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THE CABINET

Wednesday, 11th December, 2013 at 8.15 pm in the Conference Room, Civic Centre, Silver Street, Enfield, EN1 3XA

Membership:

Councillors : Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Chris Bond (Cabinet Member for Environment), Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism), Del Goddard (Cabinet Member for Business and Regeneration), Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ayfer Orhan (Cabinet Member for Children & Young People), Ahmet Oykener (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

NOTE: CONDUCT AT MEETINGS OF THE CABINET

Members of the public and representatives of the press are entitled to attend meetings of the Cabinet and to remain and hear discussions on matters within Part 1 of the agenda which is the public part of the meeting. They are not however, entitled to participate in any discussions.

AGENDA – PART 1

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATION OF INTERESTS**

Members of the Cabinet are invited to identify any disclosable pecuniary, other pecuniary or non pecuniary interests relevant to items on the agenda.

DECISION ITEMS

3. URGENT ITEMS

The Chairman will consider the admission of any reports (listed on the agenda but circulated late) which have not been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information and Meetings) (England) Regulations 2012.

Note: The above requirements state that agendas and reports should be circulated at least 5 clear working days in advance of meetings.

4. DEPUTATIONS AND PETITIONS

To note that no requests for deputations (with or without petitions) have been received for presentation to this Cabinet meeting.

5. ITEMS TO BE REFERRED TO THE COUNCIL

To confirm that the following item be referred to full Council:

1. Report No.142 – Council Tax Support Scheme for 2014/15

6. ENFIELD'S HOMELESSNESS STRATEGY 2013-2018 (Pages 1 - 46)

A report from the Director of Health, Housing and Adult Social Care is attached. This seeks approval of the Council's Homelessness Strategy 2013-2018 and Action Plan. **(Key decision – reference number 3822)**

(Report No.140)
(8.20 – 8.25 pm)

7. QUARTERLY CORPORATE PERFORMANCE REPORT (Pages 47 - 62)

A report from the Chief Executive is attached. This sets out the progress made towards delivering the identified key priority indicators for Enfield. **(Key decision – reference number 3733)**

(Report No.141)
(8.25 – 8.30 pm)

8. COUNCIL TAX SUPPORT SCHEME FOR 2014/15 (Pages 63 - 254)

A report from the Director of Finance, Resources and Customer Services is attached. This recommends, for approval by Council, a Council Tax Support Scheme for 2014/15. **(Key decision – reference number 3832)**

(Report No.142)
(8.30 – 8.35 pm)

9. AMENDMENTS TO THE NORTH LONDON WASTE AUTHORITY (NLWA) LEVY (Pages 255 - 266)

A report from the Director – Environment and Director of Finance, Resources and Customer Services is attached. This seeks approval for two changes to the North London Waste Authority (NLWA) Levy. **(Key decision – reference number 3807)**

(Report No.143)
(8.35 – 8.40 pm)

10. OUTCOMES FROM THE ANNUAL ENFIELD STRATEGIC PARTNERSHIP (ESP) CONFERENCE AND THE FUTURE STRATEGIC DIRECTION OF THE ESP (Pages 267 - 288)

A report from the Chief Executive is attached. This is a discussion paper for Cabinet Members.

(Report No.144)
(8.40 – 8.50 pm)

11. ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY PANEL/SCRUTINY PANELS

There are no issues for consideration at this meeting.

12. CABINET AGENDA PLANNING - FUTURE ITEMS (Pages 289 - 292)

Attached for information is a provisional list of items scheduled for future Cabinet meetings.

13. NOTICE OF KEY DECISION LIST

Members are asked to consider any forthcoming key decisions for inclusion on the Council's Notice of Key Decision List.

Note: the next Notice of Key Decision List is due to be published on 20 December 2013, this will be effective from 1 February 2013.

14. MINUTES (Pages 293 - 304)

To confirm the minutes of a previous meeting of the Cabinet held on 13 November 2013.

15. MINUTES OF ENFIELD RESIDENTS' PRIORITY FUND CABINET SUB-COMMITTEE - 7 NOVEMBER 2013 (Pages 305 - 316)

To receive for information, the minutes of a meeting of the Enfield Residents Priority Fund Cabinet Sub-Committee held on 7 November 2013.

INFORMATION ITEMS

16. DATE OF NEXT MEETING

To note that the next meeting of the Cabinet is scheduled to take place on Wednesday 22 January 2013 at 8.15pm.

CONFIDENTIAL ITEMS

17. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda).

MUNICIPAL YEAR 2013/2014 REPORT NO. 140

MEETING TITLE AND DATE:

Cabinet
11 December 2013

REPORT OF:

Director of Health, Housing and
Adult Social Care

Contact officer and telephone Number:

Susan Sharry
Tel 020 8379 3995
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Agenda – Part: 1	Item: 6
Subject: Enfield’s Homelessness Strategy 2013-2018	
Wards: All	
Key Decision No: KD 3822	
Cabinet Member consulted: Cllr Oykenner	

1. EXECUTIVE SUMMARY

1.1 It is a legal requirement under the Homelessness Act 2002 for local authorities to carry out a Homelessness Review and formulate a Homelessness Strategy based on the results of the review every five years.

1.2 Enfield’s new 5 year Homelessness Strategy underpins a key priority and area of work for Enfield on tackling and preventing homelessness in the borough which requires considerable and continuing resources.

1.3. Enfield’s Homelessness Strategy sets out the intentions of the Council and its partners to prevent and address homelessness in the borough.

1.4 Information is provided in this report on:

- Why a new Homelessness Strategy is needed
- How a new one has been developed
- The key issues arising from Enfield’s Homelessness Review
- The key issues and challenges for Enfield in addressing homelessness
- The Vision, Ambitions and Action Plan for Enfield’s new Homelessness Strategy

2. RECOMMENDATIONS

- The report requests Cabinet approval for the Council’s Homelessness Strategy 2013-2018 and Action Plan

3. BACKGROUND

3.1 Reasons for Having a Homelessness Strategy

The Homelessness Act 2002 requires housing authorities to carry out a Homelessness Review and formulate a strategy based on the results of the review that includes plans for:

- Preventing homelessness
- Ensuring sufficient accommodation is available for people who are, or who may become homeless
- Ensuring there are satisfactory support services for people who are, or may become homeless, or who need support to prevent them from becoming homeless again

Enfield's new 5 year Homelessness Strategy plays an essential part in delivering aspects of Enfield's 15 year Housing Strategy agreed by Cabinet in 2012. It also underpins a key priority and area of work for Enfield on tackling and preventing homelessness in the borough which requires considerable and continuing resources. Enfield's Homelessness strategy sets out the Council and it's partner's plans to prevent and address homelessness in the borough

3.2 How Enfield developed its Homelessness Strategy

Enfield's Homelessness Strategy has been developed using findings from a comprehensive Review of homelessness undertaken between January-June 2013. This involved:

- Setting up a Homelessness Strategy Steering Group made up of statutory, private sector and voluntary organisations to oversee the Review and development of the strategy.
- Setting up a Homelessness Operational Steering Group to involve front-line staff in shaping and developing the Homelessness Strategy.
- Consultation and involvement with a wide range of stakeholders, including private and voluntary sector partners, Council Members, local residents, service users and staff
- A review and evaluation of outcomes from the previous homelessness strategy and action plan 2008-2013
- A review of statistical data and trends about homelessness.
- Analysis of recent Census data to understand the demographics and potential growth in population in Enfield for the future.

- Comparing Enfield's performance against best practise and other Local Authorities performance.
- Writing the Strategy and producing a detailed 5 year action plan.

3.3 Key issues identified from Enfield's Homelessness Review

3.3.1 Partnership Working

Effectively preventing and reducing homelessness in Enfield relies upon the council working with a wide range of partners. Our partner's commitment to our ambitions and a willingness to play their part are essential to the success of addressing homelessness in the borough. Pooling knowledge, resources and expertise has never been more important in the current economic climate with resources being stretched.

3.3.2 Changes in Government Policy

Enfield's Homelessness Strategy has been developed at a time of significant change to national policy relating to welfare and social housing reform. Two key changes in government policy are now driving the context in which homeless services are provided:

Welfare reform Act 2012 - key changes are:

- Caps on welfare benefit so that working age households can no longer receive more than a total in benefits per week of £500 for a family and £350 for a single person or couple without children
- Council Tax Local Support Scheme, requiring all working age claimants to pay something towards council tax
- Bedroom Tax, any working age claimant in social rented housing will no longer receive housing benefit for a spare room.

The Localism Act 2011 - Key changes are:

- Discharge of the main homelessness duty with an offer of a suitable home in the private rented sector.
- Greater flexibility for Council's to decide who can apply to their housing register to obtain social rented housing.
- Reduced funding for Registered Providers to build affordable new homes.
- Flexibility for Housing Providers to use shorter fixed term tenancies and the Affordable Rent Model.¹

¹ Ability to charge rent up to 80% of the local market rents

3.3.3 The Economic downturn

The impact of the economic downturn on Enfield has been:

- Increased deprivation in the area, Enfield has risen six places in the last 5 years to 64th² most deprived local authority in England
- Increased levels of un-employment, figures for 2012 showed Enfield has the fifth lowest employment rate in London and above average increases in all the main working age benefits since 2008
- Reduced income levels both earned and from welfare benefits
- Increased inability to access affordable housing options

3.3.4 Changes in the local housing market

An understanding of the housing markets in Enfield and the changes happening within them is important for addressing homelessness. Enfield's homelessness review found the following facts about Enfield's local housing market:

- Social rented homes in Enfield are in very short supply. The Council let 693 Council and housing association homes in 2012/13³. Enfield's Lettings Forecast predicted 568 will become available for letting in 2013/14
- Under the Government's Affordable Homes Programme 2011-15, there are no new 'handovers' of housing association homes to be let on social rent terms planned in Enfield beyond 2013/14⁴.
- Owner occupation in Enfield has seen a significant decline. The high cost of home ownership has made it increasingly difficult for local people to buy somewhere to live with prices rising faster than earnings. Many of those who would have bought now rent
- There has been dramatic growth in Enfield's private rented sector over the last decade. Rents are escalating and demand is outgrowing supply. Reasons for increasing demand and supply include:
 - Low levels of social rented homes becoming available for letting so households who expected a home in the social rented sector are looking to the private rented sector instead.
 - Competing claims across the sector, e.g. other Authorities with larger budgets outbidding for the supply
 - Landlords withdrawing from letting homes to benefit dependent households due to Government changes to reduce the LHA and reform to welfare benefits

² Index of multiple deprivation figures

³ Breakdown of lettings: Council General Needs: 392; Council sheltered: 93; Housing association: 208

⁴ Enabling Programme Outcomes 2008/13 – Enabling Team 21/6/13

3.3.5 Changing reasons for homelessness acceptances

Under the Homelessness Law, the main reason for homeless acceptances has changed in Enfield during the last five years, from family or friend ejection, to the loss of private rented accommodation.

A summary of Enfield's Homelessness Review is available in the Member's library and on the Council's website.

3.4 Challenges for Enfield in Addressing Homelessness

3.4.1 Sustaining the involvement of Partners

It is essential that partners ensure homelessness and their role in helping to manage it in Enfield becomes and remains a priority for them. The challenge for the Council will be to obtain and sustain the involvement of partners in preventing and tackling homelessness in Enfield, whilst recognising the pressures they face and the differences in our respective roles and responsibilities.

3.4.1 An increased demand for housing options and advice services

After declining for many years, the number of homeless acceptances and homeless decisions in Enfield has risen; this has led to a significant increase in demand for Enfield's housing options and advice services for homeless households or those threatened with homelessness covering:

- Sustaining tenancies in the private rented sector
- Assisting households with care and support needs
- Preventing increased street homelessness

3.4.2 The lack of affordable, good quality private rented homes in Enfield to meet the increased demand from those in housing need.

It has become far more difficult for Enfield to source good quality, affordable local homes for:

- Preventing homelessness
- Discharging Enfield's legal duty to provide housing for homeless households
- Maintaining Enfield's emergency housing portfolio for homeless households

3.4.4 The impact of a shortage of Council and Housing Association Homes for letting

The serious shortage of council and housing association homes to meet housing need has resulted in the Council having to prioritise who is allocated the homes available. The current housing priorities for the Council are:

- rehousing tenants living in homes that are included in the Council's Estate Renewal programme and
- Housing homeless households living in expensive emergency accommodation prior to 9/11/12 who are owed a housing duty by the Council.

The remaining homes are prioritised for those with high care and support needs, which means:

- Those without high care and support needs will find themselves renting from a private landlord and will need to consider alternative affordable housing options.
- It will take longer to house homeless households placed in Enfield's emergency housing before 9/11/12 who are owed a full housing duty by the Council

3.4.5 Engaging effectively with residents about the changes and how Enfield can assist.

Enfield's Homelessness Strategy has been developed at a time of unprecedented welfare and housing policy change, the changes and their impact need to be communicated effectively to local people and the organisations that work with and support them. We need to continue to assess the impact of the changes on service users and plan services accordingly

3.4.6 Continuing to provide an effective and value for money housing options and advice service.

Making best use of Council money and partnership working is key to successfully achieving value for money housing options and advice service in Enfield. In a climate of increased demand for services, increased costs of homelessness and cuts to public spending it is ever more challenging to continue to provide effective and value for money services, making it essential to share knowledge, expertise and pool resources with partners to meet that challenge

3.5 Enfield's Vision for preventing and tackling homelessness

Extensive external consultation took place on the following vision for preventing and tackling homelessness which is set out below:

Eliminate homelessness in the borough and enable people to make their own informed choices for housing that they can afford

3.6 Enfield's Ambitions for its Homelessness Strategy

Enfield's Homelessness Review identified that the five key ambitions from Enfield's Homelessness Strategy 2008 – 2013 are still relevant. The wording of these ambitions were refined and consulted on at the same time as the vision above.

- Ambition 1** Preventing homelessness in Enfield and enabling households to find homes they can afford
- Ambition 2:** Securing adequate accommodation to meet the needs of homeless households and those at risk of homelessness.
- Ambition 3:** Enabling those with assessed support needs to live independently in their own homes and safeguard those who cannot
- Ambition 4:** Providing an excellent standard of customer service
- Ambition 5:** Ensure best use of public money and other resources

3.7 Consultation

Two rounds of consultation were undertaken to inform the development of Enfield's Homelessness Strategy. A summary of survey questions and responses is available in the member's library and on the Council's Website.

3.8 Action Plan

Enfield's Homelessness Strategy contains a comprehensive Action Plan, setting out Enfield's key priorities for achieving the ambitions identified from the review. It is envisaged that as Enfield's Action Plan is implemented and work with our partners continues, it will be subject to change and update.

4. ALTERNATIVE OPTIONS CONSIDERED

No alternative options were considered as it is a statutory requirement for every local authority to publish a Homelessness Strategy every 5 years

5. REASONS FOR RECOMMENDATIONS

It is imperative that at this time of unparalleled national policy change and Government financial austerity measures, the strategic direction is clearly set out by Enfield Council and its Partners for preventing and tackling homelessness in the borough, and that it is endorsed by Cabinet to demonstrate Enfield's corporate commitment to addressing homelessness in Enfield.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

Enfield's homelessness strategy includes a comprehensive action plan, setting out Enfield's key priorities for achieving the ambitions identified above. Finance was presented with an action plan which shows that all actions will be funded within existing Community Housing resources plus an additional £3.329m available to the service in 2014/15 through the Council's MTFP.

Where additional resources are required, the service will approach other groups, RSL partners, and the HRA for further funding to enable the action plan to be achieved.

6.2 Legal Implications

By the Homelessness Act 2002 section 1, housing authorities were required to carry out a homelessness review and devise and publish a strategy based on the review. By sections 1(3) and (4), the first such strategy had to be drawn up within a year of the section coming into force and thereafter at least every five years.

A homelessness strategy is defined at section 3(1) as one formulated in order to:

- a) Prevent homelessness in an authority's area;
- b) Secure that accommodation is and will be available in that area for people who are or may become homeless; and
- c) Provide support for such people or those who have been homeless and need support to prevent it recurring.

There is no legal requirement that specific objectives or plans should be included in the strategy as such matters are left to the discretion of the Authority. However authorities must when formulating or modifying a homelessness strategy have regard to its current allocation scheme, its current tenancy strategy, the current London housing strategy and equalities issues.

6.3 Property Implications

None

7. KEY RISKS

Any risks identified when implementing the Strategy and Action Plan will be managed through existing departmental risk management arrangements.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

Enfield's Homelessness Strategy is based on intelligence obtained from the Homelessness Review, including demographic and homeless trends in Enfield. The Homelessness Strategy and its associated action plan were developed from this intelligence and aim to ensure the fair provision of homelessness services targeted to the individual needs of homeless households and those threatened with homelessness.

8.2 Growth and Sustainability

Enfield's Homelessness Strategy supports national and local priorities for addressing worklessness, and encourages partnership working to assist homeless households in the borough with training and employment opportunities

The Strategy also provides business opportunities and support for local private sector housing providers.

Enfield's Homeless Strategy also seeks to improve on existing partnership arrangements with the voluntary and community sector, to ensure that there is an adequate range of homelessness prevention, advice and support services available for the whole community

8.3 Strong Communities

Enfield's Homelessness Strategy is committed to providing services that have regard to a household's contribution to the community through employment or voluntary work particularly when making decisions around suitability of accommodation or the location of any accommodation provided

9. EQUALITIES IMPACT IMPLICATIONS

A full predictive equality impact assessment has been carried out on the proposed Homelessness Strategy, and is available for inspection. Consultation has been undertaken with a wide range of stakeholders including partners in the private and voluntary sector, Members, residents, service users, homeless households in temporary accommodation and staff. As a result, the Action Plan within the Strategy sets out a range of measures for tackling homelessness in Enfield through providing positive interventions and promoting the inclusion of all disadvantaged groups. No adverse impact is envisaged.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

A performance management framework is in place to monitor outcomes from the work of Enfield's Homelessness Services.

Enfield's Homelessness Strategy Action Plan will be kept under review with outcomes reported to Enfield's Housing Strategic Partnership annually.

11. HEALTH AND SAFETY IMPLICATIONS

None

12. HR IMPLICATIONS

None

13. PUBLIC HEALTH IMPLICATIONS

Enfield's homelessness strategy supports the national and corporate commitment to reducing inequality in health outcomes for homeless households. Housing is one of the greatest determinants of life-expectancy and potentially health inequality. Life expectancy for the homeless is less than 50 yrs of age⁵, which is more than a third lower than the borough average. This strategy aims to prevent and reduce homelessness and to support those who either become or are in danger of becoming homeless. The success of the strategy will be monitored but it is expected that it will contribute to maintaining or improving public health

Background Papers

None

⁵ Information provided by Glenn Stewart, Public Health



Enfield's Homelessness Strategy 2013 – 2018

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EXECUTIVE SUMMARY

Introduction

Welcome to Enfield's Homelessness Strategy 2013 – 2018, which sets out the Council's plans, in collaboration with our partners, for effectively tackling homelessness in the borough, over the next 5 years.

This summary covers:

- Why Enfield has a Homelessness Strategy
- How Enfield's Homelessness Strategy was developed
- Key issues identified in Enfield's Review of homelessness
- Key challenges in addressing homelessness
- Enfield's Homelessness Strategy: Vision and Ambitions
- The structure and content of Enfield's Homelessness Strategy

Why Enfield has a Homelessness Strategy

It is a legal duty to have a Homelessness Strategy housing authorities are required to carry out a Homelessness Review and formulate a strategy based on the results of the review that includes plans for:

- Preventing homelessness
- Ensuring sufficient accommodation is available for people who are, or who may become homeless
- Ensuring there are satisfactory support services for people who are, or may become homeless, or who need support to prevent them from becoming homeless again

Enfield's new 5 year Homelessness Strategy plays an essential part in delivering aspects of Enfield's 15 year Housing Strategy agreed by Cabinet in 2012. It also underpins a key priority and area of work for Enfield on tackling and preventing homelessness in the borough which requires considerable and continuing resources.

How Enfield developed its Homelessness Strategy

Enfield's Homelessness Strategy 2013-2018 has been developed using findings from a comprehensive Review of homelessness undertaken between January-June 2013.

This involved:

- Setting up a multi-agency Homelessness Strategy Steering Group and a Homelessness Operational Steering Group of front-line staff to oversee the Review and development of the strategy.
- Consultation and involvement with a wide range of stakeholders –

- A review and evaluation of outcomes from Enfield's previous Homelessness Strategy and Action Plan 2008-2013
- A review of statistical data and trends about homelessness in Enfield
- Analysis of Census data
- Comparing Enfield's performance against best practise and other Local Authorities performance.
- Writing the Strategy and producing a detailed 5 year Action Plan.

A summary of Enfield's Review of Homelessness and outcomes from the consultation can be found on the Council's website.

Key Issues identified within Enfield's Homelessness Review

Enfield's Homelessness Review undertaken between January – June 2013 identified a number of issues that have an impact on homelessness or the way homelessness is addressed they include:

- **Partnership Working**

Effectively preventing and reducing homelessness in Enfield relies upon the council working with a wide range of partners, pooling knowledge, resources and expertise has never been more important in the current economic climate with resources being stretched.

- **Changes in Government Policy**

Two key changes in government policy are now driving the context in which homeless services are provided:

Welfare reform: key changes are:

- Caps on welfare benefits so that working age households can no longer receive more than a total in benefits per week of £500 for a family and £350 for a single person or couple without children
- Council Tax Local Support Scheme requiring all working age claimants to pay something towards Council Tax
- The spare room subsidy or "Bedroom Tax" which means any working age claimant in social rented housing no longer receive housing benefit for a spare room.

The Localism Act 2011: key changes are:

- Discharge of the main homelessness duty with an offer of a suitable home in the private rented sector.
- Greater flexibility for the Council to decide who can apply for their housing register to obtain social rented housing.
- Reduced funding for Registered Providers to build affordable new homes.

- Flexibility for Housing Providers to use shorter fixed term tenancies and the Affordable Rent Model.¹

- **The Economic downturn**

Has led to increased deprivation in the area, increased levels of un-employment, reduced income levels and an increased inability to access affordable housing options

- **Changes in the Local Housing Market**

An understanding of the housing markets in Enfield and the changes happening within them is important for addressing homelessness. The review identified:

- Social rented homes in Enfield are in very short supply.
- Under the Government's Affordable Homes Programme 2011-15, the supply of new homes people can afford has diminished
- The high cost of home ownership has made it increasingly difficult for people to buy somewhere to live with prices rising faster than earnings
- Over the last decade there has been dramatic growth in Enfield's private rented sector, rents are increasing and demand is outgrowing supply.

Private Rented Sector demand and rents are increasing because other London local authorities are using larger budgets to outbid each other for the supply. There is a reduction in private rented lettings for benefit dependent households arising from government changes to welfare benefits and high cost of home ownership producing a new market of professional people who now rent because they cannot afford to buy.

- **Changing Reasons for Homelessness Acceptances² by Enfield Council**

The main reason for homelessness has changed in Enfield over the past five years. Loss of private rented accommodation has become the main reason replacing family/ friend ejection.

Key Challenges for Enfield in Addressing Homelessness

- Dealing with the increased demand for Enfield's homelessness services
- A lack of affordable, quality private rented homes in Enfield for responding to the increased demand for affordable housing inside and outside of the borough
- Improving standards of management within Enfield's private rented sector.

¹ Ability to charge rent up to 80% of the local market rents

² Acceptances – households who Enfield owes a full housing duty to under the homelessness legislation

- Managing the impact of a shortage of Social rented homes, re-prioritising who is allocated the social rented homes available:
 - Tenants living on Council's Estates in the Renewal programme
 - homeless households living in expensive emergency accommodation prior to 9/11/12, owed a full housing duty by the council
 - those with high care and support needs,
- Maintaining a balanced portfolio of emergency accommodation to meet the needs of Enfield's homeless households
- Finding ways to maintain effective homeless services in a climate of budget cuts and limited resources
- Communicating the many changes impacting on homelessness and the way we have to provide homeless services in the future with Enfield's stakeholders
- Sustaining the involvement of Partners in addressing homelessness

Enfield's Homelessness Strategy: Vision and Ambitions

- **Enfield's Vision**

Outcomes from the homelessness review and consultation have resulted in a new vision for preventing and tackling homelessness which is set out below:

Eliminate homelessness in the borough and enable people to make their own informed choices for housing they can afford.

- **Enfield's Ambitions**

Enfield's Homelessness Review identified that the five key ambitions from Enfield's Homelessness Strategy 2008 – 2013 are still relevant and in this strategy they have been refined.

Our ambitions are:

Ambition 1: Preventing homelessness in Enfield and enabling households to find homes they can afford

Ambition 2: Securing adequate accommodation to meet the needs of homeless households and those at risk of homelessness

Ambition 3: Provide the relevant support to enable households with assessed support needs to live independently in their own home

Ambition 4: Providing an excellent standard of customer service

Ambition 5: Make best use of council money and other resources

There are three sections within Enfield's Homelessness Strategy:

Part 1: Context for Developing Enfield's Homelessness Strategy

Enfield's review of homelessness in the borough and revised Homelessness Strategy has been informed by strategic and policy objectives at national, regional and local level, details of which are set out in this Homelessness Strategy.

Part 2: Addressing Homelessness in Enfield

Part 2 of the strategy sets out key findings from Enfield's Homelessness Review, the challenges the borough faces in tackling homelessness and the vision and ambitions identified to address homelessness in Enfield over the next 5 years

Part 3: Enfield's Homelessness Strategy Action Plan

Enfield's Homelessness Strategy Action Plan has been developed to cover key priorities for the coming years. Where possible the resource associated with each Action has been identified and made available. As the Action Plan is implemented and work with our partners continues, the Action Plan will be revised and updated.

For more information about Enfield's Homelessness Strategy contact:

Housing Strategy, IT and Business Support Team

Community Housing Services

Department of Health, Housing and Adult Social Care

London borough of Enfield

Tel: 020 8379 1000

ENFIELD'S HOMELESSNESS STRATEGY 2013-2018

Introduction

This is Enfield's Homelessness Strategy 2013 – 2018 which sets out the Council's plans for effectively tackling homelessness in the borough over the next 5 years.

It supports Enfield's Housing Strategy which sets out the borough's long term plans for housing in Enfield, including housing supply.

Enfield's Homelessness Strategy has been developed at a time of unprecedented change, including social housing reforms and welfare reforms. It builds on the achievements of Enfield's previous Homelessness Strategy whilst responding and adapting to the changing environment in which homelessness and support services are delivered.

A key aim of this Homelessness Strategy is preventing homelessness and providing assistance to individuals and households to enable them to make informed choices about sustainable, affordable housing options.

Defining Homelessness

Homelessness is defined as "the state of having nowhere to live"³. It includes people who are sleeping rough, homeless people for whom the local authority has a duty to find a pathway into appropriate housing, the "hidden homeless" who are living with friends and relatives or those at risk of homelessness because they are living in insecure, overcrowded conditions or accommodation which is in disrepair.

Enfield's definition of homelessness also includes the following:

- Households for whom it has provided emergency housing before 9 November 2012, because the Council agreed a full duty to house them under the homelessness law. These households are waiting for a Council or housing association home.
- Households to whom the Council owes a full homelessness duty after 9 November 2012 are also provided with emergency housing under the homelessness law. The Council will assist most of these households with finding a suitable home in the private rented sector.

Background

A legal duty to have a Homelessness Strategy

The Homelessness Act 2002 requires housing authorities to carry out a Homelessness Review and formulate a strategy based on the results of the review that includes plans for:

³ Reference Collins on-line dictionary.

- Preventing homelessness
- Ensuring sufficient accommodation is available for people who are, or who may become homeless
- Ensuring there are satisfactory support services for people who are, or may become homeless, or who need support to prevent them from becoming homeless again

How Enfield developed the new Homelessness Strategy

The Homelessness Act 2002 places a duty on local housing authorities to carry out a homelessness review and, in consultation with local partners and stakeholders formulate and publish a Homelessness Strategy based on the findings of that review, at least every five years. Enfield's Homelessness Review included an assessment of the level and trends in homelessness and of existing provision and services for those facing homelessness in the borough.

Enfield's Homelessness Strategy has been developed using findings from a comprehensive Review of homelessness undertaken between January-June 2013. This involved:

- Setting up a Homelessness Strategy Steering Group made up of statutory, private sector and voluntary organisations to oversee the Review and development of the strategy.
- Setting up a Homelessness Operational Steering Group to involve front-line staff in shaping and developing the Homelessness Strategy.
- Consultation and involvement with a wide range of stakeholders, including private and voluntary sector partners, Council Members, local residents, service users and staff. A summary of responses to the consultation is set out in Appendix 1.
- A review and evaluation of outcomes from the previous homelessness strategy and action plan 2008-2013
- A review of statistical data and trends about homelessness.
- Analysis of recent Census data to understand the demographics and potential growth in population in Enfield for the future.
- Comparing Enfield's performance against best practise and other Local Authorities performance.
- Writing the Strategy and producing a detailed 5 year action plan.

A summary version of the review can be found in Part 4 of Enfield's Homelessness Strategy

What does Enfield's Homelessness Strategy cover?

- Part 1 sets out:
 - How national, regional and local government policies and laws, are affecting the way Enfield addresses homelessness and provides appropriate services.

- Part 2 sets out
 - Key Issues arising from Enfield's Homelessness Review
 - The key challenges ahead
 - Enfield's Strategic vision and Ambitions for addressing homelessness
 - What Enfield and its partners plan to do to address the challenges and meet the Council's ambitions for addressing homelessness over the next five years

- Part 3 contains Enfield's detailed Homelessness Strategy Action Plan

What Enfield's Homelessness Strategy does not cover and why

Enfield's wider plans for addressing long term housing supply are outside the scope of this strategy. This is because the borough's plans for maximising housing supply, shaping supply and making best use of existing stock are set out in Enfield's Housing Strategy 2012-2027.

This Strategy will set out the borough's Strategic position on accessing suitable, affordable accommodation in sufficient quantities to meet the needs of homeless households and those at risk of homelessness

Part 1: Context for Developing Enfield's Homelessness Strategy

Enfield's review of homelessness in the borough and revised Homelessness Strategy have been informed by strategic and policy objectives at national and regional level. This chapter will touch on these influences and their relationship with Enfield Council's strategic objectives and key strategies. A summary of Enfield's Review of Homelessness is available as a separate document.

National Strategies and Policies relating to Homelessness

The key national level strategies and policies that are influencing Enfield's Homeless Strategy include:

- Government's National Housing Strategy for England: Laying the Foundations, November 2011
- Simplifying the welfare system and making work pay, August 13
- Improving the rented housing sector, June 2013
- A fairer future for social housing, November 2010
- Tackling Overcrowding in England: an Action Plan
- Providing housing support for older and vulnerable people, April 2011,
- Adult Safeguarding: Statement of government policy, May 2011
- Promoting Health and Well-being: Implementing the national health promotion strategy

Regional Strategies and Policies relating to Homelessness

From the 1st April 2012 the Mayor became directly responsible for strategic housing, regeneration and economic development in London. The Mayors strategies and policies that influence Enfield's Homelessness Strategy are:

- The Revised London Housing Strategy
- The Mayor's Covenant

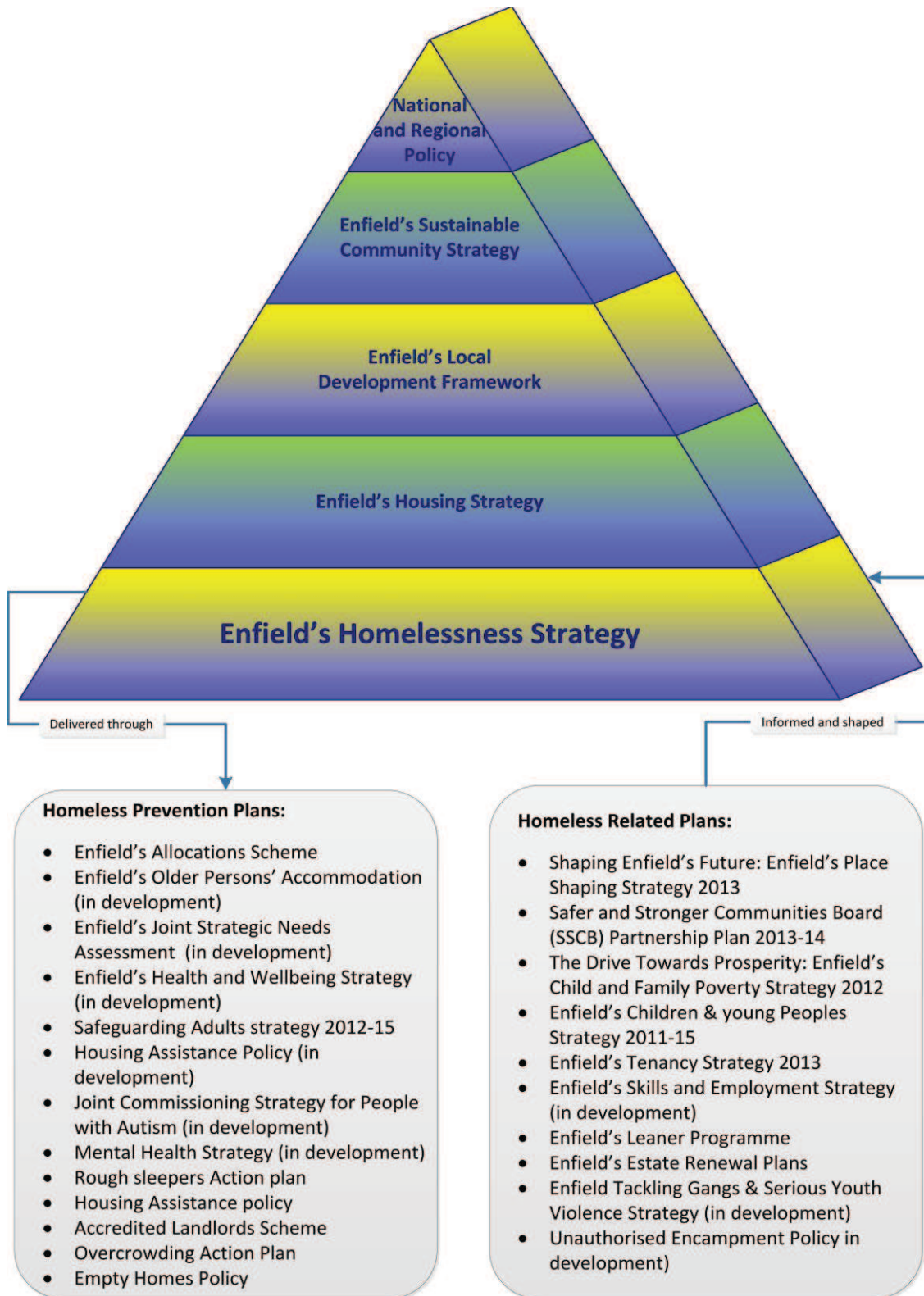
Local Strategies and Policies relating to Homelessness

Addressing homelessness is an important local strategic priority for Enfield. It supports Enfield Council's corporate vision 'to make Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities.' Enfield's plans for addressing homelessness support the council's aims and objectives.

Enfield's Homeless Strategy sits underneath and is supported by a range of local strategies, policies and plans. Many of these are set out in Enfield's fifteen year Housing Strategy.

The diagram below shows the relationship between Enfield’s Housing Strategy, Homelessness Strategy and other borough wide strategic plans

Enfield’s Homelessness Strategy in relation to other Corporate Strategies and Plans



Part 2: Addressing Homelessness in Enfield

Part 2 of this strategy sets out key findings from Enfield's Homelessness Review as well as the challenges the borough faces in tackling homelessness and the measures identified to address homelessness in Enfield over the next 5 years

Key issues identified from Enfield's Homelessness Review

Enfield's Homelessness Review undertaken between January – June 2013 identified a number of issues that have an impact on homelessness or the way homelessness is addressed. A summary of the key issues is set out below, more detailed information to support this section is in the appendix attached

Partnership Working

Effectively preventing and reducing homelessness in Enfield relies upon the council working with a wide range of partners. Our partner's commitment to our ambitions and a willingness to play their part are essential to the success of addressing homelessness in the borough. Pooling knowledge, resources and expertise has never been more important in the current economic climate with resources being stretched.

Changes in Government Policy

Enfield's Homelessness Strategy has been developed at a time of significant change to national policy, relating to welfare and social housing reform. Two key changes in government policy are now driving the context in which homeless services are provided:

Welfare reform: key changes are:

- Caps on welfare benefits so that working age households can no longer receive more than a total in benefits per week of £500 for a family and £350 for a single person or couple without children
- Council Tax Local Support Scheme requiring all working age claimants to pay something towards Council Tax
- The spare room subsidy or "Bedroom Tax" which means any working age claimant in social rented housing no longer receive housing benefit for a spare room.

The Localism Act 2011: key changes are:

- Discharge of the main homelessness duty with an offer of a suitable home in the private rented sector.
- Greater flexibility for the Council to decide who can apply for their housing register to obtain social rented housing.

