIOUS	EQ756	VEHICLE LEASE		(549,110)	
RS100	EQ837	PROPERTY MAINTENANCE		(347,000)	
PS992/PS995	EQ838	GENERAL FUND SHOPS		(100,000)	
VARIOUS	EQ653	NHB TO FUND ADDITIONAL PROJECTS FLAGGED IN CAPITAL - DEEMED REVENUE IN NATURE	(110,000)		
<b>TOTAL</b>			<b>(444,500)</b>	<b>(1,187,550)</b>	<b>(1,632,050)</b>

2019/20

(587,850) (1,811,550) (2,399,400)

MOVEMENT

143,350 624,000 767,350



Estates Management

Leisure - all sites

Reception infrastructure review - all sites	120
All Leisure Etarmis - Security Wipe - (linked to security project).	30

Total Leisure	150
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Other MDDC Buildings

Pannier Market

Paving - Permanent Solution	150
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Phoenix House

Etarmis - Security Wipe - (linked to security project).	50
Boiler replacement & controls	90

General Car parks

MSCP Capital Project - Phase 2	589
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MDDC Depot sites

Carlu Close - Water containment for Waste Transfer Station	80
Land acquisition for operational needs	400

MDDC Shops/industrial Units

Market Walk - Flat roof replacement	30
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Public Conveniences

West Exe South - Remodelling - additional parking spaces	90
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Other Projects

Fire dampeners - Corporate sites	40
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Total Other	1,519
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HIF Schemes

Cullompton Town Centre Relief Road (HIF) bid	3,705
Tiverton EUE A361 Junction Phase 2 (HIF (bid)	250

Total HIF Schemes	3,955
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Affordable Housing Projects

Grants to housing associations to provide houses (covered by Commuted Sums)	17
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Total Afford Housing	17
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Private Sector Housing Grants

Disabled Facilities Grants–P/Sector	572
Wessex Reinvestment Trust Grants Scheme	75

Total PSH Grants	647
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TOTAL GF PROJECTS	6,288
	0

Other General Fund Development Projects

Other projected 3 Rivers Borrowing	13,757
3 Rivers scheme - Orchard House, Halberton	67
3 Rivers Scheme - Riverside Development (rear of Town Hall) Tiverton	1,442
Waddeton Park, Post Hill, Tiverton	4,615

TOTAL GF OTHER DEVELOPMENT PROJECTS	19,881
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GRAND TOTAL GF PROJECTS	26,169
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HRA Projects

Existing Housing Stock

Major repairs to Housing Stock	2,260
Renewable Energy Fund	150
Home Adaptations - Disabled Facilities	300

\* Housing Development Schemes

HRA regeneration scheme 1	2,000
Affordable Housing/ Purchase of ex RTB	500
* Proposed Council House Building / Other schemes subject to full appraisal	
Depot rationalisation	1,000

Total HRA Projects	6,210
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HRA ICT Projects

Mobile working Hardware	25
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Total HRA ICT Projects	25
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GRAND TOTAL HRA PROJECTS	6,235
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0

GRAND TOTAL GF + HRA Projects	32,404
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0

MDDC Funding Summary

General Fund

	2020/21
EXISTING FUNDS	£k
Capital Grants Unapplied Reserve	664
Capital Receipts Reserve	70
NHB Funding	1,157
Other Earmarked Reserves	42
HIF Funding	2,401
Subtotal	4,334
NEW FUNDS	
PWLB Borrowing	21,835
Subtotal	21,835
Total General Fund Funding	26,169

Housing Revenue Account

	2020/21
EXISTING FUNDS	£k
Capital Receipts Reserve	1,861
NHB Funding	21
HRA Housing Maintenance Fund	1,846
Other Housing Earmarked Reserves	2,482
Subtotal	6,210
NEW FUNDS	
Revenue Contributions	25
Subtotal	25
Total Housing Revenue Account Funding	6,235