- Reduced funding for Registered Providers to build affordable new homes.
- Flexibility for Housing Providers to use shorter fixed term tenancies and the Affordable Rent Model.⁴

The Economic downturn

The impact of the economic downturn on Enfield has been:

- Increased deprivation in the area, Enfield has risen six places in the last 5 years to 64th⁵ most deprived local authority in England
- Increased levels of un-employment, figures for 2012 showed Enfield has the fifth lowest employment rate in London and above average increases in all the main working age benefits since 2008
- Reduced income levels both earned and from welfare benefits
- Increased inability to access affordable housing options

Changes in the Local Housing Market

An understanding of the housing markets in Enfield and the changes happening within them is important for addressing homelessness. Enfield's homelessness review found the following facts about Enfield's local housing market:

- Social rented homes in Enfield are in very short supply. The Council let 693 Council and housing association homes in 2012/13⁶. Enfield's Lettings Forecast predicted 568 will become available for letting in 2013/14.
- Under the Government's Affordable Homes Programme 2011-15, there are no new 'handovers' of housing association homes to be let on social rent terms planned in Enfield beyond 2013/14⁷.
- Owner occupation in Enfield has seen a significant decline from 77994 to 70549 between 2001 and 2011. The high cost of home ownership has made it increasingly difficult for people to buy somewhere to live with prices rising faster than earnings. Many of those who would have bought now rent.
- Over the last decade there has been dramatic growth in Enfield's private rented sector from 13,105 to 27,500 properties rented out. Rents are increasing and demand is outgrowing supply. The drivers for increasing rents and demand include:
 - The high cost of home ownership producing a new market of professional people who now rent because they can't afford to buy somewhere to live.

⁴ Ability to charge rent up to 80% of the local market rents

⁵ Index of multiple deprivation figures

⁶ Breakdown of lettings: Council General Needs: 392; Council sheltered: 93; Housing association: 208

⁷ Enabling Programme Outcomes 2008/13 – Enabling Team 21/6/13

- Low levels of social rented homes becoming available for letting so households who expected a home in the social rented sector are looking to the private rented sector instead.
- Competing claims from other London local authorities who are procuring private rented homes in the borough for their own households in housing need. Many are using larger budgets to outbid each other for the supply
- A reduction in private rented lettings for benefit dependent households arising from government changes to welfare benefits including reductions in Local Housing Allowance rates. There is evidence that private landlords are choosing to let to different rental markets

Emerging from a growing private rented sector are concerns about a rise in anti- social behaviour and a need to introduce a range of more effective measures to improve standards of management.

Changing Reasons for Homelessness Acceptances⁸ by Enfield Council

The main reason for homelessness has changed in Enfield over the past five years. Loss of private rented accommodation has become the main reason for homelessness in Enfield moving from 21.9% of all homelessness acceptances in 2010/11 to 43% in 2012/13. Previously the main reason for homelessness was households being evicted from the home of family or friends. This has resulted in a 13% reduction in the proportion of homeless acceptances.

Key Challenges for Enfield in Addressing Homelessness

The issues from the homeless review outlined in section 1 present a number of key challenges for Enfield in preventing and tackling homelessness in the borough, this section sets out to explain what those challenges are.

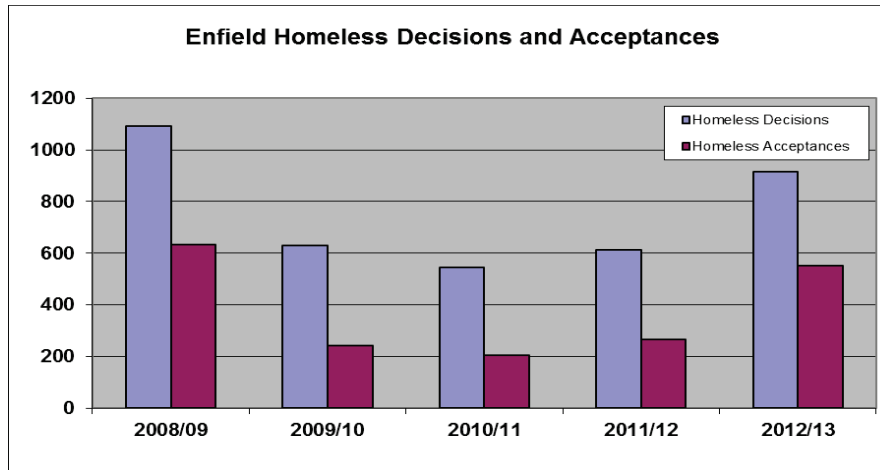
Sustaining the involvement of Partners addressing homelessness

It is essential that all of our partners ensure homelessness and their role in helping to manage it in Enfield becomes and remains a priority for them. The challenge for the Council will be to obtain and sustain the involvement of partners in preventing and tackling homelessness in Enfield, whilst recognising the pressures they face, including financial ones, and the differences in our respective roles and responsibilities

Increased demand for housing options and advice services

After declining for many years, the number of homeless acceptances and homeless decisions has begun to increase again in common with both London and national trends. However during 2012/13 the rise in homeless acceptances has been far more pronounced in Enfield, as illustrated in the chart below.

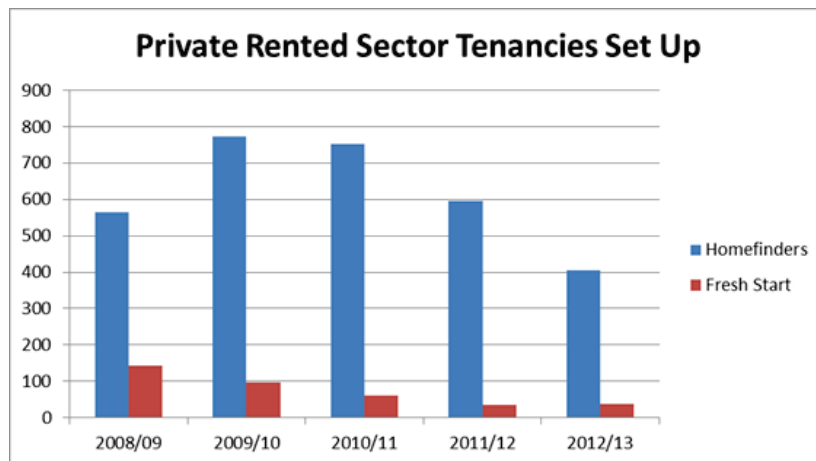
⁸ Acceptances – households who Enfield owes a full housing duty to under the homelessness legislation



A rise in homelessness will result in a significant increase in demand for Enfield's housing options and advice services for homeless households or those threatened with homelessness covering:

- Sustaining tenancies in the private rented sector
- Enabling households to find accommodation that they can afford either within or outside of the borough
- Assisting households with care and support needs
- Preventing street homelessness

A lack of affordable, quality private rented homes in Enfield to respond to increased demand



As illustrated in the chart above the earlier success of Enfield's rent deposit schemes has declined since 2011/12. Part of the explanation for this decline can be found in the changes in Enfield's private rental markets highlighted above, resulting in a reduction in the supply of suitable, affordable homes for low income households and those on benefits.

It has become far more difficult for Enfield to source affordable local homes for:

- Preventing homelessness
- Discharging the homelessness duty in Enfield to households who are homeless

- Enfield's emergency housing portfolio

A large private rented sector presents challenges in terms of maintaining quality standards of management and letting and addressing anti-social behaviour. The Council is looking at ways of working with private landlords and other organisations to find a co-ordinated and comprehensive set of measures to tackle rogue landlords and unreasonable behaviour.

The impact of a shortage of Council and Housing Association Homes for Letting

The serious shortage of council and housing association homes to go around in Enfield has resulted in the Council having to prioritise who is allocated the homes available. The current housing priorities for the Council are:

- rehousing tenants living in homes that are included in the Council's Estate Renewal programme and
- housing homeless households living in expensive emergency accommodation prior to 9/11/12 who are owed a housing duty by the Council.

The remaining homes are prioritised for those with high care and support needs, which means:

- Those without high care and support needs will find themselves renting from a private landlord and will need to consider alternative affordable housing options.
- It will take longer to house pre-9/11/12 homeless households placed in Enfield's emergency housing

Continuing to provide an effective housing options and advice service whilst making best use of the Council's Money

Partnership working is key to successfully achieving value for money housing options and advice service in Enfield. In a climate of increased demand for services, increased costs of homelessness and cuts to public spending it is ever more challenging to continue to provide effective and value for money services, making it essential to share knowledge, expertise and pool resources with our partners in order to meet that challenge

Communicating Enfield's approach to addressing homelessness

Enfield's Homelessness Strategy has been developed at a time of unprecedented welfare and housing policy change. The changes, their impact and the steps being taken to address homelessness in Enfield need to be communicated effectively to local people and the organisations that work with and support them.

We need to continue to assess the impact of the changes on service users and plan services accordingly

Enfield's Homelessness Strategy: Vision and Ambitions

Outcomes from the homelessness review and consultation have resulted in a new vision for preventing and tackling homelessness which is set out below:

Eliminate homelessness in the borough and enable people to make their own informed choices for housing they can afford.

Enfield's Ambitions for its Homelessness Strategy

Enfield's Homelessness Review identified that the five key ambitions from Enfield's Homelessness Strategy 2008 – 2013 are still relevant and in this strategy they have been refined.

Our ambitions are:

- Ambition 1:** Preventing homelessness in Enfield, and enabling households to find homes they can afford
- Ambition 2:** Securing adequate accommodation to meet the needs of homeless households and those at risk of homelessness
- Ambition 3:** Provide the relevant support to enable households with assessed support needs to live independently in their own home.
- Ambition 4:** Providing an excellent standard of customer service
- Ambition 5:** Make best use of council money and other resources

There is strong political commitment and support from senior officers for addressing homelessness in the borough.

Enfield has adopted good practice identified by the Department of Communities and Local Government and other local authorities in tackling homelessness in the borough and preventing repeat homelessness, but there is more work to be done to meet the challenges identifies.

The next section sets out what Enfield intends to do over the next 5 years to achieve its ambitions.

Ambition 1: Preventing homelessness in Enfield, and enabling households to find homes they can afford

2013-2018 We will:

- Use local intelligence and information to continue to forecast and manage the demand for Housing Options and Advice services
- Respond to main cause of homelessness in the borough - loss of a private rented tenancy.
- Improve the range of advice and support provided⁹ to all households approaching the housing options and advice service to enable them to access housing that they can afford in and outside of the borough
- Work in partnership to address the correlation between homelessness and worklessness
- Maintain low levels of rough sleeping
- Strengthen partnership working across the private, voluntary and community sector.

Ambition 2: Securing adequate accommodation to meet the needs of homeless households and those at risk of homelessness

2013-2018 We will:

- Ensure an optimum accommodation portfolio inside and outside of the borough, to meet the needs of homeless households and those threatened with homelessness
- Reduce the use of nightly paid accommodation for Enfield's homeless households.
- Increase the number of private rented sector homes available to let
- Ensure all properties used by the service comply with minimum safety and quality standards
- Evaluate options available to the Council to tackle the link between the private rented sector (used to meet housing need of homeless households) and elevated levels of anti-social behaviour

Ambition 3: Provide the relevant support to enable households with assessed support needs to live independently in their own home

⁹ Advice to include affordable housing options, budget management and sign posting to work, education and training opportunities

2013-2018 We will:

- Enable as many households as possible with care and support needs to remain living independently in their own home
- Keep under review the demand for appropriate Housing Related Support services for homeless households with assessed care and support needs.
- Ensure social housing resources are prioritised to house vulnerable homeless households who are not able to help themselves
- Safeguard vulnerable people from abuse and harassment by joint working with partners to support them with their housing need

Ambition 4: Providing a good standard of customer service

2013-2018 We will:

- Deliver our plans for an accessible, innovative housing options and advice service, with those at risk of homelessness being fast tracked for services
- Introduce and publish new service standards
- Set new customer satisfaction targets
- Improve customer engagement and involvement to further develop our homeless services

Ambition 5: Make best use of council money and other resources

2013-2018 We will:

- Keep under review the impact, costs and benefits of all homelessness related services
- Implement Enfield Council's online housing options and advice service
- Explore all opportunities for partnership working and pooling resources
- Reduce the unit cost of emergency housing

Part 3: Enfield's Homelessness Strategy Action Plan

Enfield's Homelessness Strategy Action Plan has been developed to cover key priorities for the coming years. Where possible the resource associated with each Action has been identified and made available. As the Action Plan is implemented and work with our partners continues, the Action Plan will be reviewed and updated.

Performance management of Enfield's Homelessness Strategy and Action Plan

This strategy will evolve over time to reflect alterations in policy and legislation and the changing needs, expectations and priorities of our customers and partners.

A performance management framework is in place within Community Housing Services to monitor service outcomes, including homelessness. Responsibility for reviewing and updating Enfield's Homelessness Strategy and supporting Action Plan will lie with Enfield's Housing Strategy, IT and Business Support Team. Outcomes will be monitored through the Community Housing Services' Housing Strategy Board with outcomes reported annually to Enfield's Housing Strategic Partnership.

Ambition 1: Preventing Homelessness and enabling households to find homes they can afford.

Key Outcomes:

1. In the next 5 years reduce the number of households living in emergency housing where Enfield Council accepted a full housing duty before 9/11/12 by 1000 (from a baseline of 1719 as at November 2013) (1.2). (PI:NI156i)
2. A yearly increase in the number households in the private rented sector helped to remain in their own homes from a baseline figure 2012/13 of 207 total (PI:CHS002)
3. Help 30 more people every year with a home in the private rented sector (Baseline 2012/13 406 (PI:CHS001)
4. Levels of rough sleeping in the borough are below 5 on any one night with no second night out
5. Improve the range of advice and support provided to all households approaching Enfield's Housing Options and Advice Service (to include affordable housing options, budget management and signposted to work, training and education opportunities)
6. Target of 25 homeless households engaged in employment, education or training per year

Ref	Actions	2014 - 2014	2015 - 2015	2016 - 2016	2017 - 2017	2018 - 2018	2019 - 2019	Lead organisation / officer Key Partner(s)	Resources
1.1	Keep under review the main causes of homelessness and the need for homelessness	✓	✓	✓	✓	✓		Head of Housing Options and Advice	Existing resources

Ref	Actions	2014 - 2013	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	Lead organisation / officer Key Partner(s)	Resources
	prevention services - P1E returns							
1.2	Deliver an agreed annual target for Enfield Council's homeless acceptances (households owed a full housing duty under the homelessness law)	✓	✓	✓	✓	✓	Head of Housing Options and Advice	Existing resources
1.3	Make available 30-40% of all social rented homes that become available per year to offer to discharge Enfield's housing duty to households the Council accepted before 9 November 2012	✓	✓	✓	✓	✓	Head of Housing Options and Advice Enfield Homes Registered Providers	Existing Resources RSL partners – nominations / developments HRA
1.4	Respond to the biggest cause of homelessness, loss of a private rented tenancy, by:-						Head of Housing Options and Advice Head of PSH & Accommodation services	Existing Resources Homelessness Grant DHP
1.4a	<ul style="list-style-type: none"> Delivering a tenancy sustainment service which helps Enfield's private tenants to stay where they are – annual targets to be set 	✓	✓	✓	✓	✓	Ptnr: Landlords /Agents Turkish Community groups	
1.4b	<ul style="list-style-type: none"> Delivering Enfield's Homefinder Private Rented Sector rent deposit scheme to Enfield's private tenants who have no alternative but to move to another private rented sector home – annual 	✓	✓	✓	✓	✓		Existing Resources

Ref	Actions	2014 - 2013	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2017	Lead organisation / officer Key Partner(s)	Resources
1.4c	targets to be set - annual targets to be set								
	<ul style="list-style-type: none"> Develop and deliver an engagement and involvement campaign targeted at Turkish community groups who are disproportionately represented in households losing private rented sector tenancies. 		✓						Existing Resources
1.5	Target DHP at preventing homelessness including tenancy sustainment and housing options – monitor DHP allocation	✓	✓	✓	✓	✓		Revenues and Benefits	Government DHP allocation
1.6	Respond to the lack of housing options for single people and couples without children under 35 by investigating funding and development opportunities for affordable housing options for			✓				Head of Housing Options and Advice Head of PSH & Accommodation services Enfield's Single Homeless Forum	
1.6a	<ul style="list-style-type: none"> People under 35 with substance and alcohol misuse 		✓					DAAT Key Partners: Planning Landlords / Agents	DAAT funding
1.6b	<ul style="list-style-type: none"> People under 35 who are unemployed or on a low income 			✓				Housing associations Enfield Faith Network Charitable agencies	Existing Resources Hope Worldwide Charitable funding
1.7	Strengthen partnership working within Enfield Single Homeless Forum (ESHF) to ensure single homeless		✓					Head of Housing Options and Advice	Existing Resources

Ref	Actions	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	Lead organisation / officer Key Partner(s)	Resources
1.7a	<p>people and couples without children have a voice and resources are pooled for developing sustainable housing options and services by:</p> <ul style="list-style-type: none"> Marketing campaign to expand the membership of ESHF 		✓				<p>Key Partners:</p> <p>London Street Rescue</p> <p>Revs and Bens</p> <p>Housing Related Support</p> <p>Faith Groups</p> <p>Providers for single homeless</p> <p>DWP & Job Centre+</p>	
1.7b	<ul style="list-style-type: none"> Monitoring the borough's action plan on rough sleeping 	✓	✓	✓	✓	✓		
1.8	Carry out an audit of the voluntary and community sector and compile a register of all organisations that provide housing options and advice services with detail of what they provide to make best use of their services for preventing homelessness		✓				<p>Head of Housing Options and Advice</p> <p>Partners:</p> <p>Voluntary & Community Sector</p>	Existing Resources
1.9	Respond to the link between homelessness and worklessness by targeting households at risk of homelessness presenting to the Council for housing options and advice services:						Head of Sustainable Communities Team	Existing Resources
1.9a	<ul style="list-style-type: none"> Refer unemployed households for work opportunities to partner employment providers e.g Job Centre + Reed employment - report on take up 	✓	✓	✓	✓	✓		

Ref	Actions	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	Lead organisation / officer Key Partner(s)	Resources
	and outcomes								
1.10	Responding to the link between homelessness and worklessness, by targeting households in Enfield's emergency housing for work, education and training opportunities:		✓						
1.10a	<ul style="list-style-type: none"> Housing Association partners to target in-house work and training programmes at occupiers of Enfield's Housing Association Lease Schemes - report on referrals and outcomes annually 		✓					Head of PSH & Accommodation services Head of Housing Options and Advice	
1.10b	<ul style="list-style-type: none"> Sustainable Communities Team to ensure effective targeting and marketing of work fairs and training events - report on events and take up annually 		✓					Ptnrs: Head of Sustainable Communities Team Registered Providers Voluntary & Community Sector DWP Job Centre + Children & Families	
1.10c	<ul style="list-style-type: none"> Develop an involvement and engagement plan with local community groups to encourage their members to break the benefit cycle and help identify employment and training opportunities within their 		✓	✓					Voluntary & community group resources

Ref	<u>Actions</u>	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2017 - 2018	Lead organisation / officer Key Partner(s)	Resources
	communities – plan in place and outcomes monitored								
1.11	Produce a marketing campaign to raise awareness about the criteria for eligibility for Disabled Facilities Grants		✓						

Ambition 2: Securing adequate accommodation to meet the needs of homeless households and those at risk of homelessness

Key Outcomes

1. Ensure a supply of the right mix of good quality, reasonably priced accommodation types, that increases the supply of longer term leased accommodation and reduces the use of short term nightly paid accommodation (Optimum portfolio 13/14 850PLA, 750PSL, 215NPA & 50B+B)
2. Bring back into use **60** empty homes from the private rented sector per year for emergency housing
3. All properties used by the service comply with minimum safety and quality standards under HHSRS¹⁰ minimum statutory standards.

Ref	Actions	2014 - 2014	2015 - 2015	2016 - 2016	2017 - 2017	2018 - 2018	2019 - 2019	Lead organisation / officer Key Partner(s)	Resources
	All Accommodation								
2.1	Implement Enfield's emergency housing and private rented sector Procurement Plan. Monitor targets set and report fortnightly to CHS Operations Board	✓	✓	✓	✓	✓		Head of PSH & Accommodation Services Ptnrs: Local landlords & agents Out borough LL & agents Other London Boroughs	Existing CHS Resources & New Homes Bonus
	Emergency Accommodation								
2.2	Improve the process for planned referrals of homeless households from Housing Options and Advice Services to Accommodation services for emergency housing to reduce the use of Nightly Paid Accommodation	✓	✓	✓	✓	✓		Head of Housing Options and Advice Ptnr: Accommodation Services Landlords /Agents	Existing Resources
2.3	Implement the Project to use empty decanted council homes as emergency housing until they are	✓	✓	✓				Head of PSH & Accommodation Services Ptnrs: Enabling Team	Existing Resources

¹⁰ Health & Housing Safety Rating Standard

Ref	Actions	2014 - 2014	2015 - 2015	2016 - 2016	2017 - 2017	2018 - 2018	2019 - 2019	Lead organisation / officer Key Partner(s)	Resources
	ready for demolition							Registered Providers	
2.4	Carry out annual inspections of emergency housing to ensure compliance with the Housing Health and Safety Rating System (HSRS) standards	✓	✓	✓	✓	✓		Head of PSH & Accommodation Services Ptnrs: Landlords & agents Enviro- crime	Existing Resources
Private sector									
2.5	Make use of the Governments New Homes Bonus to increase the number of empty homes brought back into use in the borough and use as emergency housing through the Council's Grants and Nominations Scheme (Gans - short term housing scheme)	✓	✓	✓	✓	✓		Head of PSH & Accommodation Services Ptnrs: empty home owners Council tax team paradigm Housing	New Homes Bonus
2.6	Implement the DCLG Homelessness Private Rented Sector Investment Project for increasing the supply of private rented homes for Enfield's homeless households	✓						AD Strategy and Resources HHASC Estate Agents DCLG	Existing Resources Project Budget
2.7	Ensure Private rented sector homes used to discharge the council's main housing duty into the PRS sector meet the Housing Health and Safety Rating System (HSRS) standards	✓	✓	✓	✓	✓		Head of PSH & Accommodation Services Envirocrime <u>Partners:</u> Landlords & agents	Existing Resources
2.8	Consider options available to the Council to improve standards of tenancy management arising from a growth in the private rented sector.	✓	✓					Head of PSH & Accommodation Services Envirocrime Partners:	

Ref	<u>Actions</u>	2014 - 2014	2015 - 2015	2016 - 2016	2017 - 2017	2018 - 2018	2019 - 2019	Lead organisation / officer Key Partner(s)	Resources
								Landlords & agents	

Ambition 3: Provide the relevant support to enable households with assessed support needs to live independently in their own home

Key Outcomes

1. 95% of clients receiving Housing Related Support funded services are satisfied with the service provided to enable them to live independently¹¹
2. Ensure annual quotas are set and delivered for social housing resources to be prioritised to house vulnerable homeless households who are not able to help themselves
3. Safeguard vulnerable people from abuse and harassment by working with partners to support survivors with their housing needs
4. All staff who deal with clients with support needs have received mandatory safeguarding training

Ref	<u>Actions</u>	2014 - 2014	2015 - 2015	2016 - 2016	2017 - 2017	2018 - 2018	2019 - 2019	Lead organisation / officer Key Partner(s)	Resources
3.1	Implement Enfield's Domestic Violence Protocol by Jan 2014 to prevent the homelessness of social rented tenants who are victims of domestic violence. Make best use of the NLSR DV reciprocal agreement	✓						Head of Strategy, IT & Business Support Ptnrs: Community Safety Team Enfield Homes Registered Providers Children & Families Voluntary Sector NLSR partners	Existing Resources

¹¹ Target supplied by Procurement and Contracting Team

Ref	Actions	2014 - 2014	2013 - 2015	2014 - 2016	2015 - 2017	2016 - 2018	2017 - 2018	Lead organisation / officer Key Partner(s)	Resources
3.2	Ensure Enfield's Allocations Scheme provides pathways for households at risk of homelessness with assessed support needs - monitor and keep under review demand, outcomes from Housing Panels for allocations arising from those with learning difficulties, mental health, physical disabilities, leaving care to monitor allocation quotas	✓	✓	✓	✓	✓	✓	Head of Housing Options and Advice Enfield Homes Registered Providers Adult Social Care	Existing resources Council properties Registered provider properties
3.3	Keep under review the demand for appropriate Housing Related Support (accommodation based and floating support services) in Enfield for homeless households with assessed care and support needs and commission or decommission services as required	✓	✓	✓	✓	✓	✓	Head of Housing Related Support Pauline Kettless Ptnr: Adult Social care CHS Enfield Homes Registered Providers Private Sector Care Providers	Housing Related Support Funding North London sub-regional funding sources
3.4	Deliver Enfield's Disabled Facilities Grants and Care & Repair funding to enable those with care and support needs to remain living independently in their own homes	✓	✓	✓	✓	✓	✓	Head of PSH & Accommodation Services Ptnr: Adult Social Care GP's / Health partners Private Landlords Private Building Contractors	Government DFG's

Ref	Actions	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2017 - 2018	Lead organisation / officer Key Partner(s)	Resources
3.5	Ensure Providers of Housing Related Support meet their contractual obligations 'to move on households who have had their housing and support needs met and no longer need Enfield's supported housing schemes		✓					Head of Procurement and Contracting Ptnrs: CHS Private Care Contractors Landlords / Agents Voluntary Sector	Existing Resources
3.6	Review the use of the Governments NOTIFY system in Enfield for tracking the movement of homeless households placed in or moving between or leaving emergency housing in London boroughs.	✓	✓					Head of Housing Strategy IT and Business Support Children and Families Education	Existing Resources

Ambition 4: Provide an Excellent Standard of Customer Service

Key Outcomes

1. Deliver Customer satisfaction targets in line with customer service standards
2. Customer service standard targets are set and delivered
3. 95% of recipients receiving DFGs have improved their ability to manage in their own home and live independently

Ref	<u>Actions</u>	2014 - 2014	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	Lead organisation / officer Key Partner(s)	Resources
4.1	Develop Services Standards for delivering Housing Options and Advice Services and review annually	✓								Head of Housing Option & Advice	Existing Resources
4.2	Develop a Service level Agreement (SLA) between CHS and the main OSC for delivering Housing Options and Advice services and monitored annually	✓								All CHS Heads of Service	Existing Resources
4.3	Ensure the housing web pages on the Council's website have a rolling programme of review and updating and customer are involved in reviewing the content and navigation for quality and access			✓	✓	✓	✓			All CHS Heads of Service	Existing Resources
4.4	Develop customer engagement and involvement model for shaping Housing Options and Advice services			✓						All CHS Heads of Service	Existing Resources
4.5	Improve access to HOAS for preventing homelessness by Implementing an on line Housing Options Checker and Housing Application Form	✓								All CHS Heads of Service	Existing Resources
4.6	Produce a manual of clear written work processes, work instructions and procedures for			✓						Head of Housing Option & Advice	Existing Resources

Ref	<u>Actions</u>	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	Lead organisation / officer Key Partner(s)	Resources
	Housing Options and Advice services post implementation of the new Service model for community Housing Services								
4.7	Provide Customer Services training for all Operational staff providing Housing Options and Advice Services on a rolling programme - No.s staff trained annually	✓	✓	✓	✓	✓			
4.8	EQIAs	✓	✓	✓	✓	✓			

Ambition 5: Make best use of Council money and other resources

Key Outcomes

1. 100% take up of Enfield's online, housing options and advice service.
2. Reduce the gross unit cost of the provision of nightly paid and B&B accommodation provided to homeless households by 5%. (From a baseline cost as at year end 12/13)
3. Monthly targets are met to ensure the steady reduction in housing options and advice caseload numbers from a baseline figure of 181 at 12/13

Ref	Actions	2014 - 2013	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	Lead organisation / officer Key Partner(s)	Resources
5.1	Implement a new Customer Service model for Community Housing Services in support of the Council's Customer First Programme and keep under review via CHS Operations Board	✓	✓				Sally McTernan	Existing Resources Pro-gramme budget
5.2	Explore all opportunities for partnership working and pooling resources to deliver Homelessness Services	✓	✓	✓	✓	✓	All CHS Heads of Service	Existing Resources
5.3	Lobby and bid for financial resources from all sources to prevent and address homelessness in Enfield (DCLG, NLSR, private, voluntary and private sector)	✓	✓	✓	✓	✓	Head of Housing Strategy IT Business Support	Existing Resources
5.4	Keep under review the impacts, costs and benefits of homelessness prevention services	✓	✓	✓	✓	✓	Head of Housing Options and Advice	Existing Resources

Ref	<u>Actions</u>	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2017 - 2018	Lead organisation / officer Key Partner(s)	Resources
5.5	Keep under review the cost Enfield's emergency accommodation portfolio and act to mitigate any negative the impact on budgets via Council Budget Monitoring mechanisms.	✓	✓	✓	✓	✓		Head of PSH & Accommodation Services	Existing Resources
5.6	Keep under review the impact of DFGs financial regime changes in 2015		✓					Head of PSH & Accommodation Services	Existing Resources

MUNICIPAL YEAR 2013/2014 REPORT NO. **141**

MEETING TITLE AND DATE:

Cabinet – 11th December 2013

REPORT OF:

Chief Executive

Contact officer and telephone number:

Alison Trew 020 8379 3186

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Agenda – Part: 1

Item: 7

Subject: Quarterly Corporate Performance Report

Wards: All

Key Decision No: 3733

Cabinet Member consulted:

Cllr A. Georgiou

1. EXECUTIVE SUMMARY

1.1 Cabinet has been receiving regular monitoring reports on the Corporate Performance Scorecard since September 2012.

1.2 In the current difficult financial circumstances, there is value in demonstrating that, in many areas, Council performance in delivering key priorities is being maintained and/or improved. It is also important that the Council understands and effectively addresses underperformance.

1.3 The attached schedule contains the latest available performance data at the end of the second quarter of 2013/14.

2. RECOMMENDATIONS

2.1 That Cabinet notes progress made towards delivering the identified key priority indicators for Enfield.

3. BACKGROUND

3.1 Cabinet has been receiving quarterly monitoring reports on the Corporate Performance Scorecard since September 2012. The reports demonstrate that in many areas, Council performance is being maintained or improved despite the challenging financial environment. The Council is also enabled to identify the targets that are not being met and whether there are further interventions that can be to ameliorate the situation, or, if it is out of the Council's control, how the Council can make a case to central Government and other public bodies.

3.2 The Corporate Performance Scorecard has been updated for 2013/14. Some new indicators have been added and targets have been revised to reflect Council priorities and local resources, demand etc. The indicators are grouped under the Council's three

strategic aims, Fairness for All, Growth and Sustainability and Strong Communities. The scorecard also includes a number of financial health measures.

- 3.3 The attached quarterly performance schedule is also available on the Council's website.

4. PERFORMANCE

- 4.1 The attached report contains the latest available performance data at the end of the second quarter of 2013/14. The tables also show performance against the London average where this is available. Where appropriate, explanatory comments are provided next to the performance information.

4.2 Financial Indicators

This section provides an overview of the Council's financial health. The first three indicators give the income and expenditure position, the next two provide an update on the Council's balance sheet and the final two indicators show the cash flow position.

4.3 Priority Indicators

The Priority Indicators scorecard groups performance indicators under the Council's three strategic aims, Fairness for All, Growth and Sustainability and Strong Communities.

Where a target has been set, performance is rated at green if it is on or exceeding the target; amber if there are concerns that the target may not be achieved by the end of the year; and red when the current levels of performance mean that the target is unlikely to be achieved. 6 of the indicators being reported do not have targets. Reasons for this include new indicators for which targets have yet to be established and indicators that have no national targets set (e.g. Domestic Violence).

72 performance indicators are being reported, of which 66 have targets. Of these, 41 (62.1%) are at green; 17 (25.8%) are at amber; and 7 (10.6%) are at red.

The notes cover a number of areas and may include explanation of how the indicators are calculated, commentary on progress towards achieving the targets, trends over time and national comparisons

5. ALTERNATIVE OPTIONS CONSIDERED

Not to report regularly on the Council's performance. This would make it difficult to assess progress made on achieving the Council's main priorities and to demonstrate the value for money being provided by Council services.

6. REASONS FOR RECOMMENDATIONS

To update Cabinet on the progress made against all key priority performance indicators for the Council.

7. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

7.1 Financial Implications

The cost of producing the quarterly reports will be met from existing resources.

7.2 Legal Implications

There is no statutory duty to report regularly to Cabinet on the Council's performance, however under the Local Government Act 1999 a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. Regular reports on the Council's performance assist in demonstrating best value.

7.3 Property Implications

None

8. KEY RISKS

Robust performance management helps identify areas of risk in service delivery and ensure that Council resources are used effectively and that the Council's good reputation is maintained.

9. IMPACT ON COUNCIL PRIORITIES

a. Fairness for All

The scorecard includes indicators that measure the Council's progress in reducing inequalities across the Borough.

b. Growth and Sustainability

The scorecard includes indicators that aim to support business growth, increase numbers of people in employment, protect and sustain Enfield's environment and support Enfield's voluntary and community sector.

c. Strong Communities

The scorecard includes indicators that assess how the Council's actions are contributing to strengthening communities, improving communications, reducing crime and improving health.

10. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is not relevant or proportionate for the corporate performance report.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

Robust performance management provides the Council with accurate data and ensures that service delivery is meeting local needs and priorities.








12. PUBLIC HEALTH IMPLICATIONS

The scorecard includes a number of health and wellbeing indicators that aim to address the key health inequalities in Enfield. From 2013/14, when the health reforms come into effect, further public health indicators will be added to the scorecard.

Cabinet Report - Financial Indicators 2013/14 Q2 (Protect)



Generated on: 25 November 2013

Area of Review	Key Highlights	Risk Rating - August'13
Income & Expenditure Position - Year end forecast variances	Year end forecast variances of £0.699m have been identified to date in relation to General Fund net controllable expenditure. Budget variances identified to date will need to be managed closely to ensure timely appropriate action can be taken.	
Income & Expenditure Position - Budget Profiling	Improved focus on budget profiling across all departmental budgets will continue to be applied in order to better reflect predicted net spending patterns throughout the year. This has been possible through the development of the "Budget Buddy" financial monitoring system where budget holders are now able to profile individual budgets based on anticipated spend across the year. This will change to green when we are satisfied that the profiles for 13-14 are correct with managers working with accountancy teams to fine tune this work.	
Income & Expenditure Position - HRA	The HRA is projecting a £5k underspend for year-end outturn against budget.	
Balance Sheet - Cash Investment	The current profile of cash investments continues to be in accordance with the Council's approved strategy for prioritising security of funds over rate of return.	
Balance Sheet - General Fund balances year end projections	The year-end projections for General Fund balances are in line with the Council's Medium Term Financial Strategy target levels.	
Cash Flow - Cash balances and Cashflow Forecast	The Council's cash balances and cashflow forecast for the year (including borrowing) will ensure sufficient funds are available to cover planned capital and revenue commitments when they fall due.	
Cash Flow - Interest Receipts Forecasts	Interest receipts forecast for the year are on target with budget.	

Cabinet Report - 2013-14 Q2 Priority Indicators

(1) Fairness for All

(a) Housing and Homelessness

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Number of households living in temporary accommodation	1988	Sept'12	2139	2096	September 2013	<p>Number of households in temporary accommodation reduced by 13 over the last quarter. The number of bookings into emergency accommodation has stayed fairly constant at between 50 to 60 per month with the exception of an unusual reduction during August. A high number of evictions of tenants in the private rented sector continues to fuel demand for temporary accommodation.</p> <p>Sept 13: $2,353/2,473=95.15\%$</p> <p>Oct 13: $18,223/18,315 = 99.50\%$</p> <p>Sept 13: $32,226,538.87/31,862,385.2 = 101.14\%$</p> <p>Sept 13: $1,763,804.90/65,176,785.56 = 2.71\%$</p>
Private Sector Housing: Empty Homes Brought Back into Use	28	Sept'12	25	24	September 2013	
Overall satisfaction with repairs service provided by Enfield Homes	96%	Aug'12	95%	96%	September 2013	
Contractor monitoring by Enfield Homes of responsive repairs completed YTD by agreed target date		new 13/14	99.50%	98.85%	September 2013	
Rent collected by Enfield Homes as a proportion of rent due (excluding rent arrears)	100.34%	Sept'12	101.14%	99.00%	September 2013	
Rent arrears of current tenants, as managed by Enfield Homes	2.83%	Sept'12	2.71%	3.75%	September 2013	

(b) Educational Attainment

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Achievement of 5 or more A*- C grades at GCSE or equivalent including English and Maths	55.5%	11/12	64.0%	63.0%	2012/13	Enfield has a provisional figure of 64%. This is a 8.5% point increase on last years final published figure and above our target of 63%

(c) Adult Social Care

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
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Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update
Number of clients reviewed in the year (of clients receiving any service)	41.6%	Sept'12	40.5%	41.0%	September 2013
Number of adult learning disabled clients known to CASSRs in paid employment	142	Sept'12	147	150	September 2013
Percentage of All Social Care Clients receiving Self Directed Support	63.1%	Sept'12	77.19%	80.56%	September 2013
Delayed transfers of care (measures the impact of hospital services (acute and non-acute) and community-based care in facilitating timely and appropriate discharge from all hospitals for all adults)	5.38	Sep'12	6.51	5.00	September 2013
Timeliness of social care assessment (all adults)	91.1%	Sept'12	82.9%	90.0%	September 2013
Carers receiving needs assessment or review and a specific carer's service, or advice and information	22.93%	Sept'12	23.30%	24.00%	September 2013
No of Adults receiving secondary mental health services in employment	60	Oct'12	84	85	September 2013

Notes
ANNUAL TARGET 2013/14 = 82%. Performance is currently at 40.5%. To make the end of year target, performance should be at 41.0% by this point in the year. At this point in 12/13, 38.6% of clients had been reviewed.
ANNUAL TARGET 2013/14 = 150. This indicator relates to clients aged 18-64 only and measures the number of clients in employment out of all clients known to HHASC with a learning difficulty. We are currently below target as 147 clients are currently recorded in employment. There is a potential backlog to be loaded on CF as staff have been absent on leave or sickness.
ANNUAL TARGET 2013/14 = 82%. At the end this period, 4853 clients (77.19%) had received self directed support to date this financial year. This is below the target of 80.56% for this proportion of the year
ANNUAL TARGET 2013/14 = 5 people delayed per 100,000 pop for Delayed Transfers which equates to a rolling average of approx 13.6 people per week. Performance is outside the target. Of the 14 patient delays this month, 2 is attributable to Social Care. 'Dispute' (Barnet and Chase Farm Trust) and 'awaiting assessment' (BEHMHT) are the reasons provided. All other delays are attributable to Health.
ANNUAL TARGET FOR 2013/14 = 90%. Increase of 2% from 80.9% in August to 82.9% in September following action plan to improve performance. Year-end performance projected to be at 85% .
ANNUAL TARGET 2013/14 = 48%. This percentage figure represents 1302 carers receiving a carers service or information and advice.
ANNUAL TARGET 2013/14 = 6% target agreed by CCG for BEHMHT. This target is 6% of all clients accessing secondary mental health services in paid employment. The outturn in 2012/13 was 4% (which was 75 people). To achieve this target approx 85 people will need to be in paid employment. 84 clients receiving Secondary Mental Health services were in paid employment at the end of this period

(d) Safeguarding Children

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
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Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Average time (in weeks) between Child entering care to moving in with adoptive parents		New 13/14	90		Q2 2013/14	<p>There are currently 25 children in the cohort, with an average time of 90 weeks between the Child entering care to moving in with adoptive parents.</p> <p>1 child in this cohort was in care for over 6 years with a plan of long term fostering, before this was changed to Adoption. This is a positive outcome for this child however due to the small nature of the cohort, long delays in any one case can have a disproportionate effect on the timescales for the whole cohort.</p> <p>For future reporting we will note a figure without the exceptional circumstances of the above 1 child in the calculation, to show performance within the current cohort.</p> <p>This is a new indicator for 2013-14 no target set at this present time.</p>
Average time (in weeks) to match a Child to adoptive parents once court decision that adoption is best option.		New 13/14	37		Q2 2013/14	<p>There are currently 23 children in the cohort, with an average time of 37 weeks to match the Child to adoptive parents, once court's decision that adoption is best option.</p> <p>This indicator also has a small cohort of which one child required CAMHS input for a year to prepare for adoption. The time taken from Court Decision to matching in this one instance was 90 weeks which is a reflection of the complexity of the case. Despite this, a success match was found.</p> <p>This is a new indicator for 2013-14 no target set at this present time.</p>
Stability of placements of looked after children: number of moves. (The % of children looked after at 31 March with three or more placements during the year)	11.3%	Sept'12	14.5%	11.0%	September 2013	<p>Placements continue to be scrutinised regularly by the Senior Management Team for appropriateness and stability through the placement panel process. This represents 43 out of 296 LAC children who have had 3 or more placements in the previous year.</p>
Percentage of children becoming the subject of Child Protection Plan for a second or subsequent time - in the past two years	5%	Sept'12	2.6%	8.0%	September 2013	<p>This indicator counts children who had a previous child protection plan in the past two years. Of the 268 children who became subject to a Child Protection plan during the past 12 months, 46 had previously been on a Child Protection plan and 7 had been on a Child protection plan in the past two years.</p>
Percentage of child protection cases which were reviewed within required timescales	97.3%	Sept'12	100.0%	100.0%	September 2013	<p>The percentage of child protection cases which were reviewed within the required timescale is 100%. There were 123 reviews in the denominator.</p>
Care leavers (19-21 years old) in education, employment or training	80.7%	Q2 12/13	77.7%	70.0%	Q2 2013/14	<p>35/45 care leavers are in Education Employment and Training. Performance has increased this quarter. This indicator is based on a small cohort and small changes therefore have a significant impact on performance.</p>

(e) Sport and Culture

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
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Indicator
Sports Development Sessions - Young People Attendances
Sports Development Sessions - Adult Attendances
London Youth Games - Enfield Ranking
Leisure Centre - Young People attendances
Number of all Library visits Actual and Electronic
Number of Arts activities for Children and Young people
Engagement in the Arts (People taking part in all arts at local level)
CYP Participation in Positive Activities (To measure and drive improved performance around the participation of young people in positive activities.)

Previous Year Data	Time Period
81,833	Sept'12
15,766	Q2 12/13
3rd	11/12
131,500	Q1 12/13
1,446,853	Q2 12/13
2,825	Q2 12/13
88,311	Q2 12/13
42,721	Q2 12/13

Current Value	Current Target	Last Update
23,915	56,149	2013/14
15,211	17,210	2013/14
6		2012/13
231,876	194,156	Q1 2013/14
1,625,380	1,500,000	Q2 2013/14
3,957	3,700	Q2 2013/14
112,545	80,000	Q2 2013/14
45,173	40,000	Q2 2013/14

Notes
Figures under target due to fewer commissioned activities. However recently awarded £250k for new activities from September onwards which will have a positive impact on participation figures
Figures under target due to fewer commissioned activities. However recently awarded £250k for new activities from September onwards which will have a positive impact on participation figures
Comprises events from November 2012 to July 2013. Fencing won Gold in this year's event.
Target is 1% increase on previous year actuals. There is a delay in receiving figures back from Leisure Centres. Currently the most recent data held is Q1 2013-14.
Revised 251013 after revised estimates from MHL, based on total visitors to Millfield House Arts Centre Visits are 8% higher than the target figure at the end of Q2 2013-14
TOTAL - 3957 Forty Hall & Estate - 2543 Millfield House & Theatre -1333 Dugdale Centre - 77 Festivals & Events - 4
Forty Hall & Estate - 48038 (21,034 visitors 27,004 online visitors)
Total - 45173 Forty Hall & Estate - 4844 Salisbury House - 576 Millfield Theatre & House - 24,299 Dugdale Centre - 7894 Festivals & Events - 7560

(f) Income Collection, Debt Recovery and Benefit Processing

Indicator
% of Council Tax collected (in year collection)
% of Business Rates collected (in year collection)
% of Housing Benefit Overpayments recovered.
Total Social Housing properties recovered from being sub let

Previous Year Data	Time Period
55.82%	Sept'12
57.82%	Sept'12
89.60%	Sept'12
13	Q2 12/13

Current Value	Current Target	Last Update
54.04%	53.60%	September 2013
56.29%	56.45%	September 2013
94.16%	80.00%	September 2013
12	12	Q2 2013/14

Notes
The ongoing effect of Welfare Reform on benefit entitlement and the subsequent effect on income collection will continue to be closely monitored.
Collection slightly down on last year, at this point, due to the effects of the ongoing recession
Continued improvement in collection of Overpayments
Target set for year = 56 properties, A recruitment exercise has been completed through which one permanent investigator has been appointed since 01/10/13, with 2 more due to join in Nov, and a fourth in December.

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Processing Times for New Housing/Council Tax Benefit claims (average number of calendar days)	23.75	Sept'12	23.14	23	September 2013	This is an improving picture and is expected to be on target by end of year
Processing Times for Benefit Change in Circumstances (average number of calendar days)	8.92	Sept'12	7.28	8	September 2013	On target for end of year

(2) Growth & Sustainability

(a) Employment & Worklessness

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Number of families engaged in Change and Challenge programme Showing Improvement under the criteria of Employment, Education and Crime/Anti Social Behaviour.		New 13/14	101	64	Q2 2013/14	In Q2 there have been a total of 101 Families in the Change and Challenge Programme showing improvement. 8 families with at least one member who has moved off benefits into continuous employment 25 families with at least one member achieving "progress to work" (on a back to work programme) 68 families who achieved both the Education and Crime/ASB criteria The Total number of Families to be identified over the 3 years is 775, so far we have identified 407 families.
16 to 19 year olds who are not in education, employment or training (NEET)	6.7%	Sept'12	7.25%	4.70%	September 2013	September show NEETS at 7.25%. There are 313 NEET young People. NEETS have risen this month due to the Seasonal spike. Every September young peoples destinations are reset in the system. We then engage with the young people, schools and colleges to determine young peoples new destinations. The NEET calculation takes into account the number of young people in education, employment and training and as such the NEET figure is artificially higher until we confirm the new destinations for young people. Note: as of the 30 October the NEET figure had reduced to 4.17% This is better than the same period last year and better than target.
JobCentrePlus indicator monitored by LB Enfield: Employment rate in Enfield: Working age population	64%	Q2 12/13	65.8%	69.4%	Q2 2013/14	Job Centre Plus Indicator watched by Enfield Council 65.8% represents 133,300 people in employment (73,300 male and 57,000 female), against a working age population of 205,600. This is 200 more people in work than in previous period. Data is for four quarter period to end of June 2013. To date 1049 new jobs have been created by businesses in the borough, as monitored by Enfield Council. 161 locations have provided these positions, 285 from business support services, 141 from retail, 125 from transport services and 92 from health and social care. Source: labour market information - Office for National Statistics (update 16/10/13)

(b) Planning

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Percentage of all valid planning applications that are registered within 5 days of receipt	56.4%	Q2 12/13	78.2%	80.0%	Q2 2013/14	Performance has been affected by staff reduction of 25% and a slow down in IT response times. Legislative changes in validation of applications and subsequent updating of procedures was implemented however led to some delays in registration due to inaccurate processing. staff training has been undertaken to address this.
Processing of planning applications: Major applications processed within 13 weeks	14.29%	Q2 12/13	77.27%	60.00%	Q2 2013/14	
Processing of planning applications: Minor applications processed within 8 weeks	62.6%	Q2 12/13	70.78%	70.00%	Q2 2013/14	
Processing of planning applications: Other applications processed within 8 weeks	71.6%	Q2 12/13	89.85%	80.00%	Q2 2013/14	

(c) Waste, Recycling & Cleanliness

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Residual household waste per household	155.7kg	Q1 12/13	151.86kg/hhd	153.00kg/hhd	Q1 2013/14	Between April and June 2013 the recycling rate was 1.5% higher than the equivalent period in 2012. Previous trends suggest that the annual recycling rate is normally + or - 1% of the quarter 1 figure. Therefore the 42% target is still achievable with a solid performance in quarters 2, 3 and 4.
Percentage of household waste sent for reuse, recycling and composting	39.8%	Q1 12/13	41.30%	42.00%	Q1 2013/14	
Percentage of inspected land that has an unacceptable level of litter	3%	Jul'12	3%	5%	July 2013	
Percentage of inspected land that has an unacceptable level of detritus	7%	Jul'12	4.0%	6.0%	July 2013	
Percentage of inspected land that has an unacceptable level of graffiti	1.2%	Jul'12	.7%	2.0%	July 2013	
Percentage of inspected land that has an unacceptable level of fly-posting	0.2%	Jul'12	.3%	1.0%	July 2013	

(d) Environmental Protection

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
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Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Reduce the sales rate of age restricted products	0%	Q2 12/13	25.0%	10.0%	Q2 2013/14	<p>Trading Standards notify in writing those premises where any test purchase was attempted but no sale was made.</p> <p>For those premises where test purchases are attempted and where a sale is made, the TS officer will pass the details onto the licensing enforcement team. Licensing enforcement will then undertake a compliance visit to assess if the premises license conditions are being met. The premises will get a letter from TS advising them that a sale was made and further test purchases will be attempted. The business is also provided details of guidance and training material which we have produced which is available on the website. Licensing enforcement will also direct businesses to this resource as part of their involvement too.</p>

(3) Strong Communities

(a) Crime Rates

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Total Offences (MOPAC 7)	6,536	Sept'12	6,545	6,076	September 2013	<p>The new Mayor's Office for Policing and Crime announced last year that the Metropolitan Police would be measured against 7 neighbourhood crime targets, referred to as the MOPAC 7. An ambitious stretch target of -20% over the next four years was set for Burglary, Criminal Damage, Robbery, Theft from Motor Vehicles, Theft of Motor Vehicles, Theft from the Person and Violence with Injury.</p> <p>This stretch target is the lead responsibility of the Police, with the Council in support. There is a continued reduction in overall offences although increases in motor vehicle crime have impacted upon the size of this fall in crime.</p>
Burglary	1,754	Sept'12	1,565	1,594	September 2013	<p>This stretch target is currently on target for the current financial year.</p> <p>The partnership continues to implement alley gate schemes to reduce opportunities for rear entry burglary offending across the borough and other intensive initiatives are planned for seasonal increases over the winter months. For more information on burglary in Enfield and tips to keep safe please see the following link: http://www.enfield.gov.uk/info/200017/community_safety/1662/keeping_enfield_safe/2</p>
Criminal Damage	1079	Sept'12	1,046	1,169	September 2013	<p>Criminal Damage has reduced by more than -20% since 2011/12 and we are currently exceeding the stretch target which was set by the Mayor's Office for Policing and Crime.</p>

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Robbery	656	Sept'12	515	505	September 2013	<p>Robbery has began to fall behind the current stretch target despite notable declines long term. Rates of offending per 1,000 residents are now notably below the London average, and the proportion of offences involving young people are at their lowest levels in several years.</p> <p>For more information on robbery in Enfield and tips to keep safe please see the following link: http://www.enfield.gov.uk/info/200017/community_safety/1662/keeping_enfield_safe/4</p>
Theft from Motor Vehicle	1414	Sept'12	1,689	1,355	September 2013	<p>Thefts from motor vehicle offences in Enfield have risen over the past three years and at the current trajectory it is unlikely that we will see a reduction or meet our stretch target, as set by the Mayor's Office for Policing and Crime, for 2013-14.</p> <p>For more information on vehicle crime in Enfield and tips to keep safe please see the following link: http://www.enfield.gov.uk/info/200017/community_safety/1662/keeping_enfield_safe/3</p>
Theft/Taking of Motor Vehicle	420	Sept'12	461	488	September 2013	<p>We are currently exceeding the stretch target which was set by the Mayor's Office for Policing and Crime for this indicator.</p>
Theft from the Person	288	Sept'12	331	213	September 2013	<p>We are significantly off meeting the stretch target as set by the Mayor's Office for Policing and Crime.</p>
Violence with Injury	841	Sept'12	938	753	September 2013	<p>Reported numbers of Violence with Injury have increased in Enfield, driven to some extent by our efforts to increase the number of Domestic Violence victims who report crimes to the police and local authority. Nationally it is estimated that as much as 50% of all violence goes unreported to the police, especially domestic or familial violence, or that which occurs as part of the night time economy.</p> <p>A considerable amount of violence that is not reported to police is dealt with by the London Ambulance Service and Accident & Emergency Departments. Locally we have worked to obtain this data in order to improve our knowledge on geographic locations of violence so that resources can be better coordinated.</p>
Number of Domestic Crimes	801	Sept'12	964		September 2013	<p>There is no local target regarding the number of crimes of domestic violence. Domestic Violence is significantly under-reported nationally therefore we actively encourage victims to report offences to the police.</p>
Number of Domestic Violence cases referred to MARAC	154	Q2 12/13	202		Q2 2013/14	<p>The Multi-Agency Risk Assessment Conference (MARAC) is a regular local meeting whereby information about high risk domestic violence victims is shared between local agencies. A co-ordinated plan is drawn up to support the victim.</p> <p>There is no specific target set with regards to the number of referrals.</p>

(b) Health & Well Being

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Partnership Successful Completion Rate (%) for all Drug users in treatment (over 18 years of age), excluding primary alcohol users:	14.4%	Sept'12	28.8%	18.7%	September 2013	The DAAT has been working with the PbR Providers and made changes to the reviewing process for successful treatment completions which has led to improved opportunity for performance management issues on that measure. Previously the measure was adversely affected because of the co-working requirement between the ACRT and the PbR Providers, now PbR providers are responsible for recording that performance and ACRT auditing this process.
Numbers in Effective Treatment - All Drug Users (over 18 years of age), excluding primary alcohol users	1,073	Jun'12	1,036	1,068	June 2013	As with previous months, the publication this month (November 2013) of June's In Effective Treatment figures includes amendments to the previous 12 months' totals, going back to June 2012. Consequently, the values shown above have been updated to reflect this. NDTMS will always update each of the previous 12 months' figures, due to the In Effective Treatment counting rules requiring monthly recalculations. Numbers in Effective Treatment are based upon the number of patients who are retained in treatment for 12 weeks or longer, or are discharged within 12 weeks as either drug free or occasional user. The In Effective Treatment target for the year 2013-14 remains at 1068. With the numbers in Effective Treatment continuing to fall, the DAAT manager is taking measures to address this. However, because of the rules governing the calculation of 'numbers in effective treatment', the NDTMS published figures are always 3 months in arrears of other NDTMS data and, consequently, the effects of these measures may take several months to impact on these statistics.
4 week smoking quitters	281	Q1 12/13	247	270	Q1 2013/14	This indicator presents the number of people who successfully quit smoking amongst those who set a 4 weeks target date in the quarter. The Annual target for this indicator is 1572 quitters. Presently 272 smoking quitters who have successfully quit for 4 weeks are recorded on the database. The Cumulative target for Q1 was 270. Smoking Quit levels are historically higher in Q3 & Q4.
NHS Health Checks-offered (cumulative)	7.5%	Q2 12/13	9.7%	10%	Q2 2013/14	This figure is calculated against an eligible population denominator of 80665. This is an estimate number provided by the DoH of people on disease registers. As of Q2, 7835 health checks had been offered which equates to a figure of 9.7% of the eligible population. The end of year cumulative target is 20% and the Q2 target was 10%.
NHS Health Checks-received as % of Population	3.8%	Q2 12/13	4.96%	3.5%	Q2 2013/14	This figure is calculated against a denominator of 80665. This is an estimate number provided by the DoH of people on disease registers. At the end of Q2 there was a cumulative total of 4001 Screenings, equating to 4.96% of the eligible population. The end of year cumulative target is 6.93% and the Q2 target was 3.5%.

(c) Enfield Council Website

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
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Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Page Views - Number of Public Web Page Views on Enfield Council website	3,895,860	Sept'12	4,681,672	4,380,000	2013/14	Page views are for the period from April to end of September 2013. Views in September were the second highest monthly total recorded
Enfield website - total number of transactions carried out by members of the public using the Council website	26,656	Sept'12	53,290	48,000	2013/14	Transactions are for the period April - September 2013. Figures up 30% due to communications campaigns to promote web channel. Top transactions are Payments, followed by report &/ or request waste issues. Total transactions are double those of same period last year.

(d) Council Corporate Indicators

Indicator	Previous Year Data	Time Period	Current Value	Current Target	Last Update	Notes
Average Sick Days - Corporate Staff (rolling 4 quarters)	8.8	Q2 12/13	8.0	8.0	Q2 2013/14	Q2 2013/14 data represents sickness absence for the period from 01.10.2012 to 30.09.2013. Corporate: 27,259.2 9 days lost/3411.8 average FTE = 8.0 average days
Average Sick Days - School Personnel (rolling 4 quarters)	6.5	Q2 12/13	6.5		Q2 2013/14	Data represents sickness absence for the period from 1.10.2012 to 30.09.2013 Schools: 33,236.88 days lost/5,109.65 average FTE = 6.5 average days No target is set for sickness absence in Schools. Schools have their own absence management processes in place outside of the Council's Corporate process
Council's Property Disposals programme	£4,004,716	Q2 12/13	£4,800,000	£4,000,000	Q2 2013/14	
% Electronic BACS transactions to suppliers	96.9%	Q2 12/13	99.26%	98.5%	Q2 2013/14	
Internal Audit Programme - % of reviews completed	16%	Q2 12/13	20%	15%	Q2 2013/14	
I.T. incidents resolved within SLA High Priority (severity 1) resolved within 2 hours	99.38%	Q2 12/13	100%	95%	Q2 2013/14	
I.T. incidents resolved within SLA (severity 2) High 7 hrs fix	100%	Q2 12/13	100%	95%	Q2 2013/14	
% of invoices paid within 30 days for all Departments	97.28%	Sept'12	96.99%	95%	2013/14	96.99% represents average number of invoices paid within 30 days from April to Sept 2013 (50,230 invoices of 51,787 paid). In the same period, 77.6% of all invoices paid within 10 days

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MUNICIPAL YEAR 2013/2014 REPORT NO. **142**

MEETING TITLE AND DATE:
CABINET, 11 December 2013
COUNCIL, 29 January 2014

REPORT OF:
Director of Finance, Resources and
Customer Services

Contact Officer: Kate Robertson

Kate.robertson@enfield.gov.uk

Agenda – Part: 1	Item: 8
Subject: Council Tax Support Scheme for 2014/15	
Wards: All	
Cabinet Member consulted: Cllr Andrew Stafford	

1. EXECUTIVE SUMMARY

In January 2013 Council agreed a new Council Tax Support Scheme to replace the previous national Council Tax Benefit Scheme which was to be abolished by the Government in April 2013.

Every year the Council is obliged to consider whether to revise or replace its local Council Tax Support Scheme. This report recommends a revised Council Tax Support Scheme for 2014/15 taking in account the assessment of options, the knowledge gained during the previous year's implementation, consultation results (Appendix C) and the Equalities Impact Assessment (Appendix B). It contains the Council Tax Support Scheme which the Council is required to produce under section 13A(1)(a) and Schedule 1A of the Local Government Finance Act 1992. The Council must adopt the same or new scheme by 31 January of the preceding financial year to which the scheme will apply.

2. RECOMMENDATIONS

2.1 That Cabinet recommend to Council the Local Council Tax Support Scheme agreed for 2013/14 with the following amendments (see Appendix A for technical changes):

- That working age recipients of Council Tax Support who also receive Carers Allowance, the support component of Employment Support Allowance or higher rate Disability Living Allowance (or Personal Independence Payments) are exempted from the 19.5% reduction applied to all other working age claimants.
- That working age foster carers recruited, trained and supported by Enfield Council in receipt of Council Tax Support are also exempted from the 19.5% reduction applied to all other working age claimants

2.2 That Cabinet recommend to Council the removal of the one month discount for empty and uninhabitable homes.

3. BACKGROUND

- 3.1 In 2012 the Government announced that as part of a series of welfare reforms, the national Council Tax Benefit scheme was to be abolished and replaced with local schemes. At the time, funding for the replacement local schemes was reduced and Enfield faced a £5m shortfall in funding if it kept the national scheme in its entirety.
- 3.2 Enfield consulted widely on a proposed local scheme and in January 2013 approved a scheme which saw pensioners and war widows protected from any change but working age claimants seeing a 19.5% reduction in support. At the same time Council agreed changes to exemptions and discounts to Council tax which saw the discount for empty and refurbished homes reduced to one month, no discount given for second homes and the introduction of a new empty homes premium of 150% of council tax for homes left empty for more than two years.
- 3.3 Every year the Council is obliged to consider whether to revise or replace its local Council Tax Support Scheme. This report recommends a revised Council Tax Support Scheme for 2014/15 taking in account the assessment of options, the knowledge gained during the previous year's implementation, consultation results and the Equalities Impact Assessment (see Appendix B).

4. REVIEW OF FIRST SIX MONTHS OF OPERATION

- 4.1 Collection of Council Tax has been monitored closely this year and additional support provided. Claimants of Council Tax were given the opportunity to pay in weekly instalments and new pay kiosks were introduced in Edmonton, Palmers Green, Enfield Civic Centre and Enfield Highway library. No referrals have been made to bailiffs for working age claimants of council tax support. Wherever possible the Council is seeking to agree payment arrangement plans or attachments to earnings/benefits.
- 4.2 As at the end of September 2013, the projected income levels are being met and it is estimated that the council will achieve the ultimate council tax collection rate of 96.87% for 2013/14. However a number of residents paid the year in full and this will affect the profile of income. The analysis to date is limited as the scheme has only been in place since April 2013 and a full year's collection data is not known.
- 4.3 In recognition of the difficulties faced by local households, the Council introduced a new discretionary council tax hardship scheme. Households facing exceptional financial hardship can apply to the scheme and receive help with their council tax. In the first six months of the scheme, applications were predominately from single adults with mental health or other disability. Take up of the council tax hardship scheme has been increasing recently and it is likely to be called upon over time not simply within the current financial year. It is anticipated that this fund will roll over into 2014/15 and be topped up through the budget setting process as a way of protecting the most vulnerable.

- 4.4 In order to minimise the impact on working age claimants, the local Council Tax Support Scheme is based on the national Default scheme with some key changes, most notably that applicants of working age have their Council Tax Support assessed against 80.5%, rather than 100% of their liability. This figure was based on the level of projected grant and income, taking in account the costs of protecting pensioners and other protected groups. Due to the requirement for a scheme to be approved before a full year's collection data is known, it is not recommended to change this threshold.
- 4.5 A key principle of the scheme agreed by Council is that it is a fully funded scheme where council taxpayers are not asked to pay more to meet the Government's funding shortfall. On the basis of the council taxbase it was calculated that working age benefit recipients would need to pay an additional 19.5% to fully fund the shortfall. If the council wished to remove this principal of fully funding it would require further consultation setting out where the savings would be made. This consultation would need to be concluded before council in January in order to meet the statutory notification to precepting authorities by the 31st January.
- 4.6 Last year the Government offered a one off transitional grant if a council capped any reduction to 8.5%. In Enfield's case, the government grant did not bridge the funding shortfall and therefore it would not have been a fully funded scheme. This year the Government has announced that they will not be providing a grant. Therefore any reduction in the percentage would need to be funded in full by the Council and the GLA.
- 4.7 For the 2013/14 council tax support scheme, the Council estimated that the shortfall in Government funding would be £4.9m and assumed a collection rate of 53% overall for council tax payers affected by the reduction.

5. CONSULTATION ON 2014/15 SCHEME AND DISCOUNTS/EXEMPTIONS

- 5.1 The Council consulted on the Local Council Tax Support Scheme for 2014/15. The consultation took place from 9 September 2013 to 18 October 2013 and was available on the Council's website, at council reception points, libraries and was sent to local voluntary and community organisations, 500 council tax payers and 500 recipients of council tax support. A press release was issued to over 70 media outlets and promoted through facebook and twitter.
- 5.2 As can be seen from Appendix C, the vast majority of comments on the impact of the proposed scheme were on its impact on disabled people who do not have the ability to work and carers where they are saving the public purse considerable resources.

6. PROPOSED AMENDMENTS TO THE SCHEME

- 6.1 The Council has taken in account the assessment of options (including keeping the current scheme), the knowledge gained during the previous

year's implementation, consultation results and the Equalities Impact Assessment (See Appendix B).

- 6.2 Without a full year's collection data, it is not recommended that the 19.5% reduction for working age claimants is amended as this may result in the scheme not being fully funded. As this is a key principle of the scheme, the Council would need to reconsult before the January Council meeting. If there is a shortfall in collection, the Council will need to find the money from further savings or increased income and these alternatives would need to be in the consultation.
- 6.3 However, reflecting on the strength of feeling expressed by representative groups, the nature of hardship applications received and the opportunity to further reduce any negative equalities impacts, it is proposed that, in addition to pensioners and war widows who are already protected, the following are assessed against 100% council tax liability and therefore can, if eligible, receive 100% support:
- working age recipients of Council Tax Support who also receive Carers Allowance, the support component of Employment Support Allowance or higher rate Disability Living Allowance (or Personal Independence Payments)
 - working age foster carers recruited, trained and supported by Enfield Council in receipt of Council Tax Support
- 6.4 Current records show that 969 people on Carers Allowance, Support component of Employment Support Allowance and Higher Rate Disability Living Allowance/Personal Independence Payments would benefit from this change at an estimated cost of approximately £212,000. There are 23 foster carers who would benefit from this change at a cost of £5,447. These costs would be shared with the Greater London Authority on the basis of 78% Council:22% GLA.
- 6.5 All other aspects of the Council Tax Support Scheme remain the same as in 2013/14 and no concerns have been raised about their negative impact.

7. DISCOUNTS AND EXEMPTIONS

- 7.1 A number of comments were raised about discounts and whether to amend the current one month exemption for empty and uninhabitable homes. Some comments were concerned about charging people council tax whilst homes were going through probate or where a family has to move into residential care. In these cases, the existing scheme already provides an exemption.
- 7.2 However, with a chronic shortage of housing in the borough, some comments referred to the fact that the main beneficiary of the one month discount was private landlords. This was not acting as a disincentive for private landlords to avoid multiple voids and turnover of properties.
- 7.3 In order to encourage responsible letting with minimal void periods, this report recommends removing the one month discount currently available for empty

and uninhabitable homes from 1 April 2014. This would save £211,000 and would be shared with Greater London Authority on the ratio of 78% Council:22% GLA.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The Council has also considered not amending the scheme. However the experience of the first nine months of the scheme suggests that certain groups are being negatively impacted who have limited opportunities to find work and increase their income. The level of reduction of 19.5% is based on the scheme being fully funded and is calculated using the number of CTS recipients, collection rates, government grants and the cost of protecting pensioners and other protected groups. Without a full year's collection rate, it is not recommended to change the percentage as at this stage there is no evidence of either a significant reduction in claimants, increased government grant or a surplus in collection. Therefore any change to the percentage would be likely to result in the scheme no longer being fully funded and alternative funding would need to be found to bridge the shortfall. This would require a further consultation before the deadline of 31 January 2014. The Government has confirmed that they will not be providing a transitional grant this year.

9. REASONS FOR RECOMMENDATIONS

- 9.1 The recommendations contained in this report follow an assessment of options, experience of the first nine months of the scheme, the lack of a full year's collection data, the Equality Impact Assessment and the consultation. The recommended changes seek to reduce negative impacts for defined protected groups under the Equality Impact Assessment and support the Council's aims to build strong, stable communities. A number of other London boroughs already provide protection for carers and disabled adults and have ceased to provide a discount for empty or uninhabitable homes. See Appendix A for the technical changes to the scheme.

10. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

10.1 Financial implications

There are 969 current claimants that would benefit from the proposed exemption from the 19.5% reduction in support. At an average loss of £218 per annum, the estimated annual cost of providing the exemption is approximately £212,000. The cost of providing an exemption for foster carers is £5,447.

The current cost of providing the one month discount for empty and uninhabitable homes is £211,400. Both the costs of the exemption and the savings associated with the discount would be shared with the Greater London Authority on the basis of 78% Enfield Council, 22% GLA.

The savings associated with removing the one month discount for empty homes would cover the additional costs of providing protection for carers and disabled adults. The estimated cost to the Housing Revenue Account of removing the one month discount is £10,000.

10.2 Legal implications

The Council has duties within an existing legal framework to review its Council Tax Support Scheme annually. If the Council intends to revise or replace the scheme for 2014/15, it is obliged to undertake consultation with persons likely to be affected ahead of adopting a scheme and agree any revisions at a meeting of the Council by 31 January 2014. This requirement has been met.

The proposals for amendment to the Council Tax Support Scheme for 2014/15 set out in this report provide further consideration for vulnerable people, by extending the exemption from the 19.5% reduction in support applied to all other working age claimants to carers and disabled adults.

An equality impact assessment of the impact of the proposals and outcome of the consultation has been undertaken and considered, ensuring compliance with the Council's duties generally under the Equality Act 2010 to avoid discrimination and promote equality of opportunity and access, and further monitor any possible negative impact hereafter.

The proposals for amendment recommended in this report will strengthen protection for vulnerable groups and help ensure that the Council meets its existing statutory duties in relation to vulnerable groups under the Equality Act 2010, the Child Poverty Act 2010 and Housing Act 1996.

10.3 Property Implications

None.

10.4 Key Risks

The key risks relate to operational, financial and reputational concerns. There is an operational risk of failure to collect the estimated amount, e.g. if any category of exemption has not been specified and following implementation of the scheme the Council is unwilling to pursue recovery action in particular cases of default. The operational risks may be contained by trying to assist payers with supportive payment arrangements and by applying fairly the recovery process.

The financial risk is of insufficient collection rates and of caseload rises being beyond those anticipated in calculating the Local Scheme costs and deductions required from support. In the initial year of the scheme there is a risk that collection rates may be over or under stated. The opportunity to adjust anticipated ultimate collection rates in the scheme for 2015/16 will be available when the scheme for that year is set no later than 31st January

2015. Variation between the estimated and actual collection rates and caseload levels will result in either a deficit (or surplus) on the Collection Fund in future years. The current Medium Term Financial Plan assumes no variation to current assumptions.

The reputational risk is of failure to make proper provision for people on low income losing some of the current level of support. The reason for this scheme arises from a Government decision to replace the existing national scheme with local schemes with reduced grant funding and clearly considerable help will need to be available to payers facing increased Council Tax bills as a result of the change in scheme. Conversely, failure to properly pursue payment of Council Tax due in such cases would create inequality of treatment with other Council Taxpayers many of which will have income levels only marginally above the limit for obtaining Council Tax Support.

10. IMPACT ON COUNCIL PRIORITIES

10.1 Fairness for All

The draft Local Scheme retains protection for pensioners, war widows and extends the protection to carers and those with severe disabilities. The draft scheme attempts to strike a fair balance between the interest of Council Tax Benefit recipients and those taxpayers who do not receive help with their Council Tax payments. The Council Tax Hardship Scheme provides support for those households facing exceptional financial hardship.

10.2 Growth and Sustainability

One of the drivers for the Welfare Reform programme of the Government is increasing employment and the overall level of demand for Council Tax support will depend to a considerable extent on the ability of local unemployed residents to find paid work and for those in employment to find better paid work.

The draft Local Scheme is funded by passing on the cost of reductions in full in the level of support offered to Council taxpayers. Reductions in disposable income may have an adverse impact in the local economy.

10.3 Strong Communities

The consultation exercise has shown that, as a principle, there is strong support for some payment to be made by all Council Taxpayers whether or not receiving Council Tax Support. However, combined with other welfare reform measures, there is the potential for an increase in the number of families and individuals in the borough living in poverty.

11. EQUALITIES IMPACT

The Equalities Impact Assessment for the amended scheme is attached as Appendix B. The recommendations contained in this report improve equalities outcomes for protected groups.

12. PERFORMANCE MANAGEMENT IMPLICATIONS

None.

13. PUBLIC HEALTH IMPLICATIONS

This change affects those already struggling due to the wider Government welfare changes. The implications will depend upon the success of residents gaining employment or, for those in low paid employment, obtaining better paid employment. Supporting people facing hardship and stress will be key to promoting the ability of families to provide healthy food, to pay bills and to promote sound mental health.

APPENDICES

Appendix A – Technical Changes to the Council Tax Support Scheme

Appendix B – Equalities Impact Assessment

Appendix C – Consultation results

London Borough of Enfield Council Tax Support Scheme 2014/15

as approved by Council January, 2014



London Borough of Enfield Council Tax Support Scheme 2014/15.

The Local Scheme applicable in the London Borough of Enfield in the financial year commencing 1st April, 2014 is defined by The London Borough of Enfield Council Tax Support Scheme 2013/14 as approved by Council on the 30th January 2013 subject to the following further amendments:-

Amendments to the London Borough of Enfield Council Tax Support Scheme 2013/14:-

In Part 1, paragraph 1, delete “2013/14” and replace with “2014/15”

In Part 7, replace paragraph 29 (1) with:

“**29.**-(1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax reduction amount in respect of a day is:

- (a) 100 per cent of the amount A/B if the applicant is a pensioner;
- (b) save as excepted for at (c) and (d) below, 80.5 per cent of the amount A/B if the applicant is a person who is not a pensioner;
- (c) 100 per cent of the amount A/B if the applicant is not a pensioner but is in receipt of any of the following--
 - (i) Carers Allowance;
 - (ii) Higher Rate Disability Living Allowance including care and mobility components;
 - (iii) Personal Independence Payment
- (d) 100 per cent of the amount A/B if the applicant is not a pensioner but is a foster carer registered with Enfield Council.

where--

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

less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependent deductions: pensioners and persons who are not pensioners).

The above amendments are reflected in the wording of the scheme which is printed below.

London Borough of Enfield Council Tax Reduction Scheme 2014/15

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PART 1

Introduction

Introduction

1. This scheme relates to the financial year beginning with 1st April 2013 and may be cited as the London Borough of Enfield Council Tax Support Scheme 2013/14.

PART 2

Interpretation

Interpretation

2.(1) In this scheme—

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated 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(a);

“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(b);

“alternative maximum council tax reduction” means the amount determined in accordance with paragraph 31 and Schedule 4;

“applicable amount” means—

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 25 and Schedule 2, and

(b) in relation to a person who is not a pensioner, the amount calculated in accordance with—

(i) paragraph 26 and Schedule 3; or

(ii) paragraph 28,

as the case may be;

“applicant” means a person who has made an application;

“application” means an application for a reduction under this scheme;

“assessment period” means—

(a) 1996 c.18. Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c.22) and amended by the Work and Families Act 2006 (c.18), Schedule 1, paragraphs 33 and 34.