TOTAL FUNDING	32,404
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**PDG SERVICE UNIT MOVEMENTS**
**APPENDIX 4**

GENERAL FUND SUMMARY		Budget Net Direct Cost	Current Budgeted Net Direct Cost	Movement	+/- %
		2019/20	2020/21		
	<b>Cabinet</b>				
SCM01	Leadership Team	485,280	487,810	2,530	0.5%
SCM02	Corporate Functions	83,810	85,530	1,720	2.1%
SCM03	Corporate Fees/Charges	217,990	226,720	8,730	4.0%
SCM06	Pension Backfunding	909,440	919,310	9,870	1.1%
SFP01	Accountancy Services	411,470	432,050	20,580	5.0%
SFP02	Internal Audit	92,100	92,100	0	0.0%
SFP03	Procurement	111,400	119,850	8,450	7.6%
SFP04	Purchase Ledger	46,990	46,650	(340)	-0.7%
SFP05	Sales Ledger	45,360	45,540	180	0.4%
SHR01	Human Resources	329,580	349,070	19,490	5.9%
SHR02	Mddc Staff Training	33,040	33,750	710	2.1%
SHR03	Payroll	56,300	48,550	(7,750)	-13.8%
SHR04	Learning And Development	46,170	52,580	6,410	13.9%
SIT01	It Gazetteer Management	70,580	72,040	1,460	2.1%
SIT03	It Information Technology	902,030	888,870	(13,160)	-1.5%
SLD01	Electoral Registration	197,020	202,250	5,230	2.7%
SLD02	Democratic Rep And Management	477,680	482,470	4,790	1.0%
SLD04	Legal Services	347,790	353,090	5,300	1.5%
		<b>4,864,030</b>	<b>4,938,230</b>	<b>74,200</b>	<b>1.5%</b>
	<b>Community PDG</b>				
SCD01	Community Development	87,500	77,650	(9,850)	-11.3%
SCS20	Customer Services Admin	110,360	77,680	(32,680)	-29.6%
SCS22	Customer First	660,150	702,265	42,115	6.4%
SES01	Emergency Planning	8,280	7,500	(780)	-9.4%
SES04	Public Health	4,090	3,990	(100)	-2.4%
SES11	Pool Cara	-	2,830	2,830	N/A
SES16	Es Staff Units/Recharges	760,700	782,280	21,580	2.8%
SES17	Community Safety	6,350	6,220	(130)	-2.0%
SES18	Food Safety	(21,140)	(21,070)	70	-0.3%
SES21	Licensing	(3,250)	12,920	16,170	-497.5%
SES22	Pest Control	5,000	5,000	0	0.0%
SES23	Pollution Reduction	(720)	(650)	70	-9.7%
SPR01	Building Regulations	3,400	(8,720)	(12,120)	-356.5%
SPR02	Enforcement	105,820	108,900	3,080	2.9%
SPR03	Development Control	330,710	346,300	15,590	4.7%
SPR04	Local Land Charges	(20,530)	(20,040)	490	-2.4%
SPR09	Forward Planning	252,520	237,940	(14,580)	-5.8%
SPR11	Regional Planning	116,000	99,390	(16,610)	-14.3%
SRB01	Collection Of Council Tax	294,730	314,070	19,340	6.6%
SRB02	Collection Of Business Rates	(102,250)	(103,370)	(1,120)	1.1%
SRB03	Housing Benefit Admin & Fraud	177,740	199,680	21,940	12.3%
SRB04	Housing Benefit Subsidy	(45,000)	5,000	50,000	-111.1%
SRB06	Debt Recovery	105,180	106,620	1,440	1.4%
SRS01	Recreation And Sport	690,418	501,420	(188,998)	-27.4%
		<b>3,526,058</b>	<b>3,443,805</b>	<b>(82,253)</b>	<b>-2.3%</b>
	<b>Economy PDG</b>				
SCD02	Economic Development - Markets	50,180	39,820	(10,360)	-20.6%
SCP01	Parking Services	(531,710)	(690,290)	(158,580)	29.8%
SES03	Community Safety - C.C.T.V.	2,310	6,010	3,700	160.2%
SPR06	Economic Development	444,000	433,500	(10,500)	-2.4%
SPS12	GF Properties Shops / Flats	(430,860)	(331,130)	99,730	-23.1%
		<b>(466,080)</b>	<b>(542,090)</b>	<b>(76,010)</b>	<b>16.3%</b>

GENERAL FUND SUMMARY		Budget Net Direct Cost	Current Budgeted Net Direct Cost	Movement	+/- %
		2019/20	2020/21		
	<b><u>Environment PDG</u></b>				
SES02	Cemeteries	(86,540)	(85,670)	870	-1.0%
SES05	Open Spaces	91,800	128,930	37,130	40.4%
SGM01	Grounds Maintenance	633,740	619,760	(13,980)	-2.2%
SPS01	Asset Management	30,000	40,000	10,000	33.3%
SPS03	Flood Defence And Land Drain	26,430	26,430	0	0.0%
SPS04	Street Naming & Numbering	7,560	7,730	170	2.2%
SPS07	Public Transport	(13,220)	(13,190)	30	-0.2%
SPS11	Public Conveniences	61,800	60,710	(1,090)	-1.8%
SWS01	Street Cleansing	483,130	502,010	18,880	3.9%
SWS02	Waste Collection	369,210	425,780	56,570	15.3%
SWS03	Recycling	824,550	863,020	38,470	4.7%
SWS04	Waste Management	306,590	382,280	75,690	24.7%
		<b>2,735,050</b>	<b>2,957,790</b>	<b>222,740</b>	<b>8.1%</b>
	<b><u>Homes PDG</u></b>				
SES15	Private Sector Housing Grants	(6,070)	(7,640)	(1,570)	25.9%
SHG03	Homelessness Accommodation	212,630	242,710	30,080	14.1%
SPS05	Administration Buildings	257,790	238,200	(19,590)	-7.6%
SPS06	Mddc Depots	38,040	38,190	150	0.4%
SPS08	Office Building Cleaning	65,980	61,980	(4,000)	-6.1%
SPS09	Property Services Staff Unit	600,710	632,580	31,870	5.3%
		<b>1,169,080</b>	<b>1,206,020</b>	<b>36,940</b>	<b>3.2%</b>
	<b>GRAND TOTAL</b>	<b>11,828,138</b>	<b>12,003,755</b>	<b>175,617</b>	<b>1.48%</b>

**Summary of PDG**

Service Unit	2018/19 Actual	2019/20 Budget	2020/21 Budget	Movement
SCM01 Leadership Team	504,097	485,280	487,810	2,530
SCM02 Corporate Functions	76,796	83,810	85,530	1,720
SCM03 Corporate Fees	239,282	217,990	226,720	8,730
SCM06 Pension Backfunding	1,340,967	909,440	919,310	9,870
SFP01 Accountancy Services	404,278	411,470	432,050	20,580
SFP02 Internal Audit	87,247	92,100	92,100	0
SFP03 Procurement	83,822	111,400	119,850	8,450
SFP04 Purchase Ledger	50,547	46,990	46,650	-340
SFP05 Sales Ledger	43,748	45,360	45,540	180
SHR01 Human Resources	318,453	329,580	349,070	19,490
SHR02 Mddc Staff Training	27,632	33,040	33,750	710
SHR03 Payroll	58,881	56,300	48,550	-7,750
SHR04 Learning And Development	49,685	46,170	52,580	6,410
SIT01 It Gazetteer Management	70,315	70,580	72,040	1,460
SIT03 It Information Technology	881,091	902,030	888,870	-13,160
SLD01 Electoral Registration	136,504	197,020	202,250	5,230
SLD02 Democratic Rep And Management	467,504	477,680	482,470	4,790
SLD04 Legal Services	280,518	347,790	353,090	5,300
	<b>5,121,367</b>	<b>4,864,030</b>	<b>4,938,230</b>	<b>74,200</b>