(b) 2004 c.32.

- (a) in relation to pensioners—
 - (i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 43 for the purpose of calculating the weekly earnings of the applicant; or
 - (ii) in relation to any other income, the period determined in accordance with paragraph 40 for the purpose of calculating the weekly income of the applicant;
- (b) in relation to persons who are not pensioners, such period as is set out in paragraphs 47 to 49 over which income falls to be calculated;

“attendance allowance” means—

- (a) an attendance allowance under Part 3 of the SSCBA(a);
- (b) an increase of disablement pension under section 104 or 105 of that Act;
- (c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(b) or any analogous payment; or
- (d) any payment based on need for attendance which is paid as part of a war disablement pension;

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

“basic rate” has the meaning given by the Income Tax Act 2007(c);

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995(d), the State Pension Credit Act 2002(e) and the Welfare Reform Act 2007(f);

“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;

“care home” has the meaning given by section 3 of the Care Standards Act 2000(g) and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001(h) 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(i) 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(j);

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002(k);

(a) 1992 c.4. See sections 64 to 67 of that Act in relation to attendance allowance; relevant amendments are referenced elsewhere in these Regulations.

(b) S.I. 1983/686; relevant amending instruments are S.I. 1984/1675, 2001/420.

(c) 2007 c.3. Section 989 defines basic rate by reference to section 6(2) of that Act. Section 6(2) was amended by section 5 of the Finance Act 2008 (c.9) and section 6 of, and paragraphs 1 and 2 of Schedule 2 to, the Finance Act 2009 (c.10).

(d) 1995 c.18.

(e) 2002 c.16.

(f) 2007 c.5.

(g) 2000 c.14. Section 3 was amended by paragraphs 1 and 4 of Schedule 5 to the Health and Social Care Act 2008 (c.14).

(h) 2001 asp 8.

(i) S.I. 2003/431 (N.I. 9).

(j) Section 141 was amended by section 1 of the Child Benefit Act 2005 (c.6).

(k) 2002 c.21; section 8 is repealed by the Welfare Reform Act 2012 (c.5), Schedule 14, Part 1 (not yet in force).

“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 2002(a) are charged;

“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007(b);

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“couple” has the meaning given by paragraph 4;

“designated office” means the office of the authority designated by it for the receipt of applications—

- (a) by notice upon or with a form supplied by it for the purpose of making an application; 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 and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA(c);

“earnings” has the meaning given by paragraph 41, 44, 51 or 53 as the case may be;

“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(d);

“employed earner” is to be construed in accordance with section 2(1)(a) of the SSCBA(e) 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;

“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(f) known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

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

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

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- (a) 2002 c.21.
 - (b) 2007 c.5. Part 1 concerns employment and support allowance; relevant amendments are referenced elsewhere in these Regulations.
 - (c) 1992 c.4. Section 71 was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c.30) and repealed by section 90 of the Welfare Reform Act 2012 (not yet in force).
 - (d) 2002 c.7; that definition was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158.
 - (e) Section 2(1)(a) was amended by the Income Tax (Earnings and Pensions) Act 2003, Schedule 6, paragraphs 169 and 171 (c.1).
 - (f) Section 17A was inserted by the Welfare Reform Act 2009 (c.24), section 1 and amended by the Welfare Reform Act 2012 (c.5), Schedule 7, paragraphs 1 and 4, and Schedule 14, Parts 1 and 3 (not yet in force). The section is repealed by Part 4 of Schedule 14 to that Act (not yet in force).
 - (g) 1999 c.30.

“extended reduction” means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 89, 96 or 101;

“extended reduction (qualifying contributory benefits)” means a reduction under this scheme for which a person is eligible in accordance with paragraph 88 or 95;

“family” has the meaning given by paragraph 6;

“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;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“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(a);

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“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(b);

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

“independent hospital”—

(a) in England means a hospital as defined by section 275 of the National Health Service Act 2006(c) that is not a health service hospital as defined by that section;

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000(d); and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978(e);

“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;

“the London Bombings 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;

(a) S.I. 2011/517.

(b) 1995 c.18. Section 1(4) was amended by the Welfare Reform and Pensions Act 1999, Schedule 7, paragraphs 1 and 2(1) and (4); the Civil Partnership Act 2004 (c.33); section 4 of the Welfare Reform Act 2009 (c.24), and is repealed by the Welfare Reform Act 2012, Schedule 14, Part 1 (not yet in force).

(c) 2006 c.41. The definition of “health service hospital” has been amended by the Health and Social Care Act 2012 (c.7), Schedule 4, paragraph 138 (not yet in force).

(d) 2000 c.14; section 2 was amended by the Health and Social Care Act 2008 (c.14), Schedule 5, paragraphs 1 and 3.

(e) 1978 c.29; section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

“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(a) except in Part 1 of Schedule 3;

“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(b);

“maximum council tax reduction amount” means the amount determined in accordance with paragraph 29;

“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) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 5 refers;
- (b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

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

“net earnings” means such earnings as are calculated in accordance with paragraph 42 or 52, as the case may be;

“net profit” means such profit as is calculated in accordance with paragraph 61;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 91, 98 and 103, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by paragraph 9;

“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(c); and

(a) Section 2(1)(b) is amended by the Welfare Reform Act 2012, Schedule 23, paragraph 24 (not yet in force); section 4 is repealed by Part 1 of Schedule 14 to that Act (not yet in force).
 (b) 1996 c.18.
 (c) 1972 c. 70. The definition of local authority was amended by section 102 of, and paragraph 8 of Schedule 16 and Schedule 17 to, the Local Government Act 1985. Other amendments have been made to that definition but they are not relevant to these Regulations.

(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(a);

“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(b);

“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 ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act(c);

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

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995(d);

“pensioner” has the meaning given by paragraph 3(2)(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by paragraph 21;

“person who is not a pensioner” has the meaning given by paragraph 3(2)(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012(e);

“personal pension scheme” means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993(f);

(b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988(g) or a substituted contract within the meaning of section

(a) 1972 c.70. See section 270(1) of that Act for the definition of “local authority”; a relevant amendment was made to that definition by the Local Government Act 1985 (c.51), Schedule 17.

(b) 1993 c.48. The definition of “occupational pension scheme” was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by S.I. 2007/3014.

(c) 1996 c. 18; sections 80A and 80B were inserted by section 1 of the Employment Act 2002 (c. 22) and sections 80AA and 80BB were inserted by section 3 of the Work and Families Act 2006 (c. 18). Relevant regulations made under these sections are S.I. 2002/2788 and S.I. 2003/921 (made under sections 80A and 80B) and S.I. 2010/1055 and S.I. 2010/1059 (made under sections 80AA and 80BB).

(d) 1996 c.26; paragraph 1 has been amended by the State Pension Credit Act 2002 (c.16), Schedule 2, paragraph 39; the Welfare Reform Act 2007, Schedule 3, paragraph 13; the Pensions Act 2007 (c.22), Schedule 3, paragraph 4; and section 1 of the Pensions Act 2011 (c.19).

(e) 2012 c.5.

(f) 1993 c.48; the definition of “personal pension scheme” was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by the Finance Act 2007 (c.11), Schedule 20, paragraph 23 and Schedule 27, Part 3.

(g) 1988 c.1.

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 to the Finance Act 2004(a);

(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 any marriage to which paragraph 5 applies;

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

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

“qualifying contributory benefit” means—

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

“qualifying income-related benefit” means—

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

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

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

“relative” means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

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

“remunerative work” has the meaning given by paragraph 10;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(c) refer, less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions);

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002(d);

“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 SSCBA;

“self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) 2004 c.12.

(b) 2002 c.16.

(c) S.I. 2006/214; amended by S.I. 2007/1356, 2007/2869.

(d) 2002 c.16. Section 3 was amended by the Civil Partnership Act 2004 (c.33), Schedule 24, paragraph 140 and S.I. 2002/1792.

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

(c) the Employment, Skills and Enterprise Scheme;

“service user group” means a group of individuals that is consulted by or on behalf of—

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978(c);
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985(d);
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995(e);
- (d) a public authority in consequence of a function under section 149 of the Equality Act 2010(f);
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999(g);
- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001(h);
- (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(i);
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006(j);
- (i) the Care Quality Commission in exercise of a function under section 4 or 5 of the Health and Social Care Act 2008(k);
- (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(l); 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;

(a) 1973 c.50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19) and repealed in part by the Employment Act 1989 (c.38), Schedule 7, Part 1.

(b) 1990 c.35.

(c) 1978 c.29.

(d) 1985 c.68; section 105 was amended by S.I. 1996/2325; the Government of Wales Act 1998 (c.38), Schedule 8, paragraph 5 and Schedule 16, paragraph 5, and S.I. 2010/866.

(e) 1995 c.50; section 49A was inserted in respect of Northern Ireland by S.I. 2006/312 (N.I. 1).

(f) 2010 c.15.

(g) 1999 c.27; section 3 was amended by the Local Government and Public Involvement in Health Act 2007 (c.28), section 137.

(h) 2001 asp 10.

(i) 2006 c.41.

(j) 2006 c.42.

(k) 2008 c.14; section 4 has been amended by section 189 of the Health and Social Care Act 2012 (c.7) but those amendments are not yet in force.

(l) 2008 c.17; section 193 was amended by the Localism Act 2011 (c.20), Schedule 17, paragraphs 1 and 4 and Schedule 25, Part 27.

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

“the SSCBA” means the Social Security Contributions and Benefits Act 1992(b);

“state pension credit” means state pension credit under the State Pension Credit Act 2002(c);

“student” has the meaning given by paragraph 73;

“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 Chief Executive of Skills Funding or the 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, that department or approved by that 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,

but 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 Employment and Training Act 1973(d), or is training as a teacher;

“the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust and “Trustees” is to be construed accordingly;

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012(e);

“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(f);

“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(g),

(a) 1993 c.39; subsection (2) was amended by S.I. 1996/3095, 1999/1663.

(b) 1992 c.4.

(c) 2002 c.16.

(d) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25 and amended by the Employment Act 1989 (c.38), Schedule 7, Part 1.

(e) 2012 c.5.

(f) 2003 c.1; subsection (2) was inserted by the Finance Act 2005 (c.7), section 19.

(g) 1991 c.56.

- (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(a), in so far as such charges are in respect of the dwelling which a person occupies as his home; “working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002(b); “young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA(c).

(2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) 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—

- (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 because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995(d) (circumstances in which a jobseeker’s allowance is not payable);
- (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 section 19 or 19A or regulations made under section 17A or 19B of that Act; or
- (c) in respect of which an income-based 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(e) (loss of benefit provisions).

(4) 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 2007(f) (disqualification); or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) and which falls

(a) 2002 asp 3; section 29A was substituted together with sections 29B to 29G for section 29 as originally enacted by section 21 of the Water Services etc. (Scotland) Act 2005 (asp 3).

(b) 2002 c.21.

(c) Section 142 was amended by section 1 of the Child Benefit Act 2005 (c.6).

(d) 1995 c.18; section 19 (together with sections 19A to 19C), has been substituted by section 46 of the Welfare Reform Act 2012 (c.5) but that amendment is not yet in force (sections 19A to 19C are however); section 17A has been repealed by Part 4 of Schedule 14 to that Act although that provision is not yet in force. In the meantime amendments have been made to section 17A by sections 48 and 59 of, and Schedules 7 and 14 to, the 2012 Act.

(e) 2001 c.11; section 6B was amended by sections 9, 24 and 58 of, and paragraphs 9 and 10 of Schedule 2 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (c.24); sections 31, 113, 118, 119, 121 and 147 of, paragraphs 56 and 58 of Schedule 2, paragraphs 15 and 16 of Schedule 3, Parts 1 and 12 of Schedule 14, to the Welfare Reform Act 2012 (c.5), of which only those made by section 113 (to subsection (1)(b)) are in force. Section 7 was amended by section 14 of, and Part 3 of Schedule 3 to, the State Pension Credit Act 2002 (c.16); sections 28 and 49 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007 (c.5); sections 9, 24 and 58 of, and paragraphs 9 and 11 of Schedule 2, Part 1 of Schedule 4 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (of which those made by sections 9, 31 and Schedule 7 are not yet in force); S.I. 2011/2298; sections 31, 118, 119 and 147 of, and paragraphs 56 and 59 of Schedule 2, paragraphs 15 and 17 of Schedule 3 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012, none of which are yet in force. Section 8 has been repealed by section 147 of, and Part 1 of Schedule 14, to the Welfare Reform Act 2012, but that repeal is not yet in force. Amendments have also been made by sections 1, 24, and 58 of, and Part 1 of Schedule 4 and Part 3 of Schedule 7 to, the Welfare Reform Act 2009; sections 31, 48, 113 and 147 of, and paragraphs 56 and 60 of Schedule 2, paragraph 12 of Schedule 7 and Part 12 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force. Section 9 was amended by section 14 of, and Part 3 of Schedule 2 to, the State Pension Credit Act 2002; sections 28 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007; sections 9 and 58 of, and Part 1 of Schedule 7 to, the Welfare Reform Act 2009, none of which are in force; sections 31, 113 and 147 of, and paragraphs 56 and 61 of Schedule 2 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force.

(f) 2007 c.5.

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.

(5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

(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(a) (small amounts of state pension credit).

Application of scheme: pensioners and persons who are not pensioners

3.—(1) This scheme applies to—

- (a) pensioners who fall within any of classes A to C(b); and
- (b) persons who are not pensioners who fall within any of classes D to F(c).

(2) In this scheme—

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

Meaning of “couple”

4.—(1) In this scheme “couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and 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.

(2) 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.

Polygamous marriages

5.—(1) This paragraph applies to any case where—

(a) S.I. 2002/1792.
 (b) See paragraphs 13 to 15 of this scheme.
 (c) See paragraphs 16 to 18 of this scheme.

- (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.

(2) For the purposes of paragraph 4 (meaning of “couple”) neither party to the marriage is to be taken to be a member of a couple.

Meaning of “family”

6.—(1) In this scheme “family” means—

- (a) a couple;
- (b) a 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; or
- (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.

(2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA(a) applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).

(3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is—

- (a) 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
- (b) a person to whom section 6 of the Children (Leaving Care) Act 2000(b) (exclusion from benefits) applies.

Circumstances in which a person is to be treated as responsible or not responsible for another

7.—(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.

(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 must be treated for the purposes of sub-paragraph (1) as normally living with—

- (a) the person who is receiving child benefit in respect of that child or young person, or
- (b) if there is no such person—
 - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
 - (ii) in any other case the person who has the primary responsibility for him.

(3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

Households

8.—(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(a) Section 145A inserted by the Tax Credits Act 2002 (c.21), section 55(1).
(b) 2000 c.35.

- (2) A child or young person is 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 22C or 23(2)(a) of the Children Act 1989(a) 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(b) or the Adoption Agencies (Scotland) Regulations 2009(c) or the Adoption (Northern Ireland) Order 1987(d).
- (3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—
- (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.
- (4) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant’s household in any reduction week where—
- (a) that child or young person lives with the applicant for part or all of that reduction week; and
 - (b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child’s or young person’s visits.
- (5) In this paragraph “relevant enactment” means—
- (a) the Army Act 1955(e);
 - (b) the Air Force Act 1955(f);
 - (c) the Naval Discipline Act 1957(g);
 - (d) the Matrimonial Proceedings (Children) Act 1958(h);
 - (e) the Social Work (Scotland) Act 1968(i);
 - (f) the Family Law Reform Act 1969(j);
 - (g) the Children and Young Persons Act 1969(k);
 - (h) the Matrimonial Causes Act 1973(l);
 - (i) the Children Act 1975(m);
 - (j) the Domestic Proceedings and Magistrates’ Courts Act 1978(n);

(a) 1989 c.41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but not yet in force in Wales. Section 59(1)(a) was amended by section 49 of the Children Act 2004 (c.31) and paragraph 2 of Schedule 1 to the Children and Young Persons Act 2008.

(b) 2002 c.38.

(c) S.I. 2009/154.

(d) S.I. 1987/2203 (N.I. 22).

(e) 1955 c.18.

(f) 1955 c.19.

(g) 1957 c.53.

(h) 1958 c.40.

(i) 1968 c.49.

(j) 1969 c.46.

(k) 1969 c.54.

(l) 1973 c.18.

(m) 1975 c.72; this Act was repealed in respect of England and Wales by Schedule 15 to the Children Act 1989 (c.41). It continues to have effect in Scotland.

(n) 1978 c.22.

- (k) the Adoption and Children (Scotland) Act 2007^(a);
- (l) the Family Law Act 1986^(b);
- (m) the Children Act 1989;
- (n) the Children (Scotland) Act 1995^(c); and
- (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012^(d).

Non-dependants

9.—(1) In this scheme, “non-dependant” means any person, except someone to whom sub-paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

- (a) any member of the applicant’s family;
- (b) if the applicant is polygamously married—
 - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—
 - (aa) party to such a marriage other than the applicant’s partner; and
 - (bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or
 - (ii) in any other case, 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 paragraph 8 (households);
- (d) subject to sub-paragraph (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 section 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to sub-paragraph (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) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is 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 his 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 a 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

(a) 2007 asp 4.
 (b) 1986 c.55.
 (c) 1995 c.36.
 (d) 2012 c.10.

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 change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

Remunerative work

10.—(1) Subject to the following provisions of this paragraph, a person must 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.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must 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 the date of application, 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.

(3) Where, for the purposes of sub-paragraph (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 must be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must 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.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(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 is to be treated as not being in remunerative work in that week.

(7) A person must 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.

(8) A person must 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.

PART 3

Procedural matters

Procedure for reduction applications and appeals against reduction decisions

11. Schedule 1 contains provisions about the procedure—

- (a) by which a person may apply for a reduction under this scheme;
- (b) by which a person may make an appeal against certain decisions of the authority;
- (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

PART 4

Classes of person entitled to a reduction under this scheme

Classes of person entitled to a reduction under this scheme

12.—(1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction under this scheme.

(2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

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

13. 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^(a);
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount, and
- (f) who has made an application.

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

14. 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) 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 $2 \frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

Class C: alternative maximum council tax reduction – pensioners 15.—

(1) 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 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;

(a) See section 6(5) of the Local Government Finance Act 1992 for the meaning of "resident" in relation to a dwelling.

- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) who has made an application; and
- (f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(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 incomes, of one or more residents to whom this sub-paragraph applies.

(3) Sub-paragraph (2) 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 (persons disregarded for the purposes of discount), 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.

Class D: persons who are not pensioners whose income is less than the applicable amount

16. On any day class D consists of any person who is not 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount, and
- (f) who has made an application.

Class E: persons who are not pensioners whose income is greater than the applicable amount

17. On any day class E consists of any person who is not 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 19 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme;

- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is $2 \frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

Class F: alternative maximum council tax reduction – persons who are not pensioners

18. No alternative maximum Council Tax reduction shall apply on any day to Class F which consists of any person who is not a pensioner.

Periods of absence from a dwelling

19.—(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means—

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as—
 - (i) the person resides in that accommodation;
 - (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 that absence, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(3) This sub-paragraph applies to a person who—

- (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007(a), or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following, in the United Kingdom or elsewhere, a training course;

- (e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
 - (g) is, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
 - (h) is a student;
 - (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
 - (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- (4) This sub-paragraph applies to a person who is—

(a) 2007 c.21.

- (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(a), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003(b) or the Criminal Procedure (Scotland) Act 1995(c) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986(d)); and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952(e) or the Prisons (Scotland) Act 1989(f).
- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
 - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- (6) In this paragraph—
- “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 in—
- (a) a care home;
 - (b) an independent hospital;
 - (c) an Abbeyfield Home; or
 - (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- “training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

PART 5

Classes of person excluded from this scheme

Classes of person excluded from this scheme

20. The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

Class of person excluded from this scheme: persons treated as not being in Great Britain

21.—(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(a) 1983 c.20.
(b) 2003 asp 13.
(c) 1995 c.46.
(d) S.I. 1986/595 (N.I. 4).
(e) 1952 c.52.
(f) 1989 c.45.

(2) Except where a person falls within sub-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.

(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.

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

- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC(a); 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)(b).

(5) A person falls within this sub-paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in 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 granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971(c) on the rejection of their claim for asylum;
- (f) a person who has humanitarian protection granted under those rules; or
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999(d) 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.

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

(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.

(8) In this paragraph—

“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999(e);

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006(f).

(a) OJ No L 158, 30.4.04, p 77.

(b) A consolidated version of this Treaty was published in the Official Journal on 30.3.2010 C 83.

(c) 1971 c.77.

(d) 1999 c.33.

(e) Relevant amendments to section 94(1) have been made by section 44 of the Nationality, Immigration and Asylum Act 2002 (c.41) but those provisions are not in force. Other amendments have been made but they are not relevant to these Regulations.

(f) S.I. 2006/1003; relevant amending instruments are S.I. 2011/544, 2012/1547, 2012/2560.

Class of person excluded from this scheme: persons subject to immigration control

22.—(1) Persons subject to immigration control are not entitled to a reduction under this scheme.

(2) “Person subject to immigration control” has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

Class of person excluded from this scheme: capital limit

23.—(1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000(a).

(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

Class of person excluded from this scheme: students

24. The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

PART 6

Applicable amounts

Applicable amounts: pensioners

25.—(1) The applicable amount for a pensioner(b) for a week is the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule (child or young person amounts);
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(2) In Schedule 2—

“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005(c).

(a) See Part 10, Chapters 1 and 7, of this scheme in relation to the capital of an applicant and the calculation of tariff income from capital.
(b) Including pensioners in polygamous marriages, by virtue of paragraph 5 of the scheme.
(c) S.I. 2005/3360.

Applicable amounts: persons who are not pensioners

26.—(1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (e) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,
 which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components^(a));
- (f) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 3—

“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;

“converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008^(b);

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005^(c).

Polygamous marriages: persons who are not pensioners

27.—(1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

(2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case—

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;

(a) The amount of the components is set out in Part 6 of that Schedule.
 (b) S.I. 2008/794.
 (c) S.I. 2005/3360.

- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (f) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,
 which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);
- (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

Applicable amount: persons who are not pensioners who have an award of universal credit

28.—(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—

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

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.

(3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(4) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012(a).

PART 7

Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Maximum council tax reduction amount under this scheme: pensioners and persons who are not pensioners

29.—(1) Subject to sub-paragraphs (2) to (4), a person’s maximum council tax reduction amount in respect of a day is 100 per cent of the amount A/B where—

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

less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners and persons who are not pensioners), and from that calculated amount, a deduction of 19.5% shall be made.

(a) 2012 c.5.

(2) In calculating a person's maximum council tax reduction under this scheme 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 (other than a reduction under this scheme), is to be taken into account.

(3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

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

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to a reduction under this scheme) applies.

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

Non-dependant deductions: pensioners and persons who are not pensioners

30.—(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29 are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £20.50 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £3.65 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than £186.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than £186.00 but less than £322.00, the deduction to be made under this paragraph is £7.25;
- (c) not less than £322.00 but less than £401.00, the deduction to be made under this paragraph is £9.15.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons,

the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

- (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
 - (b) receiving in respect of himself—
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if—
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full-time student within the meaning of Part 11 (students); or
 - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) “patient” has the meaning given in paragraph 19(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
- (8) No deduction is to be made in respect of a non-dependant—
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
 - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income—
- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and

- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

PART 8

Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners

31.—(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).

(2) Subject to sub-paragraph (3), 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, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

PART 9

Amount of reduction under this scheme

Amount of reduction under this scheme: Classes A to F

32.—(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.

(2) Where the person is within class A or D(a), that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.

(3) Where the person is within class B or E(b), that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f), as the case may be.

(4) Where the person is within class C or F(c), that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.

(5) Sub-paragraph (6) applies where both—

- (a) sub-paragraph (2) or sub-paragraph (3), and
- (b) sub-paragraph (4),

apply to a person.

(6) The amount of the reduction to which the person is entitled is whichever is the greater of—

(a) As to which, see paragraphs 13 and 16 respectively.
(b) As to which, see paragraphs 14 and 17 respectively.
(c) As to which, see paragraphs 15 and 18 respectively.

- (a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
- (b) the amount of the reduction given by sub-paragraph (4).

PART 10

Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

CHAPTER 1

Income and capital: general

Calculation of income and capital: applicant's family and polygamous marriages

33.—(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.

(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.

(3) Except where paragraph 37 applies, 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.

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

34.—(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where—

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

CHAPTER 2

Income and capital: pensioners in receipt of guarantee credit or savings credit

Applicant in receipt of guarantee credit: pensioners

35. In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

Calculation of applicant's income and capital in savings credit only cases: pensioners 36.—

(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit^(a).

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this scheme in respect of—
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 34 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
- (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act^(b) (power of billing authority to reduce amount of council tax payable);
- (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).

(3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).

(4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).

(5) This sub-paragraph applies if—

(a) See paragraph 22A for the capital limit for eligibility of £16,000.

(b) Section 13A is substituted by section 10 of the Local Government Finance Act 2012 (c.17).

- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
- (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
- (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

CHAPTER 3

Income and capital where there is an award of universal credit

Calculation of income and capital: persons who are not pensioners who have an award of universal credit

37.—(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 amount 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.

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account—

- (a) the amount of the award of universal credit, determined in accordance with sub-paragraph (3);
- (b) paragraph 34 (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;
- (c) 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).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 34 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) 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 the award of universal credit.

CHAPTER 4

Income: other pensioners

Calculation of income and capital where state pension credit is not payable: pensioners

38. Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, his income

and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

Meaning of “income”: pensioners

39.—(1) For the purposes of classes A to C in this scheme, “income” means income of any of the following descriptions—

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);
- (e) a war disablement pension or war widow’s or widower’s pension;
- (f) a foreign war disablement pension or war widow’s or widower’s pension;
- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(a), in any case where article 31(2)(c) applies;
- (i) income from capital(b) other than capital disregarded under Part 1 of Schedule 9;
- (j) social security benefits, other than retirement pension income or any of the following benefits—
 - (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
 - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
 - (vi) child benefit;
 - (vii) any guardian’s allowance payable under section 77 of the SSCBA (guardian’s allowance);
 - (viii) any increase for a dependant, other than the applicant’s partner, payable in accordance with Part 4 of that Act (increases for dependants);
 - (ix) any—
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
 - (bb) occasional assistance;
 - (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
 - (xi) housing benefit;
 - (xii) council tax benefit;
 - (xiii) bereavement payment;
 - (xiv) statutory sick pay;
 - (xv) statutory maternity pay;
 - (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA(c);
 - (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
 - (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);

(a) S.I. 2011/517.

(b) See paragraph 71 for the calculation of income from capital so far as relating to pensioners.

(c) Part 12ZA was inserted by section 2 and Part 12ZB was inserted by section 4 of the Employment Act 2002 (c.22).

- (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
- (l) a payment made—
 - (i) under article 30 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(a) (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a 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;
- (n) payments under a scheme made under the Pneumoconiosis etc. (Worker's Compensation) Act 1979(b);
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—
 - (i) under a court order;
 - (ii) under an agreement for maintenance; or
 - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) 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;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under—
 - (i) the Civil List Act 1837(c),
 - (ii) the Civil List Act 1937(d),
 - (iii) the Civil List Act 1952(e),
 - (iv) the Civil List Act 1972(f), or
 - (v) the Civil List Act 1975(g);
- (u) any income in lieu of that specified in paragraphs (a) to (r);
- (v) any payment of rent made to an applicant who—

(a) S.I. 2006/606.
 (b) 1979 c.41.
 (c) 1837 c.2.
 (d) 1937 c.32.
 (e) 1952 c.37.
 (f) 1972 c.7.
 (g) 1975 c.82.

- (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
- (ii) occupies part of the property; and
- (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

(2) Where the payment of any social security benefit referred to in sub-paragraph (1) is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.

(3) Where an award of any working tax credit or child tax credit 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 sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(4) The adjustments specified in this sub-paragraph are those made in accordance with—

- (a) the Social Security (Overlapping Benefits) Regulations 1979(a);
- (b) the Social Security (Hospital In-Patients) Regulations 1975;
- (c) section 30DD or section 30E of the SSCBA(b) (reductions in incapacity benefit in respect of pensions and councillor's allowances);
- (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.

(5) In sub-paragraph (1)(w), "equity release scheme" means a loan—

- (a) made between a person ("the lender") and the applicant;
- (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
- (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

Calculation of weekly income: pensioners

40.—(1) Except in a case within sub-paragraph (2) or (4), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—

- (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
- (b) exceeds a week, the amount to be included in the applicant's weekly income is to 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 a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
 - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
 - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(a) S.I.1979/597.

(b) Section 30DD was inserted by the Welfare Reform and Pensions Act 1999 (c.30), section 63; section 30E was inserted by the Social Security (Incapacity for Work) Act 1994 (c.18), section 3. Both sections are repealed by the Welfare Reform Act 2007 (c.5), Schedule 8 (not yet in force).

- (2) Sub-paragraph (3) applies where—
- (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
 - (b) the amount of the applicant's income fluctuates and has changed more than once.
- (3) The weekly amount of that applicant's income is to be determined—
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
 - (b) in any other case, on the basis of—
 - (i) the last two payments if those payments are one month or more apart;
 - (ii) the last four payments if the last two payments are less than one month apart; or
 - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.
- (4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.
- (5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.
- (6) This sub-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;
 - (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; and
 - (c) any payment which is made on an occasional basis.
- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 5 are to be disregarded in calculating—
- (a) the applicant's earnings; and
 - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.
- (11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 9 (capital disregards: pensioners) has effect so that—
- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
 - (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).
- (13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

41.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner who is a pensioner, means 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;
- (d) any holiday pay;
- (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—
 - (i) travelling expenses incurred by the applicant between his home and 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;
- (g) 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(a);
- (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
- (i) statutory paternity pay payable under Part 12ZA of that Act;
- (j) statutory adoption pay payable under Part 12ZB of that Act;
- (k) any sums payable under a contract of service—
 - (i) for incapacity for work due to sickness or injury; or
 - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996(b) in respect of unfair dismissal or unlawful discrimination;
- (f) any payment in respect of expenses arising out of the applicant’s participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

Calculation of net earnings of employed earners: pensioners

42.—(1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an

(a) S.I. 2001/1004.

(b) 1996 c.17.

employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from 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 SSCBA.

(3) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to 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 paragraph the daily amount of the qualifying contribution is to be determined—

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

(5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 the Income Tax Act 2007^(a) (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to 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 SSCBA 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.

(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) (“2012 Act”); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.

Calculation of earnings of self-employed earners: pensioners

43.—(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment—

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph is to be his assessment period.

Earnings of self-employed earners: pensioners

44.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) “Earnings” in the case of employment as a self-employed earner does not include—

- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
- (b) any payment made by a local authority to an applicant—
 - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989(a) or, as the case may be, section 26(1) of the Children (Scotland) Act 1995(b); or
 - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009(c) or who is a kinship carer under those Regulations;
- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) 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—
 - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (ii) a voluntary organisation;
 - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948(d);
 - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006(e); or
 - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006(f);

(a) 1989 c.41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but is not yet in force in Wales.

(b) 1995 c.36; section 26 was amended by paragraph 1 of Schedule 3 to the Adoption and Children (Scotland) Act 2007 (asp 4).

(c) S.I. 2009/210.

(d) 1948 c.29; section 26(3A) was inserted by section 42(4) of the National Health Service and Community Care Act 1990 (c.19).

(e) 2006 c.41. The Commissioning Board is established under section 1H of that Act (inserted by section 9 of the Health and Social Care Act 2012 (c.7)); section 14D was inserted by section 25 of the 2012 Act.

(f) 2006 c.42.

- (e) any sports award.

Notional income: pensioners

45.—(1) An applicant who is a pensioner is to be treated as possessing—

- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
 - (i) for which no claim has been made; and
 - (ii) to which he might expect to be entitled if a claim for it were made;
- (b) income from an occupational pension scheme which the applicant elected to defer.

(2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—

- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
- (b) a shared additional pension payable under section 55A of the SSCBA;
- (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965(a).

(3) For the purposes of sub-paragraph (2), entitlement has been deferred—

- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
- (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
- (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.

(4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—

- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
- (b) fails to purchase an annuity with the funds available in that scheme; and
- (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.

(5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.

(6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.

(7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).

(8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pension Schemes Act 1993.

(a) 1965 c.51.

(9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.

(10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005(a), changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.

(12) Sub-paragraph (9) does 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.

(13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must 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 selects to apply, to the date on which the altered rate is to take effect.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—

- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant’s income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004(b).

(16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties: pensioners

46.—(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made 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—

- (a) 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

(a) S.I. 2005/454.
(b) 2004 c.12.

sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980(a);

- (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.

(3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant's participation in a service user group.

CHAPTER 5

Income: persons who are not pensioners

Average weekly earnings of employed earners: persons who are not pensioners

47.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—

- (a) over a period immediately preceding the reduction week in which the application 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 paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (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 must be estimated by reference to those earnings;
- (b) in any other case, the authority must estimate the applicant's average weekly earnings(b).

(3) Where the amount of an applicant's earnings changes the authority must 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 must not in any case exceed 52 weeks.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).

Average weekly earnings of self-employed earners: persons who are not pensioners

48.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must 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 must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

(a) 1980 c.46.

(b) Powers in section 14A of the LGFA 1992 may be used to confer power to require employers to provide information for these purposes.

Average weekly income other than earnings: persons who are not pensioners

49.—(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (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 must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

Calculation of weekly income of employed earners: persons who are not pensioners

50.—(1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (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 is to be the amount of that payment;
- (b) exceeds a week, the weekly amount is to 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.

(2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to 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.

Earnings of employed earners: persons who are not pensioners

51.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, means 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—
 - (i) travelling expenses incurred by the applicant between his home and 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;
- (g) 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);

- (h) 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);
- (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
- (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- (l) 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.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

Calculation of net earnings of employed earners: persons who are not pensioners

52.—(1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from 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 SSCBA.

(4) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(5) The amount in respect of any qualifying contribution is to 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 paragraph the daily amount of the qualifying contribution is to be determined—

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

(6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to F), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007(a) (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to 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 SSCBA 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.

Earnings of self-employed earners: persons who are not pensioners

53.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 8 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 does it include any sports award.

(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 or work concerned.

(4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal

(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) (“2012 Act”); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.

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 reduction under this scheme to which the applicant would have been entitled 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 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant's case.

Calculation of income other than earnings: persons who are not pensioners

54.—(1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).

(2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 8.

(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 sub-paragraph (1) must be the gross amount payable.

(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(a), the amount of that benefit to be taken into account is the amount as if it had not been reduced.

(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 sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) Sub-paragraphs (7) and (8) apply where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(7) 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 sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula—

$$(A - (BuC)) / D$$

where—

- (a) 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 81(5) (costs of travel, books and equipment);
- (b) 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) 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 81(2)

(a) S.I. 2008/794.

(treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

(d) D = the number of reduction weeks in the assessment period.

(8) 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 sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 11 (students);

“assessment period” means—

(a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—

(i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

(ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 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 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

(a) any payment to which paragraph 41(2) or 51(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.

Capital treated as income: persons who are not pensioners

55.—(1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital

otherwise calculated in accordance with Chapter 7 of this Part exceeds £16,000, be treated as income.

- (2) Any payment received under an annuity is to be treated as income.
- (3) Any earnings to the extent that they are not a payment of income is to be treated as income.
- (4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.
- (5) Where an agreement or court order provides that payments must 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 by virtue of this Part), is to be treated as income.

Notional income: persons who are not pensioners

56.—(1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.

- (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 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
 - (e) any sum to which paragraph 51(a) of Schedule 10 refers;
 - (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
 - (g) child tax credit;
 - (h) working tax credit, or
 - (i) any sum to which sub-paragraph (11) applies,

any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to 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.

- (3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made—
 - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party’s family) must, 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) must, where it is not a payment referred to in 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) must 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.
- (4) Sub-paragraph (3) does not apply in respect of a payment of income made—

- (a) under or by 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^(a) (concessionary coal);
- (c) pursuant to section 2 of the Employment and Training Act 1973 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 1996^(b);
 - (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 person's 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^(c);
 - (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 sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must 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 selects, to the date on which the altered rate is to take effect.

(6) Subject to sub-paragraph (7), where—

- (a) an 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 must 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.

(7) Sub-paragraph (6) does 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

(a) 1994 c.21.
 (b) S.I. 1996/207.
 (c) 1980 c.46.

- (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 1996, 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.

(8) In sub-paragraph (7)(c) “work placement” means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part 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 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to 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 basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007(a) (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to 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 SSCBA 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.

(11) Sub-paragraphs (1), (2), (3) and (6) do 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.

CHAPTER 6

Income: further provisions applying to pensioners and persons who are not pensioners

Calculation of income on a weekly basis

57.—(1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis—

(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) (“2012 Act”); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.

- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
 - (b) by adding to that amount the weekly income calculated—
 - (i) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);
 - (ii) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners); and
 - (c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.
- (2) The conditions of this paragraph are that—
- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and
 - (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.
- (3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—
- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
 - (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

58.—(1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other—
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

- (a) is paid statutory sick pay;
- (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
- (c) is paid an employment and support allowance;
- (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987(a); or

(a) S.I. 1987/1967.

- (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975(a).

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- (b) the first day of the period in respect of which earnings are credited,

as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10).

(6) The charges are paid by the applicant for care which is provided—

- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
- (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

- (a) in respect of the child's compulsory education;
- (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
- (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

- (a) out of school hours, by a school on school premises or by a local authority—
 - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999(b); or
- (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010(c); or
- (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010(d); or
- (e) by—

(a) S.I. 1975/556.
 (b) S.I. 1999/3110.
 (c) 2010 c.1.
 (d) S.I. 2010/2574 (W.214).

- (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010(a); or
 - (ii) local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care of children within the meaning of that Act; or
 - (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
 - (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006(b); or
 - (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - (k) by a foster parent or kinship carer under the Fostering Services Regulations 2011(c), the Fostering Services (Wales) Regulations 2003(d) or the Looked After Children (Scotland) Regulations 2009(e) in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(f) and being a regulated activity prescribed by those Regulations; or
 - (m) by a person who is not a relative of the child wholly or mainly in the child’s home.
- (9) In sub-paragraphs (6) and (8)(a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.
- (10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
 - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
 - (ii) he satisfies that conditions or would satisfy it 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 SSCBA;

(a) 2001 asp 8.
(b) 2006 c.21.
(c) S.I. 2011/581.
(d) S.I. 2003/237.
(e) S.I. 2009/210.
(f) S.I. 2010/781; amended by S.I. 2012/1513.

- (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
- (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- (f) he 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 SSCBA (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 must be treated as one continuous period;
- (g) he is, 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 2008 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;
- (h) there is payable in respect of him one or more of the following pensions or allowances—
 - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
 - (ii) attendance allowance under section 64 of the SSCBA;
 - (iii) severe disablement allowance under section 68 of the SSCBA;
 - (iv) disability living allowance under section 71 of the SSCBA;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) increase of disablement pension under section 104 of the SSCBA;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
 - (ix) main phase employment and support allowance;
- (i) a pension or allowance to which sub-paragraph (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which

allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

- (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006^(a) or under section 46 of the National Health Service (Scotland) Act 1978^(b) or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972^(c).

(12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.

(14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—

- (a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;
- (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(a) 2006 c.41; paragraph 9 has been amended by sections 17(10) of the Health and Social Care Act 2012 (c.7) (to replace references to the Secretary of State with references to clinical commissioning groups), but those provisions are not yet fully in force.

(b) 1978 c.29.

(c) S.I. 1972/1265 (N.I. 14).

- (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA(a), ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person’s maternity, paternity leave or adoption leave commences and ends on—

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

- (a) “qualifying support” means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987(b); and
- (b) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph “applicant” does not include an applicant—

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

an award of universal credit.

Calculation of average weekly income from tax credits

59.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(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.

(4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc.

60. In calculating the applicant’s income the authority may disregard any legislative change—

(a) 1992 c.4; section 164 was amended by paragraph 12 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and section 20 of, and paragraph 6 of Schedule 7 and paragraph 1 of Schedule 8 to, the Employment Act 2002 (c.22).

(b) S.I. 1987/1967; Schedule 1B was inserted by S.I. 1996/206.

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

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

Calculation of net profit of self-employed earners

61.—(1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must 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 who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
- (c) in the case of a self-employed earner who is not a pensioner 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(a), his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- (b) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA,

(a) S.I. 1975/529.

calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and

- (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of—

- (a) any capital expenditure;
- (b) the depreciation of any capital asset;
- (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
- (d) any loss incurred before the beginning of the assessment period;
- (e) the repayment of capital on any loan taken out for the purposes of the employment;
- (f) any expenses incurred in providing business entertainment; and
- (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.

(6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for—

- (a) the replacement in the course of business of equipment or machinery; or
- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(8) For the avoidance of doubt—

- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction must 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.

(9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—

- (a) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
- (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(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 must not be offset against his earnings in any other of his employments.

(11) The amount in respect of any qualifying premium is to 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 paragraph the daily amount of the qualifying premium must be determined—

- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing 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.

(12) In this paragraph, “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 application.

Calculation of deduction of tax and contributions of self-employed earners

62.—(1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—

- (a) on the basis of the amount of chargeable income, and
- (b) as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007^(a) (personal allowances) as is appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of social security contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is 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 SSCBA 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 that Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (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 must be reduced pro rata.

(4) In this paragraph “chargeable income” means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) (“2012 Act”); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.

CHAPTER 7

Capital

Calculation of capital

63.—(1) The capital of an applicant^(a) to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in—

- (a) Schedule 9, in relation to pensioners;
- (b) Schedule 10, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

Income treated as capital: persons who are not pensioners

64.—(1) This paragraph applies in relation to persons who are not pensioners.

(2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.

(3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.

(4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.

(5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.

(6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.

(7) 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, is to be treated as capital.

(8) There is to 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.

(a) See paragraph 22A for the capital limit for eligibility of £16,000.

(9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(10) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

65. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

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

Calculation of capital outside the United Kingdom

66. Capital which an applicant possesses in a country outside the United Kingdom must 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.

Notional capital

67.—(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).

(2) A person who is a pensioner who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,

is to be regarded as not depriving himself of it.

(3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.

(4) 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 9; 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 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
- (f) any sum to which paragraph 51(a) of Schedule 10 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, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

(5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), 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) must, 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) must, where it is not a payment referred to in 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 the family) must 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.

(6) Sub-paragraph (5) does 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 Employment and Training Act 1973 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 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
- (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(7) 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 must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and
- (b) he must, subject to sub-paragraph (8), 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 Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(8) 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 sub-paragraph (7) is to be disregarded.

(9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule: pensioners

68.—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(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 sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
- (b) in the case of a week in respect of which sub-paragraph (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 sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—

- (a) he is in receipt of a reduction under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
- (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (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

reduction week to which sub-paragraph (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 reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—

- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
- (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
- (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit 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;
- (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 benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; 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 benefit 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.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—

- (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must 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 must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) 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
 - (ii) any other period of less than a week for which it is payable;

“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 paragraph 67(1)—

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Diminishing notional capital rule: persons who are not pensioners

69.—(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(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 sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
- (b) in the case of a week in respect of which sub-paragraph (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 sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

- (a) he is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (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 sub-paragraph (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 sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (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 sub-paragraph (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 the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—

- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
- (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit 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;
- (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit 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;

- (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 benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; 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 benefit 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.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (6) must 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 must continue to have effect.

(10) For the purposes of this paragraph—
"part-week"—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) 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
 - (ii) any other period of less than a week for which it is payable;

“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 paragraph 67(1)—

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held

70. Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must 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 Chapter 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.

Calculation of tariff income from capital: pensioners

71. The capital of an applicant who is a pensioner, calculated in accordance with this Part(a), is to be treated as if it were a weekly income(b) of—

- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
- (b) £1 for any excess which is not a complete £500.

Calculation of tariff income from capital: persons who are not pensioners

72. The capital of an applicant who is not a pensioner, calculated in accordance with this Part(c), is to be treated as if it were a weekly income(d) of—

- (a) £1 for each £250 in excess of £6,000 but not exceeding £16,000;
- (b) £1 for any excess which is not a complete £250.

(a) See Chapters 1 and 7 of Part 10 in particular, and the capital to be disregarded in accordance with Schedule 9.
 (b) Income from capital is taken into account in calculating the income of an applicant who is a pensioner; see paragraph 39(1)(i).
 (c) See Chapters 1 and 7 of Part 10 in particular, and the capital to be disregarded in accordance with Schedule 10.
 (d) Income from capital is taken into account in calculating the income of an applicant who is not a pensioner; see paragraph 57(1)(b)(ii).

PART 11

Students

CHAPTER 1

General

Interpretation

73.—(1) In this Part—

“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 is to 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(a) for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980(b);
- (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(c); 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 considers that it is reasonable for the following persons 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;

(a) 1992 c.13.
(b) 1980 c.44.
(c) 2009 c.22.

“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 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) 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, that 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 1996;

“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(a) (“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;

(a) S.I. 2003/1994; relevant amending instrument is S.I. 2008/1477.

“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^(a), section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must 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) subject to sub-paragraph (3), 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.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—

- (a) where a person has failed examinations or has failed successfully to 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.

(4) In sub-paragraph (2), “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.

Treatment of students

74. This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

Students who are excluded from entitlement to a reduction under this scheme

75.—(1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—

- (a) full-time students, and
- (b) students who are persons treated as not being in Great Britain^(b).

(2) Sub-paragraph (1)(b) does not apply to a student—

- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;

(a) 1998 c.30.

(b) See paragraph 21 as to persons treated as not being in Great Britain.

- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (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 SSCBA (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 must 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 2008 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, or
 - (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (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) of 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 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.

(3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(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 sub-paragraph must, 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.

(5) In sub-paragraph (2)(i) 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(a).

(6) A full-time student to whom sub-paragraph (2)(i) applies must 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.

(7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (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 sub-paragraph (8).

(8) The period specified for the purposes of sub-paragraph (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,

whichever first occurs.

CHAPTER 2

Income

Calculation of grant income

76.—(1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

(2) There must 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 the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant;
- (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—

- (a) the sum of £303 per academic year in respect of travel costs; and

(a) 1988 c.40.

(b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

(4) There must 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(a).

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—

(a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;

(b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

(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 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(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 sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must 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.

Calculation of covenant income where a contribution is assessed

77.—(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 must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.

(2) The weekly amount of the student's covenant must be determined—

(a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and

(b) by disregarding £5 from the resulting amount.

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

(a) 1998 c.30.

Covenant income where no grant income or no contribution is assessed

78.—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

- (a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
- (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(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 must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—

- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
- (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 8

79. No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

Other amounts to be disregarded

80.—(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

81.—(1) A student loan is to be treated as income.

(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 is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (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, the 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 is to be apportioned equally between the weeks in the period—

- (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
- (ii) 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 authority, the longest of any vacation is taken and for the purposes of this paragraph, “quarter” has 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 is to be apportioned equally between the weeks in the period beginning with—

- (i) except in a case where sub-paragraph (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 coincides 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 is to 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 £10 is to be disregarded.

(3) A student is to 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.

(4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—

- (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
- (ii) any contribution whether or not it has been paid to him;

- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—

- (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
- (ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment,

whether or not any such costs are incurred.

(6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

Treatment of payments from access funds

82.—(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—

(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,

must be disregarded as income to the extent of £20 per week.

(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 must be disregarded as income.

Disregard of contribution

83. 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 must be disregarded for the purposes of assessing that other partner's income.

Further disregard of student's income

84. Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

Income treated as capital

85.—(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds 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, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

Disregard of changes occurring during summer vacation

86. In calculating a student's income the authority must 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.

PART 12

Extended reductions

CHAPTER 1

Extended reductions: pensioners

Extended reductions: pensioners

87. Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

Extended reductions (qualifying contributory benefits): pensioners

88.—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners 89.—

(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

90.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: pensioners 91.—

(1) This paragraph applies—

- (a) to a mover(a); and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

92.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in

(a) See also paragraph 103 in relation to persons moving into the area of the authority from another authority's area.

paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction — movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners 93.—

(1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under this scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—
 - (i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
 - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and
- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.

(4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant is to be disregarded;
- (b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated—

- (a) the applicant's council tax liability has increased; or
- (b) a change in the deduction under paragraph 30 falls to be made.

CHAPTER 2

Extended reductions: persons who are not pensioners

Extended reductions: persons who are not pensioners

94. Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners

95.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction where—

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,
 and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987(a) (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

96.—(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which

(a) S.I. 1987/1967.

the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

Amount of extended reduction: persons who are not pensioners

97.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—

- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 95 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions—movers: persons who are not pensioners 98.—

(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction and entitlement to a reduction by virtue of classes D to F

99.—(1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the

circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction—movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

100.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,
 and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

101.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

102.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners

103.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to F

104.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction—movers: persons who are not pensioners).

CHAPTER 3

Extended reductions: movers in the authority's area

Extended reductions: applicant moving into the authority's area

105. Where—

- (a) an application is made to the authority (“the current authority”) for a reduction under this 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 this scheme by the amount of that extended reduction.

PART 13

When entitlement begins and change of circumstances

Date on which entitlement begins

106.—(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

Date on which change of circumstances is to take effect

107.—(1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme (“change of circumstances”), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), 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.

(4) 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 section 11 or 11A of that Act^(a) (discounts), it takes effect from the day on which the change in amount has effect.

(5) 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.

(a) Section 11A was inserted by section 75(1) of the Local Government Act 2003 (c.26).

(6) 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.

(7) 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 sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) 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 SSCBA, 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 takes 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.

(9) Without prejudice to sub-paragraph (8), 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.

(10) Sub-paragraph (11) applies if—

- (a) the applicant or his partner has attained the age of 65; and
- (b) either—
 - (i) a non-dependant took up residence in the applicant's dwelling; or
 - (ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 30 increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means—

- (a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since—
 - (i) the date on which the applicant's entitlement to a reduction under this scheme first began; or
 - (ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;
- (b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

Change of circumstances where state pension credit in payment 108.—

(1) Sub-paragraphs (2) and (3) apply where—

- (a) the applicant is in receipt of state pension credit;
- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

- (a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—
 - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
 - (ii) state pension credit is increased,whichever is the later.

(3) Where the change of circumstance (“the relevant change”) is that the applicant’s state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—

- (a) in a case where the applicant’s state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—
 - (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
 - (ii) state pension credit is reduced,whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93

(continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph—

“official error” means an error made by—

- (a) the authority or a person—
 - (i) authorised to carry out any function of the authority relating to this scheme; or
 - (ii) providing services relating to this scheme directly or indirectly to the authority; or
- (b) an officer of—
 - (i) the Department for Work and Pensions; or
 - (ii) the Commissioners of Inland Revenue,acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant’s or, as the case may be, the applicant’s partner’s income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant’s income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

PART 14

Applications (including duties to notify authority of change of circumstances)

Making an application

109.—(1) In the case of—

- (a) a couple or (subject to paragraph (b)) 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; or
- (b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(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(a) 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(b), the Enduring Powers of Attorney Act 1985(c) or the Mental Capacity Act 2005 or otherwise,

(a) 2000 asp 4.
(b) 1971 c.27.
(c) 1985 c.29.

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

(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 this scheme and to receive and deal on his behalf with any sums payable to him.

(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).

(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 must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

(6) Anything required by this 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.

(7) The authority must—

- (a) inform any person making an application of the duty imposed by paragraph 115(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

Date on which an application is made

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

- (a) in a case where—
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,
the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
- (b) in a case where—
 - (i) an applicant or his partner is a person in receipt of a guarantee credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change,
the date on which the change takes place;
- (c) in a case where—

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

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

(d) in a case where—

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where—

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

the date of the death or separation;

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

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

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

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)—

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

(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.

(5) The conditions are that—

- (a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—
 - (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
 - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,
 or, in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(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 this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(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 this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than—

- (a) in the case of an application made by—
 - (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.

(8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance.

Back-dating of applications: pensioners

111.—(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the

date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

Back-dating of applications: persons who are not pensioners 112.—

- (1) Where an applicant who is a person who is not a pensioner—
- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
 - (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

- (2) That date is the latest of—
- (a) the first day from which the applicant had continuous good cause;
 - (b) the day 6 months before the date the application was made;
 - (c) the day 6 months before the date when the applicant requested that the application should include a past period.

Information and evidence

113.—(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this 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.

- (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.
- (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^(a);
 - (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.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this 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 the authority in order to

(a) As to which, see paragraph 21.

determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

(5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

(6) Where a request is made under sub-paragraph (4), the authority must—

- (a) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (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 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

(7) This sub-paragraph applies to any of the following payments—

- (a) a payment which is—
 - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).

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

- (a) the name and address of the pension fund holder^(a);
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

Amendment and withdrawal of application

114.—(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.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(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.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

(a) For provisions requiring a pension fund holder to provide information to the billing authority see regulations under section 14A of the Local Government Finance Act 1992.

(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.

Duty to notify changes of circumstances

115.—(1) Subject to sub-paragraphs (3), (6) and (7), the 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 this scheme) including at any time while the applicant is in receipt of such a reduction.

(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 this 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 or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case,

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

(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 this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

(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.

(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.

(6) The duty imposed on a person by sub-paragraph (1) includes—

- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
- (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, the date when this occurs.

(7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;
- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (c) any change in the income or capital of—
 - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependant is to be treated as applicant's); or
 - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

(9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

PART 15

Decisions by authority

Decision by authority

116. The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

Notification of decision

117.—(1) The authority must notify in writing any person affected by a decision made by it under this scheme—

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

(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 115(1)(b);
- (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.

(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.

(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 this scheme relating to the procedure for making an appeal^(a).

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

(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.

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

(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^(b) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- (c) a person appointed by the authority under paragraph 109(3).

PART 16

Circumstances in which a payment may be made

Payment where there is joint and several liability

118.—(1) Where—

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a 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 refers would be inappropriate,

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

(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.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is

(a) See paragraphs 8 to 10 of Schedule 1.
(b) 2000 asp 4.

treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

SCHEDULE 1

Paragraph 11

Procedural matters

PART 1

Procedure for an application for a reduction under this scheme

Procedure by which a person may apply for a reduction under this scheme

1. Paragraphs 2 to 7 apply to an application for a reduction under this scheme.
2. An application may be made—
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 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.
4. Where an application made in writing is defective because—
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form supplied 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 completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

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.

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.

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.

PART 2

Procedure for making an appeal

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

8. A person who is aggrieved by a decision of the authority which affects—

- (a) the person's entitlement to a reduction under this scheme, or
- (b) the amount of any reduction under this scheme,

may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

9. The authority must—

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing—
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

PART 3

Procedure for applying for a discretionary reduction

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

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

- (a) in writing;
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
- (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.

(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 this scheme,

that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

PART 4

Electronic communication

Interpretation

12. In this Part—

“information” includes an application, certificate, notice or other evidence;

“official computer system” means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.

Conditions for the use of electronic communication

13.—(1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.

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

(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.

(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.

(5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.

(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.

(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.

(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 Part of this Schedule.

Use of intermediaries

14. 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.

Effect of delivering information by means of electronic communication

15.—(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 this scheme, on the day the conditions imposed—

- (a) by this Part; and
- (b) by or under an enactment,

are satisfied.

(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).

(3) Information must 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.

Proof of identity of sender or recipient of information

16. 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.

Proof of delivery of information

17.—(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 must be 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.

(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 must be presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

(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 must be presumed to be that recorded on an official computer system.

Proof of content of information

18. 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 must be presumed to be that recorded on an official computer system.

SCHEDULE 2

Paragraph 25

Applicable amounts: pensioners

PART 1

Personal allowances

Personal allowance

1. The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a).

<i>Column (1)</i>	<i>Column (2)</i>
<i>Person, couple or polygamous marriage</i>	<i>Amount</i>
(1) Single applicant or lone parent—	(1)
(a) aged under 65;	(a) £145.40;
(b) aged 65 or over.	(b) £163.50.
(2) Couple—	(2)
(a) both members aged under 65;	(a) £222.05;
(b) one or both members aged 65 or over.	(b) £244.95.

- | | |
|---|--------------|
| (3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65— | (3) |
| (a) for the applicant and the other party to the marriage; | (a) £222.05; |
| (b) for each additional spouse who is a member of the same household as the applicant. | (b) £76.65. |
| (4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over— | (4) |
| (a) for the applicant and the other party to the marriage; | (a) £244.95; |
| (b) for each additional spouse who is a member of the same household as the applicant. | (b) £81.45. |
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Child or young person amounts

2.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

<i>Column (1)</i>	<i>Column (2)</i>
<i>Child or young person</i>	<i>Amount</i>
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £65.62;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £65.62.

(2) In column (1) of the table “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

Family premium

3. The amount for the purposes of paragraph 25(1)(c) in respect of a family of which at least one member is a child or young person is £17.40.

PART 3

Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 25(1)(d), applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

Severe disability premium

6.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

- (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance in respect of caring for him;
- (b) in the case of an applicant who has a partner—
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or
- (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;
- (c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (d) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (b)—

- (a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and
- (b) references to a person being in receipt of a carer's allowance include reference to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001(a) (loss of benefit).

Enhanced disability premium 7.—

(1) The condition is that—

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or
- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of

(a) 2001 c.11.

the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

9.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
- (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Person in receipt of benefit

11. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4**Amounts of premium specified in Part 3****12.—(1) Severe Disability Premium—**

<i>Provision</i>	<i>Amount</i>
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £59.50;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £59.50;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £119.00.
(2) Enhanced disability premium.	(2) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £33.30 in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3

Paragraph 26

Applicable amounts: persons who are not pensioners**PART 1****Personal allowances**

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) are the amounts specified for the purposes of paragraphs 26(1)(a) and 27(1)(a) and (b)—

<i>Column (1)</i>	<i>Column (2)</i>
<i>Person or couple</i>	<i>Amount</i>
(1) A single applicant who—	(1)
(a) is entitled to main phase employment and support allowance;	(a) £71.70;
(b) is aged not less than 25;	(b) £71.70;
(c) is aged not less than 18 but less than 25.	(c) £56.80.
(2) Lone parent.	(2) £71.70.

(3) Couple. (3) £112.55.

2. For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if—

- (a) paragraph 18 is satisfied in relation to the applicant; or
- (b) the applicant is entitled to a converted employment and support allowance.

3.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) are, for the relevant period specified in column (1), the amounts specified for the purposes of paragraphs 26(1)(b) and 27(1)(c)—

<i>Column (1)</i>	<i>Column (2)</i>
<i>Child or Young person</i>	<i>Amount</i>
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£65.62
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£65.62

(2) In column (1) of the table in sub-paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

4.—(1) The amount for the purposes of paragraphs 26(1)(c) and 27(1)(d) in respect of a family of which at least one member is a child or young person is—

- (a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20;
- (b) in any other case, £17.40.

(2) The amount in sub-paragraph (1)(a) is applicable to a lone parent—

- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or
- (b) on becoming entitled to council tax benefit where that lone parent—
 - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and
 - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—

- (a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to
 - (i) council tax benefit (in relation to the period prior to 1st April 2013), and

- (ii) a reduction under this scheme (in relation to the period commencing on 1st April 2013);
 - (b) the applicant has not ceased to be a lone parent;
 - (c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;
 - (d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and
 - (e) a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.
- (4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—
- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or
 - (b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

PART 3

Premiums

5. Except as provided in paragraph 6, the premiums specified in Part 4 are, for the purposes of paragraphs 26(1)(d) and 27(1)(e) (premiums), applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 in respect of that premium.

6. Subject to paragraph 7, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium is applicable to him and, if they are different amounts, the higher or highest amount applies.

7. The following premiums, namely—

- (a) a severe disability premium to which paragraph 11 applies;
- (b) an enhanced disability premium to which paragraph 12 applies;
- (c) a disabled child premium to which paragraph 13 applies; and
- (d) a carer premium to which paragraph 14 applies,

may be applicable in addition to any other premium which may apply under this Schedule.

8.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979(a) applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

(a) S.I. 1979/597.

- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14, a person is to be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

Disability premium

9. The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or
 - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

Additional condition for the disability premium

10.—(1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either—

- (a) the applicant or, as the case may be, his partner—
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002^(a), mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
 - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant remained continuously entitled to—
 - (aa) council tax benefit (in relation to the period prior to 1st April 2013, and
 - (bb) a reduction under this scheme (in relation to the period commencing on 1st April 2013), and
 if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
 - (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or

(a) S.I. 2002/2005.

- (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
 - (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or
 - (vi) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006(a) or under section 46 of the National Health Service (Scotland) Act 1978(b) or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(c); or
 - (vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (b) the applicant—
- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
 - (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
 - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
 - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit

(a) 2006 c.41; paragraph 9 has been amended by sections 17(10) of the Health and Social Care Act 2012 (c.7) (to replace references to the Secretary of State with references to clinical commissioning groups), but those provisions are not yet fully in force.

(b) 1978 c.29.

(c) S.I. 1972/1265 (N.I. 14).

at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
- (b) the reference to a period of 56 days in sub-paragraph (5),

in each case is to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

Severe disability premium

11.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

- (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA in respect of caring for him;
- (b) in the case of an applicant who has a partner—
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3)

of the SSCBA, or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or

- (b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001(a) (loss of benefit provisions).

Enhanced disability premium

12.—(1) Subject to sub-paragraph (2), the condition is that—

- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or
- (b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit; or
- (c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

- (a) an applicant who—
 - (i) is not a member of a couple or a polygamous marriage; and

(a) 2001 c.11.

- (ii) is a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges) and has been for a period of more than 52 weeks; or
- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11)(i) and has been for a period of more than 52 weeks.

Disabled child premium

13. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 10; or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

14.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer premium is awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
- (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

15. For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

16. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4**Amounts of Premiums Specified in Part 3**

17.—(1) Disability Premium—	
<i>Premium</i>	<i>Amount</i>
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £31.00;
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £44.20.
(2) Severe Disability Premium—	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £59.50;
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—	
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £59.50;
(ii) in a case where there is no-one in receipt of such an allowance.	(b)(ii) £119.00.
(3) Disabled Child Premium.	(3) £57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 13 is satisfied.
(4) Carer Premium.	(4) £33.30 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5)
	(a) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;
	(b) £15.15 in respect of each person who is neither—
	(i) a child or young person; nor
	(ii) member of a couple or a polygamous marriage,
	in respect of whom the conditions specified in paragraph 12 are satisfied;
	(c) £21.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.

PART 5

The components

18. Subject to paragraph 20 the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 if—

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

19. Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

20.—(1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10.

(2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

The work-related activity component

21. The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6

Amount of Components

23. The amount of the work-related activity component is £28.45.

24. The amount of the support component is £34.80.

PART 7

Transitional Addition

25.—(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and
 - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 28 would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

26.—(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under—
 - (i) paragraph 25(2)(b);
 - (ii) sub-paragraph (3)(b); or
 - (iii) paragraph 27(3)(b);
- (b) within 12 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and
- (d) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);

- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

27.—(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—
 - (i) paragraph 25(2)(c);
 - (ii) paragraph 26(3)(c); or
 - (iii) sub-paragraph (3)(c);
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and
- (d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

PART 8

Amount of Transitional Addition

28.—(1) Subject to paragraph 29, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person—

- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—

- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
- (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, “basic amount” means the aggregate of such amounts as may apply in the applicant’s case in accordance with paragraph 26(1)(a) to (e) or paragraph 27(1)(a) to (f) (applicable amounts).

29.—(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant’s basic amount, the transitional addition that applies immediately before the change of circumstances must be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition must be reduced to nil.

- (3) Amount C is the basic amount that applies as a result of the increase.
- (4) Amount D is the basic amount that applied immediately before the increase.

SCHEDULE 4

Paragraph 31

Amount of alternative maximum council tax reduction: pensioners

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 31 (alternative maximum council tax reduction: pensioners) is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 15(2) (class C) applies; and
- (b) “persons to whom paragraph 75(1) of this scheme applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

<i>(1)</i> <i>Second adult</i>	<i>(2)</i> <i>Alternative maximum council tax reduction</i>
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult	(b)

or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—

- | | |
|--|--|
| <p>(i) is less than £183.00 per week;</p> <p>(ii) is not less than £183.00 per week but less than £239.00 per week;</p> <p>(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance.</p> | <p>(i) 15 per cent of the council tax due in respect of that day;</p> <p>(ii) 7.5 per cent of the council tax due in respect of that day;</p> <p>(c) 100 per cent of the council tax due in respect of that day.</p> |
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2. In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income—

- (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

3. Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income must be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 5

Paragraph 40

Sums disregarded from applicant's earnings: pensioners

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—

- (a) £25 in the case of a lone parent;
- (b) £20 in any other case.

2. In a case where an applicant is a lone parent, £25 of earnings.

3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—

- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) as an auxiliary coastguard in respect of coast rescue activities;
- (d) in the manning or launching of a lifeboat if the employment is part-time;
- (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.

(3) If—

- (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
- (b) either of them has, or both of them have, other earnings,

so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

4.—(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.

5.—(1) £20 is disregarded if the applicant or, if he has a partner, his partner—

- (a) is in receipt of—
 - (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of that Act;
 - (iii) attendance allowance under sections 64 of that Act;
 - (iv) disability living allowance;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) 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;
 - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
 - (ix) main phase employment and support allowance; or
- (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been

(a) 2005 asp 5.

incapable, or has been treated as incapable, of work for a continuous period of not less than—

- (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;
 - (ii) in any other case, 364 days; or
- (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and—

- (a) £20 was disregarded in respect of earnings taken into account in that award; and
- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

- (a) entitlement to housing benefit; or
- (b) receipt of a reduction under a council tax reduction scheme; or
- (c) employment,

following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6.—(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 35 (applicant in receipt of guarantee credit: pensioners) does not apply,

the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it does not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

- (5) This sub-paragraph applies to a person who is—
- (a) in receipt of a contributory employment and support allowance;
 - (b) in receipt of incapacity benefit;
 - (c) in receipt of severe disablement allowance;
 - (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (6) “Exempt work” means work of the kind described in—
- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be); or
 - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant’s income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.

8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

- (a) £5 is to be disregarded if an applicant who has no partner has earnings;
- (b) £10 is to be disregarded if an applicant who has a partner has earnings.

9. Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.

10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
 - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) if he is a member of a couple—
 - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 3 of Schedule 2; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)—

- (a) any amount disregarded under this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c) (deductions from income of certain child care charges); and
- (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

SCHEDULE 6

Paragraph 40

Amounts to be disregarded in the calculation of income other than earnings: pensioners

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
- (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 and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011^(a), so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (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) a 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.

2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—

- (a) the applicant's need for constant attendance;
- (b) the applicant's exceptionally severe disablement.

3. 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

(a) S.I. 2011/517.

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.

4. 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.

5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

6.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or 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
- (b) 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).

7. £15 of any widowed parent’s allowance to which the applicant is entitled under section 39A of the SSCBA.

8. £15 of any widowed mother’s allowance to which the applicant is entitled under section 37 of the SSCBA.

9. 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 whom 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, 100 per cent. of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

10. If the applicant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
 - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;

- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
 - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
 - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18. 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, 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.

19.—(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 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 18, 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 is to 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.

20.—(1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

21. Except in a case which falls under paragraph 10 of Schedule 5, 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.

22. Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

23. Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.

24. 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.

SCHEDULE 7

Paragraph 53

Sums disregarded in the calculation of earnings: persons who are not pensioners

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

- (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
- (b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in—
 - (aa) paragraph 51(1)(e) (retainer), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in—
 - (aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
- (c) where before the first day of entitlement to a reduction under this scheme—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except—

- (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);

- (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4.—(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where—

- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
- (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5. In a case where the applicant is a lone parent, £25.

6.—(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—

- (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
- (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

8. In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

9.—(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—

- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004^(a) or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment—

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10. Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

11. In a case to which none of the paragraphs 4 to 10 applies, £5.

12.—(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 14 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;

(a) 2004 c.21.

- (b) in receipt of incapacity benefit;
 - (c) in receipt of severe disablement allowance; or
 - (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (6) “Exempt work” means work of the kind described in—
- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)
 - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

13. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant’s income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

14. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, his earnings.

15. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17. Any earnings of a child or young person.

18.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
 - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) is a member of a couple and—
 - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—

- (aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
 - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
 - (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
- (3) The following are the amounts referred to in sub-paragraph (1)—
- (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 4 to 12;
 - (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
 - (c) £17.10.
- (4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.
- 19.** In this Schedule "part-time employment" means employment in which the person is engaged on average for less than 16 hours a week.

SCHEDULE 8

Paragraph 54

Sums disregarded in the calculation of income other than earnings: persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.
4. Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).
5. 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) a volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).
6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
7. 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.

8. 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.

9. 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.

10. 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(a) as in force at that date, the whole of his income.

11. Any disability living allowance, personal independence payment or an AFIP.

12. Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in paragraph 11 or 14;
- (b) income support;
- (c) an income-based jobseeker's allowance;
- (d) an income-related employment and support allowance.

13. 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.

14. Any attendance allowance.

15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

16.—(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 the Welsh Ministers 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
- (c) 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,

(a) S.I. 1999/2734.

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).

17. 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.

18.—(1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990(a) 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 Employment and Training Act 1973 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.

19.—(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 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 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) does 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.

20. Subject to paragraph 40, all of any of the following (a) to (f), namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);
- (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;

(a) 1990 c.35.

- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (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 paragraphs (a) to (d) above;
- (g) subject to paragraph 40, £10 of the 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.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 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) (interpretation) applies 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”.

23. 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, 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.

24.—(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 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 23, 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 must 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.

25. Any payment made to the applicant by a child or young person or a non-dependant.

26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 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.

27. 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, 100 per cent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28.—(1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 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.

29. 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.

30.—(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(a) (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
- (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);

(a) 2008 c.28.

(d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (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.

31. 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).

32. 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 11 of the National Health Service (Wales) Act 2006.

33. 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).

34.—(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.

35.—(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(a) 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) is only to 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, (1)(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).

36. Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

37. Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

38. Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39. 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.

40. 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 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.

41.—(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,

(a) 1974 c.39.

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 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 benefit a 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 is to 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.

42. Any housing benefit.

43. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44. 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.

45. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).

46.—(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).

47. 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).

48. 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.

49.—(1) Where an applicant's applicable amount includes an amount by way of 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 must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50.—(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 sub-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^(a);
- (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.

51. 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^(b) to assist disabled persons to obtain or retain employment despite their disability.

(a) 1991 c.48.
 (b) 1944 c.10.

52. Any guardian's allowance.

53.—(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that 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.

54. 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.

55. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

56.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or 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
- (b) 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).

57. Any council tax benefit to which the applicant is entitled.

58. Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, 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.

59. 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).

60.—(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) applies only in respect of payments which are paid to that person from the special account.

61.—(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.

62. 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.

63. 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.

64. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(a).

65.—(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.

66. Any payment of child benefit.

SCHEDULE 9

Paragraph 63

Capital disregards: pensioners

PART 1

Capital to be disregarded

1. 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.

2. 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.

3. 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.

4. Any premises occupied in whole or in part—

- (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;

(a) S.I. 2001/1167.

- (b) by the former partner of the applicant as his home; but this provision does 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. 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.

6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a 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.

7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in 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.

8. All personal possessions.

9. 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 those assets.

10. The assets of any business owned in whole or in part by the applicant if—

- (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 application for a reduction under this scheme is 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.

11. The surrender value of any policy of life insurance.

12. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—

- (a) the applicant makes one or more payments to another person (“the provider”);
- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment 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, an amount equal to that payment.

14.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant’s partner who is—

- (a) a diagnosed person;

- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (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.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies 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 applies for the period beginning on the date on which the trust payment is made and ending two years after that date.

(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 an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (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.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes 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 or an independent hospital.

(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 Creutzfeldt-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 Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

15. 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 civil partner or the applicant's partner's deceased spouse or 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.

16.—(1) Any payment made under or by—

- (a) 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 London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or

(b) 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 and which is made to or for the benefit of that person’s partner or former partner—

(a) from whom he is not, or where that person has died was not, estranged or divorced, or

(b) 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.

(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 which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) 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.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts, where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person’s household; 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 or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

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

(6) 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, 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 who was or had been a member of his household; 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 or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent,

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

(7) In the case of a person to whom or for whose benefit a 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.

17.—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;
- (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
- (c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,

the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

- (a) purchasing premises which the applicant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21.—(1) Subject to paragraph 22 any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;
- (c) in lieu of the payment of benefit;
- (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
- (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000^(a) under a scheme known as “Supporting People” or section 91 of the Housing (Scotland) Act 2001.

(2) In sub-paragraph (1), “benefit” means—

- (a) attendance allowance under section 64 of the Act;
- (b) disability living allowance;
- (c) personal independence payment;
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker's allowance;
- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;

(a) 2000 c.22.

- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (n) working tax credit; or
- (o) income-related employment and support allowance.

22.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to a reduction under this scheme.

- (2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—
 - (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
 - (b) paragraph 12(2) of Schedule 8 to the Jobseeker’s Allowance Regulations 1996;
 - (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
 - (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
 - (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) has effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of a reduction under the authority’s scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person; or
 - (iii) was the partner of that person at the date of his death;

“official error”—

- (a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(a); and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means the date on which the application for a reduction under this scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and

“the relevant sum” means the total amount referred to in sub-paragraph (1).

23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

(a) S.I. 2001/1002.

25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26. The dwelling occupied as the home; but only one dwelling is to be disregarded under this paragraph.

27.—(1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

29. Any payments made by virtue of regulations made under—

- (a) section 57 of the Health and Social Care Act 2001 (direct payments);
- (b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);
- (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
- (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972^(a) (general social welfare); or
- (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002^(b) (direct payments).

PART 2

Capital disregarded only for the purposes of determining deemed income

30. The value of the right to receive any income under a life interest or from a life rent.

31. 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.

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

33. Where property is held under a trust, other than—

- (a) a charitable trust within the meaning of the Charities Act 1993; or
- (b) a trust set up with any payment to which paragraph 16 applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

(a) S.I. 1972/12656 (N.I. 14).

(b) 2002 c.6.

SCHEDULE 10

Paragraph 63

Capital disregards: persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

4. 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, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

5. 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.

6. 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.

7. 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 does 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.

8. 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.

9. 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.

10. 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.

11.—(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 application for a reduction under this scheme 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.

12.—(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 11, 13 or 14 of Schedule 8;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (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 Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has 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 period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” 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.

13. 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.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 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.