## **CABINET PDG 2020/21 Service Unit Budgets**

### **SCM01 Leadership Team**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	492,628	483,260	485,790	2,530
3000	Transport	2,453	3,010	3,010	0
4000	Cost Of Goods And Services	16,030	6,010	6,010	0
7000	Income	(7,015)	(7,000)	(7,000)	0
	<b>Sum:</b>	<b>504,097</b>	<b>485,280</b>	<b>487,810</b>	<b>2,530</b>

Cost Centre	Cost Centre Name	2020/21 Budget
CM100	Leadership Team	487,810
	<b>Sum:</b>	<b>487,810</b>

#### **Major cost increases**

No movement to report

#### **Major cost decreases and changes in income**

No movement to report

### **SCM02 Corporate Functions**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	83,883	83,210	84,830	1,620
3000	Transport	258	100	200	100
4000	Cost Of Goods And Services	757	500	500	0
7000	Income	(8,103)	0	0	0
	<b>Sum:</b>	<b>76,796</b>	<b>83,810</b>	<b>85,530</b>	<b>1,720</b>

Cost Centre	Cost Centre Name	2020/21 Budget
CM210	Performance, Governance & Data	85,530
CM220	Brexit	0
	<b>Sum:</b>	<b>85,530</b>

#### **Major cost increases**

No movement to report

**Major cost decreases and changes in income**

No movement to report

**SCM03 Corporate Fees**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	45,493	69,200	56,820	(12,380)
4000	Cost Of Goods And Services	173,386	148,790	169,900	21,110
7000	Income	20,403	0	0	0
	<b>Sum:</b>	<b>239,282</b>	<b>217,990</b>	<b>226,720</b>	<b>8,730</b>

Cost Centre	Cost Centre Name	2020/21 Budget
CM300	Corporate Fees	218,030
CM340	Unison	8,690
	<b>Sum:</b>	<b>226,720</b>

**Major cost increases**

Primarily relates to an increase in the external audit fees

**Major cost decreases and changes in income**

Apportionment of Apprenticeship Levy across the Council

**SCM06 Pension Backfunding**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	1,339,912	908,040	917,910	9,870
4000	Cost Of Goods And Services	1,055	1,400	1,400	0
	<b>Sum:</b>	<b>1,340,967</b>	<b>909,440</b>	<b>919,310</b>	<b>9,870</b>

Cost Centre	Cost Centre Name	2020/21 Budget
CM600	Pension Backfunding	919,310
	<b>Sum:</b>	<b>919,310</b>

**Major cost increases**

No movement to report

**Major cost decreases and changes in income**

No movement to report

**SFP01 Accountancy Services**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	363,671	363,590	364,240	650
3000	Transport	798	800	700	(100)
4000	Cost Of Goods And Services	40,313	47,080	67,710	20,630
7000	Income	(505)	0	(600)	(600)
	<b>Sum:</b>	<b>404,278</b>	<b>411,470</b>	<b>432,050</b>	<b>20,580</b>

Cost Centre	Cost Centre Name	2020/21 Budget
FP100	Accountancy Services	432,050
	<b>Sum:</b>	<b>432,050</b>

**Major cost increases**

Increase in software budget (£20k) for the upgrade of AIM (access income management system) is **fully funded** from the ICT replacement sinking fund.

**Major cost decreases and changes in income**

No movement to report

**SFP02 Internal Audit**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
4000	Cost Of Goods And Services	87,247	92,100	92,100	0
	<b>Sum:</b>	<b>87,247</b>	<b>92,100</b>	<b>92,100</b>	<b>0</b>

Cost Centre	Cost Centre Name	2020/21 Budget
FP200	Internal Audit	92,100
	<b>Sum:</b>	<b>92,100</b>

**Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.



**SFP03 Procurement**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	83,014	106,510	114,960	8,450
3000	Transport	639	400	400	0
4000	Cost Of Goods And Services	5,029	4,490	4,490	0
7000	Income	(4,859)	0	0	0
	<b>Sum:</b>	<b>83,822</b>	<b>111,400</b>	<b>119,850</b>	<b>8,450</b>

Cost Centre	Cost Centre Name	2020/21 Budget
FP300	Procurement	119,850
	<b>Sum:</b>	<b>119,850</b>

**Major cost increases**

Salaries - Increase in SCP and Apprentice rate

**Major cost decreases and changes in income**

No movement to report.

**SFP04 Purchase Ledger**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	47,535	43,750	43,940	190
3000	Transport	25	40	40	0
4000	Cost Of Goods And Services	2,988	3,200	2,670	(530)
	<b>Sum:</b>	<b>50,547</b>	<b>46,990</b>	<b>46,650</b>	<b>(340)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
FP400	Purchase Ledger	46,650
	<b>Sum:</b>	<b>46,650</b>

**Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.

**SFP05 Sales Ledger**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	42,240	43,750	43,940	190
3000	Transport	25	40	30	(10)
4000	Cost Of Goods And Services	1,484	1,570	1,570	0
	<b>Sum:</b>	<b>43,748</b>	<b>45,360</b>	<b>45,540</b>	<b>180</b>

Cost Centre	Cost Centre Name	2020/21 Budget
FP500	Sales Ledger	45,540
	<b>Sum:</b>	<b>45,540</b>

**Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.

**SHR01 Human Resources**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	260,363	294,990	316,610	21,620
3000	Transport	2,723	2,120	2,970	850
4000	Cost Of Goods And Services	55,367	32,470	29,490	(2,980)
	<b>Sum:</b>	<b>318,453</b>	<b>329,580</b>	<b>349,070</b>	<b>19,490</b>

Cost Centre	Cost Centre Name	2020/21 Budget
HR100	Human Resources	314,420
HR500	Health & Wellbeing	0
HR600	Health & Safety Officer	34,650
	<b>Sum:</b>	<b>349,070</b>

**Major cost increases**

Salaries - Inflation & approved restructure has increased salary base - partially off-set by salary savings within Payroll.

**Major cost decreases and changes in income**

No movement to report.

**SHR02 Mddc Staff Training**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	28,081	33,040	33,750	710
4000	Cost Of Goods And Services	76	0	0	0
7000	Income	(525)	0	0	0
	<b>Sum:</b>	<b>27,632</b>	<b>33,040</b>	<b>33,750</b>	<b>710</b>

Cost Centre	Cost Centre Name	2020/21 Budget
HR200	Staff Development Training	33,750
	<b>Sum:</b>	<b>33,750</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

No movement to report.

### **SHR03 Payroll**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	58,470	56,100	48,350	(7,750)
4000	Cost Of Goods And Services	411	200	200	0
	<b>Sum:</b>	<b>58,881</b>	<b>56,300</b>	<b>48,550</b>	<b>(7,750)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
HR300	Payroll	48,550
	<b>Sum:</b>	<b>48,550</b>

#### **Major cost increases**

Salaries - Approved restructure has resulted in a salary decrease.

#### **Major cost decreases and changes in income**

No movement to report.

### **SHR04 Learning And Development**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	38,496	34,600	41,010	6,410
3000	Transport	448	380	380	0
4000	Cost Of Goods And Services	10,741	11,190	11,190	0

	<b>Sum:</b>	<b>49,685</b>	<b>46,170</b>	<b>52,580</b>	<b>6,410</b>
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Cost Centre	Cost Centre Name	2020/21 Budget
HR400	Learning & Development	52,580
	<b>Sum:</b>	<b>52,580</b>

#### **Major cost increases**

Salaries - Approved restructure has resulted in salary increase.

#### **Major cost decreases and changes in income**

No movement to report.