15. 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 a reduction under this scheme or to increase the amount of that reduction.

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

17. 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.

18.—(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).

19. The value of the right to receive any income under a life interest or from a life rent.

20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21. The surrender value of any policy of life insurance.

22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23. 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).

24.—(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.

25. Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

26. 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.

27. Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28. 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.

29.—(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 London Bombings Relief 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 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) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

- (b) 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.

(5) 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.

(6) 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 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.

(7) In the case of a person to whom or for whose benefit a 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.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to 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.

30.—(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.

31. 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.

32. 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.

33. 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.

34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35. The value of the right to receive an occupational or personal pension.

36. The value of any funds held under a personal pension scheme.

37. 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.

38. 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).

39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 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.

40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(a) or section 66 of the Housing (Scotland) Act 1988(b) (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.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(a) 1988 c.50.
 (b) 1988 c.43.

- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

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

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46. 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.

47. 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(a) to assist disabled persons to obtain or retain employment despite their disability.

48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958(b) to homeworkers assisted under the Blind Homeworkers' Scheme.

49.—(1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.

50.—(1) Any sum of capital to which sub-paragraph (2) applies and—

- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51. 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.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. 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

(a) 1944 c.10.

(b) 1958 c.3.

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.

54.—(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.

55.—(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 the Welsh Ministers 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
- (c) 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).

56. 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.

57. 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.

58. 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 internment 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.

59.—(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 applies 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 applies 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 applies 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 applies 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 applies 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 applies 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 includes 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.

60. 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.

61.—(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

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

62. Any 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 sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

64. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 13A of the Local Government Finance Act 1992 (c.14) (“the 1992 Act”), substituted by section 10 of the Local Government Finance Act 2012 (c.17) (“the 2012 Act”), requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the authority considers are in financial need. Paragraph 4 of Schedule 1A to the 1992 Act, inserted by Schedule 4 to the 2012 Act, requires the Secretary of State to prescribe by regulations a “default scheme”. The default scheme is to take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make its own scheme on or before 31st January 2013.

The default scheme prescribed by the Secretary of State is set out in the Schedule to these Regulations. Parts 1 and 2 contain introductory provisions and definitions of key words and

phrases. Part 3 and Schedule 1 contains the procedure for reduction applications and appeals. Parts 4 and 5 specify the classes of person entitled and not entitled to a reduction under the scheme, respectively.

Parts 6 to 9 and Schedules 2 to 4 set out matters relevant to determining eligibility for a reduction and the amount of reduction under the scheme.

Part 10 and Schedules 5 to 10 set out how income and capital of the applicant and others is treated in calculating eligibility for a reduction, including in cases where an applicant or partner has an award of universal credit. Part 11 provides for the application of the scheme to students. Part 12 provides for extended reductions in certain circumstances and Part 13 sets out when entitlement begins and how a change in circumstances affects any reduction.

Part 14 of the scheme provides for the making of an application for a reduction. Part 15 sets out the time within which an authority must make its decision on the application and provides for notification of the decision. Part 16 makes provisions about the payment of a reduction in certain circumstances.

An impact assessment of the effect that section 13A of the 1992 Act will have on the public sector is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8465/2158675.pdf. It is also published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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S.I.2012 No.2886 The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012



Predictive: assessing and analysing proposed changes to services, policies and budgets

APPENDIX B

Enfield Council

Predictive Equality Impact Assessment (EQIA) - Equality Analysis

**COUNCIL TAX SUPPORT
SCHEME FOR 2014/15
NOVEMBER 2013**

**Predictive equality impact assessment/equality analysis
template**

Proposed change to service/policy/budget	Council Tax Support Scheme for 2014/15
Officer completing the assessment	Geoff Waterton
Extension Number	6189
Service	Revenues and Benefits
Department	Finance , Resources and Customer Services (FRCS)
Date impact assessment completed	21/11/13

Section 1 – About the service, policy or budget, and proposed change

Q1. Please provide a brief description of the service/ policy/budget

The Council is obliged to set a local Council Tax Reduction Scheme every year following the abolition of the national Council Tax Benefit system in 2013. In January 2013, Council agreed a new scheme following government guidance, consultation and an Equalities Impact Assessment. The Council needs to agree whether to amend or retain this scheme for 2014/15.

Q2. Please provide a brief description of the proposed change(s) to the service/ policy/budget

In light of the experiences of the first nine months of the scheme, it is proposed to make the following amendments:

- That working age recipients of Council Tax Support who also receive Carers Allowance, the support component of Employment Support Allowance or higher rate Disability Living Allowance (or Personal Independence Payments) are exempted from the 19.5% reduction applied to all other working age claimants.
- That working age foster carers registered with Enfield Council in receipt of Council Tax Support are also exempted from the 19.5% reduction applied to all other working age claimants
- The removal of the one month discount for empty and uninhabitable homes.

Q3. Does equalities monitoring of your service show that the beneficiaries in terms of the recipients of the service, policy or budget, and the proposed change, include people from the following groups?

R	Yes
D	Yes
G	Yes
A	Yes
F	Not relevant to assessment criteria or eligibility for the scheme.
S	Not relevant to assessment criteria or eligibility for the scheme.
T	Not relevant to assessment criteria or eligibility for the scheme.
M	Yes
P	Yes

Q4. If you answered 'no' to any of the groups listed in Q3, please state why?

Not relevant to assessment criteria or eligibility for the scheme.

Q5. How will the proposed change eliminate discrimination, promote equality of opportunity, or promote good relations between groups in the community?

The scheme has been designed to be fair to all whilst ensuring those facing the greatest risk are prioritised. The proposed changes reduce negative impacts for carers, disabled working age adults and foster carers who do not have the same opportunities as other working age households to gain employment and increase their income.

Section 2 – Consultation and communication

Q6. Please list any recent consultation activity with disadvantaged groups carried out in relation to this proposal	
R	Yes – consultation sent to equality representative groups, community groups, random sample of claimants and council tax payers, online and through face to face venues.
D	Yes – see above
G	Yes – see above
A	Yes – see above
F	Yes – see above
S	Yes – see above
T	Yes – see above
M	Yes – see above
P	Yes – see above
Q7. Please state how you have publicised the results of these consultation exercises, and what action you have taken in response	
R	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
D	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
G	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
A	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
F	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
S	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
T	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
M	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers
P	Consultation results will be published as an appendix to the decision report – amendments to the scheme proposed in response to comments about disabled people and carers

Section 3 – Assessment of impact

Q8. Please describe any other relevant research undertaken to determine any possible impact of the proposed change

The Council has reviewed the applications for the hardship scheme set up to support those experiencing exceptional financial hardship. The vast majority of the applicants are disabled or carers. In addition, the Council has listened to a number of representative groups and the consultation supports a change to exempt carers and disabled people from the 19.5% reduction in support.

Q9. Please list any other evidence you have that the proposed change may have an adverse impact on different disadvantaged groups in the community

R	None
D	None
G	None
A	None
F	None
S	None
T	None
M	None
P	None

Q10. Could the proposal discriminate, directly or indirectly, and if so, is it justifiable under legislation? Please refer to the guidance notes under the heading, 7. Useful Definitions

Not applicable

Q11. Could the proposal have an adverse impact on relations between different groups? If so, please describe

No.

Q12. How could this proposal affect access to your service by different groups in the community?

R	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
D	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
G	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
A	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
F	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
S	This proposal will not change access to the service – eligibility to Council Tax Support remains the same

T	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
M	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
P	This proposal will not change access to the service – eligibility to Council Tax Support remains the same
Q13. How could this proposal affect access to information about your service by different groups in the community?	
R	This proposal will not change the access to information about our service by different groups in the community.
D	This proposal will not change the access to information about our service by different groups in the community.
G	This proposal will not change the access to information about our service by different groups in the community.
A	This proposal will not change the access to information about our service by different groups in the community.
F	This proposal will not change the access to information about our service by different groups in the community.
S	This proposal will not change the access to information about our service by different groups in the community.
T	This proposal will not change the access to information about our service by different groups in the community.
M	This proposal will not change the access to information about our service by different groups in the community.
P	This proposal will not change the access to information about our service by different groups in the community.

Section 4 – Tackling socio-economic inequality

Q14. Will the proposal in any way specifically impact on communities disadvantaged through the following socio-economic factors? Please explain below. If it does not, please state how you intend to remedy this (if applicable to your service), and include it in the action plan

Communities living in deprived wards/areas

The impact of this change will vary across the borough. Recipients of Council Tax Support are more prevalent in the south and east of the borough where the most deprived wards are located. As a result, the addition of this exemption for carers and disabled adults of working age will improve the lives of the most vulnerable in these areas. The changes to the discount for empty and uninhabitable homes will impact on all wards but will affect landlords rather than tenants. By removing the discount, the Council aims to encourage more stable communities and a reduction in multiple turnover of lets. Again the majority of private landlords operate in deprived wards and this change is aimed at enhancing stable communities in these wards.

People not in employment, education or training

A key element of the Government's welfare reforms is to encourage working age households into employment. The exemption for carers and disabled adults recognises that these groups may have more difficulty in gaining employment and increasing their household income.

People with low academic qualifications

People with low academic qualifications may be more likely to earn a lower income and therefore be more likely to be in receipt of means tested benefits. As a result, they will be affected by the scheme's reduction in support for working age claimants.

People living in social housing

The proposed change improves outcomes for disabled adults and carers living in social housing.

Lone parents
Lone parents already receive premiums in the calculation of support entitlement, enabling them to earn more money and still receive support.
People on low incomes
The Council's scheme prioritises those on the lowest incomes for support and includes those working but on low incomes.
People in poor health
The proposed change improves outcomes for disabled adults and carers
Any other socio-economic factor

Section 5 – Impact on staff

Q15. How have you consulted, or otherwise engaged with, all relevant staff about this proposal (including any staff on sickness or maternity leave)?	
Not applicable	
Q.16 If your proposal involves a staff restructuring, how have you discussed this with relevant trade unions?	
Not applicable	
Q17. Does job matching of existing staff against the new proposed staff structure, following any assimilation process, indicate that any particular groups of staff are adversely affected more than others?	
R	Not applicable
D	Not applicable
G	Not applicable
A	Not applicable
F	Not applicable
S	Not applicable
T	Not applicable
M	Not applicable
P	Not applicable
Q.18 Are there any proposed changes to working hours, work locations or duties likely to have a negative impact on particular groups of staff?	
R	Not applicable
D	Not applicable

G	Not applicable
A	Not applicable
F	Not applicable
S	Not applicable
T	Not applicable
M	Not applicable
P	Not applicable

Section 6 - Miscellaneous

Q19. Is your proposal likely to have an impact on services provided by another Council department or service? If so, have you discussed the possible impact with them?

It may act as a disincentive for private landlords to have multiple or lengthy voids, enabling an increased housing market for homeless households. However, it will add cost to the Council's Housing Revenue Account. The changes to allow carers, disabled adults and foster carers an exemption from the 19.5% reduction will improve outcomes for adult and children's social care.

Q20. Do you plan to publicise the results of this assessment? Please describe how you plan to do this

The assessment/analysis will be published on the Council's website, as well as alongside the decision report

Q21. How and when will you monitor and review the effects of this proposal?

January 2015

14. Action plan template for proposed changes to service, policy or budget

Proposed change to, or new, service, policy or budget.....Council Tax Support Scheme 2014/15.....

Team:...Revenues and Benefits.....

Department:.....FRCS.....

Service manager:.....Geoff Waterton....

Issue	Action required	Lead officer	Timescale	Costs	Comments
Communicate change to scheme to key groups	Amend communications plan and publicity materials	Geoff Waterton	March 2014	Within existing resources	

Please insert additional rows if needed

APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - NAME...Kate Robertson.....SIGNATURE.....

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APPENDIX C

Consultation on the Local Council Tax Support Scheme for 2014-15 and Council Tax exemptions and discounts

38 responses were received and a summary is provided below.

Section A

Not all respondents completed every question therefore the percentages show the proportion of those answering the question.

1. Do you believe that all working age households should have to pay something towards their council tax each year? On average this has meant households that previously qualified for full support having to contribute £3 a week towards their Council Tax this year.

59.5%	Yes
37.8%	No
2.7%	Don't know

2. Pensioners and war widows are the only groups that are still eligible for a maximum of 100% council tax support. Are there other groups that should also be awarded the full amount? In order to balance the Council's accounts, any increase in award for one group may result in a reduction in financial support for other claimants.

37.5%	No, keep the protected groups as they are
62.5%	Yes, change the protected groups

Author	Krobertson	Classification	PROTECT	Date of First Issue	1/11/13
Owner	frcs	Issue Status	DRAFT	Date of Latest Re-Issue	
Version	1.0	Page	1 of 10	File name	Cts 2014

If 'yes', what groups would you give 100% Council Tax Support to?

Sick and disabled and those who have lost their job through no fault of their own
Carer of someone with dementia
One parent families where the father isn't contributing
Disabled people. People with mental health problems
People with learning difficulties, carers, registered disabled
Those on sickness, disability and carer benefits
Severe and profound learning difficulties, carers
ESA claimants living alone
Carers (more than 35 hours a week)
Disabled persons and carers
Disabled and carers
Injured service men and women
Disabled people – wrong to give pensioners 100%
High rate disability benefits
Single parents and low income families, special cases of unemployed
Mental health and disabled
One parents families – council tax should be scrapped altogether
Carers
Carers
People in receipt of PIP.
Carers. By caring for family members they save the local economy millions of pounds a year which would otherwise have to be covered by the Local Authority.
Also Carers Allowance is the lowest of all benefits.

3.a The Council has not changed the eligibility criteria for Council Tax Support and kept the previous national benefit eligibility criteria. Some councils have introduced a residency criteria so that a new claimant has to have lived in the borough for x months/years before they can claim Local Council Tax Support. This would mean that those who have lived in the borough for a longer period of time are prioritised for financial support. People who move in to the borough after 1 April 2014 would not get support until they met the residency period. It could make it difficult to collect a full year's Council Tax from benefit claimants who do not qualify for financial support which may lead to an increase in bad debts. Should Enfield keep with the national eligibility criteria?

66.7%	<i>Yes, Enfield should keep the national eligibility criteria</i>
22.2%	<i>No, Enfield should introduce a residency criteria for new claimants that move into the borough after 1 April 2014</i>
11.1%	<i>Don't know</i>

3.b Please comment below on what you think the impact of introducing a residency criteria would be.

People would not be able to afford their council tax, increase in bad debt, is it a form of social cleansing?

Increased financial pressure for low income families. Question the cost effectiveness of the admin that would be needed to implement such a scheme

Would be very 'heavy duty' and cost a lot of money to administer

Rewarding long term residence would be good practice and make residents feel appreciated – more likely to get involved and contribute to social and economic aspect

It will help those who have lived here for longer feel like they are prioritised and not neglected over new residents

Further hardship on those on lowest incomes, don't understand how this could be fair as we have human right of freedom of movement. People move for a variety of reasons so why discriminate?

Discourages those moving into the borough who have no intention of working or contributing to society

May influence other boroughs exporting their homeless/difficult families into Enfield.

If fleeing domestic violence though, should get it

Enfield is suffering because too many people are moving into Enfield from other boroughs and countries and asking for benefit support. This isn't right or fair. Enfield Council should firstly deal with residents who can show they have lived here a while and then, and only then, help newcomers to the borough.

The impact would be: increased debts for the council, increased debts for residents as well as stress and poverty, unnecessary court cases which are very costly and stressful

Only if it was applied to new immigrants – not people who have lived in the country for many years but move into Enfield

Somehow the foreign nationals would still end up getting priority

People who have been longer term residents should be given priority for benefit, may deter people from moving into the borough just because we have cheaper properties – they have no loyalty to the borough

The council will accrue bad debts which will ultimately have a negative impact on its ability to fund other services or areas which benefit residents.

A residency requirement could cause hardship to claimants who have recently moved to the borough. This would discriminate against people and could force them into debt.

4. In order to qualify for Council Tax Support, people must have less than £16,000 in savings. Should we reduce this level?

64.9% *No, keep it the same*

29.7% *Yes, reduce it*

5.4% *Don't know*

5. Last year the Government offered a one year grant to local authorities which met some but not all of the funding shortfall. In return councils could only reduce working age claimants by 8.5%. Enfield chose not to accept this grant because the scheme would not be fully funded and savings would have to be found from service budgets to fund the shortfall. The Government has indicated it is unlikely to offer a grant this year. However, if the Government were to offer this grant again, should the Council accept it even though it may require additional savings (likely to be over £400,000) to be found to fund the shortfall?

58.3% *No - keep the scheme so that the full shortfall is passed on to working age claimants*

25.0% *Yes - take the grant and find more savings to meet the shortfall*

16.7% *Don't know*

6. Please comment if you feel the Council's proposed Council Tax Support Scheme will affect particular groups of people more than others, and if so, how we may address the impact. **USE THE SPACE BELOW**

I believe the relevant categories have been covered, however people on low income will feel the heat more than any group. It will be appropriate to provide them with some kind of assistance like discounts etc.

Likely impact on those who are vulnerable i.e. people with learning disabilities, registered disabled persons, mental health, Carers who according to Carers Strategy save LBE some £18,000 PA each by caring for their loved ones, those on welfare benefits, those in supported housing i.e. people with learning disabilities.

I think those on sickness and disability benefits will suffer greatly from this and also carers. costs of living are increasing and more people are turning to food banks just to eat basics weekly. Forcing those who are sick and disabled to now pay council tax of any amount is very unfair

Disabled and their Carers.

Support should be given to disabled people and carers

The Council's Council Tax Support scheme, might work, but only if the right things are done, by the people of Britain. Those who deserve this support, should be one's to get it. People caring for a relative, partner or close friend with a disability, long term or terminal illness, substance misuse issue or mental illness, who are caring for more than 35 hours a week will be adversely affected by the scheme. These people are already hard pressed in their living circumstances often find it hard to juggle work and their caring responsibilities. Often these carers are already subsidising their loved ones health and wellbeing (especially in the case of mental health carers where the mental health service user refuses to acknowledge their severe and enduring illness because of paranoia or psychosis). People who suffer bi-polar depression or schizophrenia often mismanage their finances to an extraordinary degree and the carer has to subsidise their income to ensure they have basic living needs such as food and utilities. These carers should be entitled to discount on their council tax benefit to help their already stretched finances meet their needs.

Our experience at Enfield Disability Action is that service users on high rate components of mobility and care such as Disability Living Allowance, Personal Independence Payment, Employment Support Allowance Support Group and Incapacity Benefit are finding it hard to pay their Council Tax contributions. Those who fall into arrears are sometimes taken to court unnecessarily, which causes considerable distress.

The C.T Support Scheme should be allocated to all, people who feel that they needed help. It should be like feel free if want need help if not, don't have to be before to appeal it. Disabled.

It appears that anyone in receipt of benefits will be affected by the scheme.

Carers - already facing great anxiety over benefits changes to the person they care for - in particular PIP may affect their ability to claim Carers Allowance and research shows many carers suffer from financial hardship in order to continue caring.

Exemptions and Discounts

- 7.** The Council is only allowed to change exemptions and discounts relating to empty and second homes. Our current scheme gives a one month discount for empty homes and no discount for second homes. Are there any changes you would want to see to the discounts for empty or second homes?

26.5%	Yes
64.7%	No
8.8%	Don't know

If 'yes', what changes would you make?

At least one months discount or a 60% discount for 2 months
Discount should apply to empty homes
No discount for empty or second homes, charge more for empty homes longer than 12 weeks
A longer relief period for empty homes – 6 months – so if you're selling after buying a new home there is a sufficient time period where you are not paying
Don't award for any empty homes – because majority are occupied, if not, force the owners to do something about it. All we're doing is protecting rich landlords
Give longer for properties actively being sold as one month is unrealistic for this scenario
Give a discount for empty and second homes
In certain cases, one month should be extended – e.g. if empty due to bereavement, illness or long term care. Each case judged on its merits
Probate takes 6-12 months, unable to sell in that time so unfair
Empty homes due to owner having to go into residential care should be exempt.

8. The Council has introduced an empty homes premium where the owner of a property left empty for more than two years has to pay 150% of council tax. Should the Council amend this premium to exclude those actively seeking to sell the property?

48.6%	Yes
34.3%	No
17.1%	Don't know

9. If the Council were to ask the Government for powers to change other discounts (see list in the accompanying document), which ones would you change, if any.
PLEASE USE THE SPACE BELOW

Person in detention
Granny flat annexes
Carers, disabled people, everyone on welfare benefits – 100% discount
Second empty bedrooms in supported, sheltered accommodation should be exempt
Carers should receive a discount
Change long term care reduction, student and student nurse reduction, severely mentally unpaired discount
Fixed discount for carers

10. Please provide any additional comments you would like to make including any alternative options you would like us to consider. **USE THE SPACE BELOW**

It's a hard one. I can only speak for myself, i am currently on e.s.a and have recently been diagnosed with the most serious form of chronic fatigue syndrome. I was working when i became ill and had paid into the system. All I can say is that with rent increases, the housing benefit cap and now having to pay council tax life has become a real struggle. I understand that we are all expected to pay something but i question why wealthy pensioners are exempt. Personally i would like to go back to the old system. paying an extra £20 a month seems such a small amount yet this winter i will be in a situation where i will have to decide to turn my heating off for a week or cut back on food in order to pay that amount.

In a time of change to the Welfare Benefits System ie. PIP, ESA and Universal Credit it is likely that those most vulnerable (ie. people with learning disabilities, registered disabilities, OAP etc.) in our society will lose out especially when they have no access to advocacy services. This therefore further impacts on people then having to pay Council Tax. Likely impact: debt, homelessness, malnutrition, mental health etc.

Carers need to be counted as exempt adults as previously. You have not included Carers in the list of what you do. Given the councils commitment to Carers, please amend and recognise Carers as a group.

Offer to buy homes from residents which require repairs and that the owners (suggest elderly) cannot afford with the understanding that they continue to live there, an equatable amount go to them and that the property transfers to the LBE upon death.

Carers should receive a discount in the council tax, particularly if it is just them and the person they are living with in the property

Carers of working age who are registered with Enfield Carers Centre and who could provide proof of their caring responsibilities, especially those in receipt of a Carers Direct Payment (and so are already proving they are in the greatest financial need) could be given a discount under the council tax scheme automatically. Other carers, not in receipt of the carers direct payment, but who can give evidence of their demanding caring responsibilities should also be considered for the discount.

11. Are you responding on behalf of an organisation?

15.8% Yes

84.2% No

Section B - About you

12. Do you pay Council Tax to Enfield Council?

26 (81.3%) Yes

5 (15.6%) No

13. Are you currently receiving Local Council Tax Support in Enfield?

6 (18.8%) Yes

24 (75.0%) No

14. How old are you?

0 (0.0%) Under 18 years of age 5 (15.6%) 55 - 60

0 (0.0%) 18 - 24 2 (6.3%) 61- 64

5 (15.6%) 25 - 34 5 (15.6%) Over 65 years of age

5 (15.6%) 35 - 44 3 (9.4%) Prefer not to say

6 (18.8%) 45 - 54

15. Are you male, female or transgender?

9 (28.1%) Male

18 (56.3%) Female

0 (0.0%) Transgender

3 (9.4%) Prefer not to say

16. How would you describe your sexuality?

21 (65.6%) Heterosexual

0 (0.0%) Gay woman/lesbian

0 (0.0%) Gay man

0 (0.0%) Bisexual

8 (25.0%) Prefer not to say

0 (0.0%) Other

*If 'other', please specify**Literal responses***17.** Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

5 (15.6%) Yes, limited a lot

4 (12.5%) Yes, limited a little

16 (50.0%) No

5 (15.6%) Prefer not to say

18. How would you describe your ethnic origin?

19 (59.4%)	<i>English / Welsh / Scottish / Northern Irish / British</i>	0 (0.0%)	<i>Polish</i>	0 (0.0%)	<i>Mixed European</i>	1 (3.1%)	<i>Ghanaian</i>
0 (0.0%)	<i>Irish</i>	0 (0.0%)	<i>Kurdish</i>	1 (3.1%)	<i>Multi-ethnic islander</i>	0 (0.0%)	<i>Somali</i>
0 (0.0%)	<i>Greek</i>	0 (0.0%)	<i>Gypsy / Irish Traveller</i>	2 (6.3%)	<i>Indian</i>	0 (0.0%)	<i>Nigerian</i>
0 (0.0%)	<i>Greek Cypriot</i>	0 (0.0%)	<i>Romany</i>	0 (0.0%)	<i>Pakistani</i>	0 (0.0%)	<i>Arab</i>
0 (0.0%)	<i>Turkish</i>	0 (0.0%)	<i>Other Eastern European</i>	0 (0.0%)	<i>Bangladeshi</i>	4 (12.5%)	<i>Prefer not to say</i>
0 (0.0%)	<i>Turkish Cypriot</i>	0 (0.0%)	<i>White and Black African</i>	1 (3.1%)	<i>Sri Lankan</i>	0 (0.0%)	<i>Other</i>
0 (0.0%)	<i>Italian</i>	0 (0.0%)	<i>White and Black Caribbean</i>	0 (0.0%)	<i>Chinese</i>		
0 (0.0%)	<i>Russian</i>	0 (0.0%)	<i>White and Asian</i>	0 (0.0%)	<i>Caribbean</i>		

If 'other', please specify

Literal responses

19. What is your faith or religion?

7 (21.9%)	<i>No religion</i>
10 (31.3%)	<i>Christian (including Church of England, Catholic, Protestant and all other Christian denominations)</i>
0 (0.0%)	<i>Buddhist</i>
3 (9.4%)	<i>Hindu</i>
1 (3.1%)	<i>Jewish</i>
2 (6.3%)	<i>Muslim</i>
0 (0.0%)	<i>Sikh</i>
4 (12.5%)	<i>Prefer not to say</i>
3 (9.4%)	<i>Other</i>

If 'other', please specify

*Literal responses***20.** Which of these activities best describes what you are doing at present?

12 (37.5%)	<i>Employed full-time</i>	2 (6.3%)	<i>Unemployed and available for work</i>
3 (9.4%)	<i>Employed part-time</i>	0 (0.0%)	<i>On a government supported training programme (e.g. Modern Apprenticeship/ Training for Work)</i>
1 (3.1%)	<i>Self-employed (full or part time)</i>	5 (15.6%)	<i>Permanently sick/disabled</i>
3 (9.4%)	<i>Fully retired</i>	1 (3.1%)	<i>Looking after the home</i>
1 (3.1%)	<i>Partially retired</i>	2 (6.3%)	<i>Doing something else (to those listed)</i>
0 (0.0%)	<i>Student</i>		

21. Do you have parenting responsibilities?

11 (34.4%) Yes

19 (59.4%) No

22. How would you describe your relationship status?

6 (18.8%)	<i>Living alone</i>
12 (37.5%)	<i>Married</i>
2 (6.3%)	<i>Living as a couple</i>
0 (0.0%)	<i>Civil Partnership</i>
8 (25.0%)	<i>Prefer not to say</i>
4 (12.5%)	<i>Other</i>

If 'other', please specify

0 (0.0%)

MUNICIPAL YEAR 2013/2014 REPORT NO. 143

MEETING TITLE AND DATE:
Cabinet 11th December 2013

REPORT OF:
Director of Environment
and Director of Finance,
Resources and Customer
Services

Agenda – Part: 1

Item: 9

Subject: Amendments to the NLWA Levy

Wards: All

Key Decision No: KD 3807

Cabinet Member consulted: Cllr. Bond

Contact officer and telephone number:

Nicky Fiedler, Head of Public Realm Client

E mail:

1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval for two changes to the North London Waste Authority (NLWA) levy.
- 1.2 The first and more significant of the two changes is to adjust the levy to compensate other Boroughs where a Borough consigns materials for recycling to the NLWA where it does not already do so. The change specifically relates to LB Barnet's consigning of commingled recyclates to the Authority from 9th October 2013. The proposed levy change is of financial benefit to Enfield Council as it will put Barnet in the same position as other Boroughs that are increasing their recycling tonnages.
- 1.3 The second, more minor, change is in relation to a change in the location of a Household Waste Recycling Centre in LB Haringey.

2. RECOMMENDATIONS

- 2.1 That, following review of the report by Overview and Scrutiny Committee, Cabinet approves the following resolutions set out in Appendix 1, in order to vary the NLWA alternative levy apportionment arrangements previously agreed by all North London Waste Authority constituent boroughs from the 2012/13. This is to take effect from the apportionment of the NLWA's 2014/15 levy.
- 2.2 That Cabinet agrees to delegate to the Director of Environment to agree minor changes to the proposed changes set out at Appendix 1, should this be required.
- 2.3 That Cabinet agrees, for the avoidance of doubt, that all other parts of the current locally agreed levy apportionment arrangements remain unchanged.

3. BACKGROUND

Current NLWA Levy Arrangements

- 3.1 The NLWA is a Statutory Joint Waste Disposal Authority (JWDA) for 7 North London boroughs. The NLWA area jointly disposes of almost one million tonnes of rubbish every year, making it the second largest waste disposal authority area in the country.
- 3.2 The Joint Waste Disposal Authorities (Levies) (England) Regulations 2006 set out the default position for how the levy should be apportioned to the boroughs. However, should the boroughs come to unanimous agreement the default arrangements can be amended.
- 3.3 Therefore the North London Waste Authority (NLWA) levy can be apportioned between its seven Constituent Boroughs ('the Boroughs') in any way that the Boroughs can unanimously agree, otherwise the default position prevails. This is provided under the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006. The Boroughs have now used this discretion and have unanimously agreed a local variation to the levy apportionment methodology as noted above. In the absence of any further unanimous agreement, the levy apportionment arrangements agreed by all NLWA constituent Boroughs and the NLWA from the 2012/13 levy will apply.
- 3.4 The changes agreed from the 2012/13 levy were in order to facilitate the transfer of Borough Household Waste Recycling Centres (HWRCs) to the NLWA in such a way as to ensure that constituent borough councils only bore the costs associated with the running of HWRCs that are situated within their borough boundary broadly in line with the distribution of costs prior to the levy change.
- 3.5 The exception to this is that the costs of the NLWA's previously proposed freehold purchase of land at Cranford Way from LB Haringey (to construct a replacement for an existing HWRC within the Borough). This was to be apportioned based upon the results of a recent visitor survey at the nearby site, that the proposed Cranford Way HWRC was proposed to replace (Hornsey High Street); it was agreed that this cost would be shared, as the asset was to be owned by NLWA. The levy arrangements agreed in January 2012 reflect that all costs in relation to Cranford Way (including the purchase of land) would be apportioned as set out in the proportions set out in Table 1 (Below). This was agreed by Cabinet and Full Council in Enfield in 2011/12 and all other NLWA boroughs at the same time unanimously.

Table 1: Current Levy Apportionment in Relation to Cranford Way HWRC

Barnet	0.613%
Camden	0.038%
Enfield	0.383%
Hackney	0.191%
Haringey	97.894%
Islington	0.804%
Waltham Forest	0.077%

- 3.6 The changes to the levy agreed from 2012/13 were intended to be superseded by changes to the levy as set out in the proposed IAA to apply from the 2016/17 levy. The levy arrangements would otherwise remain unchanged from the statutory default.

The Inter-Authority Agreement (IAA)

- 3.7 Enfield and the other boroughs approved the draft IAA through Cabinet in July 2011 and so agreed in principle to the signing of an Inter-Authority Agreement (IAA) to underpin the previously proposed procurement process. A key component of the proposed draft IAA is a change to the NLWA's levy from April 2016. The overarching principle of the changes within the proposed draft IAA is that Boroughs are levied and charged according to the relative costs of the different types of waste that they deliver to the NLWA (i.e. with differential costs applied relative to the costs of managing each type of waste) with reconciliation after the end of each financial year. This is referred to as a 'menu pricing' system.
- 3.8 In relation to HWRCs controlled by the NLWA the IAA Cost Recovery Mechanism within the proposed draft IAA requires that the costs of these will be apportioned based on a periodic visitor survey (with transitional arrangements for new sites in consultation with the borough), and the costs of transporting and disposing of residual waste from those Boroughs such as Enfield that have not transferred their sites is apportioned on a per tonne basis (in line with other borough collected residual waste).
- 3.9 Due to the recent cessation of the NLWA procurement process it is likely that there will be a substantial re-draft of the IAA from the version previously proposed to be entered into to support the contractual arrangements under the procurement process. It is however expected that the redrafted IAA will still incorporate the menu pricing arrangements similar to those in the draft IAA, so that the NLWA's costs are more fairly apportioned than at present. This is likely to be the subject of a further report to Overview and Scrutiny Committee, and then to Cabinet.

- 3.10 In the meantime it is necessary to make changes to the current levy apportionment arrangements for 2014/15 and 2015/16. These need to be in place by December 2013 so that all NLWA constituent boroughs can be certain about the basis for apportioning the 2014/15 levy.

Amendment 1 - Proposed Change in Relation to the Consigning of Waste Streams Not Previously Consigned to the NLWA in Advance of the Proposed Change to Menu Pricing

- 3.11 From 9th of October 2013 LB Barnet has begun consigning commingled dry recyclables to the NLWA for processing under the NLWA's MRF Services contracts. The relevant tonnages are set out in Table 2 below and will add in the region of £1.1m per annum to the NLWA's cost base. Under the current levy arrangements LB Barnet's share of the levy will not increase to fairly reflect its share of the NLWA's additional costs until 2016/17. This is due to a two-year time lag in the levy mechanism, i.e. when the levy is set each February for the year ahead, the most recent audited tonnages available are from the preceding year (so 2012/13 tonnages will be used to apportion the 2014/15 levy and so on).

Table 2: Proposed Commingled Dry Tonnage to be Consigned by LB Barnet to the NLWA

Year delivered:	Tonnes:
2013/14	10,864
2014/15	24,225
2015/16	26,575

- 3.12 The current projected tonnages of commingled dry recyclables from all constituent borough councils for 2014/15 are shown at Table 3 (below). Under the current levy arrangements, all boroughs other than LB Barnet will bear a share of the levy for 2014/15 that reflects their tonnages delivered in 2012/13, but without the proposed amendment to the levy, LB Barnet would make only a small contribution to the NLWA's costs of its MRF Services contracts in 2014/15 and a partial (c. 50%) contribution for 2015/16. This is also true for the unbudgeted expenditure in 2013/14 that the NLWA will incur in relation to LB Barnet's commingled dry recyclables from October this year.

Table 3: Projected NLWA Commingled Recyclate Tonnages 2014/15

Borough	2014/15 (Tonnes)
Barnet	24,225
Camden	19,000
Enfield	0
Hackney	15,195

Haringey	20,500
Islington	14,559
Waltham Forest	21,500
Total	114,979

- 3.13 Given the current levy's two-year time lag this will not continue long enough to capture the additional costs of LB Barnet's commingled dry recyclables before the proposed move to in year menu pricing in 2016/17.
- 3.14 The LB Barnet has therefore proposed and already agreed to vary the apportionment of the NLWA's levy in 2014/15 and 2015/16 to address the projected increase in the costs of other Boroughs by the consignment of LB Barnet's commingled recyclates. The proposed levy change set out in this paper has been agreed by LB Barnet's Cabinet with delegated authority to make minor amendments.
- 3.15 The proposed levy change will retrospectively adjust LB Barnet's (or any other borough that subsequently starts to deliver to the NLWA types of waste that it previously retained for recycling) tonnage basis for the purposes of levy apportionment such that the apportionment of the levy for 2014/15 will be undertaken as if LB Barnet had been previously delivering its dry recyclables to the NLWA
- 3.16 This will put LB Barnet immediately in the same position as all other constituent borough councils that have been delivering their commingled dry recyclables to the NLWA for treatment in recent years, and will avoid the need for Enfield to pick up a share of these costs. The proposed alternative levy apportionment arrangements are attached as Appendix 1.
- 3.17 The effect of these, subject to other changes that may arise in relation to the NLWA's budget and levy for 2014/15, are set out in Table 4 in such a way that illustrates the financial impact on the Boroughs in 2014/15 of firstly the NLWA having incurred some £0.474m in 2013/14 (from the unbudgeted costs of processing LB Barnet's commingled recyclates from 9th October 2013) that would otherwise have been available as balances to assist the funding of the 2014/15 levy; and secondly the NLWA budgeting to incur some £1.083m in 2014/15 for LB Barnet's commingled dry recyclables.

Table 4: Projected Impact of Proposed Changes to the Levy on the 2014/15 Levy Calculation

Forecast Allocation of Costs Through the Levy – <u>Without</u> the Change	Forecast Allocation of Costs Through the Levy – <u>With</u> the Change	Variance of the at
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	Appendix 1	Appendix 1	
Barnet	£295,241	£1,341,712	£1,046,471
Camden	£175,475	£29,898	-£145,577
Enfield	£181,397	£30,908	-£150,489
Hackney	£223,105	£38,014	-£185,091
Haringey	£242,816	£41,373	-£201,443
Islington	£186,316	£31,746	-£154,570
Waltham Forest	£252,288	£42,987	-£209,301
Total	£1,556,638	£1,556,638	£0

- 3.18 Increases and decreases in other components of the waste stream delivered by each borough also affect the final amount each borough is levied by the NLWA in any given year, so although indicative levy impacts are shown above, the final NLWA levy set and apportioned in February 2014 will be determined by a wide range of other factors as well.
- 3.19 All boroughs are agreed in principle, however the actual apportionment of the levy will remain unchanged unless all seven Boroughs unanimously approve an alternative.
- 3.20 Boroughs are requested by the NLWA to ensure that all necessary decisions in relation to changes to the levy are taken by mid-November if at all possible so that the NLWA can provide appropriate budget forecasts to the Boroughs from its December meeting.