### **SIT01 It Gazetteer Management**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	67,546	66,490	67,830	1,340
3000	Transport	31	50	50	0
4000	Cost Of Goods And Services	4,241	4,040	4,160	120
7000	Income	(1,503)	0	0	0
	<b>Sum:</b>	<b>70,315</b>	<b>70,580</b>	<b>72,040</b>	<b>1,460</b>

Cost Centre	Cost Centre Name	2020/21 Budget
IT100	Gazetteer Management	72,040
	<b>Sum:</b>	<b>72,040</b>

#### **Major cost increases**

No major movement to report.

#### **Major cost decreases and changes in income**

No major movement to report.

### **SIT03 It Information Technology**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	501,837	483,710	496,800	13,090
3000	Transport	639	970	970	0
4000	Cost Of Goods And Services	378,619	417,350	391,700	(25,650)
7000	Income	(4)	0	(600)	(600)
	<b>Sum:</b>	<b>881,091</b>	<b>902,030</b>	<b>888,870</b>	<b>(13,160)</b>

Cost Centre	Cost Centre Name	2020/21 Budget
IT300	Central Telephones	31,000
IT400	I.T. Network & Hardware	74,000
IT500	I.T. Software Support & Maint.	235,430
IT600	I.T. Staff Unit	309,440
IT700	Cyber Security	32,300
IT800	Phoenix House Printing	16,300
IT900	Digital Services	190,400
	<b>Sum:</b>	<b>888,870</b>

#### **Major cost increases**

Employees - salary inflation and movement in SCP.

Software - Idox support fees, increase budget for enterprise element £11k.

Support and maintenance for new contact centre £8k.

#### **Major cost decreases and changes in income**

Software - Client access licence which was a perpetual licence purchased in 19-20, so budget can be removed in 20-21 (£45k).

#### **SLD01A Election Costs**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	4,861	0	0	0
2000	Premises	0	0	0	0
4000	Cost Of Goods And Services	12,015	0	0	0
7000	Income	(9,592)	0	0	0
	<b>Sum:</b>	<b>7,284</b>	<b>0</b>	<b>0</b>	<b>0</b>

Cost Centre	Cost Centre Name	2020/21 Budget
LD200	Election Costs - Parishes	0
LD201	Election Costs - District	0
LD202	Election Costs - General	0
LD203	Election Costs - European	0
LD204	Election Costs - County	0
LD206	Police Com Election	0
	<b>Sum:</b>	<b>0</b>

#### **Major cost increases**

No movement to report.

#### **Major cost decreases and changes in income**

No movement to report.

### **SLD01 Electoral Registration**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	108,053	108,370	110,990	2,620
3000	Transport	231	300	300	0
4000	Cost Of Goods And Services	67,088	105,350	115,960	10,610
7000	Income	(38,868)	(17,000)	(25,000)	(8,000)
	<b>Sum:</b>	<b>136,504</b>	<b>197,020</b>	<b>202,250</b>	<b>5,230</b>

Cost Centre	Cost Centre Name	2020/21 Budget
LD100	Electoral Registration	202,250
	<b>Sum:</b>	<b>202,250</b>

#### **Major cost increases**

Electoral boundary works - £30k budget in 2019/20 increasing to £45k in 2020/21.

#### **Major cost decreases and changes in income**

Electoral registration funding increase of £8k.

### **SLD02 Democratic Rep And Managemen**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	122,971	122,510	123,840	1,330
2000	Premises	150	200	0	(200)
3000	Transport	14,021	17,100	17,100	0
4000	Cost Of Goods And Services	331,902	337,870	342,030	4,160
7000	Income	(1,540)	0	(500)	(500)
	<b>Sum:</b>	<b>467,504</b>	<b>477,680</b>	<b>482,470</b>	<b>4,790</b>

Cost Centre	Cost Centre Name	2020/21 Budget
LD300	Democratic Rep & Management	360,210
LD400	Committee Services	122,260
	<b>Sum:</b>	<b>482,470</b>

#### **Major cost increases**

No major movement to report.

**Major cost decreases and changes in income**

No major movement to report.

**SLD04 Legal Services**

Group	Description	2018/19 Actuals	2019/20 Budget	2020/21 Budget	Movement
1000	Employees	297,318	264,100	324,220	60,120
3000	Transport	144	300	300	0
4000	Cost Of Goods And Services	15,155	110,590	47,770	(62,820)
7000	Income	(32,098)	(27,200)	(19,200)	8,000
	<b>Sum:</b>	<b>280,518</b>	<b>347,790</b>	<b>353,090</b>	<b>5,300</b>

Cost Centre	Cost Centre Name	2020/21 Budget
LD600	Legal Services	353,090
	<b>Sum:</b>	<b>353,090</b>

**Major cost increases**

No movement to report.

**Major cost decreases and changes in income**

No movement to report.

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## COMMUNITY PDG 10 DECEMBER 2019:

### PERFORMANCE AND RISK REPORT

**Cabinet Member** Cllr Dennis Knowles  
**Responsible Officer** Director of Corporate Affairs & Business Transformation,  
Jill May

**Reason for Report:** To provide Members with an update on performance against the corporate plan and local service targets for 2019-20 as well as providing an update on the key business risks.

**RECOMMENDATION:** That the PDG reviews the Performance Indicators and Risks that are outlined in this report and feeds back areas of concern to the Cabinet.

**Relationship to Corporate Plan:** Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

**Financial Implications:** None identified

**Legal Implications:** None

**Risk Assessment:** If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

**Equality Impact Assessment:** No equality issues identified for this report.

**Impact on Climate Change:** No impacts identified for this report.

#### 1.0 Introduction

- 1.1 Appendix 1 provides Members with details of performance against the Corporate Plan and local service targets for the 2019-20 financial year. The PDG is invited to suggest measures they would like to see included in the future for consideration.
- 1.2 Appendix 2 shows the section of the Corporate Risk Register which relates to the Community Portfolio. See 3.0 below.
- 1.3 Appendix 3 shows the profile of all risks for the Community Portfolio.
- 1.4 The Community PDG agreed that the performance indicators for Leisure would be provided in Part II to allow Members to review performance without risk to the Leisure business. This information is included as Appendix 4
- 1.5 All appendices are produced from the corporate Service Performance And Risk Management system (SPAR).

## **2.0 Performance**

- 2.1 **Regarding the Corporate Plan Aim: Promote physical activity, health and wellbeing:** The pools and wetside facilities at Lords Meadow Leisure Centre in Crediton will be closed from 1:00pm on 29 November 2019 to 2 January 2020. This work is being scheduled as part of planned upgrades to replace the swimming pool infrastructure.
- 2.2 **Other:** The Council submitted a bid to Historic England for a share of the High Streets Heritage Action Zone, under the Government's High Streets Programme. MDDC has successfully passed the first stage and will now need to submit a full programme design by January 2020 in discussion with Historic England.
- 2.3 Planning and Public Health account for most of the Community budget overspend with Revenues and Benefits and Leisure broadly on target.

## **3.0 Risk**

- 3.1 Risk reports to committees include strategic risks with a current score of 10 or more in accordance. (See Appendix 2)
- 3.2 Operational risk assessments are job specific and flow through to safe systems of work. These risks go to the Health and Safety Committee biannually with escalation to committees where serious concerns are raised.
- 3.3 The Corporate risk register is regularly reviewed by Group Managers' Team (GMT) and Leadership Team (LT) and updated as required.

## **4.0 Conclusion and Recommendation**

- 4.1 That the PDG reviews the performance indicators and risks for 2019-20 that are outlined in this report and feedback any areas of concern to the Cabinet.