Amendment 2 - Summary of Proposed Change in Relation to the Changing of HWRC's within the London Borough of Haringey

- 3.21 The second, more minor proposed change to the levy is to address the relocation of one of BLB Haringey's Household Waste Recycling Centres (HWRC's).
- 3.22 As stated above the prevailing levy arrangements in relation to HWRC's include specific arrangements to take into account the previously proposed relocation of one of LB Haringey's HWRC's from Hornsey High Street to Cranford Way. The NLWA and LB Haringey have subsequently decided to instead develop an alternative site in Western Road, Haringey, as a replacement for the Hornsey High Street HWRC.
- 3.23 The levy arrangements agreed by all boroughs unanimously in January 2012 did not envisage the proposed change from Cranford Way to Western Road. It is therefore proposed that the levy arrangements are changed such that the specific provisions previously agreed in relation to Cranford Way (based on a visitor survey conducted by the Authority at the High Street Hornsey HWRC) will apply directly to Western Road in the same way.

- 3.24 Currently this is expected to be in the form also shown at Appendix 1.
- 3.25 The report was considered by the Overview and Scrutiny Committee (OSC) on the 28th November 2013. The OSC asked that the legal advice, which has led to the change in procedure for agreeing Enfield's position on levy changes, be circulated to them. Such decisions had previously been taken by Cabinet and then Council. Subject to anything arising from the advice, the OSC agreed that future levy changes should be reviewed by OSC prior to any decision by Cabinet.
- 3.26 On the specific proposals in this paper, the OSC endorsed the officers' recommendation.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to agree to amendment 1 and pay a proportion of Barnet's co-mingled recycling costs up to the proposed change to menu pricing in 2016/17, in effect allowing Barnet to pass on the costs of the recycling to the other 6 boroughs due to the 2 year delay in the levy. This would not make financial sense.
- 4.2 Not to agree the amendment 2.. If this change is not agreed, other boroughs are expected to pay a greater share of the costs of Western Road than of Cranford Way.
- 4.3 Not to agree to amendment 1 and amendment 2.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The recommendations are made to protect the Councils financial position with regards to the levy for the years 2014/15 and 2015/16.
- 5.2 The second recommendation has a positive financial impact on Enfield.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 The proposed levy change will limit the additional costs that will be borne by the LBE and other boroughs. Without this change LB Barnet will not pay an appropriate share of the levy until 2016/17 and others will pay a disproportionate share until then. As detailed in section 3.17, Enfield's share of the forecast additional cost recoverable through the 2014/15 levy with the proposed change is £30,908 compared to £181,397 without the change.
- 6.1.2 As part of the 2013/14 Budget process, the NLWA provided a medium term levy forecast. Enfield's forecast levy was £6,415M for 2014/15, and £6,387M for 2015/16, which has been allowed for in the Medium

term financial plan. It should be noted that these forecasts make no allowance for any revenue balances available as at 31 March 2014 & 2015 the final levy will also be affected by other changes including changes in waste tonnages and inflation

- 6.1.3 The NLWA will advise Boroughs of their final 2014/15 levy in February 2014.
- 6.1.4 The second change which relates to the change of site of LB Haringey's Housing waste recycling centre (HWRC) from Cranford Way to Western Road is not anticipated to have an additional financial impact on the Levy chargeable to member boroughs.

6.2 Legal Implications

- 6.2.1 NLWA is established as a London Waste Disposal Authority under Schedule 1 of the Waste Regulation and Disposal (Authorities) Order 1985. Schedule 1 lists Enfield as one of seven Constituent Councils of the NLWA.
- 6.2.2 The Council has a duty to deliver for disposal all waste which is collected by the Council to places that the NLWA directs under section 48(1) of the Environmental Protection Act 1990 (the EPA).
- 6.2.3 Section 4 of The Joint Waste Disposal Authorities (Levies) (England) Regulations 2006 set out the method for apportionment of the levies, which includes the ability for the Boroughs to reach a unanimous decision as to how the levies are apportioned.
- 6.2.4 The re-draft of the IAA will need to support any new contractual arrangements for future procurements. It is in the Council's interests to be a party to the IAA in order to input into the outcome of any future procurement. Entering into any future IAA will create a legally binding relationship with the NLWA and the other six Boroughs, which the parties will be able to rely on. This is in addition to the statutory relationship as set out at 6.2.1. The final form of the IAA must be approved by the Assistant Director of Legal Services.

6.3 Property Implications

None.

7. KEY RISKS

That the seven boroughs do not unanimously agree this.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

Recommendation 1 ensures fairness for all of the boroughs financially

8.2 Growth and Sustainability

None.

8.3 Strong Communities

None.

9. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is not relevant or proportionate for the approval of the amendments to the NLWA Levy.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

None.

11. PUBLIC HEALTH IMPLICATIONS

None.

Background Papers

None.

APPENDIX 1

PROPOSED AMENDMENT

Apportionment of levies

4.—(1) Subject to regulation 5, the amount to be levied by a joint waste disposal authority in respect of any financial year from each of its constituent councils shall be determined by apportioning the total amount to be levied by that authority in that year between those councils as follows—

- (a) in such proportions as all the constituent councils may agree; or
- (b) in the absence of such agreement, by a combination of the following proportions—

- (i) the costs incurred by the joint waste disposal authority in the disposal or treatment of household waste delivered to it by its constituent councils shall be apportioned between the constituent councils in proportion to the tonnage of household waste delivered by each of these councils to the joint waste disposal authority within the last complete financial year for which data are available **except for when a constituent council will start to deliver to the joint waste disposal authority types of waste that the constituent council had previously retained for recycling in which case the constituent council shall provide to the joint waste disposal authority records of the tonnage of such household waste it delivered elsewhere for recycling in the last complete financial year for which data are available and the joint waste disposal authority shall apportion its levy as if the constituent councils had also delivered such household waste to the joint waste disposal authority;**

- (ii) the costs incurred by the joint waste disposal authority in the disposal or treatment of business refuse that is deposited at places provided by the constituent councils under section 1 of the Refuse Disposal (Amenity) Act 1978(a) shall be apportioned between the constituent councils in proportion to the tonnage of business refuse deposited at such places within the area of each of these councils within the last complete financial year for which data are available;

- (iii) The costs incurred by the joint waste disposal authority in the planning, construction, equipping and operation of sites provided under section 51(1)(b) of the Environmental Protection Act 1990 (HWRCs), including contract payments, staffing, utilities, premises, reuse, recycling, composting (costs and/or income) and relevant management costs, but excluding the cost of removing residual waste and its disposal (the authority's duty under the Refuse Disposal (Amenity) Act 1978), shall be apportioned between those constituent councils in whose area an HWRC is situated proportionate to the authority's relative costs applicable to each HWRC, such that the authority's above costs of each HWRC are paid in full by the constituent council in which it is situated.

- (iv) The costs incurred by the joint waste disposal authority in the purchasing of ~~Cranford Way~~ **Western Road** HWRC shall be apportioned between the constituent councils in the following proportions:

Barnet	0.613%
Camden	0.038%
Enfield	0.383%
Hackney	0.191%
Haringey	97.894%
Islington	0.804%
Waltham Forest	0.077%

- (v) The costs incurred by the joint waste disposal authority in the purchasing of any further HWRCs shall be apportioned between the constituent councils in proportion to the number of households in each constituent council that exist within a two-mile radius of the entrance to the HWRC until a visitor survey has been undertaken by the Authority. Once a visitor survey has been undertaken by the Authority for any such HWRC the costs as at clause (iii) above shall be recovered from the constituent councils from the next financial year onwards in proportion to such visitor survey; visitors from outside the Authority's area shall be treated as visitors from the borough in which the HWRC is situated. Further visitor surveys may be undertaken by the Authority in future years, which shall be used in place of previous visitor surveys from the financial year after they are undertaken, including for the avoidance of doubt ~~Cranford Way~~ Western Road; and
- (vi) all other costs not falling within paragraphs (i)-(ii) (iii) (iv) or (v), shall be apportioned between the constituent councils by reference to the relevant proportion.

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MUNICIPAL YEAR 2013/2014 REPORT NO. 144

MEETING TITLE AND DATE:

**Cabinet 11 December
2013**

REPORT OF:

Chief Executive

Contact officer and telephone

number: Shaun Rogan, Head of Communities, Partnerships and External Relations. Ext: 3836.

E mail: shaun.rogan@enfield.gov.uk

Agenda – Part: 1	Item: 10
Subject: Discussion Paper: Outcomes from the Annual ESP Conference and the future strategic direction of the ESP.	
Wards: All	
Cabinet Member consulted: Councillor Del Goddard	

1. EXECUTIVE SUMMARY

- 1.1 This report serves as a discussion paper for Cabinet Members, providing feedback on the outcomes from the latest ESP Annual Conference and consideration for how we work as a Council both internally and as an outwardly facing strategic partner across the borough and as part of the Enfield Strategic Partnership (ESP).
- 1.2 The ESP remains the premier strategic body for Enfield Borough and its future strategy is of vital importance to the Council. Many substantial issues facing the Borough and the Council are complex and require joined up responses across all stakeholders. This paper informs Cabinet Members of the strategic directions emerging and presents an opportunity for Members to feed in thoughts and gain a better understanding of how the ESP can provide a spearhead to deliver the strategic aims of the Council and partners to support Enfield residents. A similar report will be presented to the ESP Board on the outcome of the away-day.

2. RECOMMENDATIONS

Cabinet is recommended to:

- 2.1 note the contents of this discussion document.
- 2.2 discuss and agree the six discussion points contained in section 4 of this document
- 2.3 note the draft ESP conference report contained in Appendix 1.

3. BACKGROUND: The purpose of this year's ESP conference

The 2013 Enfield Strategic Partnership (ESP) annual conference explored a number of themes:

- How partners can refine the ESP structurally to gain the sharpest focus and maximise both buy-in and joined up activity across the stakeholder base
- How to best integrate Area Based partnership working into the ESP to establish clear protocols and ensure strategic input from senior stakeholders
- How to best embed the various strands of the ESP's agenda into the work of the Partnership and wider partners' agendas
- How the Council and partners can successfully deliver highly localised interventions that have been initiated to ensure a holistic approach and maximise impact

The conference programme included a number of presentations from senior Members and Officers and workshop sessions were held during the day. The conference provided the opportunity to gain partner input and a number of suggestions were advanced that we would like Members to discuss, offer guidance and endorsement in connection with them.

The sessions stimulated a significant debate around the wider remit of the ESP. Part of a presentation set out the efforts of the Life Opportunities Commission to map resident situations according to their degree of need and illustrate how, without intervention, they become in need of increasingly complex and highly resourced support, in effect a strategic map of the work in the Borough. (See Appendix 2)

All these areas are captured in the summary and discussion points set out below and in the workshop notes.

4. Reviewing the overall structure of the ESP

a. ESP Board – Reviewing and expanding membership

In order to fully focus our efforts and ensure full strategic read across reflecting partnership activity in the borough the conference felt that a review of ESP Partnership Board membership should be engaged. The point was raised that *schools* are a vital community resource as well as a priority area for improvement in the borough and creating a greater sense of aspiration and opportunity in our borough. Similarly, the point was made that the *private*

sector need a much stronger voice on the Partnership to ensure greater connectivity and involvement from the business sector that can lead to higher levels of inward investment and connect residents to sustainable employment opportunities. Our work with Jobcentre Plus in recent times has provided some fresh impetus as it has delivered some excellent results and this needs to be built upon and strengthened in the wider context of creating a prosperous borough.

Therefore, the conference felt that membership of the main ESP board be reviewed and additional members of sufficient standing and influence be recruited to rectify this situation and build a solid platform for stronger push in these areas.

Discussion point: Do Members agree that a strengthening of representation in learning and business areas should be agreed?

b. The ESP Framework – Reviewing themes

Whilst not a formal agenda item, the need to review the ESP structural and operational remit formed a central theme of the day. Since the dissolution of Local Area Agreements in 2010, the Partnership has attempted to retain its focus and has largely done so through its pursuit of a joined-up approach centred on the following four strategic theme areas:

- Healthier Communities
- Safer Communities
- Prosperous Communities
- Stronger Communities

However, the conference felt that these were in need of review, especially as not enough visibility is being given to education as a theme and driver to creating even more sustainable communities. The conference agreed that this should be rectified and that education and training should have a theme of its own designated to coordinate efforts to improve life chances for all residents (young and old) thus drawing our local schools and colleges even more directly into the ESP fold. Enfield should be a borough where the promotion of learning as a vehicle to accessing lifelong opportunity is a clear priority.

Discussion point: Are Members of the view that education should be given a more prominent role in the ESP and a 'Learning Communities' theme be established?

c. ESP Framework – Reinstating the ESP Executive Group

A key issue to emerge in the conference was the role that the ESP is able to play to provide the necessary leadership in the Borough. The ESP is the only body set up to do this. To give effect to this and ensure delivery of a fully joined up approach, the conference expressed the view that there was a need for the re-establishment of the ESP Executive Group that contained the Chief Executives/ most senior representatives from the key stakeholders (statutory, private and third sector partners) to help drive joint working. This model operated successfully during the delivery of Local Area Agreements.

The Executive Group would ensure that a joint approach to delivering on our strategic agenda. It would also ensure accountability between our main partners and avoid fragmentation of approach as they reconnected to each other more substantially and a joint agenda for Enfield as defined through the ESP could be taken forward with more purpose. A reconstituted Executive Group would meet periodically and reporting mechanisms would be established for both the ESP and Council.

Discussion point: Are Members supportive of the reinstatement of an ESP 'Executive Group' for Enfield?

d. ESP Framework – Coordinating engagement activities across partners and ensuring a holistic approach

The conference recommended that more work be done to raise existing awareness of the calendar of engagement activities across ESP partners and within the Council to ensure that residents and partners are better engaged in a coordinated and resource friendly way. This would involve publicity around the existing planned engagement calendar for future operational years and agreed before that year has started. The focus would be to harmonise as many activities as possible to capture local views effectively, ensure consistency and deliver a joined up approach to consultation and engagement in the borough that would not fatigue residents. The ESP Engagement Framework will need to be reviewed in the light of this recommendation.

This aspect is especially vital given the potential for large amounts of duplication and fragmentation as the Council aims to deliver on its regeneration and public health agendas (amongst others) as well as the wider intentions of agencies such as Police and CCG. If agreed, the preparation to implement this approach could be developed in early 2014 for roll out in the 2014/15 operational year.

Discussion point: Do Members agree the merit in the approach and are they supportive?

e. ESP Framework – Reviewing the work of Thematic Action Groups (TAGs), Area Based Partnerships (Regeneration) and other strategic forums operating in the Borough – rationalisation and consistency of membership

Building on the previous discussion point the conference felt that there was a need to review the structures that support the ESP Board and support the TAGs and Area Based Partnerships and avoid the danger of possible fragmentation.

A successful review of the forums could help focus the work of the ESP and its partner members more effectively and create a re-energised network that could have strong read-across and connectivity. This review work if agreed could be initiated in early 2014 for implementation during the 2014/15 operational year.

Discussion point: Do Members agree that strategic working needs to be refocused to prevent fragmentation and loss of impact/outcomes?

f. ESP Framework – Enabling clear connections between locally focussed Area Based Partnerships (Regeneration) activity and the main board

In the morning session, the ESP conference raised several important points regarding how the ESP Board and senior partners could do more to give direction and support to the Area Based Partnerships.

Area Based Partnerships (ABPs) share the same priorities as the thematic action groups (TAGs) and there is much consistency, however the ESP Board needs to ensure the links between the ABPs and TAGs are developed, strengthened and more formalised. In terms of outcomes, evidence shows that targeted, spatial planning can deliver better outcomes for local communities.

It was suggested that a review of existing protocols should take place to ensure that lines of communication were clear and roles and responsibilities transparently set out. At present there is a disconnect and lack of consistency in partner representation in terms of attendance and in terms of seniority of those representing council and partners at area board level. This needs to be rectified quickly to ensure that area based regeneration activities are coordinated and that a consistent approach to all 'live' partnerships can be established. There were particular thoughts given to using the ESP Board to ensure that representatives were in attendance on a consistent level to the area based boards.

Discussion point: Do Members think that the development of more robust protocols and the placing of greater emphasis on partners to ensure their presence on Area Based Partnerships should be rigorously pursued?

g. Engaging and consulting with local people - Gaining greater resident involvement in area, ward and neighbourhood based programmes

At the conference the point was made that we need to have a better, more coordinated and consistent approach to engaging and consulting with our residents, across all areas of activity. At present both within the Council and across the strategic partners we have a disjointed approach to community consultation and engagement despite the presence of the ESP Community Engagement Working Group. For example, individual Departments within the Council are, at times pursuing their own consultation and engagement programmes with seemingly little regard to the bigger picture. This also applies to the Council's wider partners. The ESP's Community Engagement Working Group has worked to create an engagement framework that the ESP and the Council has signed up to. This needs to be revisited and a single engagement framework for the Council and the ESP needs to be redrafted and communicated across all partners to ensure the maximum impact with the minimum amount of resident time being used up.

An approach of this nature would also have strong synergy with the LEANER Phase 3 programme where we are looking to harmonise consultation and engagement on shared principles that can deliver a better and more coordinated service and also deliver budget savings to the Council as a result.

It is suggested that an ESP Community Engagement strategy be reactivated and feed into the Council review of how we engage local people on issues relating to services they receive and gaining their input to policy development within the Council and with wider stakeholders to create a single strategic voice that will engage with local people and organisations effectively. This would greatly assist the Council and partners in delivering services and responding to emerging concerns with a consistent approach.

Discussion point: Are Members minded to support work that can deliver a single community consultation and engagement strategy and implementation plan for Enfield Borough across all partners?

**Enfield Strategic Partnership
Annual Conference Report 2013.**

“Fit for the Future”

**13 November 2013
Dugdale Centre
Enfield**

Fit for the Future – Enfield Strategic Partnership Annual Conference

Wednesday 13th November 2013

**Dugdale Centre, Thomas Hardy House, 39 London Road,
Enfield Town, EN2 6DS**

Introduction:

The ESP's 2013 annual conference drew good representation from across the strategic partnership in order to review the achievements of the last year and to discuss and consider how best to ensure the ESP remains '*fit for the future*', the theme for this year's conference.

The areas explored by conference participants included:

- How we can refine the ESP structurally to gain the sharpest focus and maximise both buy-in and joined up activity across the stakeholder base
- How to best integrate area based regeneration partnership working into the ESP to establish clear protocols and ensure strategic input from senior stakeholders
- How to best embed the various strands of the ESP's agenda into the work of the Partnership and wider partners' agendas
- How we can successfully delivery highly localised interventions such as that planned for Upper Edmonton to ensure a holistic approach and maximise impact

Welcome and opening address

In her opening remarks Councillor Hamilton (Cabinet Lead Member for Community Health and Wellbeing – Enfield Council) expressed her support for partnership working, stating that only by working together can statutory and voluntary agencies deliver their agendas to maximum effect. It is only through coordination and joined-up working that added value to all our efforts can be achieved, she said.

Cllr Hamilton outlined the theme for the conference as "Fit for the Future". To review and reflect on how the ESP has been working and to prompt discussion on how we can best reconfigure the ESP to maximise it impact and influence in the years ahead.

The Councillor reviewed the track record of the ESP highlighting some of its recent achievements, including the Parent Engagement Panel and the Youth Engagement Panel and not forgetting the additional £5 million worth of resources brought into Enfield by the Partnership leading to a real improvement in the quality of people's lives.

Looking forward, Cllr Hamilton drew attention to the challenges facing Enfield Borough and the strategic partnership. The need to deliver high quality services to local communities at a time of contracting resources, the temptation to withdraw into a silo mentality, the need to address inequality and tackle deprivation.

Cllr Hamilton urged delegates to work together for positive solutions and to commit anew to supporting the Enfield Strategic Partnership so that the challenges facing Enfield residents can be overcome.

Strengthening strategic links to transform communities: ESP Board and Area Based Partnerships

Cllr Del Goddard, (Cabinet Member for Regeneration – Enfield Council) set the scene with regard to the challenges facing the ESP. There is a need to work both at a strategic level while at the same time delivering real improvements for local communities within their own neighbourhoods.

Cllr Goddard outlined the benefits for delivery agents and local communities by adopting an area-based approach, including the fact that residents' views and experiences are local, and that challenges facing local regeneration areas are multi-faceted and interrelated thereby requiring a partnership approach.

In his presentation, key stakeholders needing to fully engage in the work and structures of the ESP were identified. While recognising the limits to resources, it was important to ensure participation at both the area partnerships and thematic groups.

The presentation then turned to improving the working relations between the ESP and ABP. The two partnerships share the same priorities, with the ABPs reporting to the ESP Board twice a year. It was noted that the same stakeholders on the ABPs also sit on the ESP TAGs and are expected to report both ways in order to maintain a strong relationship between area based and thematic approaches to improving Enfield.

The key challenge facing the ESP is how to ensure ABPs tie in with the ESP in a coherent way. The importance of which was made clear by the need for all agencies to prevent residents needing intensive (multi-agency) services.

How can we strengthen the strategic links between the ESP Board & Area Based Partnerships (ABP) to maximise success and increase accountability?

Under the broad theme of strengthening links between the Board and ABPs, the workshop sessions stimulated a significant debate and the points raised are set out below:

Workshop Sessions

- Q1. What is the function of the ABPs and how can they act as catalysts for the transformation of local areas and local lives?**
- Q2. How can the ESP drive the success of the ABPs by utilising its strategic power to enable effective partnership working?**

Morning Workshop Notes:

Key themes:

- Collective power
- Critical importance of partnership
- Empower local communities
- Create innovation
- Who are the consistent leaders
- Need to think differently
- Greater utilise knowledge
- Charge the connections
- Work across themes

Aims of Area Based Partnerships:

- Present core problems
- Deliver positive outcomes – Education, employment (poverty), health
- Investing – individuals/ community champions (YEP/PEP) / joining up agencies

Role & potential of partners:

- PEP/YEP: Look to agents for help
- Engage with young people – connect – help by working together
- Sharing information at local level to benefit from local activities
- Utilising local resources e.g. libraries, digital media (Facebook)
- Communication is key, but needs to be well delivered (overload problem)
- Role of business, local leaders
- Simplicity is delivery – key messages pushed out at local level

Area Based Partnerships (ABPs):

- Act as local leader – but not lead by Council or other strategic agencies. Need full involvement from all key – stakeholders – collective leadership
- Champion the area
- Delivery is key – not strategies
- Communicate/share information at local level
- Holding delivery agents to account

Q2

- ESP to hold a/c of ABPs to local community and Board for delivery
- ESP set vision/communicate, evidence, sharing best practice
- Information – informs strategy
- Community safety otherwise can't so basics
- Re: jobs/employment too much? Wrong messages and families? What is fairness? Debates needed on key welfare issues, benefits, health, balance
- Promote ethos of work and drive this upward – Cllr and MPs

What is the role of the ESP in being a driver?

- Initially the value isn't always clear

- There is duplication – SSCB
 - Where do we want to be? What will influence this?
 - ESP to understand the buttons which achieves this –removing duplication, leading the vehicle.
 - Meets twice per annum, should it be strategic/operational groups.
 - Should the location of the meetings change
 - ‘Roadshows’ to meet community – encourage engagement involvement, transparent, open, engaging
 - Do we need scrutiny panels – devolve responsibilities to ESP
 - Mapping exercise underway
 - Current processes exclude public participation
 - Encourage large businesses – Sony etc.
 - Business ambassadors compiling a picture of Enfield/achievements
 - If we aren’t adding value – what is the purpose?
 - SSCB & TAGs do have excellent outcomes and outputs
 - Should Health & Wellbeing Board be part of this process?
 - Does ESP interact with ABP? Yes but often the same people discussing different issues – stream lining
 - Joint workforce events to inform about what is occurring at lunch
- 1) Organisational changes in NHS and LPM within MPs including LBE cuts have to be factored into future communication links
- Presents opportunity – which elements are important?
 - Small businesses don’t have the capacity so need to be very focussed
 - Central decisions may suit large organisation visions but doesn’t reflect locally.
 - Efficiency and effectiveness are key – reality – change is necessary

- What are the key elements, what are drivers for success
- Community engagement, localised levels
- Community resilience – up skilling, recognising issues, coming up with solutions and being the deliverer of the answer.
- Method of engaging – Area forums may be too costly. Does there need to be one body. Need to take in account other panels.
- Councillors' surgeries – identify key issues.
- Communication/engagement with councillors, individuals – maybe out of touch
- Feeds into efficiency and needs to be overlaid merging info, panels
- What layers can be removed?
- Are all member of community populations
- Giving community a 'voice' – with an outcome
- The people trying to engage aren't the ones we want to engage with 'Peer Lead'
- Area partnerships – consolidated approach including voluntary and community groups – events linking what already taking place
- Delivery = we listened, we did
- Health warning – Government directives will at times be a barrier

Function of ABP

- Co-ordination
- Could they clarify what they are about and how they relate to other bodies

How can they act as a catalyst?

- Provide leadership – distributing – content, purpose, relevance of meetings to attendees
- Focus on key areas – more effective impact, less strain on capacity

- Measurable actions and outcomes
- Empowering groups to train up local delivery via own community
- Clarity and stream lining
- Clear aim and purpose for subgroups
- Clear structured chart of how they feed in

ESP and ABPs – current position of effectiveness

Discussion:

- Communication with residents/effective
- Role of members to represent
- Real need for strategic partnership
- Is representation at the right level/right reps
- Is it the right offer/credible offer/right communication
- Two way communication – members/residents
- Riots – what galvanises the broadest community to engage
- Communications with young people – Facebook, text etc.

Solutions:

- Join up communications
- E.g. job fairs and recruitment
- Talk to/with voluntary sector – what are your key issues
- Use appropriate and modern media
- Right language
- Win/win connection e.g. 50's forum and leisure centres
- Forums – what are they there for? What will they get out of it?
- Big issues e.g. new facilities; major change
- Excite and inspire people – maintain interest e.g. cycling
- Individual responsibility – ESP not perfect but have to make an effort

- ESP valuable – broad engagement
- Issues of prioritisation of agendas

1.

- Local play form – delivery of local issues
- Community engagement
- Area planning
- Whole partnership commitment (to plans, budgets, community resource fund)
- Facilitate and bring people together
- Forum for debating strategic issues
- Increasing participation through communication? More specific problem based information
- Community training / spatial recognition
- Board, more ownership and co-ordinating
- TAG agendas - link to ESP ABPs

Function

- Local community engagement
- Develop a platform for the voiceless as well as established stakeholders
- Tie together key stakeholders by area – linking things together
- Information sharing
- Coherent voice for spatial grouping
- Catalyst for transformation
- Clear performance measures
- Focus on tangible deliverables
- Mapping interconnections

- Success – formalised reporting mechanism for area based grouping and clearer points of entry

Common themes:

- Coherent voice – greater clarity of purpose, localised outcomes (deliverable), better communication, improved reporting
- Shared budgets/information
- Build community facilitation capacity
- Rationalise structure
- Enhanced communications
- Job fairs
- Community resilience – excite and inspire
- Build/cultivate active leadership
- Businesses increased engagement
- Maximising local resources

Afternoon Session

In the afternoon delegates heard the Leader of the Council and Chair of the ESP, Councillor Doug Taylor talk about 'Being Fit for the Future. He said the purpose of the afternoon session was to give the ESP partners an opportunity to consider how, collectively, we can use our expertise and strategic support for some of our priority areas.

The workshops provided an opportunity to get underneath the issues and to find resolutions to the challenges we face. Cllr Taylor stated that we have the power to make things better for local people and to commit resources for a strong partnership that is strategically placed to solve the deep rooted problems we face.

The conference then heard Enfield Council's Director for Regeneration, Leisure and Culture, Neil Rousell and Champion for Child Prosperity talk about the drive towards prosperity and the efforts to end child poverty.

He outlined the ESP's action plan aims, which included supporting families to

access employment, education and training and to maximise income; to improve learning experience and outcomes and to reduce and prevent crime.

Neil made it clear that without working together, many of the problems facing families living in poverty could not be successfully resolved. A number of initiatives were outlined and how the various statutory and voluntary agencies are working together

Dr. Shahed Ahmad, Director for Public Health presented his team's work regarding activities targeted at promoting healthier communities, particularly with regard to the Joint Strategic Needs Assessment and health issues in Upper Edmonton.

Dr Ahmad presented information on the wider determinants of health including socio-economic, cultural and environmental factors. He spoke about the need to have a detailed, local understanding of health issues and not just aggregated data, as these can mask localised issues, which the partnership needs to address. The key message was that together we can make a positive improvement as health is everybody's business.

All the speakers shared their hopes and aspirations for improving Enfield, the challenges facing agencies and the need to work together collaboratively.

The conference facilitator, David Bryan then introduced the afternoon Workshop sessions: How can partners successfully position the ESP to facilitate successful partnership working to generate positive outcomes in child prosperity and healthier communities?

Workshop Sessions

- Q1. How can the ESP deliver the objectives of the Child Prosperity Agenda?**
- Q2. How can the ESP drive an integrated approach to the spatial delivery of services that builds capacity amongst our most disadvantaged residents and supports the objectives of locally targeted programmes like Upper Edmonton?**

Workshop 2 Notes

- Ensuring actions owned at the right level
- Holding TAGs to account do progress within their areas
- Working with schools to maintain links with children and families – ensure schools highlight concerns
- Keep communication appropriate and take into account cultural differences.

- Think preventative
- Think local
- Think empowering local people
- Schools greater part in promoting 'wellbeing'
- Shorter waiting lists – mental health
- Informed communities
- Focussed short, medium and long term actions
- Input and outcome
- Ward by ward (local) not borough
- Mentoring volunteering (short)
- Welfare benefit advice (short)
- Education and employment (long)
- Identifying barriers and co-ordinating their removal
- Exploit every contact with target – families and children
- Maximise pathways we can all offer in to employment
- Value individuals
- Co-operatives or other models or use empty shops (café 311) (west lea school shop)

Child poverty

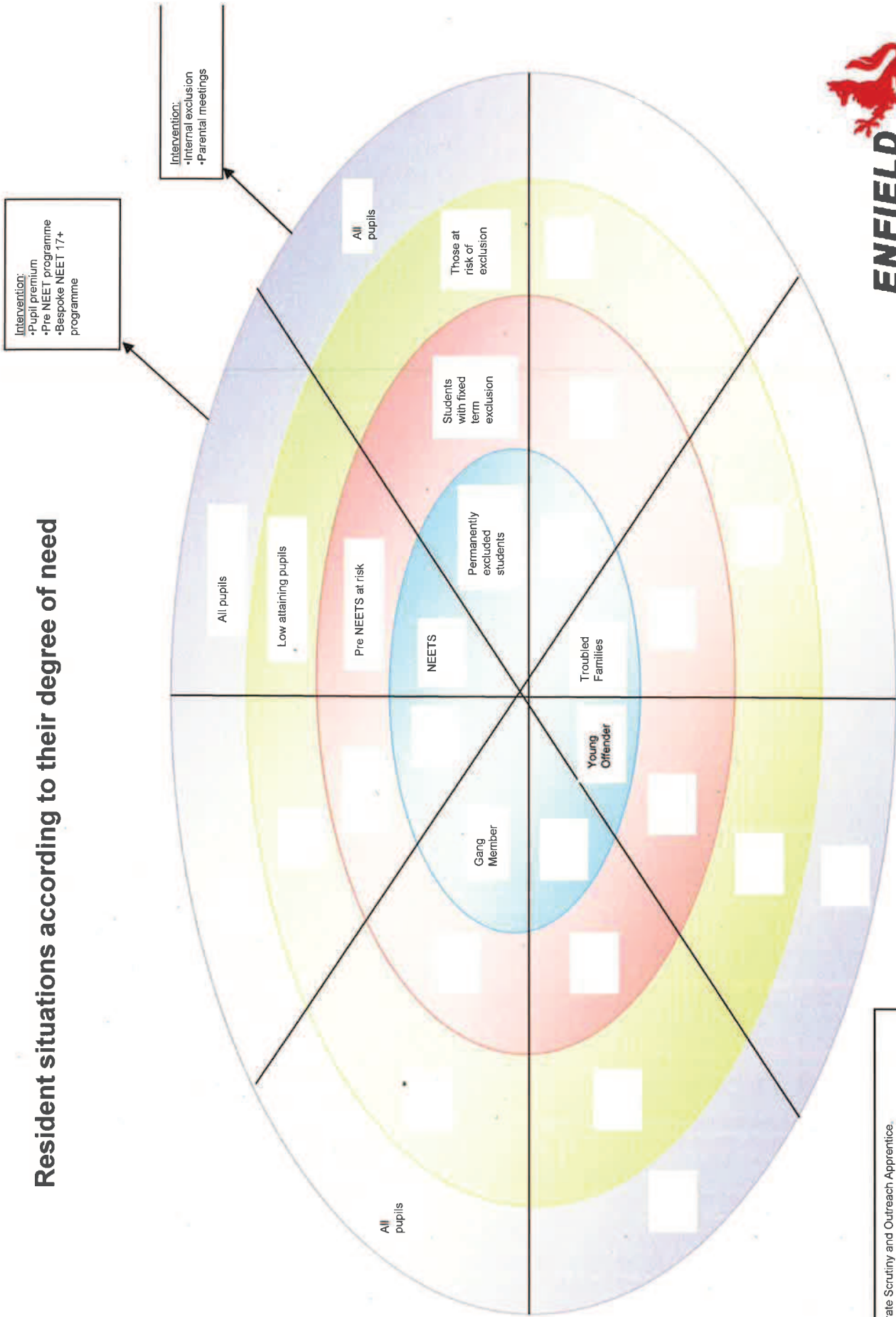
- Where are all the people, new to Enfield, coming from
- Challenge the data – narrowing the gap, economics or impact of strategy
- 78% of benefit cap – lone parents
- Barriers to employment – language – children's centre provide ESOL
- Increase the awareness of the work of CP groups
- Adult education – language and basic skills

- ESP – representative of the community – engaging community through volunteers who have range of languages
- Greater role of voluntary and community groups – have we used the VCS enough?
- Change free school meals – free for all children, save money for other services, cost £5-8 million
- Housing developers – not land banking, employ more people, new homes – affordable homes, size of homes, TA pressure
- Area Partnerships – child P, communicate more/ messages of impact, avoid duplication
- Cross reference
- Time frames / scales more explicit

Closing Remarks

Councillor Taylor closed the conference with a few observations and remarks including how the outcomes from the discussions will be used to drive the ESP forward and help to ensure that the partnership remains '*fit for the future*'. Cllr Taylor said that partners should continue to work together effectively and to add value to their individual and joint activities. The focus should remain on tackling poverty, creating education, training and employment opportunities. Regeneration and improvements to public health remain key priorities for Enfield's partners.

Resident situations according to their degree of need



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THE CABINET

List of Items for Future Cabinet Meetings (NOTE: The items listed below are subject to change.)