**Contact for more Information:** Catherine Yandle, Group Manager Performance, Governance and Data Security ext 4975

**Circulation of the Report:** Leadership Team and Cabinet Member

## Corporate Plan PI Report Community

Monthly report for 2019-2020

Arranged by Aims

Filtered by Aim: Priorities Community

Filtered by Flag: Exclude: Corporate Plan Aims 2016 to 2020

For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below  
target

Below target

On target

Above target

Well above  
target

\*

indicates that an entity is linked to the Aim by its parent Service

### Corporate Plan PI Report Community

#### Priorities: Community

#### Aims: Other

#### Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Compliance with food safety law</u>	86% (7/12)		90%	93%	93%	92%	93%	93%	92%	92%						Simon Newcombe	

Printed by: Catherine Yandle

SPAR.net

Print Date: 19 November 2019 17:05

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## Community PDG Risk Management Report - Appendix 2

**Report for 2019-2020**  
**For Community - Cllr Dennis Knowles Portfolio**  
**Filtered by Flag: Include: \* Corporate Risk Register**  
**For MDDC - Services**  
**Not Including Risk Child Projects records, Including Mitigating Action records**

### Key to Performance Status:

Mitigating  
Action:

<b>Milestone Missed</b>	<b>Behind schedule</b>	<b>On / ahead of schedule</b>	<b>Completed and evaluated</b>	<b>No Data available</b>
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Risks: **No Data (0+)** **High (15+)** **Medium (6+)** **Low (1+)**

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**Risk: Cyber Security** Inadequate Cyber Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the Council fails to have an effective ICT security strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

**Service: I C T**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Email and Protective DNS	ICT have applied the all levels of the government secure email policy, which ensures secure email exchange with government agencies operating at OFFICIAL. PSN DNS has been configured at the Internet gateway, which ensures the validity of websites and	Alan Keates	06/06/2019	15/10/2019	Fully effective(1)

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Mitigating Action records						
Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
		blocks known sites.				
Completed and evaluated	Information Security Policy in place, with update training	Information Security Policy reviewed. LMS (online policy system) included in induction.	Catherine Yandle	22/10/2015	15/10/2019	Fully effective(1)
On / ahead of schedule	Regular user awareness training	Staff and Member updates help to reduce the risk	Alan Keates	03/01/2019	15/10/2019	Satisfactory (2)
Completed and evaluated	Technical controls in place	Required to maintain Public Sector Network certification	Alan Keates	03/01/2019	15/10/2019	Fully effective(1)
Current Status: High (20)		Current Risk Severity: 4 - High		Current Risk Likelihood: 5 - Very High		
Service Manager: Alan Keates						
Review Note: See mitigating actions.						

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**Risk: Health and Safety** Inadequate Health and Safety Policies or Risk Assessments and decision-making could lead to Mid Devon failing to mitigate serious health and safety issues

**Service: Human Resources**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Risk Assessments	Review risk assessments and procedures to ensure that we have robust arrangements in place.  In progress ready for September reports.	Michael Lowe	28/05/2013	20/11/2019	No Score(0)
No Data available	Risk assessments	Group Managers contacted with request to update the outstanding risk reviews	Michael Lowe	20/09/2019	20/11/2019	No Score(0)
<b>Current Status: Medium (10)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 2 - Low</b>		

**Service Manager: Michael Lowe**

**Review Note:** Group Managers due to respond to review by end of November to date 60% have respond, Building Maintenance and Property Services almost completed joint work to reduce duplication

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# Risk Matrix Community Appendix 3

## Report For Community - Cllr Dennis Knowles Portfolio Current settings

<b>Risk Likelihood</b>	<b>5 - Very High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>No Risks</b>
	<b>4 - High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>
	<b>3 - Medium</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>3 Risks</b>	<b>No Risks</b>	<b>No Risks</b>
	<b>2 - Low</b>	<b>No Risks</b>	<b>4 Risks</b>	<b>13 Risks</b>	<b>4 Risks</b>	<b>7 Risks</b>
	<b>1 - Very Low</b>	<b>1 Risk</b>	<b>No Risks</b>	<b>No Risks</b>	<b>4 Risks</b>	<b>1 Risk</b>
		<b>1 - Very Low</b>	<b>2 - Low</b>	<b>3 - Medium</b>	<b>4 - High</b>	<b>5 - Very High</b>
		<b>Risk Severity</b>				

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