MUNICIPAL YEAR 2013/2014

22 JANUARY 2014

- 1. November 2013 Revenue Monitoring Report** James Rolfe

This will summarise the revenue position of the Council as at 30 November 2013. **(Key decision – reference number 3761)**
- 2. New Avenue Estate Renewal Scheme** Ray James

This will seek approval to appoint the preferred bidder at the final tender stage to develop the New Avenue Estate. **(Key decision – reference number 3793)**
- 3. Adult and Young People’s Substance Misuse Service** Ray James

This will seek approval to award the service contracts for Young People’s Substance Misuse; Crime Reduction Substance Misuse; and, Adult Recovery Substance Misuse. **(Key decision – reference numbers 3736/3737/3738)**
- 4. Joint Health and Wellbeing Strategy** Ray James

This will seek approval of the Joint Health and Wellbeing Strategy for recommendation to full Council. (Part 1) **(Key decision – reference number 3838)**
- 5. Future Arrangements for ICT Delivery** James Rolfe

This will seek approval of the future arrangements for ICT delivery. **(Key decision – reference number 3708)**
- 6. Civic Centre Remodelling – Agreement to Procurement Option** James Rolfe

This will set out the revised cost estimates and recommended procurement route to enable the tendering of the Civic Centre remodelling to proceed. **(Key decision – reference number 3845)**
- 7. Assets of Community Value** James Rolfe

This will set out recommended processes to ensure that the Council complies with its responsibilities as set out in the Localism Act 2011. **(Key decision – reference number 3850)**

8. Alma Estate Leaseholder Options Ray James

This will seek authority to offer financial assistance packages to resident leaseholders affected by Estate Renewal projects, including shared equity. (Parts 1 and 2) **(Key decision – reference number 3773)**

9. Alma Estate Regeneration CPO Ray James

This will seek approval to commence the Compulsory Purchase Order process so that the Council can use CPO powers to obtain vacant possession as a last resort should negotiations fail with any remaining leaseholders. (Parts 1 and 2) **(Key decision – reference number 3800)**

10. Meridian Water: Development Opportunities Neil Rousell

This will seek approval for development opportunities in Meridian Water (Part 1 and Part 2) **(Key decision – reference number 3827)**

11. Investment in Private Rented Sector Ray James

This will seek a decision to invest, with external investors, in Enfield's private rented sector and purchase properties which can be used as temporary accommodation (Parts 1 and 2). **(Key decision – reference number 3782)**

12. Purchase of Housing to Help Mitigate Impact of Temporary Accommodation Price Increases James Rolfe/
Ray James

This will outline proposals for agreement by Cabinet. (Parts 1 and 2) **(Key decision – reference number 3815)**

12 FEBRUARY 2014

1. December 2013 Revenue Monitoring Report James Rolfe

This will summarise the overall revenue position of the Council as at 31 December 2013. **(Key decision – reference number 3762)**

2. Budget 2014/15 and Medium Term Financial Plan 2014-18 (General Fund) James Rolfe

This will set out the Council Tax for 2014-15 and will set out the Medium term financial plan for 2014-18. **(Key decision – reference number 3764)**

3. Housing Revenue Account (HRA) Estimates 2014/15 and Rent Setting James Rolfe/
Ray James

This will seek approval, for recommendation to full Council, of the revenue estimates of the Housing Revenue Account (HRA) for 2014/15. **(Key decision – reference number tbc)**

4. **Award of Contract for Extracare Service at Skinners Court** Ray James

This will seek approval of the award of contract. **(Key decision – reference number 3824)**

5. **Enfield Council Grounds Maintenance Contract 2014/19** Ian Davis

This will seek approval to award the contract for the routine maintenance of grass verges, shrubs, hedges and countryside. **(Key decision – reference number 3840)**

6. **Housing Grounds Maintenance Contract** Ian Davis

This will seek approval to award the contract for the routine maintenance of all Enfield Homes grounds maintenance sites. **(Key decision – reference number 3841)**

7. **CCTV Staffing Contract Award** Ian Davis

This will seek approval to the award of the successful contractor for the CCTV monitoring services contract. **(Key decision – reference number 3795)**

8. **Health, Housing and Adult Social Care: Surveillance Policy** Ray James

This will seek approval of a policy which sets out the scope and options for use of surveillance, both overt and covert in order to prevent and detect the abuse of “adults at risk”. (Part 1) **(Key decision – reference number 3836)**

9. **Corporate Estate Strategy** James Rolfe

This will propose an overall strategy for the Council’s estate. It will include property aims and objectives as well as key themes to be developed into asset management plans. **(Key decision – reference number 3779)**

10. **Market Gardening – Community Interest Company for Enfield Veg Company** Neil Rousell

This will seek agreement to the formation of a Community Interest Company. (Part 1) **(Non key)**

12 MARCH 2014

1. **Capital Monitoring Report: December 2013** James Rolfe

This will summarise the overall financial position of the Council as at 31 December 2013. **(Key decision – reference number 3763)**

2. **Housing Development Strategy** Ray James

This will seek approval to the Council's Housing Development Strategy. **(Key decision – reference number 3369)**

23 APRIL 2014

1. **February 2014 Revenue Monitoring Report** James Rolfe

This will set out the Council's revenue budget monitoring position based on information to the end of February 2014. **(Key decision – reference number 3765)**

NEW MUNICIPAL YEAR 2014/2015

1. **Housing Revenue Account (HRA) Garages Sites Strategy** Ray James

This will set out the Council's proposals for managing its HRA Garage stock into the future – the work undertaken in the preparation of this strategy will cover an options appraisal of each of the 331 sites currently managed within the HRA. (Part 1) **(Key decision – reference number 3726)**

2. **Lee Valley Heat Network – Business Plan** Ian Davis

This will seek approval of the Business Plan for the Lee Valley Heat Network. **(Key decision – reference number 3706)**

3. **Procurement of Housing Repairs and Maintenance Contracts** Ray James

Details awaited. **(Key decision – reference number tbc)**

4. **Dujardin Mews – Appropriation for Planning Purposes** Ray James

This will seek approval to the required appropriation for Dujardin Mews. (Parts 1 and 2) **(Key decision – reference number 3734)**

5. **Alma Housing Management Strategy** Ray James

This will explain the future housing management arrangement for the new Alma Estate and Dujardin Mews. **(Key decision – reference number 3806)**

CABINET - 13.11.2013**MINUTES OF THE MEETING OF THE CABINET
HELD ON WEDNESDAY, 13 NOVEMBER 2013****COUNCILLORS**

PRESENT Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Chris Bond (Cabinet Member for Environment), Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism), Del Goddard (Cabinet Member for Business and Regeneration), Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ayfer Orhan (Cabinet Member for Children & Young People), Ahmet Oykenar (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

OFFICERS: Rob Leak (Chief Executive), Ian Davis (Director of Environment), James Rolfe (Director of Finance, Resources and Customer Services), Andrew Fraser (Director of Schools & Children's Services), Asmat Hussain (Assistant Director Legal), John Austin (Assistant Director - Corporate Governance), Paul Davey (Assistant Director, Council Homes), Paul Walker (Assistant Director, Regeneration, Planning & Programme Management), Detlev Munster (Head of Property Programmes), Paula Harvey (Legal Services) and Laura Berryman (Press Officer) Jacqui Hurst (Secretary)

Also Attending: Councillors Anne-Marie Pearce and Michael Lavender.

1**APOLOGIES FOR ABSENCE**

Apologies for absence were received from Ray James (Director of Health, Housing and Adult Social Care) and Neil Rousell (Director of Regeneration, Leisure and Culture).

2**DECLARATION OF INTERESTS**

There were no declarations of interest registered in respect of any items on the agenda.

3**URGENT ITEMS**

NOTED, that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information and Meetings)

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(England) Regulations 2012. These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

Councillor Doug Taylor (Leader of the Council) took this opportunity to raise an urgent item for Members' attention in relation to Chase Farm Hospital following the Council's decision to seek a judicial review which had been heard in the High Court last week.

Judgement in the Council's claim for judicial review of the Clinical Commissioning Group's decision to close the A&E department at Chase Farm hospital, without implementing the necessary improvements in primary care, refused permission for judicial review and dismissed the Council's claim as unarguable. The judgement had concluded that: "Enfield has fought the good fight to save the A&E department at Chase Farm from closure for several years, and I appreciate that the Council genuinely believes that it would be in the interests of those they represent for the department to remain open. But in legal terms that fight has reached the end of the road. I have come to the conclusion that the Council has no arguable case for judicial review. I refuse permission and dismiss the claim."

Members were advised that an appeal against the decision would have to be filed with the Court of Appeal within a strict timeframe of 7 days. Counsel's view had been sought and it was felt that the Court of Appeal was unlikely to grant permission to appeal for a variety of reasons.

The likelihood of the Court of Appeal considering the Council's appeal and hearing the Council's claim before 9 December 2013 – the date when the closure was scheduled to take effect – was virtually nil. This meant that the Council would be likely to have to seek injunctive relief to keep the A&E open pending any appeal and provide an undertaking in damages which the defendants had indicated would be in the region of £1.1m per month for Barnet and Chase Farm Hospital Trust and £1.85m per month for North Middlesex University Hospital.

The comments of Councillor Anne-Marie Pearce and Councillor Michael Lavender (Leader of the Opposition) were sought. Members' continuing concerns were expressed for the residents' of the Borough and the view expressed that the Council should use its effective health scrutiny function to monitor and continue to ensure that the required health services in the Borough were in place. Councillor Lavender highlighted the desire for political agreement on the way forward. The Conservative Group had supported the Council's decision to seek a judicial review but it now recognised the clear advice from Counsel that an appeal was unlikely to be successful. If the Council decided not to appeal the Conservative Group would support this decision. All Members of the Council would seek to secure better primary care services for the Borough.

Councillor Taylor stated that the Council remained committed to securing the planned and necessary primary care improvements. The Council would utilise its health scrutiny powers, set out in the Local Authority (Public Health, Health

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and Wellbeing Boards and Health Scrutiny) Regulations 2013, to monitor implementation of the planned improvements and to help secure delivery. Relevant scrutiny functions included Regulation 21 which enabled local authority health scrutiny to review and scrutinise “any matter relating to the planning, provision and operation of the health service” in their area and covers all NHS and public health services commissioned by NHS England and Clinical Commissioning Groups.

The Council would seek to ensure that the Health Scrutiny function and Health and Wellbeing Board held the NHS to account to secure the best possible health services for the Borough. There had been historical under funding in the Borough and the growth in the Borough’s population was leading to increased demand on health services. The issues of concern remained and the Council would continue to play an active role for the benefit of its residents. Members recognised that the Council had significant work to pursue in going forward.

The Council would not be seeking an appeal. It had not been possible to await the next full Council meeting but a full response would be set out in the forthcoming Council agenda in response to a Council question posed to Councillor Taylor.

**4
DEPUTATIONS AND PETITIONS**

NOTED that no requests for deputations (with or without petitions) had been received for presentation to this Cabinet meeting.

**5
ITEMS TO BE REFERRED TO THE COUNCIL**

AGREED that the following item be referred to full Council:

1. Report No.114 – Updated Property Procedure Rules

**6
REVENUE MONITORING REPORT 2013/14: SEPTEMBER 2013 AND
FINANCIAL UPDATE**

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.112) setting out the Council’s revenue budget monitoring position based on information to the end of September 2013.

NOTED

1. That the report updated Cabinet on the progress made to date in balancing the Medium Term Financial Plan as well as the plans for budget consultation;

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2. That Table 2 of the report set out the forecast outturn table, net controllable budget/projected outturn. Section 5 of the report detailed the departmental monitoring information in relation to budget pressures and projected savings.
3. The current position with regard to the achievement of savings in 2013/14 as set out in section 8 of the report. 95% of savings were classified as blue or green (on course for full achievement) and Appendix 1 to the report provided supporting information for the amber/red savings.
4. The current position and projected future funding levels and savings required as set out in section 10 of the report. Significant savings were projected over the next four years.
5. That the latest monitoring report confirmed that there had been no deterioration in the financial position of the Authority.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet agreed to

1. Note the £0.769m overspend revenue outturn projection.
2. Direct departments reporting pressures to formulate and implement action plans to ensure that they remain within budget in 2013/14.
3. Note the progress made to date in the preparation of the 2014/15 budget.
4. Delegate responsibility for determining the manner of informing and consulting with Scrutiny Panels on the 2014/15 Budget to the Cabinet Member for Finance and Property in consultation with the Director of Finance, Resources and Customer Services.
5. Agree the new savings proposals for 2014-15 set out in Appendix 2 to the report.

Reason: To ensure that Members were aware of the projected budgetary position for the Authority for the current and future years including all major budget pressures and underspends which had contributed to the present monthly position and that were likely to affect the Council's finances over the period of the Medium Term Financial Plan. The recommendations if approved would allow the Authority to move forward with the development of the 2014-15 budget and Medium Term Financial Plan.

(Key decision – reference number 3758/3760)

7

**CAPITAL PROGRAMME MONITOR SECOND QUARTER SEPTEMBER
2013 - BUDGET YEAR 2013-14**

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Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.113) informing Members of the current position up to the end of September regarding the Council's Capital Programme (2013-17) taking into account the latest information for all capital schemes including the funding arrangements.

NOTED

1. That the report showed that the overall expenditure was projected to be £81.2m for the General fund and £60.3m for the Housing Revenue Account for 2013/14. The overall capital programme over the next 4 years was projected to be approximately £500m as detailed in Appendix A of the report.
2. That there had been a number of changes to the 2013/14 capital budget which were summarised in section 4 of the report. Members noted the innovative schemes included within the programme.
3. In response to a query raised by Councillor Taylor with reference to Table 1 of the report – Environment – 13/14 Town Park (reinstate the boating lake) it was noted that a water feature was being created rather than a boating lake. The wording of this item would be amended in future reports to avoid confusion.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet agreed

1. The updated four year programme including proposed reductions subject to indicative estimates included in 2015/17 (as detailed in Section 4 of the report).
2. The additions to the General Fund Capital Programme totalling £2.079m in 2013/14 (Table 1 – to be funded from grants and earmarked resources) and noted that this would not increase capital financing costs.

Reason: To inform Members of the current position regarding the Council's Capital Programme (2013-17)

(Key decision – reference number 3759)

Post meeting note: Following clarification, the total figure to agree for additions to the General Fund Capital Programme in 2013/14 should read £2.079m in 2013/14, as detailed in Table 1 of the report and reflected in decision 2 above. The figure stated in recommendation 2 of the report of £3.691m was incorrect.

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UPDATED PROPERTY PROCEDURE RULES

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.114) presenting updated Property Procedure Rules for recommendation to full Council for approval.

NOTED

1. That the report had been considered and endorsed by the Audit Committee at its meeting on 7 November 2013.
2. That the report was commended to Members. The updated Property Procedure Rules would strengthen existing procedures. Members noted paragraph 3.2 of the report setting out the circumstances in which any transaction could be entered into.
3. The proposal to establish two new “boards” as detailed in section 4.6 of the report, namely the Corporate Asset Management Group and the Asset Performance Group.
4. The financial implications as set out in section 7.1 of the report.

Alternative Options Considered: NOTED that two alternative options had been considered: to retain the existing rules; and, not to publish the rules as part of the Council’s Constitution and maintain them as departmental operational procedures. Section 5 of the report set out the detail of the options which had been considered.

DECISION: The Cabinet agreed to endorse

1. The updated Property Procedure Rules.
2. The establishment of the Corporate Asset Management Group.

RECOMMENDED TO COUNCIL, subject to any comments from Audit Committee, to approve the updated Property Procedure Rules and replace the current rules in the Council’s Constitution.

Reason: Generally, the new Rules aimed to provide a fair, transparent and consistent basis for property related decision-making. The revised Rules would provide a more streamlined process for decisions around the Council’s property matters. Section 6 of the report referred.

(Non key)

9

HOUSING REVENUE ACCOUNT (HRA) TENANCY POLICY AND HRA RENT SETTING POLICY

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Councillor Ahmet Oykenner (Cabinet Member for Housing) introduced the report of the Director of Health, Housing and Adult Social Care (No.115) presenting a Housing Revenue Account (HRA) Tenancy Policy and a Housing Revenue Account (HRA) Rent Setting Policy for the Council.

NOTED

1. The background to Enfield's Tenancy Strategy as set out in section 3 of the report. The Tenancy Policy proposed no changes to current policy and practice. The Council did not currently propose to offer fixed term tenancies to its HRA tenants. The Council wanted to build strong and stable neighbourhoods.
2. The detail of Enfield's HRA rent setting policy as outlined in section 3 of the report. The majority of rents would be charged in line with the National Social Rent Policy, as detailed in the report.
3. That it was proposed to review both policies on an annual basis.
4. Councillor Orhan questioned the implications for the tenants of Ponders End following a recent tenants' meeting. Reassurances had been provided to the tenants concerned by Councillor Oykenner and there were no outstanding issues with regard to this policy document.

Alternative Options Considered: The Council was required by its own Tenancy Strategy, and by law, to publish a Tenancy Policy. It was also good practice to publish a Rent Setting Policy. Section 4 of the report referred.

DECISION: The Cabinet

1. Agreed the HRA Tenancy Policy and the HRA Rent Setting Policy as appended to the report as appendices A and B.
2. Noted the proposal to review both policies on an annual basis.

Reason: To agree the HRA Tenancy Policy and Rent Setting Policy. To review the two policies annually so that they remain current and reflect the Council's ambitions around maximising the delivery of affordable housing.

(Key decision – reference number 3735)

10

FRAMEWORK OF FINANCE MODELS

Councillor Ahmet Oykenner (Cabinet Member for Housing) introduced the report of the Director of Finance, Resources and Customer Services and Director of Health, Housing and Adult Social Care (No.116) setting out the potential models and finance options for the purchase of properties.

NOTED

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1. That the demand for housing in Enfield was continuing to increase with particular pressures for temporary accommodation and private sector leasing, as set out in the report. In order to meet housing needs a framework of finance options had been produced, for consideration when determining the finance route for future projects and programmes involving the purchase of properties or the development of new homes. The framework essentially had four different purchase structures: Council owned; local authority company owned; a joint venture, either a company with both local authority and private interest or; private ownership, as outlined in the report.
2. That a decision about the most appropriate investment model and finance stream would need to be taken for individual schemes.

Alternative Options Considered: Consideration had also been given to other forms of commercial loans, which were more complex than Public Works Loan Board (PWLB) but could offer a number of different options. Typically loans were very long term, for example up to 60 years and the interest rate was fixed. The lender was also able to call on the facilities at pre-determined future dates, such as every five years, and propose or impose a new fixed rate for the remaining term, so the borrower either needs to pay this increase rate or repay the loan at that junction. Enfield had not used this form of borrowing to date as this was considered to favour the lender too much and could expose local authorities to significant finance risk. Since 2008 these types of loans had become very rare. Enfield's Housing Strategy (2012-2027) set out a number of other options and interventions the Council was planning to respond to challenges around housing. This investment framework would complement the wider preventative initiatives already planned.

DECISION: The Cabinet agreed to

1. Approve the framework, which set out the models and finance options for the purchase of properties.
2. Note that the most appropriate model and finance stream would vary depending on the individual requirements of particular projects and target population, and an assessment of risk and opportunities would need to be considered for all projects in selecting the most appropriate model.
3. Note that decisions about the most appropriate option from the framework would be made for individual projects in line with the Council's scheme of delegation, for example through a Cabinet or an appropriate Cabinet Member(s) decision.

Reason: There was a shortage of high quality housing in the borough with secure longer term leases and demand for accommodation across all tenures was continuing to grow. This provided a framework of funding options to be considered against the requirements of particular projects and programmes. The framework set the strategic framework for development and/or acquisition

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of properties. The merits and limitations of each model would be considered in the context of individual projects and its aims.

(Key decision – reference number 3808)

11

INSURANCE CONTRACT

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.117) seeking approval to award the Council's Insurance Contract.

NOTED

1. That Report No.118 also referred as detailed in Minute No.21 below:
2. That the external insurance contract was due to expire on 31 March 2014. The Council had recently reviewed its insurance arrangements and had commenced a tender exercise to procure a new contract, to begin on 1 April 2014.

Alternative Options Considered: NOTED the alternative options which had been considered as detailed in section 4 of the report, in relation to total self-insurance; joint procurement; and, insurance services framework agreement.

DECISION: The Cabinet agreed to

1. Award the contract to the recommended bidders as detailed in paragraph 3.4.3 of Report No.118, Minute No.21 below refers.
2. Note the savings achieved through this tender exercise.

Reason: To ensure that the Council complies with legislative requirements and that adequate financial protection for the Council exists in the event of a major loss.

(Key decision – reference number 3810)

12

ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY PANEL/SCRUTINY PANELS

NOTED that no issues had been raised for consideration at this meeting.

13

CABINET AGENDA PLANNING - FUTURE ITEMS

NOTED the provisional list of items scheduled for future Cabinet meetings.

14

NOTICE OF KEY DECISION LIST

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NOTED that the Notice of Key Decisions List was due to be published on 29 November 2013, this would be effective from 1 January 2014.

**15
MINUTES**

AGREED that the minutes of the previous meeting of the Cabinet held on 16 October 2013 be confirmed and signed by the Chairman as a correct record.

**16
MINUTES OF POLICY CABINET SUB-COMMITTEE - 2 OCTOBER 2013**

NOTED the minutes of a meeting of the Policy Cabinet Sub-Committee held on 2 October 2013.

**17
MINUTES OF ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 10 OCTOBER 2013**

NOTED the minutes of a meeting of the Enfield Residents' Priority Fund Cabinet Sub-Committee held on 10 October 2013.

**18
ENFIELD STRATEGIC PARTNERSHIP FEEDBACK**

NOTED that

1. there were no written updates to be received.
2. an Enfield Strategic Partnership Conference had been held earlier that day. A number of issues had been considered including child and family poverty and public health issues. Members asked that a report be presented to the next Cabinet meeting highlighting the key issues which had been considered for discussion by Cabinet.

**19
DATE OF NEXT MEETING**

NOTED that the next meeting of the Cabinet was scheduled to take place on Wednesday 11 December 2013 at 8.15pm.

**20
EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the item of business listed on part 2 of the agenda on the grounds that it involves the likely disclosure of confidential information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular

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person (including the authority holding that information)) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

21

INSURANCE CONTRACT

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.118).

NOTED

1. That Report No.117 also referred as detailed in Minute No.11 above.
2. The detailed tender expressions and evaluation for each element of the insurance contract including terrorism cover as set out in full in section 3 of the report. Members discussed the proposed insurance arrangements and the terms of the Council's liability.
3. That the recommended bid was for a 5 year contract duration subject to an annual review. It was good practice to review the Council's insurance arrangements on a regular basis.

Alternative Options Considered: As detailed in Report No.117, Minute No.11 above refers.

DECISION: The Cabinet agreed to

1. Note the outcome of the bids received and evaluation, and agreed the award of the contracts to the bidders as shown in paragraph 3.4.3 of the report;
2. Delegate authority to the Cabinet Member for Finance and Property, in consultation with the Director of Finance, Resources and Customer Services, to approve any minor variations to the policies prior to the contract award.

Reason: As detailed in Report No.117, Minute No.11 above refers.

(Key decision – reference number 3810)

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ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 7.11.2013**MINUTES OF THE MEETING OF THE ENFIELD RESIDENTS PRIORITY FUND
CABINET SUB-COMMITTEE
HELD ON THURSDAY, 7 NOVEMBER 2013****COUNCILLORS**

PRESENT Bambos Charalambous (Chair), Chris Bond, Achilleas Georgiou and Christine Hamilton

OFFICERS: Peter Doherty (ERPF Administrator), Jayne Middleton-Albooye (Principal Lawyer), Joanne Stacey (Performance and Information Manager), Alison Trew (Head of Corporate Policy and Performance), Bob Griffiths (Assistant Director - Planning, Highways & Transportation) and Shanthy Gunesekera (Project Manager) Penelope Williams (Secretary)

**1
WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. Apologies for absence were received from Ann Freeman (Assisant Head of Finance - Capital)

**2
DECLARATION OF INTERESTS**

Councillor Georgiou, Charalambous and Hamilton declared non pecuniary interests in applications in their wards.

Councillor Charalambous declared non-pecuniary interests in the Palmers Green Ward applications (PAL030), (PAL035) and (PAL036).

Councillor Georgiou declared a non-pecuniary interest in the Bowes Ward application (BOW047).

Councillor Hamilton declared a non-pecuniary interest in the Enfield Lock Ward application (ENFL026).

**3
CHANGE IN THE ORDER OF AGENDA**

Members agreed to change to order in which the items were considered at the meeting. Item 4: Environmental Projects Update was considered before Item 3: Applications to the Fund. The minutes reflect the order on the original agenda.

**4
APPLICATIONS TO THE FUND**

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Councillor Bambos Charalambous introduced the report of the Chief Executive (No. 128) presenting the applications that had been formally submitted up to 21 October 2013 for the Enfield Residents' Priority Fund 2013-14.

Joanne Stacey, Performance and Information Manager, presented the report to members.

NOTED

1. The summary of the applications received as detailed in Appendix A to the report:
2. Members considered each of the applications in detail, as follows:

2.1 Ice Skating in Ponders End Park (PE036)

A project for Ponders End Ward to provide a contribution to the installation of an ice skating rink in Ponders End Park. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, strong communities and health and disability.

The application was approved subject to confirmation of the support of all three ward councillors and to the Environment Department's approval of the suitability of the site.

2.2 Legal Advocacy and Advice Project (BOW047)

A project for Bowes Ward to provide legal advice and support for Asian women. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

Joanne Stacey reported that two similar applications had been approved in 2011/12 and 2012/3. The projects had received positive feedback. The amounts requested on this occasion were more than in the past, due to inclusion of an additional advocacy worker and an increase in management costs. Members expressed concern about the increased management costs and agreed to approve funding of £3,000 instead of the £3,112 requested.

The application was approved at the reduced amount of £3,000.

2.3 Handyperson and Small Job Scheme (BUSH018)

A project for Bush Hill Park Ward to continue the handyman scheme.

The application had been withdrawn by the ward councillors.

2.3 Beautiful Beds – Enfield in Bloom Refurbishment of Planters (BUSH019)

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A project for Bush Hill Park Ward to complete the refurbishment of planters.

The application was withdrawn by ward councillors.

2.4 Forty Hall Community Events (CHAS021)

A project for Chase Ward to provide workshops and events in Forty Hall. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The application was deferred as it had not been signed by ward councillors.

2.5 Lancaster Toenail Service (CHAS022)

A project for Chase Ward to provide foot care for the elderly and disabled residents. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

Joanne Stacey reported that the applicants had provided evidence that there was strong demand for the service.

The application was approved.

2.6 Active Age Lunch Club Activities for Older People (EDM042) (LOED046), (UPED045)

A joint project for Edmonton Green, Lower and Upper Edmonton Wards to provide lunch club activities for older people. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills, training and crime.

The application was approved.

The Jubilee Ward application (JUB032) for this project had been withdrawn by ward councillors.

2.7 Inspiring Future Doctors (ENFL026)

A project for Enfield Lock Ward to provide courses for young people interested in a career in medicine. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability, education, skills and training.

Joanne Stacey reported that participants would not have to be linked to faith groups, that the project would be focussed on 16-19 year olds who had the

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potential to study medicine but came from under-represented groups in the profession. Schools in support of the scheme included Oasis Hadley, Enfield Grammar, Enfield County and Bishops Stopford.

The application was approved.

2.8 Christmas Lights (GRA010)

A project for Grange Ward to install Christmas lighting in the Grangeway. Members noted that the application met the social and economic wellbeing objectives and the following criteria: strong communities.

The application was approved.

2.9 St Mary Magdelene Church Playgroup Children's Play Area (HILA011)

A project for Highlands Ward to provide improvements to the St Mary Magdelene playgroup facilities. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

The application was approved.

2.10 Be All You Can Be Outreach Project (JUB028)

A project for Jubilee Ward to fund an outreach scheme with the Play Development Team. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The application was deferred as it had not been agreed by all three ward councillors.

2.11 Sports for All (JUB029)

A project in Jubilee Ward to fund youth diversionary activities involving sport. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The application was deferred as it had not been agreed by all three ward councillors.

2.12 Jubilee Park Green Gym (JUB033)

A project for Jubilee Ward to fund the installation of a green gym and the continuation of the "Talk the Walk" project. Members noted that the application

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met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and crime.

The application was deferred as it had not been agreed by all three ward councillors.

2.13 Palmers Green Triangle Flower Beds (PAL030)

A project for Palmers Green Ward to fund the planting of flower beds in the Palmers Green Triangle. Members noted that the application met the social, economic and environmental wellbeing objectives and the following criteria: strong communities and employment.

The application was deferred for feedback on the outcome of a meeting between Transport for London and the applicant.

2.14 Tatem Park Centenary Playground (PAL035)

A project in Palmers Green Ward to fund the installation of a playground to mark the centenary of Tatem Park. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, strong communities, health and disability and environment.

The application was deferred for more information on the proposals.

2.15 Drumming Workshops (PAL036)

A project in Palmers Green Ward to fund drumming workshops for local people. Members noted that the application met the social, economic and environmental wellbeing objectives and the following criteria: fairness for all and strong communities.

The application was approved.

2.16 Enfield Continental Pigeon Club (PE035)

A project for Ponders End Ward to provide equipment for the Enfield Continental Pigeon Club. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

The application was approved under the small grant's scheme.

2.17 Rely On Yourself - English for Speakers of Other Languages (ESOL) Classes (TST050)

A project in Turkey Street Ward to provide ESOL classes for Turkish Speakers. Members noted that the application met the economic and

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environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

The application was approved

2.18 Elsing Road Pocket Park (TST051)

A project for Turkey Street Ward to fund the development of a small park in Elsing Road. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

The application was approved.

2.19 Wilbury Open Space Regeneration Project (UPED046)

A project in Upper Edmonton Ward to fund the regeneration of Wilbury Open Space. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and crime.

Joanne Stacey reported that Enfield Homes had sent a letter in support of the project.

The application was approved.

Alternative Options Considered

That the projects were not considered and funding was not allocated, this would not be recommended as this will not support community engagement and will not allow residents the opportunity to further improve the local area in which they live and work.

DECISION

1. The Cabinet Sub Committee, following detailed consideration of the applications and the criteria, agreed that the following applications were suitable for funding from the Enfield Residents Priority Fund:

WARD	PROJECT TITLE	AMOUNT
Bowes (BOW047)	Legal Advocacy and Advice Project	£3,000
Chase Ward (CHAS022)	Lancaster Toenail Service	£2,000
Edmonton, Green (EDMO42) Lower Edmonton (LOED046) Upper Edmonton (UPED045)	Active Age Lunch Club Activities for Older People in Edmonton	£12,500 in total (£1,500, £6,000, £5,000 for each ward respectively)
Enfield Lock (ENFL026)	Inspiring Future Doctors	£3,055

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Grange (GRA010)	Christmas Lighting in the Grangeway	£6,500
Highlands (HILA011)	St Mary Magdalene Church Children's Play Area	£20,367
Palmers Green (PAL036)	Drumming Workshops	£2,562
Ponders End (PE035)	Enfield Continental Pigeon Club	£500
Turkey Street Ward (TST050)	Rely On Yourself (ESOL classes for Turkish speakers)	£4,621
Turkey Street Ward (TST051)	Elsinge Road Pocket Park	£10,000

2. The following applications were approved in principle, subject to listed conditions:
- Ponders End Ward (PE036) - Ice Skating in Ponders End Park - £5,500 was approved subject to confirmation of the support of all three ward councillors and to the Environment Departments approval of the suitability of the site.
3. The following applications were deferred, for consideration at a future meeting of the Sub Committee, to enable more information to be provided, before a decision was made:
- Chase Ward (CHAS021) Forty Hall Community Events was deferred as it had not been signed by ward councillors.
 - Jubilee Ward (JUB028) Be All You Can Be – Outreach Project was deferred as it had not been agreed by all three ward councillors.
 - Jubilee Ward (JUB029) Sports for All – Youth diversion using sports was deferred as it had not been agreed by all three ward councillors.
 - Jubilee Ward (JUB033) Jubilee Park Green Gym was deferred as it had not been agreed by all three ward councillors.
 - Palmers Green Ward (PAL030) Palmers Green Triangle Flower Beds was deferred for feedback on the outcome of a meeting between Transport for London and the applicant.
 - Palmers Green Ward (PAL035) Tatem Park Centenary Playground was deferred for more information on the proposals.

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- Upper Edmonton Ward (UPEDO46) Wilbury Open Space Regeneration Project was deferred to enable the development of the proposals in consultation with the Parks Service.
4. The following applications were withdrawn by ward councillors:
 - Bush Hill Park (BUSH018) Continuation of Handyperson and Small Job Scheme
 - Bush Hill Park (BUSH019) – Enfield in Bloom Planter Refurbishment
 - Jubilee (JUB032) – Active Age Lunch Club Activities
 5. The Chair of the Sub Committee be given delegated authority to provide approval in case where applications are agreed in principle subject to certain conditions, and in these conditions have been met.

Reason: The projects submitted had been proposed and developed by the local people of Enfield, to help improve the social, economic or environmental wellbeing by tackling local need and deprivation. The projects all support the Council's vision of making Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities.

5 ENVIRONMENT PROJECTS UPDATE

The Sub Committee received a report listing all the outstanding Enfield Residents Priority Fund projects that were being carried out by the Council's Environment Department.

Shanthi Gunsekera (Programme Manager - Environment) and Bob Griffiths, (Assistant Director Planning, Highways and Transportation) presented the information to the Committee.

NOTED

1. The report updated the committee on works that had been carried out since the last update in September 2013.
2. **CCTV Camera Projects** - All projects involving CCTV cameras including BOW006, PE005, UPED012, BOW034, HAS021, PAL024, EPED031 had all been delivered, but had money left in the budgets to cover maintenance costs, which had not yet been spent. Maintenance had not cost as much as expected, and so there was enough money to fund further years.
3. **Beale Close Community Safety (BOW007)** – Speed bumps had been installed and four locations put forward for the placement of the cycle stands. Work was due to be completed by the end of November 2013.

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4. **Warwick Road Traffic Calming (BOW032 and BOW039)** – Phase One of the project is complete and has been sent to ward members for approval. The second phase is scheduled to be completed by the end of March 2013. A public meeting to consult on the proposals had taken place on the previous day.
5. **New River Crossover (BOW033)** – Due to the re-profiling of the Council's Footway Capital Programme, this work is now due to take place in Summer 2014.
6. **Boundary Fields Green Gym (BOW045)** – A project plan is being developed.
7. **Dryden Road/Queen Anne's Place Notice Boards (BUSH006)** – The noticeboards are now in place and the works have been completed.
8. **Children's Park Area Trent Park (CF002)** – The project has been completed. An open day was held on 31 October 2013.
9. **Albany Park Pavilion Community Centre (ENFL014)** – The contractor is in the process of agreeing a start date with the applicant.
10. **Clean Up of Turkey Brook (ENFL017)** – The standard cleaning schedule continues while discussion of what extra remains to be done, and what improvements are required, is carried out.
11. **Enhancing the Local Environment Extra Tidy Team (ENFL021, HIWAY29, JUB019, PE026, SOUB023, TST040)** - Work continues and positive feedback has been received.
12. **Gardening Tools for Friends of Albany Park (ENFL024)** – There is no action for Environment.
13. **The Grangeway Pedestrian Crossing and Refuge (GRA005)** – Works are on track to deliver the project by the end of January 2014.
14. **St Demetrios School Playground (HAS022, HAS031, JUB017)** – The tree works have been delayed slightly by the recent storms but are now due to be completed in early November. The resurfacing work has finished.
15. **Barrowell Green Allotments - Water Tanks (HAS033)** – Milestones are to be agreed.
16. **Boxers Lake Playground Refurbishment (HILA002 and HILA006)** – Work is due to start on 18 November 2013.
17. **Chatsworth Drive Alleygating (JUB027)** – Comments to be received.

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18. **Sandhurst Road Footway Barrier (JUB031)** – Milestones still to be received.
19. **Palmers Green Triangle Landmark Clock (PAL005)** – A major scheme to restructure the triangle area is being considered. A meeting with the applicant was due to take place on the day following the meeting to finalise the immediate proposals for the clock and planters.
20. **The Fairway Vehicle Activated Sign (PAL012)** – The sign has been installed and the project is complete.
21. **The Palmers Greenery (Broomfield Community Initiative) (PAL015)** – Planning Permission had been submitted; the outcome was awaited. The Department had developed a new costs matrix to ensure that costings provided for projects were accurate.
22. **Crime Deterrent Signage (PAL023)** – The wording is being looked at by the local Police Team. A delay had occurred due to change of personnel in the policing team.
23. **Grovelands Park Green Gym (SGT012)** – Delays in resolving the snagging issues had taken longer than anticipated.
24. **Arnos Park Café (SGT005, SGTG018)** – Planning permission has been received. The Council is now waiting for approval from Transport for London.
25. **Jubilation of Minchenden Oak Gardens** – Tenders were due to go out next week, and the project completed by the end of the year.
26. **Ayley Croft Cycle Parking (SOUB001)** – Designs have been sent to Enfield Homes for approval.
27. **Ayley Croft Play Area (SOUB014)** – A site visit had taken place and the equipment order was being processed.
28. **Bush Hill Park Green Gym (SOUB016)** – Snagging issues were being resolved.
29. **Cecil Avenue Tree Planting (SOUB021)** – Works are due to start with the autumn tree planting season.
30. **Churchbury Lane Street Scene Improvements (TOWN015)** – The grass verge works were complete and the trees will be planted during the autumn planting season.
31. **Inverness Avenue Environmental Improvements (TOWN020)** – Works are due to start in November 2013.

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32. **St Michael's Green Play Area (TOWN028)** – An update will be provided for the next report.
33. **Holmesdale Tunnel (TST037)** – Works have been delayed due to poor weather but should start this week.
34. **Hermitage Lane Collapsible Bollards (UPED041)** – This is on target to be completed by the end of January 2014.
35. A report on the effectiveness of the CCTV cameras was requested for the next meeting: including baseline data on criminality, information on whether the cameras have enabled prosecutions, if camera visibility makes a difference, and whether they provide value for money.
36. A visit to Claverings for members, to enable them to see the operation of the Council's CCTV cameras, would be arranged.
Action: Joanne Stacey
37. Further updates on Environment project progress would be provided for every other meeting of the Sub Committee. The next update would be 16 January 2014.
38. Thanks were recorded for all the excellent work to progress these projects that had been carried out.

6

MINUTES OF THE MEETING HELD ON 10TH OCTOBER 2013

1. Minutes of the meeting held on 10 October 2013

The minutes of the meeting held on 10 October 2013 were agreed as a correct record.

2. Matters Arising

- 2.1 Joanne Stacey reported that officers had chased up all external projects, with outstanding balances from previous years, to find out which were complete, and could be signed off. Money could then be reallocated. The Sub Committee will receive an updated spread sheet at the December meeting, so that spending on all projects to date can be monitored.

7

DATES OF FUTURE MEETINGS

The Sub Committee noted the dates agreed for future meetings of the Sub Committee:

- Thursday 5 December 2013
- Thursday 16 January 2014

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- Thursday 6 February 2014
- Tuesday 4 March 2014 (previously scheduled for Thursday 6 March)
- Thursday 3 April 2014